Katarzyna MANISZEWSKA
Monika NOWICKA
Paulina PIASECKA
Vanessa TINKER Editors

SECURITY AND SOCIETY

IN THE INFORMATION AGE

Volume 6

SRAS | Collegium Civitas

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Contents

Dear Reader,

We are pleased to present the sixth academic volume, bringing together a series of research papers by participants in the Security and Society in the Information Age program held at Collegium Civitas, a university in Warsaw, Poland.

During the academic year 2022/2023, the program was held in Warsaw. It comprised a fully-fledged on-site course and the online research internship seminar at the Krzysztof Liedel Terrorism Research Center (TRC). Terrorism Research Center is a leading think-tank and a research unit within Collegium Civitas.

This volume presents the result of the internship held in the summer of 2023 during the ongoing Russian invasion of Ukraine that started in February 2022. The security issues explored in this volume include war, peacebuilding, information warfare, cybersecurity and terrorism – some of the most relevant topics in today's security. The participants analyzed, among other issues – subjects relating to genocide and peacebuilding, cybersecurity, engagement of private armies in modern conflicts, energy security, terrorism and climate change, and solutions to some of those problems they defined and described. The papers show how interconnected and interdependent the world is and that education is a pillar of the solution to global challenges.

The first part of the book, analyzing issues of WAGING WAR and MAKING PEACE, includes articles on Poland's Role in NATO and the War in Ukraine by Alexander Rudnik; Lessons from the Use of Private Military Contractors in Iraq and Afghanistan by Cameron Tobias; The Role and Evolution of the Wagner Group in Russian Federation Policy and Politics (2013-2023) by Charles Fair; Operational Legacy of the Wagner Group's Involvement in the Syrian Civil War by Abraham Valero; The Recruitment and Use of Legionnaires in Modern Warfare: the case of Ukraine by Jonah Chiasson; Child Soldiers in Sub-Saharan Africa – A Case Study of the Democratic

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The third part, dedicated to CONFRONTING TERRORISM and COMBATING CRIME, includes essays on the Comparison of the Evolution of Far-Right and Jihadist Terrorist Group Propaganda, Recruitment and Radicalization to Online and Virtual Platforms by Angel Abraham-Rodriguez; The relationship between the climate change crisis and terrorism in the Sahel region by Rhiannon S. Berry; Conjoined Threats: Examining the Interconnectivity of Hate Crimes and Right-Wing Terrorism by Mae Elizabeth Ruddy; Trans Terror: LGBTQ+ Hostility and its Future in the Study of Domestic Terrorism by Kathryn Lytkowski; United States Journalism: How Victimization Influences Reporting and Consequentially Anti-Terrorism Measures by Emma Owens and Human Trafficking and Sexual Violence throughout History: Major Contributors and Enablers by Melina Peters.

The leadership and team members of the program Security and Society in the Information Age stand with Ukraine.

Dr. Katarzyna Maniszewska
Vice-Rector for
International Relations
Collegium Civitas

Dr. Paulina Piasecka
Director of the
Terrorism Research Center
Collegium Civitas

Renee Stillings
Director
SRAS

PART I

WAGING WAR
and MAKING PEACE

Poland's Role in NATO and the War in Ukraine

Alexander RUDNIK

Abstract: This paper seeks to analyze whether an eastward shift in European security of NATO through a Polish initiative has occurred over the course of the 21st century. The analysis is undertaken through a discussion of Poland's accession to the Alliance, the state's alliance behaviors during the 21st century, the nation's role in the Russo-Ukrainian War and the implications of this new role on NATO operations. Within this paper, the perception of a Russian threat to Polish security following the end of the Cold War is highlighted as a primary factor resulting in the nation's decision to join the Alliance. Furthermore, Poland has demonstrated a commitment to the goals of NATO throughout the 21st century by way of robust improvements to security and prestige systems, a transformation of the Polish Armed Forces, infrastructural investments, improved collective defense of the Alliance in a changing European security dynamic, frequent participation in NATO operations and missions, the founding and housing of NATO-related institutions, reconnaissance technology improvements, and contributions to the Allied missile defense system. In addressing the Russo-Ukrainian War, this paper identifies how Poland has provided both military and humanitarian aid for Ukraine in opposition to Russia. The rise of Poland as a preeminent actor in Central and Eastern European security of NATO in contrast to Germany's diminishing status is a further point of discussion. Also, Ukraine's presumed accession to NATO following the conclusion of the nation's war with Russia is denoted as it pertains to potential implications for Poland's role within the Alliance. Lastly, the results of the upcoming Polish parliamentary election in late 2023 have the ability to significantly alter the trajectory of NATO Alliance activities relating to Poland, Germany, and Ukraine.

Keywords: Poland, NATO, Security, Geopolitics, War in Ukraine

Introduction

Since its inception in 1949, NATO has served as the primary military alliance of Europe and North America. Although originally consisting of just 12 nations, continuous enlargement of the NATO Alliance to more states has been a prominent feature of its existence.[1] Of the accessed countries to join the Alliance, the Central European nations of 1999 were perhaps the most significant for the maintenance of stability within the continent following the end of the Cold War. These accessions included the Czech Republic, Hungary, and Poland.

Due to a rather peaceful 21st century within Europe, many had begun to question the relevance of NATO as a military alliance.[2] However, the invasion of Ukraine in 2022 by the Russian Federation put any of these potential doubts to rest as a state level threat to security had once again graced the continent of Europe. Given the 2014 annexation of Crimea elicited a rather weak response from the West,[3] the 2022 invasion of Ukraine left many curious to see whether a more stringent approach would be pursued. Perhaps as a result of a greater perceived threat, the response to Russian aggression in 2022 by western forces, in particular Poland, has been remarkable.

Through my research, I aim to ascertain whether an eastward shift in NATO security operations of Europe has unraveled over the course of the 21st century. I argue that Poland has become the key player in Central and Eastern European NATO security following the 2022 invasion of Ukraine, replacing previous western counterparts. Within this paper, Poland's transforming

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[1] "Topic: Member Countries," NATO, last modified March 24, 2020, https://www.nato.int/cps/en/natohq/topics_52044.htm.

[2] Alex Gatopoulos, "Desperately seeking relevance: NATO in the 21st century," June 14, 2021, https://www.aljazeera.com/features/2021/6/14/desperately-seeking-relevance-nato-in-the-21st-century.; Sharon Tennison, David Speedie, and Krishen Metha "Is NATO Still Necessary?," April 18, 2020, https://nationalinterest.org/feature/nato-still-necessary-145917.; Stephen Kinzer, "Is NATO necessary?," July 4, 2016, https://www.bostonglobe.com/opinion/2016/07/04/nato-necessary/DwE0YzPb8qr70oIT9NVyAK/story.html.

[3] Kurt Volker, "Where's NATO's Strong Response to Russia's Invasion of Crimea," March 18, 2014, https://foreignpolicy.com/2014/03/18/wheres-natos-strong-response-to-russias-invasion-of-crimea/.

role as a preeminent player in Central and Eastern European NATO security will be analyzed through the nation's accession to the Alliance, the state's alliance behaviors in the 21st century, its role in the Russo-Ukrainian War, and the implications of this new role on NATO operations. The findings of this paper will be primarily informed through consultation of secondary sources consisting of scholarly journals, articles, and governmental websites.

Poland's Accession to NATO

Following the end of the Cold War, many former Soviet Bloc nations were hoping to seek a sovereignty guarantee from Russian colonialism through membership in the NATO Alliance. For most, this meant a governmental transition to democracy, and an economic transition to a free-market capitalist system to become eligible. However, initial efforts at western integration of former Soviet Bloc states were handled in a very careful manner, so as not to spark a reaction from Russia. As security conditions improved within the Central European countries of Poland, Czechoslovakia, and Hungary, western attempts at integrating these countries became more serious and thorough.[4] A June 1990 meeting hosted by the North Atlantic Council, the premier political decision-making body of NATO,[5] was particularly important as member states agreed to send formal invitations to each of the former Warsaw Pact countries, encouraging their participation in association with the activities of the Alliance. Further communications and agreements persisted in the following weeks where member states were appearing to fast-track integration of the aforementioned Central European nations. Coinciding with the collapse of the Soviet Union, Russian leadership issued staunch warnings to each of the former allies over their continuously growing relationships with the West, further justifying the concerns of Russian imperialism of which could potentially plague the region once more.

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[4] Maciej Tyburski, "The Accession of Poland, the Czech Republic and Hungary," March 29, 2021, https://warsawinstitute.org/accession-poland-czech-republic-hungary-nato/.

[5] "Topic: North Atlantic Council," NATO, last modified September 9, 2022, https://www.nato.int/cps/en/natohq/topics_49763.htm.

By the Soviet dissolution in 1991, the democratizing reforms of both economic and political liberalization were most effectively implemented within the Central European states of Poland, the Czech Republic, and Hungary. As a result, the North Atlantic Cooperation Council or NACC was established. This institution was intended to exist as an entity allowing for cooperative security efforts between both NATO and non-NATO members. The former Warsaw Pact states joined this group in December of 1991, and in May of 1992, each of these states declared their intentions to join the NATO military alliance.[6]

In 1993, NATO defense ministers gathered to adopt the "Partnership for Peace" program which aimed to increase trust between NATO member states and non-NATO states in the post-Soviet space through improved relationships regarding military cooperation.[7] During October of 1994, legislation entitled the Brown NATO Expansion Amendment was passed, enabling the US Executive to grant military aid to Poland, Hungary, and the newly divided countries of the Czech Republic and Slovakia. Despite concerns about US motives for military involvement within the region, the Central European nations, minus an ill-adapted Slovakia who had not yet met the constitutional and political requirements, were officially invited to begin the accession process to NATO at the 1997 summit in Madrid. Upon the reception of this invitation came the nations' inclusion in the NATO defense planning process, or NDPP.[8] The NDPP is primarily concerned with military integration of NATO member states to ensure they are effective defenders of the Alliance.[9]

During a December 1997 North Atlantic Council session, the Accession Protocols concerning Poland and the two other premier Central European prospects were signed. These amendments to the NATO Treaty allowed for significantly more organizational influence from Poland, the Czech

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[6] Tyburski, "The Accession of Poland, the Czech Republic and Hungary."

[7] "Topic: Partnership for Peace programme," NATO, last modified April 11, 2023, https://www.nato.int/cps/en/natolive/topics_50349.htm.

[8] Tyburski, "The Accession of Poland, the Czech Republic and Hungary."

[9] "Topic: NATO Defence Planning Process," NATO, last modified March 31, 2022, https://www.nato.int/cps/en/natohq/topics_49202.htm.

Republic, and Hungary. Beginning in January of the following year, each of the affected nations were able to actively participate in NATO meetings. However, until accession, the states were unable to formally cast votes in the Alliance's decision-making process. By the end of 1998, the Accession Protocols were officially ratified. In January of 1999, Poland, Hungary, and the Czech Republic were officially invited to join the NATO Alliance, of which they would swiftly accept on March 12, 1999.[10]

Poland and NATO in the 21st Century

As a result of Poland's accession to NATO, a variety of security-related elements were adjusted within the nation. Although initially eager to join the Alliance, Poland's early years as a NATO member state were quite arduous for all parties involved. This was primarily due to the unwillingness of the nation to ramp up defense spending to the wishes of other member states. Given Poland was still recovering from the "shock therapy" policy that brought about economic liberalization in a long-standing command economy, it is not unfounded to note that the government had other concerns besides military technology modernization. Furthermore, manpower reductions and improved training regiments were other NATO-requested changes that were often unfulfilled within the ranks of the Polish forces. Due to previous accessions to the group involving heavily underpowered states, the US and other prominent NATO member states were striving to ensure that recently admitted nations would not become security liabilities for the Alliance.[11]

In more recent developments, Poland has elected to undergo a transformative process whereby the nation has taken a much more central role in the activities of the Alliance. Even prior to the 2022 invasion of Ukraine, the Polish nation has demonstrated its crucial role in NATO security within Central and Eastern Europe through various facets of increased involvement over the two previous decades. These areas of increased NATO involvement

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[10] Tyburski, "The Accession of Poland, the Czech Republic and Hungary."

[11] Zoltan Barany, "Stretching the Umbrella," *European View* 8, no. 2 (December 2009): 231-38, https://doi-org.ezproxy.mnsu.edu/10.1007/s12290-009-0087-5.

include: robust improvements to Polish national security and prestige, a transformation of the nation's armed forces, infrastructural investments, an increased collective defense in a changing European security dynamic, improved participation in NATO operations and missions, status as a foundational nation for NATO-related institutions and structures, improved reconnaissance capabilities, and significant contributions to a missile defense system of the Alliance.

Robust improvements to Polish national security and prestige of the military contributed to the nation's increased NATO involvement, and these changes were spurred as a result of the Alliance's rigorous standards for member states' military forces. These standards include interoperability capabilities, participation in unique operations and exercises, and training with NATO soldiers from other countries. Furthermore, Article 5 of the NATO Treaty guaranteed Polish national security upon accession as the nation's membership ensured their inclusion in the collective security agreement.[12] This agreement deems an attack against one member of the Alliance as an attack against all.[13]

Occurring as a result of the nation's congruence with the objectives of NATO, a transformative process among the Polish Armed Forces further contributed to the evermore prevalent role of Poland in the Alliance. Although Poland was instructed to transform the structure of their nation's armed forces, NATO left the specificity of changes up to the state and served as more of a guiding entity. Some of the most effective changes to the military included the modernization of technologies, a transition from conscription-based personnel to a fully volunteer force, and a restructuring of the command system within the armed forces.

Infrastructural investments also played a large role in Poland's increased involvement in the Alliance. Polish investment in the military infrastructure of NATO has occurred through military contributions to the command

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[12] "Poland in NATO: more than 20 years," Ministry of National Defence, Republic of Poland, accessed June 11, 2023, https://www.gov.pl/web/national-defence/poland-in-nato-20-years.

[13] "Topic: Collective defence and Article 5." NATO, last modified July 4, 2023, https://www.nato.int/cps/en/natohq/topics_110496.htm.

structure, financing, and participation within exercises and operations. With respect to the nation's investments in civil infrastructure, financial coverage of NATO Headquarters operations is the most prominent asset provided. Finally, Poland is a significant investor in the NATO Security Investment Program which focuses on financing infrastructural projects. Although Poland has spent roughly $250 million aiding this program between 1999 and 2015, the nation has been a net beneficiary, receiving roughly $375 million in investments from the NATO Security Investment Program during the same time frame. Beneficiary funding was realized through the modernization of Polish airports, fuel depots, and naval bases.

Primary to the goals of the NATO Alliance, Poland has assisted in managing to sustain the security of Central and Eastern European member states despite a changing security dynamic in Europe generally. This changing situation, caused mostly as a result of Russian aggression from 2014 onward, has been effectively addressed through a few key facets. These include the establishment, strengthening, and interoperability of NATO structures within and involving the Polish nation and military.

Over the course of Poland's membership in NATO, the nation's forces have participated in 14 missions and operations of the Alliance. These efforts have served three key purposes: stabilizing European security in areas such as Bosnia Herzegovina, neutralizing external threats to Europe, such as jihadist groups, and providing relief to regions in humanitarian crises, for example Pakistan. Although a challenging threshold to meet, Poland has been able to involve itself adequately and effectively in NATO operations and missions relative to the size of its fighting force.

As briefly mentioned previously, many NATO-related structures have been constructed within the Polish borders or now include the Polish forces in their frameworks. These include the establishment and involvement within NATO command structures, rapid response forces, training facilities and personnel, specialized battalions, planning and exercise operations, and inclusion within counterintelligence centers. The noted structural additions to the Polish nation's security demonstrate a clear role transition from passive membership to Poland's newly found preeminent role in the Alliance's objectives.

Poland has participated in both observation and early warning capability activities through the Air Early Warning and Control Force, or AWACS, which utilizes aircraft for reconnaissance purposes to ensure a secured airspace during significant events within the nation. Furthermore, Poland's role in constructing the Allied Ground System Surveillance System, or AGS, will assist in allowing both land and sea situational awareness to be enhanced for NATO operations. The AGS aims to utilize unmanned aircraft to secure both land and sea along with supplementary intelligence provided through the AWACS.

Lastly, and perhaps one of the most important projects undertaken by Poland as a member of NATO, has been the Polish contribution to the Allied missile defense system. Since 2002, a ballistic missile defense has been under construction with a primary goal of ensuring the security of NATO forces working in regions outside of the member states' territories. However, the 2010 NATO Summit in Lisbon recalibrated the aims of this missile system to an extent whereby it would focus also on the security of member states' territory and populaces in supplement to protection of NATO forces working outside of the Alliance's borders.[14] This action of investment in missile technology is expected from a state such as Poland which has striven to realize military power within an uncertain Central and Eastern European security dynamic influenced by the threat of Russian aggression.[15]

Poland's Role in Ukraine and Implications for the Future of NATO

Following the 2022 invasion of Ukraine by the Russian Federation, the western organization and response in defense of the former's sovereignty has been generally exceptional. However, Poland, to the surprise of many in the international community, has taken a central role, not only in conducting

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[14] Ministry of Defence, "Poland in NATO: more than 20 years."

[15] Krzysztof Śliwiński, "Polish National Security Dilemmas: The US Missile Defense Complex and its Role in Polish Foreign Policy," *Democracy and Security*, 8 no. 2 (May 2012): 191-212, https://doi-org.ezproxy.mnsu.edu/10.1080/17419166.2012.681602.

NATO activities, but also in direct assistance to Ukraine. Even prior to the 2022 invasion, the 2014 annexation of Crimea generated a structural response by NATO in Central and Eastern Europe. This primarily manifested in the establishment of four battlegroups, which were expanded to eight following the events of last year, in order to ensure security of the Alliance's eastern flank. The host nations of these groups are Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and Slovakia. The United States serves as the framework nation for Poland's battlegroup in particular, with significant contributions from Croatia, Romania, and the United Kingdom as well. NATO notes that the presence of these battlegroups' is a proportionate and effective response to the security threat in Central and Eastern Europe posed by Russian aggression.

Another aspect of the NATO response to the war in Ukraine undertaken with strong contributions from Poland has been a commitment to the strengthening of the Alliance's rapid reinforcement capabilities following the 2022 NATO Summit in Madrid. This will be achieved through a process of increased equipment quantities in strategically significant areas, improvements to missile and air defense systems and their integration into forward-deployed positions, command and control improvements, and lastly, as earlier noted, robust defense planning involving the stationing of specific forces to certain member states in the Alliance.[16]

With respect to the specific Polish actions in support of Ukraine in the nation's current war with Russia, there have been a few key methods of assistance provided by the Polish state and its people. This aid has manifested through the nation's willingness to accept more than 1.5 million Ukrainian refugees as of January 2023.[17] Furthermore, Poland was providing housing to more than 1.3 million refugees as of April 2023. Also, the Polish populace is believed to have contributed more than $9.3 billion to Ukrainians

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[16] "Topic: NATO's military presence in the east of the Alliance," NATO, last modified June 22, 2023, https://www.nato.int/cps/en/natohq/topics_136388.htm.

[17] Diane Francis, "Poland is leading Europe's response to the Russian invasion of Ukraine," *Atlantic Council*, January 28, 2023, https://www.atlanticcouncil.org/blogs/ukrainealert/poland-is-leading-europes-response-to-the-russian-invasion-ofukraine/#:~:text=Poland%20is%20also%20a%20leading,tanks%20and%20other%20crucial%20weaponry.

seeking refuge from the war raging in their native country. The Polish state has also played a crucial strategic role in efforts to combat Russian aggression in Ukraine. Primarily through its knowledge of information surrounding prominent figures in the Russian government, Poland has been able to serve as a leader in informing sanction policies and providing insight to Russian war strategies that have guided the decision-making of NATO and western-aligned powers.[18]

Through military aid of tanks and other weapons, Poland is a leading contributor to Ukrainian efforts. When considering contributions proportional to the nation's size, Poland has only been outpaced by the Baltic states which have security concerns of their own due to their shared borders with an aggressive Russian Federation.[19] This feat has been achieved in part due to the immense defense spending of Poland. In 2022 the nation spent 2.2 percent of its GDP on defense which ranked third among all NATO members. However, Prime Minister Morawiecki has announced that this figure will be almost doubled in 2023 under current leadership, with aims to increase defense spending to 4 percent of the country's GDP. Furthermore, the Polish purchase of 116 American Abrams tanks, a deal amounting to $1.4 billon, and South Korean military equipment has further solidified the Polish role as principal to the Central and Eastern European security of NATO.[20] Due to Poland's geographic location, the nation has also adopted the premier role as a deliverer of Allied aid to the Ukrainian forces sent by other member states. Finally, Poland has assumed a diplomatic role in the war efforts against Russia through orchestration of military equipment deals between Ukraine and other countries willing to supply the nation in opposition of Russia.[21]

As briefly noted, the ruling party within Poland, Law and Justice (PiS), has moved swiftly in their decisions to make military investments in support

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[18] Elisabeth Zerofsky, "Poland's War on Two Fronts," *New York Times*, April 4, 2023, https://www.nytimes.com/2023/04/04/magazine/poland-eu-ukraine-war.html.

[19] Francis, "Poland is leading Europe's response to the Russian invasion of Ukraine."

[20] "Poland to ramp up defense budget to 4% of GDP," DW, last modified January 30, 2023, https://www.dw.com/en/poland-to-ramp-up-defense-budget-to-4-of-gdp/a-64555544.

[21] Francis, "Poland is leading Europe's response to the Russian invasion of Ukraine."

of Ukraine. The governing party has served as a catalyst for these efforts, while also seeking substantial improvements to security domestically. These decisions have come at a large cost, and as a result, the next government in power will likely be required to address issues presented by the immense defense budget the current government is committed to pursuing. The upcoming parliamentary election in Poland later this year has the possibility to significantly influence the future trajectory of Polish national security, as a less conservative ruling body is likely to reduce domestic military investment and focus on providing aid to Ukraine. In contrast, PiS will likely stay committed to their current robust military budget assuming the party is able to maintain their majority representation in parliament.[22]

Along with the centralized NATO role Poland has inhabited as a result of the war in Ukraine, other countries have also experienced changing positions within the Alliance. Perhaps most prominently has been the fade of Germany from a primary role in the security of Central and Eastern European security through NATO. Noticeable hesitation on behalf of Germany to support Ukraine militarily through equipment transfers, sanctions, and other means has resulted in the nation taking a backseat to Poland who has driven NATO operations in the current conflict with support from other western powers. Germany's decision to increase dependence on Russian gas through the Nord Stream 2 Pipeline, unignorable ties between members of the German state and the Russian government, and hesitation to provide military aid in the form of Leopard 2 tanks are all ways in which the nation's role within NATO has severely diminished over the course of the 21st century. [23] As previously mentioned, the possible arrival of a new Polish government may have implications for Poland's role in NATO. However, the change may also provide Germany with an opportunity to alter its NATO role if German leadership decides to seek improved relations with a potentially less disgruntled Polish government, setting the former on

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[22] Marek Strzelecki and Justyna Pawlak, "Scope of Poland's spending spree in focus as NATO ups defence goal," *Reuters*, July 12, 2023, https://www.reuters.com/world/europe/scope-polands-spending-spree-focus-nato-ups-defence-goal-2023-07-12/.

[23] Francis, "Poland is leading Europe's response to the Russian invasion of Ukraine."

a trajectory to return to its previously crucial role in Central and Eastern European security operations of the NATO Alliance.[24]

Lastly, Ukraine's accession to the Alliance has the potential to alter Poland's role in NATO. In a Europe plagued by uncertainty among uncooperative nations such as Germany and Hungary, Poland has become a primary player in Central and Eastern Europe. Polish-Ukrainian relations are likely to continue blossoming after the conclusion of the war as their cooperation chiefly benefits the security of both nations. As a result, Poland and Ukraine are likely to inhabit even more prominent roles in maintaining security on the eastern flank of NATO, with an understanding that the threat of Russian imperialism is waiting at their doorsteps.[25]

Conclusion

Within this paper, an eastward shift in focus of NATO security in Europe was clearly demonstrated. This has been achieved through an analysis of Poland's accession to the Alliance, the Polish state's actions within NATO during the 21st century, the nation's role in the Russo-Ukrainian War, and the implications of this role on NATO operations. With respect to the accession of the Polish nation, the Russian threat loomed heavily upon the decision and thus informs the future defensive decisions made not only by Poland, but by NATO as a whole.

During the 21st century, Poland has demonstrated a strong commitment to NATO efforts through robust improvements of security and prestige, a transformation of the Polish Armed Forces, infrastructural investments, increased collective defense of the alliance in the context of a changing security dynamic within Europe, improved participation in operations and missions, the founding and housing of NATO-related structures, developed reconnaissance efforts, and contributions to the Allied missile defense system. In response to the war in Ukraine, Polish efforts have

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[24] Strzelecki and Pawlak, "Scope of Poland's spending spree in focus as NATO ups defence goal."

[25] Francis, "Poland is leading Europe's response to the Russian invasion of Ukraine."

been marked primarily by the nation's military aid, as well as humanitarian efforts amounting to the acceptance of over 1.5 million refugees by the state and $9.3 billion in aid from the general citizenry. Poland's ascension to the primary role in European security of NATO has occurred during the same period of Germany's declining position in the Alliance's security efforts within the continent. This shrinking German role finds its causes in the nation's dependence and ties to Russian leadership through political, economic, and energy-related avenues which have led to hesitancy among German officials in assisting Ukrainian efforts and regional security efforts generally.

A leadership change in Poland as a result of the upcoming Polish parliamentary election in late 2023 has the potential to shift the nation's role in NATO through a lessened focus on domestic defense spending, instead of prioritizing aid to Ukraine. Furthermore, this potential change in government presents Germany with an opportunity to amend grievances with new leadership in Poland. Lastly, Ukraine's presumed accession to NATO following the conclusion of the nation's war with Russia has the possibility to further bolster Alliance investment in a further secured Poland. If there is to be a thorough assessment of Poland's future role in NATO, further research is needed relating to changes in the nation's leadership, security decisions within the nation, Alliance security trajectories, and conflicts within the region.

Lessons from the Use of Private Military Contractors in Iraq and Afghanistan

Cameron TOBIAS

Abstract: The intention of this article is to analyze the use of private military contractors in the two primary theatres of the Global War on Terror: Afghanistan and Iraq. The US government employed an unprecedented number of private military contractors (PMCs) in order to support conventional forces in Iraq and Afghanistan. This upward trend accompanied a general increase in total amount of funds paid to said contractors by the Department of Defense (DOD). These numbers experienced a general decline beginning in 2012. While most of these contractors served in an unarmed capacity, their presence was accompanied by increased reports of corruption, malfeasance, and civilian abuse. Use of PMCs was marked by poor oversight by the DOD in general, but particularly so in the crucial years prior to FY2007.

Keywords: War on Terror, War in Afghanistan, Iraq War, Private military contractors, Privatization

Introduction

The 2021 pullout of the remaining American forces from the Islamic Republic of Afghanistan precipitated an immediate and total collapse of the Afghan government. Amid this abrupt failure and the accompanying media attention, there seemed to be a central question: How could it have all fallen apart in such a short amount of time? Seemingly in 10 days'

time, a 19-year effort to defeat insurgency and foster transparent national institutions fell apart.

Following this failure, one must ask how the US counterinsurgency effort had mis-stepped in Afghanistan in the years preceding 2021. In the final years of the American occupation, private security contractors had made up an increasing share of the overall-declining American presence in the country.[26] There had been a great deal of media attention centered on the presence of private security forces in Iraq, but by 2019, the US footprint in that country had been so reduced that there was a commensurate decrease in the number of contractors there.[27] Nevertheless, both Iraq and Afghanistan had represented the two most privatized wars in American history to that point, making unprecedented use of private military contractors. In the early days of both of these conflicts, PMC presence had been marked by high-profile scandals, such as the Nisour Square massacre of 2007, perpetrated by US-employed Blackwater mercenaries.[28]

Nisour Square was, for obvious reasons, a serious PR hit for the United States occupation, and coincided with the Department of Defense's decision to begin documenting the number of PMC employees on the ground in Iraq and Afghanistan. Prior to 2007, these records were not kept. After 2007, these records were kept, but the DOD stopped distinguishing between armed and unarmed contractors in 2010.[29] For this reason, this article will focus on the years between 2007 and 2020 for which we have the best statistics. This gap in our records, and the ambiguous impact of PMCs on the ground both served as the motivation for this article, which is meant to answer the following question: *Have private military companies been effective in meeting US political and strategic goals in the Global War on Terror?*

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[26] Heidi M. Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020,* Congressional Research Service, 2012, 4, last updated February 22, 2021. http:// crsreports. congress.gov/product/pdf/r/r44116.

[27] Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, 11.

[28] Sean McFate, *Mercenaries and War: Understanding Private Armies Today,* (Washington DC: National Defense University Press, 2019), 8, https://dspace.ceid.org.tr/xmlui/bitstream/handle/1/1587/mercenaries-and-war.pdf?sequence=1&isAllowed=y.

[29] Moshe Schwartz, *The Department of Defense's Use of Private Security Contractors in Afghanistan and Iraq: Background, Analysis, and Options for Congress,* Congressional Research Service, 2011, 2.

This article will advance the case that the use of PMCs facilitated greater abuse of civilians, and ultimately undermined US political and strategic goals in Iraq and Afghanistan. To do so, this article will explain the reasons for the inflated PMC presence in these regions, and account for the ways in which that presence shifted over time. This article will also describe the ways in which the private security contingent engaged with the civilian population, and the ways in which they affected US regional goals.

The Presence of Private Military Contractors Explained

Our investigation begins by explaining why PMCs were used so heavily in Iraq and Afghanistan to begin with. PMCs primarily served to supplement the US military force and to support the operations of the US State Department. PMCs have played a role in every war in American history, yet their involvement in Iraq and Afghanistan was far more engaged than anything in the preceding decades.

The vast majority of these companies cannot be defined as "private security companies" within the context of Iraq and Afghanistan. Most of these companies primarily offer services involving systems maintenance, logistics support, data analysis, etc. This contingent of the US presence in these countries can still be defined as "private military contractors", if not private security. With the exception of the year 2011, there were more non-security military contractors in Afghanistan than there were US troops. The number of these contractors in Iraq stayed on par with the level of US troops, although US contractors remained on the ground there years after the 2011 troop pullout. The contractor of interest here, however, is the private *security* contractor identified in reports by the Congressional Research Service. These contractors make up a minority of the general population, serving as an armed security detail for caravans, government (and private) premises and individuals. Because these contractors require certain employees to operate in an armed capacity, their engagement with both the US mission and the civilian population carries the most weight.

Contractors as Employed by the Army

The inflated numbers of contractors employed by the Army on the ground in Iraq and Afghanistan were a long time coming. The US Army had begun downsizing their combat support service structure shortly after the end of US involvement in Indochina, a trend that continued through the 1980s and 1990s. Then and at the time of my writing, the US force structure was not large enough to meet these combat support demands in-house. Therefore, the US Army may have had to shift responsibilities from direct combat to combat support, a move that would directly hinder their warfighting capabilities. The increased use of PMCs was one way to ameliorate the demand for combat support. Under the following program, civilian contractors would be kept on retainer during peacetime and wartime in order to provide pre-planned logistical support.[30]

In 1985, the US Army began to implement the Logistics Civil Augmentation Program (LOGCAP), a program designed to free up Army resources by contracting services out to private companies.[31] LOGCAP was made to cover all the bases, employing PMCs to construct Army bases, run mess halls, coordinate logistics, and supplement security forces as needed. The first contract was awarded in 1992, with a ten-year renewal window.[32] Although LOGCAP was not used during Operation Desert Storm, it was used during Operation Restore Hope in Somalia, Operation Iraqi Freedom, Operation Enduring Freedom, and OEF's successor, Operation Freedom Sentinel. The US Air Force and the US Navy created analogous programs (Air Force Contract Augmentation Program and Global Contingency Construction Contract, respectively) that allow for their contractor use, following the Army's lead in 1995 and 1997, respectively.[33]

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[30] COL David W. Russell, *Understanding the Application of the Army's Logistics Civil Augmentation Program (LOGCAP),* (Carlisle Barracks, Pennsylvania, US Army War College, 1997), 1-2, https://apps.dtic.mil/sti/pdfs/ADA326469.pdf.

[31] David Isenberg, *Private Military Contractors and U.S. Grand Strategy,* (Oslo: International Peace Research Center, 2009), 19, https://www.researchgate.net/profile/David-Isenberg-4/publication/264874744_Private_Military_Contractors_and_US_Grand_Strategy/links/5680883208ae051f9ae7ce62/Private-Military-Contractors-and-US-Grand-Strategy.pdf.

[32] Russell, *Understanding the Application of the Army's Logistics Civil Augmentation Program,* iii.

[33] Maria J. Dowling, Major USAF, Vincent J. Feck, Major USAF, *Feasibility of a Joint Engineering and Logistics Contract,* (Maxwell Air Force Base, Alabama: Air University, 1999), v.

The LOGCAP contingency provided the raison d'etre for the presence of large private military firms in Iraq and Afghanistan. As previously stated, most of the employees of these firms work in an unarmed, non-combat capacity, and provide services like maintenance and logistical support services. Firms such as DynCorp, however, did provide security services in addition to construction and maintenance support.[34] DynCorp even provided the security detail for Afghan President Hamid Karzai, a contract valued at $52 million in 2003.[35]

Contractors as Employed by the Department of Defense

Increased engagement with the private sector was a process encouraged by the Department of Defense. The 1995 final report by the DOD's US Commission on Roles and Missions prescribed an "Increase[d] Reliance on Market Solutions" and an engagement with market competition, under the auspices of lowering costs. The Commission finds that all DOD "commercial activities" should be outsourced to the private market. These activities, according to the report, include janitorial services, logistics support, data analysis, facilities construction and maintenance, as well as base security. While the report notes that the majority of these outsourced duties are non-combat related, it still advances the project of contracting out security personnel.[36] We can see that this is consistent with the data available to us about the distribution of PMC specializations.[37]

By the time of the 1995 report's publishing, LOGCAP was already in effect. That year, AFCAP would be implemented, and just two years later, GCCC would go into effect, further consummating the process described by the

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[34] Deborah C. Kidwell, *Public War, Private Fight? The United States and Private Military Companies,* (FT Leavenworth, Kansas: Combat Studies Institute Press, 2011), http://www. armyupress.army.mil/Portals/7/combat-studies-institute/csi-books/kidwell.pdf.

[35] Ibid., 30.

[36] US Commission on Roles and Missions of the Armed Forces*, Directions for Defense: Report of the Commission on Roles and Missions of the Armed Forces*, 1995, 3, https://apps.dtic.mil/sti/pdfs/ADA295228.pdf.

[37] Moshe Schwartz, *The Department of Defense's Use of Private Security Contractors in Afghanistan and Iraq: Background, Analysis, and Options for Congress*, Congressional Research Service, 2011, 6.

USCRM's report. The purpose of the privatization process was to save money and manhours. Contractors can be hired and terminated as needed, and renting the services of a private firm can be less expensive than keeping specialized public-sector workers on the payroll long-term. However, during the GWOT, there was a second reason put forth as a justification for contracting out. In 2009, US General Raymond Odierno stated that "employment of Iraqis not only saves money but it also strengthens the Iraqi economy and helps eliminate the root causes of the insurgency – poverty and lack of economic opportunity."[38] However, between 2007 and 2011, only about six percent of private security employees in Iraq were Iraqi nationals.[39] The vast majority were third-country nationals. By comparison, roughly 95% of the private security employees in Afghanistan during the same timeframe were local citizens.[40] It can hardly be said that US-contracted PMCs employed Iraqis to any significant degree. Even when pursued, employment of locals by PMCs is a dubious counterinsurgency strategy, as we shall see.

In summation, the GWOT employed an outsized number of PMCs in order to cut costs and save Army manhours while also engaging the local population. However, the employment numbers in both Iraq and Afghanistan vary over time.

How the Use of PMCs Changed Over Time

Prior to the fourth quarter of FY 2007, the Department of Defense did not record how many US-funded PMC employees were on the ground in Iraq or Afghanistan. This DOD records gap obscures the reality of PMC presence on the ground during the crucial early years of the GWOT. The US Army informed Congress in 2004 that they employed between 124,000 and 605,000 service contract workers generally. Considering that the Army's estimate of their own contractor force varies by about half a million

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[38] Ibid.,13.

[39] Ibid., 11.

[40] Ibid.

employees, outside assessments of the number of PMC employed by the DOD during this time are likely dubious. This gap in our knowledge should be considered in further analyses. This article will focus on the shifts in contractor levels between the years 2007 and 2020.

According to Congressional Budget Office estimates, the Department of Defense obligated about $30 billion for private contracts for both Iraq ($25 billion) and Afghanistan ($5 billion) between the years 2007 and 2008.[41] Correspondingly, there were nearly three times as many PMC employees in Iraq at that time as there were in Afghanistan.[42] In the second quarter of FY2008, there were a total of 52,336 US-employed contractor personnel in Afghanistan. An additional 6,982 were private security contractors. By comparison, there were 149,378 US- employed contractor personnel in Iraq, with 7,259 private security contractors.
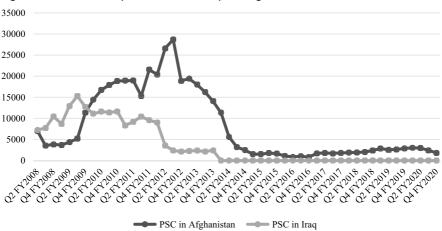
Figure 1: Private Security Contractors in Iraq and Afghanistan

Based on: Heidi M Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, U.S Library of Congress, Congressional Research Service, 2021, http:// crsreports.congress.gov/product/pdf/r/r44116.

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[41] Schwartz, *The Department of Defense's Use of Private Security Contractors in Afghanistan and Iraq: Background, Analysis, and Options for Congress,* 4.

[42] Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020,* 7-13.

The number of general-service PMC employees in both Iraq and Afghanistan consistently tracks the number of troops deployed in each combat area. Afghanistan in particular was well-supported with the exception of a period between Q4 FY2010 and Q4 FY2011 in which troops exceeded contractors.[43] Following FY2017, the DOD ceased releasing the exact troop numbers in Afghanistan to the public. By comparison, the number of US troops in Iraq often exceeded the number of contractors prior to the 2011 pullout. Following the redeployment under Operation Inherent Resolve, exact troop numbers were not released, although the force management level for the US military set a ceiling of 3,100 personnel in the first quarter of 2015.[44] This ceiling would be raised to 5,262 by 2017. Also following 2013, the DOD ceased to publish the number of PSC boots on the ground in Iraq.[45] It is unlikely that the number of PSC operatives passed 5,000 in either country following FY2013.

Shifts in Afghanistan

Within our window of study, the number of PSC operatives in Afghanistan peaked at 28,686 in Q3 FY2012.[46] Preceding the 2012 high was a brief upward jump in FY2011, with a smaller spike in Q4 FY2011. Q3 FY2012 was followed by a general downward trend in their numbers, bottoming out at 813 in Q4 FY2016. There was an extremely modest increase in the number of PSC operatives from Q4 FY2016 through Q4 FY2020, yielding a net increase of 1,000 operatives by the final quarter of FY2020.[47]

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[43] Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, 9-16.

[44] Ibid., 13.

[45] Ibid., 12.

[46] Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, 9-16, 9.

[47] Ibid., 10.
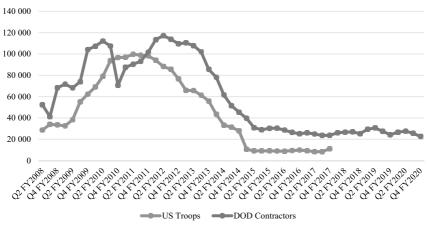
Figure 2: Afghanistan Troop and PMC Presence

Based on: Heidi M. Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, Congressional Research Service, 2021, 9-10, http:// crsreports.congress.gov/product/pdf/r/r44116.

As stated before, the number of PMC employees generally exceeded the number of US troops deployed to Afghanistan, with the exception of a period between Q4 FY2010 and Q4 FY2011. However, there is another gap in the data following FY2017. Beginning in FY2018, the DOD decided to stop reporting on the number of US servicemen and women deployed in support of US operations in Iraq, Syria, and Afghanistan.[48] This makes it difficult to gauge the exact number of US troops deployed to Afghanistan following 2017, but the number of PMC employees stationed there is a good indication. Based on this metric, we may surmise that the number of US troops was relatively stable during this time, with moderate decreases, as is reflected in the number of PMC employees.

Shifts in Iraq and Syria

The presence of PSCs in Iraq peaked in Q3 FY2009 at 15,279 operatives.[49] Thereafter, the number of operatives in Iraq follows a general downward

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[48]   Ibid., 3.

[49]   Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, 16.

trend, although the rate of decline varies, with a precipitous drop occurring after the final quarter of 2011. In Q1 FY2012, the number of operatives stood at 8,995. By the following quarter, this figure dropped to 3,577 operatives.[50] Following this drop, the number of operatives plateaus in the 2,000s range until 2013. This is notable given that the number of US troops in Iraq fell to zero in Q2 FY2012, meaning that the PSC presence outlasted that of the US military.[51]
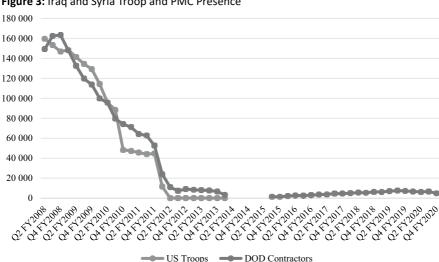
Figure 3: Iraq and Syria Troop and PMC Presence

Based on: Heidi M. Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, Congressional Research Service, 2021, 13-14, http:// crsreports.congress.gov/product/pdf/r/r44116.

Following 2013, the number of DOD-Employed PSC operatives in Iraq ceased to be released to the public, and following the US' re-entry under Operation Inherent Resolve, the force management level became our only indicator of US troop levels in Iraq and Syria.[52] Historically, however, the number of PMC employees was very closely related to the number of US

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[50] Ibid.

[51] Ibid.

[52] Ibid., 12.

troops deployed to Iraq. The number of US troops occasionally exceeded the number of PMC employees stationed in Iraq.[53] This was the case from Q1 FY2009 to Q4 FY2010. It is conceivable that the number of troops deployed after 2013 exceeded the number of PMC employees, but given the force management levels, this is unlikely.

Engagement with Civilians in Iraq

According to the Congressional Budget Office, private contractor employees made up just under 50% of the US personnel in Iraq, and over 50% of the US personnel in Afghanistan, in FY2010.[54] This is a massive share of the US' engagement in these countries. In Iraq, however, only about 6% of the private security workforce (Q1 FY2011) were Iraqi nationals. American citizens made up about 10% of the private security contractor population. The vast majority of these contractor operatives were third-country nationals. These third-country nationals made up approximately 85% of the PSC workforce.[55] From FY2009 to FY2011, the percentage of Iraqi PSC operatives declined from 13% to 6%.[56] Moreover, the number of PSC operatives in the country had by that point begun its terminal decline regardless of nationality, and would never again reach its 2009 high.

As for the general supply of PMC jobs, these experienced decline at a rate similar to that of the US troop presence. As US forces began to leave Iraq in greater numbers starting in 2009, their support, PMC employees, started leaving as well (or their contracts simply weren't renewed).[57] Following the US troop pullout in 2011, there remained a small contingent of PMC employees and PSC operatives in Iraq employed by the DOD. However, this contingent was miniscule compared to the number of contractors employed during the US occupation.[58]

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[53] Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, 13.

[54] Schwartz, *Department of Defense Contractors in Iraq and Afghanistan: Background and Analysis*, 2.

[55] Ibid., 11.

[56] Ibid., 13.

[57] Peters, *Department of Defense Contractor and Troop Levels in Afghanistan and Iraq: 2007-2020*, 13.

[58] Ibid.

Clearly the employment-based counterinsurgency strategy suggested by General Odierno was not put into effect in the Iraqi private security sector specifically. This means that the majority of privately-employed but DOD-contracted combatants in Iraq were not Iraqis themselves. Moreover, the number of DOD-contracted PMC employees often trailed the number of US troops deployed in Iraq. Compared to Afghanistan, employment of the local population in and of itself seemed not to be a goal of the PMC or PSC presence there, as when US troop numbers began to decline in Iraq, PMC employment followed without much slack.

The treatment of Iraqi civilians by PSC operatives left a lot to be desired. On September 17th, 2007, Blackwater PSC operatives fired upon Iraqi protesters in Nisour Square, Baghdad. The operatives killed 17 civilians and injured 20. Blackwater had been hired to protect a US Embassy convoy that was moving through the square. Following this incident, Blackwater was forced to rebrand itself as XE Services, and then again as Academii, eventually merging with Triple Canopy, another PSC.[59] The fully-merged company is now called Constellis. Charges were filed, yet several of the involved operatives were pardoned under the Trump administration.

According to Iraqi officials, there had been at least 7 incidents of civilian harm involving Blackwater. One of the most prominent cases was on December 24th, 2006, when an inebriated Blackwater employee shot dead a member of the Iraqi Vice-President's security detail. No charges were filed by the US government after the employee fled to the United States.[60] The operative was, however, terminated by Blackwater Worldwide for violating the alcohol and firearms policy.

Blackwater in particular cultivated a poor reputation among Iraqis. The PSC had a very high profile during the occupation as the security detail for the

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[59] William D. Hartung, *Profits of War: Corporate Beneficiaries of the Post-9/11 Pentagon Spending Surge,* Watson Institute for International & Public Affairs, 2021, 12, https://watson.brown.edu/cost-sofwar/files/cow/imce/papers/2021/Profits%20of%20War_Hartung_Costs%20of%20War_Sept%20 13%2C%202021.pdf.

[60] Peter.W Singer, *Can't Win With 'Em, Can't Go To War Without 'Em: Private Military Contractors and Counterinsurgency*, Washington DC: Brookings, 2007, 7-8, https://www.brookings.edu/wp-content/ uploads/2016/06/0927militarycontractors.pdf.

US State Department, but soon became known for the mounting number of violent incidents the firm's employees became involved in. Said a Baghdad traffic policeman of the firm, "They are impolite and do not respect people, they bump other people's cars to frighten them and shout at anyone who approaches them...Two weeks ago, guards of a convoy opened fire randomly that led to the killing of two policemen... I swear they are Mossad."[61]

In 2005, (prior to the Blackwater incident) PSC Zapata employees were detained by US forces, who claimed to see Zapata's operatives firing not only on Iraqi civilians, but also on US Marines as well.[62] There were no formal charges filed, however. The following year, in 2006, Aegis contractors filmed a video of themselves firing on civilians to the tune of Elvis Presley's "Runaway Train" and uploaded it to the internet. The US Army investigated the incident and again, no charges were filed.[63]

PMC firms Titan and CACI International provided translation and interrogation services at Abu Ghraib from 2003 to 2004. This US Army-run facility became infamous for the extreme human rights abuses that occurred there, including the torture and murder of Iraqi prisoners. It was reported that 100% of the translators and 50% of the interrogators at the facility were PMC employees. The US Army found that 36% of the confirmed abuse cases at Abu Ghraib from 2003 to 2004 involved private contractors hired by the Army. 6 PMC employees were identified as perpetrators in the Army's investigation, but there were no charges filed.[64]

There is a clear pattern of violent incidents involving unaccountable private security forces in the US occupation of Iraq. While the soldiers guilty of abuses at Abu Ghraib for example, were court martialed, no such punishment was ever meted out to the contractors involved. US Army Colonel Peter Mansoor said that the US needs to take "a real hard look at security contractors on future battlefields and figure out a way to get a handle on

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[61] Ibid., 5.

[62] Ibid., 7.

[63] Ibid.

[64] Ibid.

them so that they can be better integrated – if we're going to allow them to be used in the first place." Mansoor continued, "If they push traffic off the roads or if they shoot up a car that looks suspicious, whatever it may be, they may be operating within their contract –to the detriment of the mission, which is to bring the people over to your side."[65]

Engagement with Civilians in Afghanistan

Unlike in Iraq, the number of PMC employees usually exceeded the number of US troops in the country. Even after the troop levels in Afghanistan stopped being released, the number of DOD-funded PMCs remained both consistent with where they had been before, and with where troop levels had been before the data cutoff. For much of the war, a plurality of these PMC employees were local Afghans.[66] As for private security, 95% of the PSC forces in FY2011 were local Afghans as well.[67] We can see here a greater commitment to General Odierno's employment-as-counterinsurgency strategy under the Department's "Afghan First" campaign.[68]

Unfortunately, the relationship between PSCs in Afghanistan and the US mission in Afghanistan was highly fraught for the entirety of the war. Throughout, US-contracted firms were routinely involved in corrupt practices that hindered US interests and prolonged the conflict.

Under a Department of Defense program called Host Nation Trucking (HNT), local trucking companies contracted by the DOD are required to hire their own security detail to ensure safe passage through the Afghanistan

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[65] Singer, *Can't Win With 'Em, Can't Go To War Without 'Em: Private Military Contractors and Counterinsurgency,* 7.

[66] Noah Coburn and Peter Gill, *Uncompensated Allies: How Contracting Companies and U.S. Government Agencies Failed Third-Country Nationals in Afghanistan*, Providence, Rhode Island, Watson Institute for International and Public Affairs, 2022, 5.

[67] Schwartz, *The Department of Defense's Use of Private Security Contractors in Afghanistan and Iraq: Background, Analysis, and Options for Congress*, 7.

[68] John F Tierney, Warlord, Inc. *Extortion and Corruption Along the US Supply Chain in Afghanistan. Report of the Majority Staff, Subcommittee on National Security and Foreign Affairs, Committee on Oversight and Government Reform, US House of Representatives,, Washington, DC*, 2010,15.

countryside.[69] US engagement in Afghanistan was highly dependent on local trucking companies, given that Afghanistan is a landlocked country. The HNT contract was issued to six companies, with the contract valued at $2.16 billion in total.[70] The primary route used by US contractors is also the most dangerous as it leads through the southern Pashtun tribal lands into Pakistan. This region was an insurgent hotbed. After allegations that these trucking companies were being made to pay protection payments in order to pass, an investigation was conducted by the US House of Representatives. The Subcommittee investigation not only confirmed these allegations, but also uncovered other realities on the ground in Afghanistan.

According to the Subcommittee report, the primary protection detail hired by the trucking companies were local warlords who jockey for control of the countryside. The report cites the figure of "Commander Ruhollah", an Afghan strongman who commanded a small army of around 600 guards.[71] Nobody in the DOD has ever met Ruhollah, but at the time of the report, he was the single largest provider of security for the US supply chain in Afghanistan.[72] HNT security subcontractors employ Ruhollah and his operatives often without the knowledge of HNT contractor management. Ruhollah admitted that he regularly ignored DOD armament regulations for subcontractors and that he regularly bribed Afghan law enforcement and governors.

In local villages, Ruhollah was referred to as "the butcher" and his security detail doubles as a protection racket. According to a former manager of a local HNT contractor, "you had to pay Ruhollah to either provide security or let [us] go through his territory" and that if one did not pay, their trucks would "get shot up."[73] Ruhollah was the primary private security provider on Highway 1, the main road leading from Kandahar to the Afghan capital of Kabul.[74] Moreover, Ruhollah's racket operated under an officially

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[69] Ibid., 10.

[70] Ibid.

[71] Tierney, Warlord, Inc., 17.

[72] Ibid.

[73] Ibid., 29.

[74] Ibid., 18.

licensed private security company called Watan Risk Management, a firm with DOD contracts to protect forward operating bases in the country.[75]

However, Commander Ruhollah is just one of many Afghan warlords who operated under indirect contract for US and NATO supply shipping. Another example is Abdul Wali Khan, whose forces provided security for NATO supply lines in southern Afghanistan.[76] Although he only contracted directly with 1 HNT contractor, his relationship with the Afghan government was particularly tumultuous. After being imprisoned in 2002 by US forces for "suspected insurgent behavior", he reappeared 14 months later to serve as a militia commander and lawman in Musa Qala. His time there was marked by allegations that he took part in torture, robberies, mass-murders and the collection of a so-called "opium tax".[77] His removal from power was forced by the central Afghan government in 2006. At the time of the Subcommittee's report (2010), Khan remained a security provider for an HNT contractor.

That same investigation also found that a significant source of the Taliban's funding came from this very same protection racket operated principally by these warlords. In some cases, this revenue was only $1,300 per truck, or up to half a million dollars for a convoy of 300 trucks. It remains un-determined exactly how much of this $2 billion contract ended up in the hands of the Taliban.[78]

 A large part of why HNT contractors were so dependent on local war-lords for security was because of the deficient Afghanistan National Police Forces. For example, DynCorp was a primary State Department contractor hired to train and equip the Afghan National Police Forces from 2002 to 2017. This contract was valued at $20 billion, and by 2009,

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[75] Ibid., 22.

[76] Ibid., 27-28.

[77] Ibid., 28.

[78] William D. Hartung, *Profits of War: Corporate Beneficiaries of the Post-9/11 Pentagon Spending Surge* (Washington DC: Center for International Policy, 2021, 10) https://watson.brown.edu/costsofwar/files/cow/imce/papers/2021/Profits%20of%20War_Hartung_Costs%20of%20War_Sept%2013%2C%202021.pdf.

over half of DynCorp's revenue was coming from contracts in Iraq and Afghanistan. However, by 2010, only 30,000 of the 170,000 Afghan officers trained by DynCorp were still on the police force. Moreover, only 17% of the districts reviewed by the US Inspector General could function independently and without US support.[79] Along the US supply lines leading into Pakistan, corruption among ANPF at checkpoints was widely reported. This sort of inefficiency did little to slow the steady increase in military base spending (of which contract spending is a part) during this timeframe and afterwards.[80]

Conclusion: Impacts on US Regional Goals

The use of private security contractors ultimately did very little to strengthen the new governments of Iraq and Afghanistan, and did a great deal to weaken them. The appeal of private security contractors is clear: PSC operatives can be hired and fired as need be, and do not attract the sort of public investment that troop deployments do. However, extensive use of international private security failed to ensure Iraq's stability long term, and locally hired private security ultimately facilitated the collapse of the Afghan government.

 In both cases, however, private contractors were allowed to commit extreme abuses (for which US soldiers would be prosecuted) without reprisal. Particularly in the case of Iraq's high-profile incidents, the crimes committed by DOD-employed contractors did extreme harm to the US' reputation in the region and inflamed hostilities toward the US. These acts did immediate harm to the victims, but also undermined the primary counterinsurgency strategy of "winning hearts and minds" in Iraq and Afghanistan. In the case of Afghanistan, DOD-funded shipping firms supported actors that directly contested the authority of the Afghan government, an obviously counterproductive move.

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[79] Ibid., 14.

[80] Ibid.

The use of private security contractors in the Global War on Terror was an ultimately counterproductive effort that the United States would do well not to repeat in future engagements.

The Role and Evolution of the Wagner Group in Russian Federation Policy and Politics (2013-2023)

Charles FAIR

Abstract: Formed between 2013-2014, the Private Military Company known as the Wagner Group has taken on a multitude of roles in advancing the military, political, and economic interests of the Russian Federation, as well as becoming a semi-autonomous organization furthering their own aims with the aid and support of the Russian government. While they have gained infamy from their participation in the Russo-Ukrainian War, the Wagner Group can be found all over the world in areas of Russian interest. This article seeks to determine the circumstances and factors that led to their creation, their rise to power within the Russian Government, and how from a position of power within the Russian state, were able to achieve their own goals and ambitions. Finally, this article will discuss the competing role and friction with the Russian Army and Moscow in the Russo-Ukrainian War.

Keywords: Wagner's Group, Russian Federation, FR policy, Evolution of Wagner's Group

Introduction

The usage of mercenaries in the place of regular armed forces is a tale as old as the earliest human civilizations. When Hannibal invaded the Italian peninsula, he took with him a vast army of Spanish, Gallic, and African mercenaries, each group handpicked for their skills and professions.

Hannibal's great enemy Rome too fielded mercenaries in her army, with German cavalry and Syrian skirmishers fulfilling areas of battle in which the Roman legions could not. This makes the Russian state not particularly unique when it comes to its own use of mercenaries and irregular forces, but Russia certainly boasts a long and impressive history of exerting military influence via indirect means. Whether through Tsarist Cossacks aiding Serbian and Montenegrin rebels against the Turks, or Soviet Volunteers fighting in Spain and China, Russia has maneuvered many an armed battalion through the world in the name of furthering Russian interests, preferably with as few ties to the Kremlin as possible.

For most in the newly created Russian Federation, the decade of the 1990s spelt many social, political, and economic hardships. For others, in particular members of the military who were now dissatisfied with the political situation, it spelt opportunity. Banding together in so-called 'security firms', these soldiers would offer their services to members of the Russian Mafia, Russian Oligarchs, and Russian Corporations[81] in protecting their persons, as well as economic interests. While some of these 'security firms' remained in Russia; others pursued their interests abroad. The security firm known as *Rubikon* organized Russian volunteers to fight on behalf of Serbian militants in the remains of Yugoslavia– notably under the eyes of Russian security services.[82] Through the 1990s, Russian Private Military Companies found service in a variety of countries all over the world with varying degrees of government support, including activities in Africa, Asia, and the Middle East.[83] As the Russian Government became increasingly staffed with powerful Oligarchs, these groups of mercenaries that had served these individuals were brought into the fold to serve government and corporate interests. This complemented an already long tradition of the Russian state in using irregular forces to pursue state goals

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[81] Tor Bukkvoll and Åse Østensen, "The Emergence of Russian Private Military Companies: A New Tool of Clandestine Warfare," *Special Operations Journal* 6, no. 1 (March 19, 2020): 3.

[82] Bukkvoll and Østensen, "The Emergence of Russian Private Military Companies: A New Tool of Clandestine Warfare," 3.

[83] Seth G. Jones, "Russia's Corporate Soldiers: The Global Expansion of Russia's Private Military Companies," CSIS (July 2021): 14.

and interests, such as the Cossacks of the Russian Empire, and the expeditionary forces and volunteers of the Soviet Union.[84]

Russian PMCs saw a sharp rise in size and influence in 2014-2015.[85] This coincided with the taking of a more aggressive foreign policy for the Russian Federation, such as the invasion and illegal annexation of Crimea, and the Russian military intervention in the Syrian Civil War. Mercenary Companies such as the Moran Security Group and Slavonic Corps were sent to aid the regime of Bashar al-Assad alongside regular units of the Russian Army.[86] There also came an added convenience with utilizing expanding mercenary companies for military tasks- as non-state actors, they could accomplish tasks in service of the government, while having few if any public ties to the government of the Russian Federation, granting the Kremlin plausible deniability in the case of failure or atrocities being committed.

The Formation and Early Operations of the Wagner Group

The Slavonic Corps performed disastrously in Syria.[87] Tasked with seizing and defending Syrian oil fields, they suffered heavy casualties while fighting ISIS militants.[88] This led to the group being recalled to Russia, and a certain Colonel Dmitry Utkin leaving the group.[89] Formerly a Colonel in the GRU, the foreign military intelligence of the Russian Federation, Utkin, a Russian ultranationalist (with possible Neo-Nazi sympathies), had spent time in the Moran Security Group, and later joined the Slavonic Corps on its ill-fated Syrian expedition. Having left the Slavonic Corps, Utkin rallied

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[84] Ibid.

[85] Ibid.

[86] Ibid., 15.

[87] James Miller, "The Insane Story of Russian Mercenaries Fighting for the Syrian Regime," *Huffpost*, January 25, 2014, https://www.huffpost.com/entry/the-insane-story-of-russi_b_4317729.

[88] Ibid.

[89] András Rácz, "Band of Brothers: The Wagner Group and the Russian State: The Post-Soviet Post," *CSIS*, September 21, 2020, https://www.csis.org/blogs/post-soviet-post/band-brothers-wagner-group-and-russian-state.

certain Slavonic Corps survivors and veterans loyal to himself and established the *ChVK* (PMC) Wagner Group in 2013. As Private Military Companies cannot legally exist in Russia, the Wagner Group exists as a "management consultancy agency" owned by former chef Yevgeny Prigozhin.[90] Utkin's GRU ties allowed Wagner to receive the support of the Russian Military and State, such as being housed in GRU facilities[91], receiving Russian military equipment[92], and was deployed to areas of conflict via Russian means.[93]

Figure 4: Satellite Image displaying the extremely close proximity of Wagner and GRU facilities.

Source: Matt Sutherland, T-Intelligence

Wagner's ties to Prigozhin also cemented government support and aid to Wagner as Prigozhin advanced in Russian politics and developed closer ties

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[90] Sergey Sukhankin, "Russian PMCs in the Syrian Civil War: from Slavonic Corps to Wagner and beyond", *Jamestown Foundation" [online]*, (2019): 18.

[91] Ibid.

[92] Ibid.

[93] Ibid.

to Russian President Vladimir Putin[94]. Wagner also reciprocated the needs of the Russian military well before assisting them in combat, such as training Serbian and Bosnian Serb militants to destabilize Bosnia-Herzegovina[95], and possibly aid a failed coup d'état in Montenegro.[96]

While the military apparatus of Wagner reports to Dmitry Utkin, Wagner as a company is owned by former convict Yevgeny Prigozhin through front companies.[97] Prigozhin's fortunes saw a reversal in the 2000s, where he entered Putin's good graces via his ownership of St. Petersburg-based restaurants. While Prigozhin possesses no military background or experience, he became the financier of the Group, as well as its voice and director within the Russian government. Prigozhin provides the Kremlin with the pretense of deniability, as well as the ability to essentially field a free mercenary army.[98] The Wagner Group is also a means of furthering the economic and political ambitions of Prigozhin, whether through seizing Central African gold (see *Wagner in Africa*) or securing Syrian oilfields (see *Wagner in Syria*).[99]

Because of the secretive nature of both the Russian state and the Wagner Group, it is difficult to ascertain and track the very earliest of Wagner operations. The first known activities of Wagner can be traced back to 2014, where Russia illegally annexed the Crimean Peninsula and invaded the Donbas region of Ukraine under the guise of a Pro-Russian uprising[100]. Wagner, then a much smaller military unit, assisted the Russian army in fighting the Ukrainian army as well as murdering any local politicians and individuals who stood in the way of the Russian occupation.[101]

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[94] Sukhankin, "Russian PMCs in the Syrian Civil War", 7.

[95] Maxim Samorukov, What's behind the Posturing of Russian Mercenaries in the Balkans?" *Carnegie Politika*, April 6, 2023. https://carnegieendowment.org/politika/89463.

[96] Ibid.

[97] Reynolds, "Putin's Not-so secret Mercenaries", 4.

[98] Ibid.

[99] Ibid., 5.

[100] Mackinnon, "What is Russia's Wagner Group?."

[101] Matthews, "Putin's Secret Armies."

Operating Theatres

Success in Ukraine prompted Russian President Vladimir Putin to send Wagner along with a portion of Russian military forces in the 2015 Russian military intervention in the Syrian Civil War. The rest of the decade would see the Wagner Group deployed all over the world, from Venezuela[102] to Madagascar, typically in covert aid of pro-Russian regimes or Pro-Russian forces.[103]

Figure 5: Areas of known and suspected Russian PMC activity, including the Wagner Group.

Source: Catrina Doxsee, Center for Strategic and International Studies

In the Syrian Civil War, the Wagner Group was used to guard government infrastructure, as well as shock troops in aiding the military operations of the Syrian army.[104] The Wagner Group was far more successful than the Slavonic Corps in Syria and achieved several notable victories such as

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[102] Candace Rondeaux, "*Decoding the Wagner group: Analyzing the role of private military security contractors in Russian proxy warfare*. Washington, DC: New America, (2019): 15.

[103] Reynolds, "Putin's not-so secret Mercenaries", 9.

[104] Sukhankin, "Russian PMCs in the Syrian Civil War."

the capture of Palmyra in 2016.[105] Wagner also presented itself as a guard against ISIS, such as the formation of the so-called 'ISIS Hunters' unit within the group, but most of Wagner's activities in Syria were against anti-Assad opposition forces and Kurdish nationalist militants.[106] The latter half of the Syrian Civil War saw the Wagner Group increasingly intertwined with the Russian gas industry, as Wagner was increasingly assigned to conquer gas and oil fields, possibly under the direct orders of the Russian Energy Minister Aleksandr Novak.[107]

Wagner's activities in Syria however were not all an endless stream of victories- in February of 2018, when attempting to attack American-backed Kurdish forces holding a gas plant in Deir-el-Zour, Wagner and its allied forces were decimated by American airstrikes.[108] The catastrophe at Deir-el-Zour also put the company on the radar of American government, as well as gave Moscow the embarrassing task of claiming they had positively no ties to Wagner.[109] This however had a ripple effect in the relationship between Wagner and the Russian state. With Prigozhin embarrassed, and Wagner soldiers feeling betrayed by the lack of promised Russian military support, these rifts would only widen with time.[110]

The Wagner Group was not the first Russian PMC in Africa. The Moran Security Group already had dealings in the continent prior to 2013, largely acting in the interests of Russian Corporations such as defending their economic assets from Somalian pirates.[111] Wagner's activities in Africa began as their role in the Syrian Civil War increased, being deployed to countries

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[105] Ibid., 4.

[106] Ibid., 11.

[107] Marten Kimberly, "Russia's use of semi-state security forces: the case of the Wagner Group, Post-Soviet Affairs," *Post-Soviet Affairs* 35, no. 3, 181-204, DOI: 10.1080/1060586X.2019.1591142 (2019): 194.

[108] Ibid.

[109] Kimberly, "Russia's use of semi-state security forces: the case of the Wagner Group, Post-Soviet Affairs," 194.

[110] Nathaniel Reynolds, "Putin's Not-so secret Mercenaries: Patronage, Geopolitics, and the Wagner Group,". Vol. 8. *Washington, DC: Carnegie Endowment for International Peace*, (2019): 7.

[111] Daniel Little, "The Role of the Wagner Group in African Civil War," *Research Institute for European and American Studies* (2018).

such as but not limited to Libya[112], Sudan[113], the Central African Republic[114], Mali[115], and Mozambique.[116] Notably in the case of Mozambique, Wagner performed disastrously against ISIS militants.[117] Like in Syria, Wagner's operations had the interests of the Russian state and the ambitions of Yevgeny Prigozhin deeply intertwined. For example, in the Central African Republic, Wagner combats French influence and allies in the region[118], and silences any opposition or surveillance on their activities, such as the murder of three Russian journalists in July of 2018.[119] A similar tale can be found in Sudan, where not only does Wagner aid the Pro-Russian military government of the country, but also acts as a convincing bargaining ship for Prigozhin to establish businesses and economic ties in the region.[120] Finally in Mali, Wagner has terrorized the region through the widespread slaughter of civilians, including the massacre of 500 in a Mali village.[121]

Participation in the Russo-Ukrainian War

Wagner was involved in the 2022 Russian Invasion of Ukraine as early as March of the year, being a part of the several foiled attempts to capture or

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[112] Sergey Sukhankin, "Wagner Group in Libya: Weapon of war or Geopolitical tool?" *Terrorism Monitor* 11, no. 13, (2020).

[113] Reynolds, "Putin's Not-so secret Mercenaries", 9.

[114] Ibid., 9.

[115] Jędrzej Czerep, "Russia's Wagner Group Expanding Influence in Africa", *Bulletin PISM* 181, no. 1871 (2021).

[116] Pjotr Sauer, "7 Kremlin-Linked Mercenaries Killed in Mozambique in October – Military Sources." *The Moscow Times*, July 10, 2023. https://www.themoscowtimes.com/2019/10/31/7-kremlin-linked-mercenaries-killed-in-mozambique-in-october-sources-a67996.

[117] Ibid.
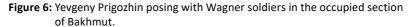
[118] Kimberly, "The Case of the Wagner Group", 197.

[119] Little, "The Role of the Wagner Group."

[120] Reynolds, "Putin's Not-so secret Mercenaries", 8.

[121] Jason Burke, "Russian mercenaries behind slaughter of 500 in Mali village, UN report finds", *The Guardian,* May 20, 2023, https://www.theguardian.com/world/2023/may/20/russian-mercenaries-behind-slaughter-in-mali-village-un-report-finds#:~:text=Investigators%20from%20the%20UN%20human,close%20ally%20of%20the%20Russian.

kill Ukrainian president Volodymyr Zelenskyy.[122] Wagner was also a leading force behind atrocities against Ukrainian civilians, such as the Bucha Massacre.[123] As Russian hopes for a quick war were dashed against the gates of Kyiv and Mariupol, the Wagner Group was tasked with more and more assignments on the frontlines, something the Group's small manpower could not obtain.

Figure 6: Yevgeny Prigozhin posing with Wagner soldiers in the occupied section of Bakhmut.

Source: Susie Blann, Military Times

This was a contributing factor in Prigozhin's infamous recruitment drive from Russian prisons, where Wagner offered convicted murderers, rapists, and other felons reduced sentences in return for dangerous frontline

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[122] Manveen Rana, "Volodymyr Zelensky: Russian Mercenaries Ordered to Kill Ukraine's President", *The Times*, February 28, 2022. https://www.thetimes.co.uk/article/volodymyr-zelensky-russian-mercenaries-ordered-to-kill-ukraine-president-cvcksh79d.

[123] Melanie Amann et al, "German Intelligence Intercepts Radio Traffic Discussing the Murder of Civilians", *Der Spiegel,* April 7, 2022, https://www.spiegel.de/international/germany/possible-evidence-of-russian-atrocities-german-intelligence-intercepts-radio-traffic-discussing-the-murder-of-civilians-in-bucha-a-0a191c96-634f-4d07-8c5c-c4a772315b0d.

work.[124] According to eyewitness testimony from Ukrainian servicemen, these prisoners- recruited en masse in numbers possibly up to 40,000[125]- were used little more as poorly armed human waves against Ukrainian positions in Bakhmut.[126] It was in the Bakhmut that Wagner saw extensive action, being heavily engaged in the brutal street-by-street fighting of the by the time of this writing, still on-going battle for the city.

Ukraine has also proved to be undesirable for the personal ambitions of Yevgeny Prigozhin. While of course building fame and credibility via military conquest is a tried-and-true method of building prestige, there are few economic opportunities for Prigozhin and the leadership of Wagner in Ukraine. Instead, Wagner finds itself in an increasingly subservient role in supplying the needs of the Russian army on the frontlines, such as the above-described Battle for Bakhmut and the Donbas, and little room to further their own personal ambitions.

Conclusion

Since February of 2022, the Wagner Group has surpassed the wildest dreams of the Balkan Cossacks and the Soviet Expeditionary Forces. Even contemporary mercenary companies around the world cannot claim to boast as much influence and worldwide reach as the Wagner Group. With a presence expanding across multiple continents, and a long shadow within the Russian government, the Wagner Group is not only able to further the interests of their operator in the Russian state, but also their own. Wagner can carry out the orders of the Kremlin with discretion, but also establish military and economic ties solely for the Wagner Group in other countries. Even within Russia, Wagner can establish autonomous training

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[124] Pjotr Sauer, "We thieves and killers are now fighting Russia's war': how Moscow recruits from its prisons," *The Guardian,* September 20, 2022, https://www.theguardian.com/world/2022/sep/20/russia-recruits-inmates-ukraine-war-wagner-prigozhin.

[125] Sauer, "We thieves and killers are now fighting Russia's war': how Moscow recruits from its prisons".

[126] Andreas Kluth, "Analysis | Russia's 'human Wave Attacks' Are Another Step into Hell." *The Washington Post,* February 14, 2023, https://www.washingtonpost.com/business/russias-human-wave-attacks-are-another-stepinto-hell/2023/02/14/574e7202-ac27-11ed-b0ba-9f4244c6e5da_story.html.

centers and barracks that not only allow their own training and arming, but even receive military and government aid. Wagner has much progress to boast off since their 'humble' origins when founded in 2014, going from a few hundred survivors of the badly maimed Slavonic Corps to a small army of possibly tens of thousands of servicemen.

However, Wagner has a clearly troubled future ahead. With the expansion into what essentially amounts to a small army, Wagner has surrendered its advantage in being a smaller, more maneuverable force. Additionally, the conventional nature of the Russo-Ukrainian War has caused Wagner to lose the advantages of fighting an asymmetrical war, something that allowed Wagner to enjoy great success in Africa and Syria. Even further, Wagner's relationship with the Russian state has become deeply troubled. Friction between the Wagner Group and the Russian state intensified as the Siege of Bakhmut dragged on, where Prigozhin accused Defense Minister Sergei Shoigu and Chief of the General Staff Valery Gerasimov of withholding ammunition from Wagner forces, all this addressed in a profanity-ridden video of Prigozhin ranting over what appeared to be the corpses of Wagner soldiers[127], and later making threats to abandon Bakhmut.[128]

Even further, the friction between Prigozhin and members of the Russian government and military has seemingly come to a head as of June 2023. In an act of still unclear motivations and objectives, a Wagner column seized the city of Rostov[129] and launched a column of motorized forces on the city of Moscow.[130] Yet as abruptly as the apparent mutiny began, it ended with Prigozhin recalling his forces and returning them to frontline camps.[131] The consequences of this halt are still developing at the time of this writing.

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[127] Matt Murphy, "Yevgeny Prigozhin: Wagner Boss 'promised Ammunition' after Retreat Threat." BBC News, May 7, 2023. https://www.bbc.com/news/world-europe-65516633.

[128] Ibid.

[129] Kevin Shavley, "Russian rebellion timeline: How the Wagner uprising against Putin unfolded and where Prigozhin is now", ABC, July 10, 2023. https://abcnews.go.com/International/wagner-groups-rebellion-putin-unfolded/story?id=100373557.

[130] Ibid.

[131] Ibid.

In conclusion, the Wagner Group has enjoyed a long reign of notoriety and influence, but even a powerful, globe-spanning PMC is subject to the changing times. Though they formed after the anarchy of the 1990s, their rise to power was heavily influenced by continued Post-Soviet woes into the 1990s, especially the Kremlin's need for non-state actors to conduct discrete state policy. This need, combined with the existing ties of Wagner members and its leaders, allowed a mercenary group to form in the country with deep links and deep pockets, creating a well-armed, well-trained body of soldiers that enjoyed the extensive support of the state. Russia's attempted re-assertion on the global stage saw Wagner enlarge in scale and operations, where their vast array of deployments allowed them to sow and cultivate relations and ties abroad, some even outside the confines of the Russian state. This culminated in the Russian invasion of Ukraine, where the Wagner Group reached its zenith in size and influence. Yet as the Russo-Ukrainian War drags on, and as the situation further deteriorates for Russia, further combined with the chaos of June 2023, future research will need to follow and ascertain whether the Wagner Group will continue to receive support from the Russian state, and consider what is at stake for their ongoing existence.

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Operational Legacy of the Wagner Group's Involvement in the Syrian Civil War

Abraham VALERO

Abstract: This paper examines how the Syrian Civil War acted as a catalyst for the expansion of the Wagner Group, enabling them to establish a significantly larger military and political presence in Russia. Initially deployed to protect Russian interests in Syria, the paper retraces how the Wagner Group has since then gradually expanded its role, engaging in combat operations, training local forces, and countering terrorism. The aim of this study aims to shed light on the interplay between the Syrian Civil War and the expansion of the Wagner Group, thus contributing to our understanding of non-state actors in conflict zones and their implications for military and political developments in Russia.

Keywords: Wagner Group, Syrian Civil War, and Syrian Arab Republic

Introduction

The Syrian Civil War, which erupted in 2011, has had profound ramifications not only within Syria but also on the regional and global stage. Amidst the turmoil and power vacuum created by the conflict, outside powers and non-state actors have seized opportunities to expand their influence and pursue their objectives in Syria. Among these actors, the Wagner Group has

emerged as a prominent player. This paper seeks to understand how the Syrian Civil War acted as a catalyst for the expansion of the Wagner Group that enabled them to establish a significantly larger military and political presence in Russia. By analyzing the historical context, key events, and dynamics of the conflict, this paper aims to understand the intricate relationship between the Syrian Civil War and the growth of the Wagner Group.

The Wagner Group, known for its covert operations and involvement in various conflicts, gained prominence during the Syrian Civil War. Initially deployed to safeguard Russian interests and assets in Syria, the group's role gradually expanded to encompass combat operations, training local forces, and engaging in anti-terrorism efforts. The Syrian Civil War provided a fertile ground for the Wagner Group to demonstrate its capabilities, attract resources, and solidify its position within the Russian military and political landscape. By delving into factors such as the strategic considerations of the Russian state, geopolitical interests, and the evolving dynamics of the conflict, this study aims to shed light on the interplay between the Syrian Civil War and the expansion of the Wagner Group, thus contributing to our understanding of non-state actors in conflict zones and their implications for military and political developments in Russia.

Russian Involvement in the Syrian Civil War

The Syrian Civil War is an ongoing conflict that emerged amidst the backdrop of the Arab Spring, a wave of pro-democracy uprisings that swept across several countries in the MENA region. In March 2011, inspired by the uprisings in Tunisia and Egypt, pro-democracy protests erupted in Syria, initially calling for political reforms and greater freedoms under the government of President Bashar al-Assad. The Syrian government cracked down violently on these protests, propelling the nation into a full-scale civil war. This civil war involved multiple different actors fighting each other, with each of these actors receiving different international support. The Syrian government was supplied and assisted by the Russian Federation, while the anti-Assad Syrian Democratic Forces were supported by the United States. Other groups, including the Islamic State of Iraq and Levant

(ISIL), were able to gain a foothold in Syria as the country fell into anarchy. While the civil war is officially still on-going, Assad's government is still in control of the majority of Syria.[132]

Russia has always had a vested interest in Syria. The Soviet Union supported Syria and the Assad regime during the Cold War. Like the Soviets, the Russian Federation has supported the Syrian state and Bashar al-Assad.[133] The Russian government has pursued a close relationship with Syria due to its strategic location that allows the Russians to access a friendly warm water port for its navy. These Syrian ports enable Russian surface vessels and submarines to be resupplied in the Mediterranean without the need of navigating through the NATO-controlled Dardanelles and Bosporus Straits. Russian naval vessels can now be resupplied in Syria instead of Russian ports in the Black Sea. This strategic advantage grants the Russians the ability to extend their naval power projection significantly while circumventing critical choke points controlled by NATO. By leveraging these Syrian ports, Russia can effectively bypass potential bottlenecks and obstacles that could impede their naval operations. This not only enhances their maritime capabilities in the Mediterranean region but also provides them with greater operational flexibility and freedom of movement. These strategic ports have been the main attributes for Russia's support of the Syrian state.[134]

The Russian Federation also has economic motives for maintaining its support and presence in Syria. Beyond the military and geopolitical considerations, there are substantial economic interests that incentivize Russia's involvement in the region. The Russian Federation benefits from military contracts and arms sales to Syria, providing a significant boost to its defense industry. By supporting the Syrian regime, Russia can enhance its position as a major arms supplier, generating revenue and maintaining

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[132] "Why Has the Syrian War Lasted 12 Years?," BBC News, May 2, 2023, https://www.bbc.com/news/world-middle-east-35806229.

[133] Frank Gardner, "How Vital Is Syria's Tartus Port to Russia?," BBC News, June 27, 2012, https://www.bbc.com/news/world-middle-east-18616191.

[134] Yuras Karmanau, "Russia Plans to Invest $500 Million in Its Only Navy Base Outside the Former Soviet Union – Here's What It's like There," *Business Insider*, December 18, 2019, https://www.businessinsider.com/base-in-syria-helps-russia-expand-presence-in-mediterranean-2019-9.

a strategic foothold in the region. The current regime in Syria must rely on Russia for most of its military support due to sanctions imposed by the United States and its allies. This enables Russia to exert export control over the Syrian military, granting the Russian state significant financial gains from its dealings with Syria. By having control over the export of military equipment and technology to the Syrian government, Russia can establish itself as a key supplier, thereby securing substantial funds from the Syrian state in return for these exports. This arrangement not only strengthens the financial ties between Russia and Syria, but also reinforces Russia's influence over the Syrian military capabilities.[135]

In addition to providing military and political support to the Syrian government, Russian companies also had a vested interest in controlling Syrian natural resources, particularly the abundant reserves of natural gas and oil. Russian companies, such as Gazprom, have sought to expand their presence in Syria.[136] The Syrian Civil War presented an opportunity for these companies to secure access to Syria's valuable natural resources. Controlling these resources not only holds economic benefits but also grants strategic influence in the region. Russian companies have a significant vested interest in the establishment of pipelines in the Middle East and ensuring their protection through Russian military assets. The construction and control of oil derricks and pipelines offer strategic economic advantages to Russia.[137]

Wagner's Role and Activities in the Conflict

Wagner Group's involvement in the Syrian Civil War began in 2015 alongside Russian military troops. The Wagner Group has actively participated in combat operations and in conjunction with the Syrian government forces.

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[135] Aron Lund, "From Cold War to Civil War: 75 Years of Russian-Syrian Relations" (UI Paper No. 7, 2019), 22.

[136] Mariya Petkova, "What Has Russia Gained from Five Years of Fighting in Syria?," *Al Jazeera*, October 1, 2020, https://www.aljazeera.com/features/2020/10/1/what-has-russia-gained-from-five-years-of-fighting-in-syria.

[137] Nikita Sogoloff, "Russia's Energy Goals in Syria," The Washington Institute, August 30, 2017, https://www.washingtoninstitute.org/policy-analysis/russias-energy-goals-syria.

Its fighters have been involved in offensives against opposition-held territories, aiding the regime in retaking important locations. Wagner Group's participation in combat operations in Syria has been extensive. Wagner mercenaries have fought alongside Syrian government forces in major battles, including those in Aleppo[138], Homs[139], and Deir ez-Zor.[140]

Wagner fighters have played an active and pivotal role in launching offensives against opposition-held territories in the Syrian Civil War. They have been at the forefront of ground assaults, supported by heavy weaponry and armored vehicles, significantly impacting the outcomes of battles. It is worth noting that Wagner mercenaries are often deployed first into battle, followed by the Russian Army, as a strategy to limit the official count of Russian soldiers killed. By sending Wagner fighters first into battle, the Russian government can maintain a level of deniability regarding its direct military involvement. This approach allows them to limit the number of officially recognized Russian soldiers killed in action, reducing potential domestic backlash and international scrutiny.[141]

The Wagner Group has been actively involved in providing extensive training and advisory support to Syrian military personnel, aiming to enhance their capabilities and effectiveness in the Syrian Civil War. This assistance has played a significant role in bolstering the Syrian regime's forces and increasing their operational proficiency on the battlefield. Wagner's training programs encompass a wide range of military disciplines. Through these programs, Wagner mercenaries impart their expertise and experience to Syrian military units by equipping them with enhanced combat skills and knowledge. Wagner Group's involvement in training and supporting various military groups in the Syrian Civil War extended to a notorious faction

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[138] "Syria War: Who Are Russia's Shadowy Wagner Mercenaries?" *BBC News*, February 23, 2018. https://www.bbc.com/news/world-europe-43167697.

[139] "Syria Cracked down on Wagner after Mutiny in Russia: Report." *Al Jazeera*, July 7, 2023. https://www.aljazeera.com/news/2023/7/7/syria-cracked-down-on-wagner-after-mutiny-in-russia-report.

[140] Gibbons-neff, Thomas. "How a 4-Hour Battle between Russian Mercenaries and U.S. Commandos Unfolded in Syria." *The New York Times*, May 24, 2018. https://www.nytimes.com/2018/05/24/world/middleeast/american-commandos-russian-mercenaries-syria.html.

[141] "Syria War: Who Are Russia's Shadowy Wagner Mercenaries?."

known as the "Isis Hunters," officially named Sanad. This Syrian/Russian private military group, trained by Wagner, has been widely discussed for its activities, which are often portrayed as combatting the Islamic State (ISIL). However, it is important to note that the primary objective of this mercenary group is to protect Russian-controlled mines and gas fields. While the Sanad group has been depicted as actively engaged in combat against ISIL, their primary function has been the protection of Russian-controlled mining and gas facilities. These valuable resources are critical to both the Syrian government and Russia and safeguarding them from attacks and attempts at sabotage is of utmost importance.[142]

By deploying the Sanad group to these strategic locations, Wagner ensures the uninterrupted operation and control of these valuable assets. The Sanad members provide security, surveillance, and defense against any potential threats, including attacks from ISIL or other opposition groups seeking to disrupt Russian interests. The portrayal of the Sanad group as "Isis Hunters" in the media may serve as a strategic narrative to legitimize their presence and activities in Syria. It is worth noting that their primary objective aligns with protecting Russian-controlled mines and gas fields rather than solely engaging in direct combat against ISIL.[143]

Wagner's Increased Presence in Syria and its Expansion

The Syrian Civil War has served as a catalyst for the expansion and influence of Wagner Group, both in terms of military operations and its overall scope of activities. The conflict in Syria presented an opportunity for Wagner Group to demonstrate its capabilities and expand its reach. As the war progressed, Wagner became deeply entrenched in supporting the Syrian government forces and pursuing Russian interests in the region.

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[142] Waleed Abu al-Khair, "'Isis Hunters' Belies Mercenaries' True Intent: To Protect Russian Interests in Syria," *Caravanserai*, March 29, 2021, https://central.asia-news.com/en_GB/articles/cnmi_ca/features/2021/03/29/feature-02.

[143] Ibid.

The involvement of Wagner Group in the Syrian Civil War has been accompanied by a notable increase in the size and scale of the company. As the conflict progressed, Wagner expanded its operations and capabilities allowing it to play a more significant role not only in Syria, but across the globe.

The Wagner Group embarked actively in recruitment drives both within Russia and internationally due to the need for additional personnel. They successfully attracted skilled and experienced fighters including former military personnel and veterans seeking employment opportunities within the private military sector. By bolstering its ranks with such recruits, the Wagner Group expanded significantly its manpower and strengthened its operational capacity on the ground. As Wagner's involvement in Syria expanded, the group not only diversified its activities beyond direct combat operations, but also experienced a substantial increase in size starting with approximately 1,000 personnel[144] and expanding its ranks to reach an estimated 6,000 members.[145] This surge in manpower further reinforced the group's operational capabilities and solidified its influence within the Syrian conflict. The influx of skilled personnel, including military veterans, allowed the Wagner Group to tap into a pool of expertise, benefiting from their combat experience and specialized skills. This expansion in manpower played a crucial role in the group's ability to undertake a wide range of missions, extend its reach, and effectively control and influence the evolving dynamics of the Syrian conflict.

Alongside the recruitment efforts, the Wagner Group made substantial investments in military equipment and resources. The company procured an array of advanced weaponry, armored vehicles, and communication systems to enhance its combat capabilities. These acquisitions enabled the Wagner Group to field a more formidable force, solidifying its role and influence within the Syrian conflict. The expansion of the Wagner Group was not limited to personnel and diversification of activities alone, but

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[144] Allison Quinn, "Vladimir Putin Sent Russian Mercenaries to 'fight in Syria and Ukraine,'" *The Telegraph*, March 30, 2016, https://www.telegraph.co.uk/news/2016/03/30/vladimir-putin-sent-russian-mercenaries-to-fight-in-syria-and-uk/.

[145] Bershidsky, Leonid. "Putin Wants to Win, but Not at All Costs." Bloomberg.com, December 6, 2017. https://www.bloomberg.com/view/articles/2017-12-06/putin-wants-to-win-but-not-at-all-costs.

also involved a substantial acquisition and utilization of heavy weapon systems, including tanks and artillery. As the group's involvement in the Syrian Civil War intensified, the Wagner Group recognized the need to enhance its combat capabilities and field a more formidable force on the ground. The acquisition and use of heavy weapon systems demonstrated the Wagner Group's commitment to sustaining and expanding their influence within the conflict. It showcased the group's determination to project power and establish a dominant presence, not only in Syria, but also in other conflict zones where they operate. The deployment of tanks and artillery systems solidified the Wagner Group's reputation as a capable and formidable private military contractor, attracting attention and interest from various actors involved in regional conflicts.[146]

Furthermore, the Wagner Group's increased prominence in Syria served as a springboard for expanding its influence globally. The experience gained from operating in a complex and dynamic conflict zone enabled the company to position itself as a preferred provider of private military services in other regions around the world including Africa and South America.[147] As a result, the Wagner Group's expanded operations and capabilities extended beyond Syria, granting it a more substantial and influential role in international conflicts and security landscapes.[148]

The Syrian Civil War has acted as a catalyst for the Wagner Group, fueling its expansion and augmenting its influence in terms of military operations and overall activities. The group's deep involvement in supporting the Syrian government forces and pursuing Russian interests, coupled with its recruitment efforts, investment in military equipment, and diversification of activities, has propelled the Wagner Group to a more significant role not only in Syria, but also on the global stage.

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[146] Stepan Kravchenko and Henry Meyer, "Putin's `chef' Preps Soldiers for Final Assault on Syrian Rebels," Bloomberg.com, September 6, 2019, https://www.bloomberg.com/news/articles/2019-09-06/putin-s-chef-preps-soldiers-for-final-assault-on-syrian-rebels#xj4y7vzkg.

[147] Sergey Sukhankin, "Russian Mercenaries on the March: Next Stop Venezuela?," ECFR, October 22, 2020, https://ecfr.eu/article/commentary_russian_mercenaries_on_the_march_next_stop_venezuela/.

[148] Kimberly Marten, "Russia's Use of Semi-State Security Forces: The Case of the Wagner Group," *Post-Soviet Affairs* 35, no. 3 (2019): 181-204, https://doi.org/10.1080/1060586x.2019.1591142. 194-198.

Evaluation of Wagner's Operational Capabilities in Syria

 The Wagner Group faces inherent limitations in terms of its combat capabilities despite the expansion of its size and influence in Syria. The known for their brutal and violent approach, both the Wagner Group itself and its subcontractors adopt aggressive tactics in the Syrian Civil War. Central to their modus operandi is the utilization of shock troops as the linchpin of their military strategy. Their objective is to disrupt enemy lines and overpower opposing forces through sheer force and intimidation.

This tactical approach has proven to be effective, particularly against adversaries who are less equipped and lack organizational cohesion, which is often the case in the context of the Syrian Civil War. With a clear advantage over disorganized combatants, the Wagner Group capitalizes on their adversaries' weaknesses and exploits the chaos prevailing on the battlefield. Their deployment of armored units and heavy artillery against untrained ISIL militants showcases their ability to leverage superior firepower and mobility, further accentuating their advantages on the ground. Through these tactics, the Wagner Group demonstrates an ability to rapidly penetrate enemy defenses, swiftly neutralizing opposition and gaining territorial control. Their shock troops act as a spearhead, breaking through enemy lines and creating opportunities for subsequent waves of forces to exploit. This approach is particularly effective in asymmetrical warfare scenarios where a conventional military force confronts irregular or insurgent groups lacking formal training and resources.[149]

Nevertheless, it is important to note that the Wagner Group's combat capabilities have inherent limitations especially when facing a better-equipped and highly trained military force. Their success against less-organized combatants does not necessarily translate into victory against more formidable opponents. The Battle of Khasham serves as a prominent example of this

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[149] "How 'Wagner' Came to Syria," *The Economist*, November 2, 2017, https://www.economist.com/europe/2017/11/02/how-wagner-came-to-syria.

limitation. In this engagement, a joint formation of Wagner and Syrian military units suffered a resounding defeat and incurred heavy casualties when pitted against the United States military. This defeat underscores the disparity in combat effectiveness between the Wagner group and a well-equipped adversary.[150] Against a more advanced military force, their reliance on shock tactics and overwhelming firepower can be mitigated by superior technology, strategic planning, and disciplined soldiers. The limitations of the Wagner Group become evident as their capabilities fail to match the demands of engaging in high-intensity conflicts against professional armed forces.

Wagner's Continued Operations in Syria

Since 2017, the activities of the Wagner Group has gradually subsided as conflicts have become less frequent. However, Wagner has continued to maintain its presence in Syria. Currently, Wagner mercenaries are actively involved in a range of operations, including overseeing Russian assets, providing training to Syrian military personnel, and engaging in anti-terrorism efforts. As of 2023, reports suggest that the number of Wagner mercenaries in Syria is fewer than 500 individuals.[151]

Since the Russian invasion of Ukraine in 2022, Wagner has recalled many of its personnel back to Russia and subsequently redeployed them to Ukraine. This strategic shift in focus is a result of Wagner prioritizing its involvement in the ongoing conflict in Ukraine. As a consequence, numerous Wagner installations worldwide now possess reduced personnel compared to their usual capacity. This downsizing trend is particularly evident in Syria where, as previously noted, the number of Wagner mercenaries has dwindled to a mere couple of hundred individuals in stark contrast to the previously reported thousands in preceding years.[152]

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[150] Gibbons-neff "How a 4-Hour Battle Between Russian Mercenaries and U.S. Commandos Unfolded in Syria."

[151] "Syria Cracked down on Wagner after Mutiny in Russia: Report," *Al Jazeera*, July 7, 2023, https://www.aljazeera.com/news/2023/7/7/syria-cracked-down-on-wagner-after-mutiny-in-russia-report.

[152] Suleiman Al-Khalidi and Maya Gebeily, "Syria Brought Wagner Fighters to Heel as Mutiny Unfolded in Russia," Reuters, July 7, 2023, https://www.reuters.com/world/syria-brought-wagner-group-fighters-heel-mutiny-unfolded-russia-2023-07-07/.

Reports indicate that many of the Wagner mercenaries found themselves coerced into signing new contracts with the Russian state or faced the possibility of being repatriated back to Russia during the Wagner coup of June 2023. This development was observed across various regions where Wagner mercenaries operated, raising questions about their continued support and loyalty to the Putin regime. The circumstances surrounding these events highlight the complex nature of Wagner's relationship with the Russian state and the evolving dynamics within their ranks. This raises the question if Wagner is even still operating in these foreign nations or if they have all been taken over officially by the Russian government.[153]

Wagner's Military Footprint in Russia and Global Influence

The significant involvement of Wagner in the Syrian Civil War has propelled it into the spotlight enabling it to emerge as a prominent player in Russia's political landscape. The organization's activities and successes in Syria have garnered attention and recognition, thereby solidifying its standing and influence within the Russian military apparatus. This increased recognition has translated into an enhanced role for Wagner in shaping Russian foreign policy decisions and strategic objectives. Moreover, Wagner's global presence has expanded beyond the borders of Syria. Russian authorities have utilized Wagner mercenaries as instruments of influence in various regions across the globe, where Russia seeks to exert its political and military clout. These deployments of Wagner mercenaries serve as a tool for Russia to pursue its geopolitical goals, extend its reach, and project power in areas of strategic interest. Specifically, countries like Sudan and Mali are seen as protecting Russian assets in those countries.[154] However, since the Wagner coup in June 2023 it unknown at this time if Wagner is still operating in these regions.[155]

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[153] "Syria Cracked down on Wagner after Mutiny in Russia: Report," Al Jazeera.

[154] William Rampe, "What Is Russia's Wagner Group Doing in Africa?," Council on Foreign Relations, accessed July 14, 2023, https://www.cfr.org/in-brief/what-russias-wagner-group-doing-africa.

[155] Jean Fernand Koena, Chinedu Asadu, and Zane Irwin, "Failed Wagner Revolt Leaves a Question in Africa: Will the Ruthless Mercenaries Remain?," AP News, June 28, 2023, https://apnews.com/article/wagner-africa-mali-car-russia-prigozhin-bb6f41ea75bf95b2c1da2c4e05ea09a8.

Wagner was able to establish itself as an important Russian government asset thanks to its involvement in Syria. They also experienced an astronomical increase in its numbers during the 2022 Russian Invasion of Ukraine. Just as in Syria, Wagner mercenaries were utilized as shock troops in the battle for Ukraine. However, similar to the outcome of the Battle of Khasham, Wagner troops were unable to overcome the equally or better trained, supplied, and organized Ukrainian forces. Numerous veterans of Syria and other Wagner operations perished on the battlefield, prompting Wagner to rely more heavily on conscripts to bolster their military force. The current status of the Wagner Group within the Russian military and political apparatus remains ambiguous since the failed coup in June 2023.[156]

Conclusion

The Syrian Civil War served as a testing ground for the Wagner Group, allowing them to showcase their effectiveness in combat operations, train local forces, and engage in anti-terrorism efforts. The relatively successful execution of their missions in Syria enhanced their reputation and provided a platform for their growth and expansion. The conflict provided ample opportunities for the Wagner Group to garner resources, gain operational experience, and establish connections that further bolstered their influence within the Russian state. Additionally, the strategic considerations and geopolitical interests of the Russian state in Syria played a crucial role in fostering the expansion of the Wagner Group. Russia's desire to protect its assets, project power in the region, and counter perceived threats aligned with the objectives of the Wagner Group, leading to their increased presence and involvement in the conflict. This strategic alignment allowed the Wagner Group to leverage the conflict to establish a larger military and political presence in Russia.

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[156] "Russian Federation: UN Experts Alarmed by Recruitment of Prisoners by 'Wagner Group,'" OHCHR, March 10, 2023, https://www.ohchr.org/en/press-releases/2023/03/russian-federation-un-experts-alarmed-recruitment-prisoners-wagner-group.

The Syrian Civil War acted as a catalyst for the expansion of the Wagner Group and enabled them to establish a significantly larger military and political presence in Russia. The conflict provided a fertile environment for the group to demonstrate their capabilities, attract resources, and solidify their position within the Russian regime and political apparatus. The strategic alignment between Russia's interests and the objectives of the Wagner Group further facilitated their expansion. This expansion has allowed Wagner to become a major political actor during the Russian invasion of Ukraine in 2022 and possibly thereafter.

The Recruitment and Use
of Legionnaires in Modern Warfare:
the case of Ukraine

Jonah CHIASSON

Abstract: This research paper seek to understand the impact of modern day legions and examines how recruitment has changed over the last 150 years. In particular, this paper focuses on the case study of the Russo-Ukrainian war, comparing the Ukrainian Territorial Defence Forces to the famous and longstanding French Foreign Legion, examining the main aspects of legions – the motivation for joining a legion, the backgrounds and recruitment of legionnaires, how they are trained and supported before and after they have joined, the way in which they are used after joining and how these collectively these factors determine the impact of legions. The results of this research revealed that legionnaires come from many different backgrounds, skill sets, with varied reasons for joining and expectations. Often they are self-financed and pre-trained. Due to widespread information available on social media on the treatment and inadequate training of legionnaires in different countries, in this case the Ukrainian Territorial Defence Forces, this study confirmed that it has negatively influenced the recruitment rates of legionnaires. However, this study found that this has not the case for the French Foreign Legion, but rather it has experienced a boost with many recruits coming in to request membership. Unlike other legions, the study found that the French Foreign Legion is very clear on the expectations of new recruits in the legion, and has put into process an effective vetting process that has increased their ranks in recent years. The findings suggest that modern day legions are impactful, although recruitment and training have diminished the ranks of those legions that are not as organized as the French Foreign Legion.

Key Words: Legion; Legionnaire, Modern Warfare, Russo-Ukrainian War

Introduction

Legionnaires have been assisting service men and women, as well as other countries in war efforts for hundreds of years. At its most basic description, legionnaires or foreign fighters are those who are not a citizen of a specific country, fighting on behalf of that country in war or conflict. David Malet, in his book *Foreign Fighters: Transnational Identity in Civic Conflicts* states, "At least 90 conflicts since the 1814 Congress of Vienna have involved foreign fighters, more than 25 percent of all modern civil wars, and hallmarks of the jihadi movement can also be observed in the actions of European foreign fighters of the past."[157] Different countries have organized legions, such as the Royal British Legion, the French Foreign Legion and the Ukrainian Territorial Defence Force to name just a few. These legions have grown in recruits, evolved in warfare, and some have dissolved or reformed as a different legion.

The act of war has greatly changed and evolved over the years, and so have the needs of soldiers and countries at war. In this modern, electronic era, when a wealth of knowledge is literally at our fingertips on a phone in our pocket, can legionnaires continue to make a difference? This question came up when President Volodymyr Zelensky publicly encouraged legionnaires and other volunteers to join the Ukrainian Territorial Defence Forces to assist the Ukraine soldiers in their current war with Russia. Modern Warfare has changed, and so have the training of soldiers and the skill sets of those who offer assistance.[158]

This research paper examines how and why legions impact modern day war, and how recruiting methods have changed in the current electronic era through the case study of the ongoing Russo-Ukrainian war to compare and contrast the Ukrainian Territorial Defence Force to the longstanding

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[157] David Malet, "Foreign Fighters: Transnational Identity in Civil Conflicts, 2nd edition," (New York: Oxford University press, 2017).

[158] Isaac Chekyan Tang, "The Latest in a Long Line: Ukraine's International Legion and a History of Foreign Fighters," *Harvard International Review*, September 2, 2022, https://hir.harvard.edu/the-latest-in-a-long-line-ukraines-international-legion-and-a-history-of-foreign-fighters/.

and widely sought after French Foreign Legion. It then seeks to answer these questions through the use of relevant books, peer reviewed articles, recorded interviews and videos, personal social media accounts from legionnaires, and a personal interview with a current legionnaire. Exploring the uses of legionnaires is a multifaceted research study, thus this paper begins by first examining the individual level to understand how the legionnaire views themselves and their mission. This paper then proceeds by exploring the motivations of legionnaires for joining a legion, the backgrounds and recruitment of legionnaires, how they are trained and supported before and after they have joined, the way in which they are used after joining. It then concludes by considering how all of these factors can together impact legions in the modern era also coined the "information age".

Motivations and Reasons for Joining

There can be several reasons and motivations for joining a legion, some join out of a need for adventure, while others may join out of a need to escape the troubles of their former life, some out of a need to escape current troubles and protect their homeland and the lands surrounding it. Of these different reasons, people can be motivated by a willingness to help, as well as a want or willingness to kill. Some may have a background as medics or soldiers that motivates them to join, while others may have backgrounds as normal civilians or even criminals that find sufficient motivation by seeking out a new start with whatever legion of their choosing.

In some cases, such as the French Foreign Legion, people are also looking for a new identity since the Legion offers a new name and passport for their volunteers to serve under an alias during their tenure in the Legion. Due to this and other reasons, Legionnaires are often looked at as a band of misfits, criminals and killers, who needed to escape their old life. In reality, it is made of men with differing backgrounds, some good and some bad, who all want to join and serve something larger than themselves and seek a new purpose and life. There is a saying in the legion that goes "Legio

Patria Nostra", meaning "The legion is our homeland."[159] Former French Foreign Legionnaire Thomas Kadish who served under than name Jeffery Keith, explains the saying, "You give up all ties to your former life, and swear your allegiance to the legion."[160] Those who try to desert from the legion can be punished by death, showing the level of importance and how seriously it is taken amongst the legion that those who join, join whole heartedly and ally themselves with it and its mission.

In the case of the ongoing war in Ukraine, an interview with a man named Joseph Mcdonald and another with a man named Brandon Mitchell, both of which had served in the British military, shared some common aspects for joining the legion in Ukraine. Mitchell, who also previously served in the Canadian military, went to Ukraine to serve as a combat medic; whereas Mcdonald's role in the legion was not made known during the interview. Both shared that they were quick to join the fight for a similar reason- a desire to help rather than a thirst to kill. This likely contributed to other interesting common themes between the two legionnaires, one being that despite receiving low levels of support, as far as funding and equipment, they chose to stay and fund themselves until being injured and having to take time off and return home for treatment. Another was that they both decided to return to the fight as soon as they could after recovering from the injuries. Mcdonald rejoined earlier than his doctor recommended and at the time of his interview, after leaving Ukraine once more, decided to go on to work around the world as an EOD or explosive ordinance disposal specialist "de-mining" the lands formerly impacted by warfare.[161] When Mitchell was asked if he would be returning to the fight in Ukraine, he replied without hesitating for a second, a simple, "Yes."[162] This shows exemplary evidence of both of these men's reasonings and cause for joining, likely driven by their immense will to help others who

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[159] SpecialForces, "French Foreign Legion – Military Documentary HD," Last modified August 24, 2014. https://www.youtube.com/watch?v=I16aAKC-HdA.

[160] SpecialForces, "French Foreign Legion – Military Documentary HD."

[161] Lindybeige, "A Brit Fighting in Ukraine: part 5 – scariest moment, being an FO, winning a medal, hearts and minds," Accessed June 1, 2023, https://www.youtube.com/watch?v=w3mm5OXS1mY.

[162] Times Radio, "First hand account of Putin's invasion of Ukraine | Combat Medic Volunteer Brandon Mitchell," Accessed May 22, 2023, https://www.youtube.com/watch?v=GqJ7NAesb1Y.

are in need, as opposed to those who joined to "play commando" as they called it, or to kill Russians, or with the thought that this conflict would be easy. Those who did join for the aforementioned reasons, often ended up deserting the conflict.

 Conversely, a man named Hieu Le, a Vietnamese-American who went on to join the foreign Legion in Ukraine, shared how he left soon after, reporting that he had eye-opening insight on some of those who volunteered to fight in Ukraine with questionable motives and or habits. Le wrote on Facebook, "Among the many volunteers who come with good intentions in their hearts are those who only come to satisfy a sadistic need to kill and feed their egos,"[163]. He said that some of these Legionnaires claimed to be Special Forces, but rather than acting and operating as such, they spent their time provoking other volunteers to start fights and allegedly abusing drugs such as being, "high on amphetamines, testosterone, steroids."[164] He later would go on to explain how this ultimately led him to leave the legion. Le spoke about rumors and stories that he had been told about these fighters going out on missions drunk, looting homes, and shooting lost dogs and went on to say, "Given the criminal and lawless nature of other groups of legionnaires my team was forced to live with, it was better to leave before I was implicated in any of their war crimes."[165] In the same article, there is mention of a man named Harrison Jozefowicz, who founded a volunteer group called Task Force Yankee Ukraine. He told Canadian outlet Global News that about 55% of their recruits are rejected due to inexperience or questionable motives, and also stated that, "Many of these volunteers appeared to be "glory-seekers" motivated by a desire to gain clout on social media."[166] A spokesperson for the Ukrainian armed forces named Anton Myronovych also commented on this topic in the article saying, "Our main priority is combat experience and all of them

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[163] Alia Shoaib, "Inside Ukraine's Foreign Legion: The veterans, glory-seekers, and accidental social media stars who have gone to war against Russia," *Business Insider*, April 3, 2022, https://www.businessinsider.com/ukraine-foreign-legion-veterans-glory-seekers-and-social-media-stars-2022-4?IR=T.

[164] Ibid.

[165] Ibid.

[166] Ibid.

have to understand their role and place… we don't need mercenaries who think they may make some money or something like that."[167]

These examples serve as evidence to the questionable motives behind some of these volunteers joining and also sheds light on how the Legions and the Ukrainian armed forces are attempting to implement an effective vetting process to keep unwanted volunteers out. In turn, it shows how some volunteers being let in can have negative effects on the land which they fight as in those committing the crimes as previously mention by Le. It also illustrates how these sorts of actions may drive out volunteers such as Le, who may have gone with good and clear intentions, but end up leaving due to the fear of getting caught up in unlawful crimes. A Russian attack on a Legion training facility also served as an effective means to rid the legion of volunteers who may have been there for the wrong reasons, or those who did not prepare for or expect the realities of war which they now found themselves involved in. As told by Corporal Damien Magrou, a Foreign Legion spokesperson, "many fighters were so shocked by the carnage of the bombardment, which killed at least 35 Ukrainian soldiers and an unknown number of foreign fighters that they chose to leave as soon as possible."[168] This example demonstrates how insufficient mental and physical preparation at the individual level of a legionnaire, as well as at the organizational level of the legion itself, leads to losses of lives and also desertion of its ranks.

Backgrounds and Recruitment

It is important to look at the background of each legionnaire and how their former training and recruitment process can affect how they view their situation in the war and willingness to stay and fight. In the instance of the French Foreign Legion, men from many different countries showed up with different backgrounds, some with previous military service that decided to

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[167] Ibid.

[168] Shoaib, "Inside Ukraine's Foreign Legion."

leave or were kicked out, some with civilian or even criminal backgrounds that were there looking for a fresh start. Tang, for example, shares,

> In the past, the Legion served as a haven for many with a criminal past seeking to start a new life. After WWII, many former Nazi soldiers even served in the Legion's ranks during the First Indochina War. Nowadays, there is a thorough vetting process in place, though the Legion continues to be a place where people come for adventure, purpose, and to start a new life.[169]

Presently in Ukraine, there are volunteers from over 55 countries serving in the International Legion of Ukraine.[170] Several of the volunteers came from pre-organized groups and/or units such as the Belarus Tactical Group, Dudayevtsy (a group of Chechens, some of whom also defended Ukraine in 2014), the Georgian National Legion, the Polish Volunteer Corps, and even Russians in the Russian Insurgent Army, the Russian Freedom Legion, and the Russian volunteer corps. All of these groups fight together with the International Legion of Ukraine, with the aim to overthrow Putin and win the war in Ukraine.[171] For the remainder of this paper, all groups will be referred to collectively as the International Legion of Territorial Defence of Ukraine.

Individual volunteers, who came to join the International Legion of Ukraine, are mostly from the United States, the United Kingdom, Canada, and Poland Portugal, Norway, Finland, Croatia, Australia, New Zealand, Taiwan, Mexico, Colombia, Brazil, Japan and dozens of other countries.[172] In his interview, Joseph Mcdonald mentioned different countries which made up the legion and how their differing military background affected their view of the war, claiming that legionnaires who came from France and Spain were "Damn good soldiers"[173] and said of the Finish soldiers, "Fighting

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[169] Tang, "The Latest in a Long Line."

[170] "The Ukrainian-Russian war: which countries are fighting side by side with Ukraine?," (Blog, n.d.).

[171] VisitUkraine.Today, "The Ukrainian-Russian war: which countries are fighting side by side with Ukraine?" Accessed June 5, 2023, https://visitukraine.today/blog/2122/ukrainsko-rossiiskaya-voina-kakie-strany-voyuyut-bok-o-bok-s-ukrainoi.

[172] Ibid.

[173] Lindybeige, "Back from the front: a British volunteer in Ukraine," [Video]. (YouTube, 2022).

the Russians is in their blood."[174] He would also mention mixed opinions on some of the Americans who he had served with and said, "Guys from the United States Marine Corps, the Tenth Mountain (division), the United States Rangers... solid, really solid."[175] Citing that this was likely due to their background in such divisions as, "They have a history of being some of the more underfunded and hard done by bits of the American Military."[176] Though not all legionnaires hail from the same background which leads to a division in their ability to adapt to the conditions of the conflict. As Shaub notes,, "Even experienced military veterans who joined the Foreign Legion have left feeling disenchanted, saying they were ill-equipped and unprepared for the brutality of the war."[177] Le is also cited, stating,

> What's different with the US military and all the other NATO militaries–they're spoiled. When it comes to fighting a war, they have air support, medivac, logistics, all kinds of different levels of intelligence, and support. Here in Ukraine, we had none of that.[178]

This was a point which Mcdonald would agree with and claim in his interview that, "a lot of the Americans, the only way to describe them is spoiled, really."[179] Another point was made in this interview that several civilians from the various countries whom had joined with no military experience whatsoever were some of the best and most adaptable fighters because it was the only kind of conflict they had ever learned and or known. Therefore they had not become spoiled by or accustomed to receiving high-level support thus quickly adapting to this way of fighting a modern conflict. Mcdonald, for example, shares, "A lot of guys who joined with no military background were some of the most solid, because they just accepted reality as it was, they were not used to having things better or more organized or done differently."[180]

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174 Ibid.

175 Ibid.

176 Ibid.

177 Shoaib, "Inside Ukraine's Foreign Legion."

178 Ibid.

179 Lindybeige, "Back from the front."

180 Ibid.

Research and interviews with some of the legionnaires in Ukraine point to a lack of preparation or understanding of the current type of "asymmetric warfare" that is currently being fought in the country. Hieu Le and a Polish volunteer named Adam, for example, both agreed during an interview that their previous combat experience and training was not sufficient to prepare them for this type of conflict they were now facing.[181] Another facet of this is the way in which they are recruited. Those who choose to join the French foreign legion for example, show up on their own accord and take part in an extreme vetting and training process, which will be further discussed later in this paper, before they are called a French legionnaire. This differs from the situation in Ukraine, in which President Volodymyr Zelensky, "called for friends of Ukraine, freedom and democracy to volunteer for the Ukrainian Territorial Defense forces."[182] As previously discussed, this widespread call to action led to a mass number of volunteers willing to join, but with questionable motives and qualities as soldiers. Though some came with previous military training and backgrounds, others had none and these volunteer recruits had to rely mostly on their former training, if any, or whatever short amounts of training and equipment the legion could offer at the time. This is starkly different from the situation in France, where the French do not ask for volunteers, but rather volunteers show up on their doorstep asking to fight for them. These legionnaire recruits, in turn, have to complete the thorough processes required to become a French Foreign Legionnaire, which helps the French weed out those with the wrong motivation and/or those who are unfit to serve as a soldier.

Training and Support Post and Prior to Joining

With a baseline understanding of some of the backgrounds and reasons for joining these legions, next one must seek to understand how they are trained and supported after joining, which plays an integral part in their impact and effectiveness, as well as how they will be used in warfare.

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181   Shoaib, "Inside Ukraine's Foreign Legion."

182   Tang, "Latest in a Long Line."

Those who join the French Foreign Legion go through some of the most notoriously grueling and physically as well as mentally demanding training that any world military has to offer. Most of the specifics of their training are not publicized and thus hard to find with reliability, but it is made known to each recruit that their standards are very high and will not be lowered for anybody. Tang points out, "Selection for the Legion is also very strict, with only the fittest and most capable recruits being chosen."[183] It has even been called inhumane as some candidates are beaten physically by instructors, on top of doing their jungle warfare training in the Amazon jungle in French Guyana which is one of the hardest places to sustain life on earth, and some candidates fall ill, or even die as results on diseases they contract or injuries that they sustain throughout their training.[184] All those who join, on top of this training also must learn French as it is the operating language of the legion. Some of them have never heard or spoken any French in their entire life but still must learn it in a matter of only a few months, as former legionnaire Thomas Kadish put it in a documentary interview on the legion, "You learn fast or you get your head kicked in."[185] This shows not only the importance for them to learn the language so that they can operate together as a team, but also the severe punishments that can come as a result of not being up to learning or training standards of a French Foreign Legionnaire.

In an interview carried during the course of this research, a man, referred to as "John" for the sake of anonymity, shared how he had been serving in the international legion of Ukraine since the beginning of the war and planned to continue serving. The interview took place with open ended questions in a public venue. John was willing to share his experience as a legionnaire in detail. He explained that he had worked as a combat medic in the legion. John said that the legion would take in non-combat trained civilians and offer roughly three months of training as well as whatever protective gear they had on hand, although bringing one's own gear was

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183 Tang, "Latest in a Long Line."

184 Specialforces, "French Foreign Legion- Military Documentary."

185 Ibid.

recommended. He also said that this three-month training was either to work as a combat medic, or to work with drones. Although there could be other training with differing lengths of time, these were the only two that were discussed in the interview.

On the topic of training, in a podcast interview with a man referred to only by the name of his own YouTube channel, "Civ Div", who served as a foreign volunteer in Ukraine, "You are not going to get military training out there, you are going to get a little bit but it is not enough to instill discipline, it is not enough to make you into a true soldier as far as NATO standards go."[186] In another interview, a volunteer explained that despite having a military background he had never experienced combat or been trained as a medic.[187] When speaking about his training in the legion he said, "I received medical training in Kiev…I trained for 10 days on a course in the basement of Saint Michael's (church)…I gave my first I.V. in 3 days of training, it was a huge mental hurdle."[188] These shortened training processes can be attributed to the Legion, as well as the Ukrainian armed forces not having adequate time or resources to carry out full scale trainings. It is also possibly due to them being foreign volunteers, so they were not at the top of the list of where the Ukrainian armed forces were allocating their time and money. These reasons could be a factor in why, mostly, the international legion prefers individuals with military backgrounds and particularly those with combat experience, but in times of crisis such as this one could assume that they are taking most of whom they can get. This division between those who have served in previous militaries and already experienced combat and those who are untrained civilians results in vast differences in amounts, length, and quality of preparation for their tasks at hand, which likely plays a factor in what those tasks will be for each legionnaire.

Those who join and receive combat medic training or join with a history of serving as combat medics in previous military units could likely expect to

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[186] Willy OAM, "My honest experience – Ukrainian Foreign Legion Volunteer | CIV Div," Last modified November 13, 2022, https://www.youtube.com/watch?v=JZD5mZK4yMw.

[187] Times Radio, "Putin's Invasion of Ukraine."

[188] Ibid.

work in this capacity within and or alongside the legion and the Ukrainian army carrying out medical evacuations and other duties befitting a combat medic. Also, those who join and receive training on working with drones or have served and done this in their past, can likely expect to be doing exactly that. Another aspect the interviewee "John" explained was that most legionnaires were virtually self-supported, having to bring or purchase their own equipment such as body armor, weaponry and medical equipment. Continuing the subject of how they are supported, "Civ Div" was interviewed and said that before venturing into Ukraine he and his fellow volunteers stopped in Poland to purchase equipment and stated, "We got to this 5:11 shop in Poland and it was just completely empty… they had taken everything out of that shop and delivered it to Ukraine out of his (the shop owner's) own pocket."[189] He would also go on to give praise to that store owner in saying, "We were talking to the store owner and he was just giving us anything… they gave us everything that they had for free, they said to just go in there and take whatever you need."[190] These two quotes serve as impactful examples of those who knew that there were people in need in Ukraine and that these foreign volunteers would also be in need of support and equipment if they were going to be able to effectively provide help to those affected by this conflict. This differs widely from the support in the form of arming the legionnaires after they had joined as explained by Mcdonald, who stated, "My sort of platoon that we fell into, of about 30 guys had 3 rifles and a couple of scorpions (submachine guns) chambered in 32 ACP."[191] He even claimed that these scorpions had been virtually looted from armor crates during a previous attack on the Legion base.[192] These examples prove the vast differences in how these volunteers received support before and after they joined. Most volunteers came with what they already had and fought with whatever they could get their hands on due to receiving low levels of support from the Ukrainian armed forces which could be attributed to their status

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189 Willy OAM, "Ukrainian Foreign Legion Volunteer."

190 Ibid.

191 Lindybeige, "Back from the front."

192 Ibid.

as foreign legionnaires. The consensus among Legionnaires is that they are not the top priority of the Ukrainian military, in addition to a shortage of supplies which the military likely faced in the start of the war adding to the scarcity of supplies and equipment. This sort of "self-supported" conflict which these volunteers now faced was likely off-putting for some and could have even led to desertions amongst those who joined as civilians. Those without prior knowledge or expectation of how international fighters are treated, as well as those who had previous military experience were expecting more and accustomed to more support. What is more difficult to predict is the work or missions of those who join with previous combat experience. As previously mentioned the legion has a preference towards those who received military training along with experiencing combat prior to joining, or receive a level of "basic training" from the legion or Ukrainian armed forces.

Uses and Impacts of Legions in Modern Warfare

When considering the use of legions and their effectiveness, it is not easily determined. Some legions in Ukraine describe their mission as a "suicide mission", while others claim that during their time of service they never saw the face of a Russian solider. In an interview with "Civ Div," for example, he stated, "I never fired my rifle at Russians."[193] This statement reaffirms the wide spectrum in which legions are used in modern day combat, but also sheds light on how the state military uses, treats, and supports these foreign fighters as opposed to their own military.

Research on the usage of legions in Ukraine has also highlighted how many of the missions turn out differently than that which volunteers were initially informed. Referring back to the interview with "Civ Div," he shares how there was a Ukrainian unit who wanted to go to the front lines and that the General of that unit "went to our barracks and asked for 4 international volunteers to go there with this group of Ukrainians, going to do

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[193] Willy OAM, "Ukrainian Foreign Legion Volunteer."

a recon (reconnaissance mission.)"[194] This so called recon turned out to be very different than what had been explained to them. After a change of plans, six of them were asked to move further into the city to be closer to where the Russians were to keep an eye on the Russian position due to the constantly changing front line.[195] After arriving there, they started receiving attacks from Russian artillery that continuously got closer before they received news that those whom they had been previously detached with were pushing the Russians back along the front line in a different place, and thus had to move to go and help them.[196] This interview sheds light on how a mission initially advertised as, and believed to be simple recon of a city or village, where they expected little to no enemy contact or resistance, evolved into a push of the front lines in an open field with little to no cover other than trenches while coming under heavy artillery attacks. Though this is not necessarily considered a "suicide mission" it shows how the reality of the missions of foreign as well as some Ukrainian volunteers is often different from what is initially explained to them or what they are expecting. An article by the Kyiv Independent includes the testimony from several legionnaires speaking about their Ukrainian commanders. The article claims, "Some of the unit's commanders are implicated in arms and goods theft, sexual harassment, assault, and sending unprepared soldiers on reckless missions…the legionnaires accused the trio of various wrongdoings… the major complaints concern them sending soldiers on suicide missions."[197] The article goes on to claim, "Russian troops discovered their squad's position and started to shell it heavily. The rest of the troops retreated from the secondary position behind them, leaving the squad to hold the front line alone, with no backup."[198] The article also includes the testimonies from legionnaires to back up these

[194] Ibid.

[195] Ibid.

[196] Willy OAM, "Ukrainian Foreign Legion Volunteer."

[197] Anna Myroniuk and Alexander Khrebet, "Suicide missions, abuse, physical threats: International Legion fighters speak out against leadership's misconduct," *The Kyiv Independent*, August 7, 2022, https://kyivindependent.com/suicide-missions-abuse-physical-threats-international-legion-fighters-speak-out-against-leaderships-misconduct/.

[198] Ibid.

allegations which said, "We were literally left (behind) and they didn't want to evacuate us…We told the commander those positions were discovered by Russians… If we go back there, we are all dead,".[199] Despite this soldier's warning to his commander, the commander reportedly did not listen and instead, "sent another group to the very same place."[200] Consequently, the soldier reported that four legions were killed, many were injured, and one was taken captive. The captive soldier, Andrew Hill, now faces a fake 'trial' and possible execution in Russian-occupied Donetsk on accusations of being a mercenary.[201]

Additionally, soldiers allege that they were commanded to loot and plunder stores and bring the spoils to their commander, as one legionnaire would claim, "I directly heard Sasha Kuchynsky's (commander) order to the soldiers of my unit to break into the shopping center, collect the furniture and electronics as soon as possible and collect all possible valuables along the way."[202]Another soldier would go on to express his displeasure with having to take part in such actions and said, "Locals saw how we loaded the furniture which made me very uncomfortable. It felt like we were robbing them. I didn't come to Ukraine for this."[203]

These examples of corruption (presumably there are many more), and the failures amongst the ranks of the legion to carry out effective missions illustrate how much of the blame resides with the commanders or those at the organizational level. It also sheds light on why many legionnaires have deserted their missions after realizing that individually they hold little power, are being made to carry out missions that go against their morality as in looting, that their mission will have limited impact on the outcome of the war, and the reality that they may end up being killed or injured.

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[199] Ibid.

[200] Ibid.

[201] Ibid.

[202] Myroniuk and Khrebet, "International Legion fighters speak out."

[203] Ibid.

Conclusion

This paper sought to understand the impact of legions in modern war and explored how recruitment of legions has evolved. By comparing and contrasting the Ukrainian Territorial Defence Forces to the famous and long-standing French Foreign Legion, this study succeeded to examine the main aspects of legions – the motivation for joining a legion, the backgrounds and recruitment of legionnaires, how they are trained and supported before and after they have joined, the way in which they are used after joining and how these collectively these factors determine the impact of legions. As this study demonstrated, legionnaires come from many different backgrounds, have varied skill sets, and join for different reasons, often with a range of expectations. This study also uncovered that the training and support of legionnaires varies. In the case of the Ukrainian Territorial Defence Forces, it was found that legionnaires often lack adequate training or support, and are often coerced into reckless and at times immoral behaviors at the hands of their commanders in the form of questionable missions that could result in the death of their unit, as well as committing crimes such as looting.

The starkest difference between the Ukrainian Territorial Defense Forces and the French Foreign is the theme of death. Death is commonplace for French Foreign Legionnaires from their training, where some candidates are known to perish. Kadish shares, "If you train hard there are a few casualties, it is a real risk, and if you die, well that is one of those unfortunate aspects of training."[204] In the case of being on the battlefield, this acceptance of death is expected from a French Foreign Legionnaire. Kadish goes on to point out, "If you join the legion, more likely than not, you are going to go to combat."[205] Over the past century, a documentary reports how over thirty-thousand legionnaires have died in combat, a casualty rate of one in ten.[206] This expectation of combat and death runs deeply through the

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[204] Myroniuk and Khrebet, "International Legion fighters speak out."

[205] Ibid.

[206] Ibid.

legion from the organizational level where the generals and commanders expect it from the subordinates as well as at the individual level with the legionnaires themselves expecting as well as accepting it. It is even echoed in their songs, specifically "Came as a Volunteer", where the lyrics say, "For the glory, The Foreign Legion, We will give our lives today" showing that despite coming as foreign volunteers they are all willing to give their lives for the glory of the legion.[207] Volunteers are not only committed to the cause but to the legion itself. In return, they receive adequate and thorough training, as well and the prospect of gaining French citizenship if they are injured in battle. Reportedly, "A member of the French Foreign Legion wounded while defending France can immediately apply for French citizenship as he is 'French by spilled blood.'"[208].

The situation of foreigners joining the French Foreign Legion stands in stark contrast to those who join the Ukrainian legion. As this study has demonstrated, legions in Ukraine not only do legionnaires run the risk of being captured and tried as mercenaries, but are often sent on reckless missions with questionable intentions, and with a lack of regard for their lives. A common theme that ran throughout this paper, is that often combat missions end up turning out extremely different than what the volunteers signed up for. Due to this differentiation between motivations, training and recruitment processes, support systems, and the way in which they are used, the French Foreign Legion sees much higher recruitment than other legions. This is attributed to their transparency in terms of what is expected of legionnaires and how they will be used in combat, along with better training and more support. Alternatively, the Ukrainian Territorial Defence Forces have seen their recruitment numbers drop significantly. The reason for this is the availability of real-time information on the incompetence, lack of adequate training, resources and support, along with corruption within the ranks, leaving them with nothing to offer their international volunteers. The implications of this will likely be seen in future conflicts as

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[207] "Venu volontaire," French Foreign Legion Information. (n.d.), http://foreignlegion.info/songs/venu-volontaire/.

[208] Shenhuifu, "French by spilled blood," Accessed May 26, 2023, http://www.shenhuifu.org/2021/05/26/fact-french-by-spilled-blood/.

reduced recruitment and volunteers for legions to choose from. This could exacerbate some of the previously mentioned pre-existing issues legions face as in having to take in whatever recruiting pool they can muster which often does not carry the same qualities and attributes that a bigger group of applicants would and can lead to misconduct though future research on this will need to be conducted.

Child Soldiers in Sub-Saharan Africa – A Case Study of the Democratic Republic of the Congo and Somalia

Alix ZWINGMAN

Abstract: Child soldiers in Africa have continued to be one of the largest humanitarian crises plaguing the continent. Armed groups and government militaries have and continue to recruit children through the 21st century. There currently exists different approaches to the prevention of the recruitment of child soldiers. This paper examines three of them: the enforcement of the Child Soldier Prevention Act of 2008, the UN peacekeeping missions, and UNICEF and analyzes their effectiveness in the case of the Democratic Republic of the Congo. As this paper shows, UN peacekeeping missions have been most effective at stopping child soldier recruitment as demonstrated in the case of DRC, due to the emphasis on structure building with the government rather than just military training. Based on these findings, the paper makes suggestions for Somalia.

Keywords: Child soldiers, Sub-Saharan Africa, US-African relations, preventative measures, Child Soldier Prevention Act of 2008

Abbreviations

CRC	– Convention on the Rights of the Child
CSPA	– Child Soldier Prevention Act
DRC	– Democratic Republic of the Congo
FARDC	– The Armed Forces of the Democratic Republic of the Congo
IMET	– International Military Education and Training
TIP	– Trafficking in Persons report
UNICEF	– United Nations Children's Fund (Originally United Nations International Children's Emergency Fund)

Introduction

Children deserve to have a childhood. By forcing young kids to act like adults in a war zone, it causes trauma to the child as well as the need to rehabilitate children back into everyday life. This is a crucial step for rebuilding nations torn apart by violence.[209] The long-term consequences of demobilized child soldiers in society cause harm to both the child and the community, which continues the cycle of violence over generations[210]. According to the UN, around 40% of child soldiers are being victimized in Africa.[211] Because of this alarming statistic, this paper will be focusing on child soldiers specifically in Sub-Saharan Africa.

When discussing child soldiers, it is important to know that it does not only refer to a child who is taking a direct part in hostilities. A child soldier is anyone under 18 who is or has been recruited or used by an armed force or armed group, including but not limited to children used as fighters, cooks, porters, messengers, spies, or for sexual purposes.[212] Since there is often difficulty obtaining accurate numbers of children in armed groups, there will be no distinction of roles in the statistics of this paper.

Some children join the armed forces willingly, while others are kidnapped or forced into them. Risk factors for children joining the armed forces willingly include poverty, absence of support structure, and lack of parents can all influence joining.[213] Children living in these conditions may feel that

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[209] International Committee of the Red Cross, "Child Soldiers, and Other Children Associated with Armed Forces and Armed Groups," page 10.

[210] Ibid., 11.

[211] Brett Tarver, "Child Soldiers in Africa: Mukele's Story," *World Vision* (blog), July 13, 2021, https://www.worldvision.ca/stories/child-protection/child-soldiers-in-africa-mukeles-story#:~:text=According%20to%20some%20estimates%2C%20up,to%2060%25%20of%20militia%20forces.

[212] "The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups * February 2007," *Refugee Survey Quarterly* 27, no. 4 (December 1, 2008): 225-276, https://doi.org/10.1093/rsq/hdn052.

[213] International Committee of the Red Cross, "Child Soldiers, and Other Children Associated with Armed Forces and Armed Groups," *International Committee of the Red Cross* 0824/002 08.2012 2000 (September 2013), 3.

joining is the only way to survive or to obtain safety.[214] This distinction does not mean much, as all children are subject to abuse in armed groups. Children can be engaged in combat, be deprived of healthy living conditions, and suffer mental harm in armed groups. Girls are also at a greater risk of suffering from sexual violence.[215]

Current preventative measures employed by the UN and other organizations like UNICEF have severe limitations. Laws protecting children are effective only when states decide to follow them. This includes treaties signed between countries and the UN, and campaigns such as "Children, not Soldiers".[216] These measures led many countries to make plans to end child recruitment with support from peacekeeping missions. Child recruitment rates have gone down or stopped in some countries' official armies following the campaign, but there are still cases reported in armed groups not associated with the government.[217]

The main preventative method in practice today is a group of international treaties signed between states, most notably through the United Nations.[218] While all countries in Sub-Saharan Africa are a part of the United Nations, it poses the question of whether the individual states are required to uphold the agreement, or if the United Nations is required to enforce it. The United Nations has stated that it has taken a leading role in efforts to advance international humanitarian law. The Security Council has become increasingly involved in protecting civilians in armed conflict, promoting human rights, and protecting children in wars.[219]

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[214] Ibid.

[215] "Children Recruited by Armed Forces or Armed Groups," UNICEF, n.d., https://www.unicef.org/protection/children-recruited-by-armed-forces.

[216] Office of the special representative of the secretary-general for Children and armed conflict, "Children, Not Soldiers," United Nations, n.d., https://childrenandarmedconflict.un.org/children-not-soldiers/.

[217] For a second consecutive year, international observers reported there were no cases of child recruitment by the Congolese national army (FARDC) in 2015. In accordance with the DRC government's plan to eliminate child soldiers within the FARDC, an international organization reported that 12 children were screened and separated from the FARDC. *Global Report on Trafficking In Persons 2016, Global Report on Trafficking in Persons*, 2017, https://doi.org/10.18356/6b57c9bb-en.

[218] United Nations, "International Law and Justice | United Nations," n.d., https://www.un.org/en/global-issues/international-law-and-justice.

[219] "Children Recruited by Armed Forces or Armed Groups," UNICEF.

Most notably, the UN enacted the Convention on the Rights of the Child (CRC), which went into effect in 1990.[220] Under the CRC, State Parties are required to take all feasible measures to ensure that children under 18 do not engage in hostilities.[221] The international community accepted the CRC, but it is argued by De Berry that the CRC does not fully address the complexities of conflicts that contribute to the use of child soldiers.[222] The social influence on a child also must be considered when implementing changes to stop child soldier recruitment.[223] Countries may not have the resources or structures necessary to address long term issues, or long-term needs of child soldier survivors. The international committee must do more than simply condemn the use of child soldiers and help countries that lack the structure and resources to release and reintegrate children in armed groups. [224]

In 2014, UNICEF launched the campaign "Children, not Soldiers" as a movement of global consensus that children should not be used in armed conflicts. Notably, 2014 is also the first year that there were no reported cases of children being recruited into the government's army in the DRC.[225] The movement gained the support of States, the UN, and NGO partners.[226] At the launch of the campaign, the main countries of concern were Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sudan, and Yemen.[227] The campaign ended in 2016[228], but

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[220] United Nations. 1989. "Convention on the Rights of the Child." *Treaty Series* 1577 (November), 3.

[221] Ibid., art.38(2).

[222] Jo De Berry, "Child Soldiers and the Convention on the Rights of the Child," *Annals of the American Academy of Political and Social Science* 575, no. 1 (May 1, 2001): 92-105, https://doi.org/10.1177/000271620157500106.

[223] Ibid.

[224] Heather L. Carmody, "The Child Soldiers Prevention Act: How the Act's Inadequacy Leaves the World's Children Vulnerable." *Cal. W. Int'l LJ* 43 (2012): 233.

[225] United States Department of State, *2014 Country Reports on Human Rights Practices – Democratic Republic of the Congo*, 25 June 2015, available at: https://www.refworld.org/docid/559bd57112.html [accessed 4 July 2023].

[226] Office of the special representative of the secretary-general for children and armed conflict, "Children, Not Soldiers."

[227] Ibid.

[228] The campaign was designed to generate awareness of the issue and to cause governments to create plans to end child soldier recruitment. This was not intended to be a long-running campaign.

it resulted in the release of thousands of child soldiers with the assistance of peacekeeping or political missions.[229] The combined efforts of multiple UN programs have had a significant impact on child soldiers' demobilization in sub-Saharan African countries.

This paper argues that the UN peacekeeping measures have been the most effective in the decline of child soldiers in the DRC. To assess this, this paper analyzed UN documents, Trafficking in Persons reports, other documents, and laws that are relevant to child soldier statistics. The paper will continue by explaining how current methods of prevention were applied to the DRC, analyze the effectiveness of these methods, and conclude with suggestions of how similar results can be replicated in Somalia.
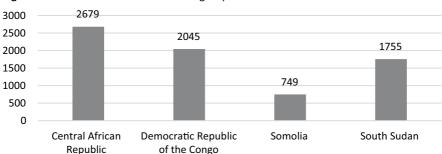
Figure 7: Children released from armed groups in 2016

Source: UN Secretary-General (UNSG), Children and armed conflict: report of the Secretary-General, 20 April 2016, A/70/836–S/2016/360, available at: https://www.refworld.org/docid/575535f04.html [accessed 12 July 2023].

Child Soldier Prevention Act of 2008

The Child Soldier prevention act of 2008 was signed into law, which enables withholding certain types of military assistance to governments using children in their force or supporting militias.[230] The document also states that the United States Congress should support and lead efforts to establish

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[229] Office of the special representative of the Secretary-general for children and armed conflict, "Children, Not Soldiers."

[230] *Child Soldiers Prevention Act of 2008*.

and uphold international standards designed to end the abuse of human rights. Section 403, (7) describes how the US should conduct diplomatic missions in countries where governments use or tolerate child soldiers. It also states that the US should develop and integrate global practices to end the abuse of human rights. While this act is an important landmark towards a shift towards child soldier prevention acts, the CSPA is seldom used to its full protential.

The act allows the president to provide a full or partial waiver of the law if they can prove a threat to national security. Since the year 2010, when the Act went into effect, several presidents has signed full or partial waivers for countries that have been known to use or recruit child soldiers. The waiver began with President Obama, which then continued to be signed in 2017 by President Trump, and again President Biden signed a waiver in 2021 that remains in effect at present.

Each year the U.S. State Department releases the Trafficking in Persons report, which classes each country into a different tier based on the government's actions and efforts against human trafficking. Tier 1 countries' governments fully comply with trafficking victims' protection act (TVPA) minimum standard.[231] Tier 2 countries' governments do not fully comply with the TVPA minimum standard but are making efforts to comply.[232] Tier 3 countries' governments do not fully comply with the TVPA minimum and are not making efforts to do so.[233]

The section of the act waived most frequently allows the continued sale of military equipment, military training, and peacekeeping operations to tier 3 countries that do not properly create plans to end child soldier recruitment in their country. Section 404(D) of the act states:

> The President may provide assistance to a country for international military education, training, and nonlethal supplies otherwise prohibited under subsection (a) upon certifying to the appropriate

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[231] *Global Report on Trafficking In Persons.*

[232] Ibid.

[233] Ibid.

congressional committees that the government of such country is taking reasonable steps to implement effective measures to de-mobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers.[234]

The wording of the CSPA is short and vague, making it nearly impossible for the president to implement its provisions according to congress's intent.[235]

Another important section of the 2008 Act is the allowance of military training if the president can prove that the government is not currently in accordance with the act of child soldiers and has taken steps to stop recruitment and demobilize current child soldiers. The issue with this section of the Act is that in the first year of waivers, the DRC had no plan in 2010 to reduce the recruitment of child soldiers.[236] Rather, the United States had issued the waiver so it could design with the DRC govern-ment and FARDC the plan to stop recruitment. The waiver of the 2008 act shows countries using child soldiers that the United States is lax about withholding military aid and funds.[237]

Democratic Republic of the Congo: A Case Study

The situation in the DRC (Democratic Republic of the Congo) is interest-ing for research because it is one of the only countries in Sub-Saharan Af-rica that has consistent data on the number of child soldier recruitments. These numbers are most likely not completely accurate but will be used as is for this paper. The rates of recruitment and release from armed groups and the military government (FARDC) will be compared to the different

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[234] *Child Soldiers Prevention Act of 2008*, Section 404(d).

[235] Carmody, "The Child Soldiers Prevention Act: How the Act's Inadequacy Leaves the World's Children Vulnerable."

[236] Presidential Determination No. 2011-04 of October 25, 2010.

[237] "US: Don't Finance Child Soldiers," *Human Rights Watch*, October 28, 2020, https://www.hrw.org/news/2011/10/04/us-dont-finance-child-soldiers.

methods of prevention and actors working to stop child soldiers to discover the most effective.

Accurate recruitment numbers before 2008 are difficult to find in reports, but according to CONADER figures 29,291 children were released from armed forces and groups in the Democratic Republic of the Congo during the period from mid-2003 to December 2006.[238] This is only the children released and not the total amount thought to be engaged in armed conflict. During this time, the UN did have peacekeepers in the country. Peacekeepers have been present since 1999 with MONUC, which started as a group of 90 individuals to communicate between the warring factions.[239] By 2005, this number reached 16,700 under the Security Council resolution of 1565.[240] Peacekeepers have a human rights team, but the main function during the years of 2005 and 2006 was security and organization of the first democratic elections[241] In 2010, MONUC changed into MONUSCO, in order to reflect the new phase reached by the country. The renaming and new mission allowed all means of protecting civilians, humanitarian personal and human right defenders.[242]

2008 is the first year the DRC launched a zero-tolerance policy for child soldiers. The government then began working with UN Peacekeepers to retrain military personnel on human rights violations.[243] Since this is the start of a focus on human rights violations, child soldier rates are reported to the trafficking in persons (TIP) report more accurately. While the FARDC vowed to stop

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[238] UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo* 28 June 2007, S/2007/391, available at: https://www.refworld.org/docid/46972e932.html [accessed 3 July 2023].

[239] UN. Security Council (54th year : 1999), "Resolution 1258 (1999) /: Adopted by the Security Council at Its 4032nd Meeting, on 6 August 1999," United Nations Digital Library System, August 6, 1999, https://digitallibrary.un.org/record/277529?ln=en.

[240] *Year in Review 2005: United Nations Peace Operations :A Good Year for Peacekeeping*, 2005.

[241] United Nations: Department of Public Information: Peace and Security Section and United Nations, *United Nations Peace Operations Year in Review 2006: New Challenges, New Horizons* (UN, 2007).

[242] "Monusco," United Nations Peacekeeping, n.d., https://peacekeeping.un.org/en/mission/monusco.

[243] United States Department of State, *Trafficking in Persons Report 2008 – Congo, Democratic Republic of the*, 4 June 2008, available at: https://www.refworld.org/docid/484f9a0dc.html [accessed 3 July 2023].

recruiting child soldiers in 2008, many children remain in government military groups, but mainly in armed groups.[244] Since the implementation of peace-keeping human rights mission, rates of child soldier recruitment has reduced. 2014 is the first documented year that the FARDC has not recruited any child soldiers into the ranks,[245] and this has continued to the present day.[246]

Figure 8: Estimated children in the FARDC from 2008-2015

Source: Un. Secretary-General, "Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo," *United Nations*, 2008-2015 https://digitallibrary.un.org/record/642059?ln=en.

It is unclear at this time if the Child Soldier Prevention Act being signed in the United States had any significant influence on the DRC launching the zero-tolerance policy. The year also saw an increase in peacekeeping mis-sions, and the switch from MONUC to MONUSCO[247] funded by the Security Council of the United Nations.[248] From 2001 until 2010, the United States consistently funded 22% of all United Nations budget.[249]

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[244] United States Department of State, *2008 Country Reports on Human Rights Practices – Democratic Republic of the Congo*, 25 February 2009, available at: https://www.refworld.org/docid/49a8f195c.html [accessed 4 July 2023].

[245] United States Department of State, *2014 Country Reports on Human Rights Practices – Democratic Republic of the Congo*, 25 June 2015, available at: https://www.refworld.org/docid/559bd57112.html [accessed 4 July 2023].

[246] One 17-year-old boy was recruited by FARDC, who was later separated during screening by the United Nations at a training camp. Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, 2014.

[247] "Monusco."

[248] "Year in Review 2008," United Nations Peacekeeping, n.d., https://peacekeeping.un.org/en/year-review-2008.

[249] Ranking of Military and Police Contributions to UN Operations, 2010. https://peacekeeping.un.org/sites/default/files/dec10_2.pdf.

The CSPA of 2008 went into effect in 2010. However, the first year the law was in place, President Bush signed a waiver to allow sales of military equipment to the DRC and continued military training. Along with the waiver, the president must also include an explanation for the waiver in each country. The waiver for the DRC was justified by President Bush to fund the training of the military in human rights practices, civil-military practices, and stabilization operations.[250]

The following year, President Obama signed the same waiver allowing for internal military training and the commercial sales of military equipment.[251] An improvement from last year's waiver, and TIP reports showed that there has been some effort to reduce the recruitment of child soldiers by the FARDC. However, there has been no institutional change that is required to make real progress toward stopping the recruitment of child soldiers. The result of these efforts will not be seen until 2014 when there are no reported cases of child recruitment by the FARDC.

Since 2015, money has been used to better equip the government to stop the recruitment of child soldiers in armed groups. It is questionable if child soldier recruitment truly stopped in the FARDC because they are often in cooperation with armed groups that still use child soldiers. For instance, an international organization reported ongoing collaboration between the FARDC and Mai Mai Guidon, also known as Nduma Defense of Congo Renove (NDC-R) – to coordinate battlefield tactics and capture of territory from a foreign illegal armed group with ammunition and support from FARDC officials – which recruited and used at least 42 children in 2017.[252]

It is unclear what the main factor was that stopped the recruitment of child soldiers in the government military in the DRC. The implementation of the CSPA 2008 act was symbolic at best, considering nothing changed in the years before and after the act was signed due to waivers from the

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[250] Presidential Determination No. 2011-04 of October 25, 2010.

[251] Presidential determination No. 2012-01 of October 4, 2011.

[252] United States Department of State, *2017 Trafficking in Persons Report – Congo, Democratic Republic of the*, 27 June 2017, available at: https://www.refworld.org/docid/5959ece911.html [accessed 4 July 2023].

president. The United States remained the largest donor of funds to the UN peacekeeping operations and continued to train troops to build a better military. Again, it is unclear if the US involvement, the UN involvement, or a combination of the two is the reason for the recruitment of child soldiers stopped in the official army in 2014. The UN has focused on peacekeeping operations in the DRC, while the US has funded individual army training. Both movements working at the same time had enough of an effect on the country's government to end child soldier recruitment into the national army.

Using the information learned from the DRC, how can similar results be replicated in other sub-Saharan countries? Ethiopia, Somalia, and South Sudan in the latest TIP report from 2022 were reported to unlawfully recruit or use child soldiers.[253] Due to the special case of Somalia not being recognized as a government until 2013, current presentative measures are limited. The remainder of the paper will compare strategies in the DRC that will possibly reduce child soldier rates in Somalia.

Somalia

Somalia was not recognized as having a central government until 2013, and was included in the president's waiver for the first time that year.[254,255] Somaliland is a self-declared independent region in the northern region of Somalia. They declared independence in 1991, but no foreign power recognizes Somaliland as a sovereign nation.[256] Because of this, there is

[253] C G, "2022 Human Rights Reports: Insights into Global Child Soldier Recruitment & Use," *Stimson Center*, April 10, 2023, https://www.stimson.org/2023/2022-human-rights-reports-insights-into-global-child-soldier-recruitment-use/.

[254] "U.S. Set to Recognize Somali Government," VOA, n.d., https://web.archive.org/web/20130120051508/http://www.voanews.com/content/us-set-to-recognize-somali-government/1585876.html.

[255] Presidential Determination No. 2013-17 of September 30, 2013.

[256] ActionAid Uk, "Somalia/Somaliland: The Differences and Issues Explained," *ActionAid UK*, September 27, 2022, https://www.actionaid.org.uk/about-us/where-we-work/somaliland/somalia-somaliland-differences-explained#:~:text=Somaliland%20is%20an%20autonomous%20region,elections%20and%20a%20distinct%20histo y.

a lack of reporting of child soldier rates to the trafficking in persons yearly report. For the purpose of this paper, data from Somalia and Somaliland will be discussed together. Implementation of the government's action plan with the UN to end the national army's recruitment and use of children remained limited.[257]

Because of the lack of a central government up until 2013, human trafficking was not seen as an immediate issue of concern by the Transitional Federal Government of Somalia.[258] Somalia is still considered a special case in 2022. This is due to the federal government having influence in the capital city, while insurance terrorist groups have control in many rural areas.[259] Accurate rates of child soldiers in Somalia remain difficult to track due to a lack of reporting from federal and regional governments.[260]

Even if Somalia is considered a special case, it should be treated as every other country now that it has a central government since 2013. Somalia's funding from the United States has been growing consistently since 2015 when they received just over $250,000. In 2022, they received just over one billion dollars for all agencies, not just military funding.[261] While this funding is going towards humanitarian issues like drought and famine, the military funds are primarily going towards counterterrorism fighting in the region rather than International Military Education and Training (IMET.)[262]

The DRC and Somalia can be compared on their rates of funds given to them by the US, as well as the fight against armed groups in the region. The focus in the DRC starting in 2014 was training the military on human

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257 United States Department of State, *2013 Country Reports on Human Rights Practices – Somalia*, 27 February 2014, available at: https://www.refworld.org/docid/53284a6f14.html [accessed 4 July 2023].

258 United States Department of State, *Trafficking in Persons Report 2008 – Special Cases – Somalia*, 4 June 2008, available at: https://www.refworld.org/docid/484f9a4f2d.html [accessed 5 July 2023].

259 "Somalia – United States Department of State," United States Department of State, April 6, 2023, https://www.state.gov/reports/2022-trafficking-in-persons-report/somalia/.

260 "Somalia – United States Department of State," United States Department of State, August 5, 2021, https://www.state.gov/reports/2021-trafficking-in-persons-report/somalia/.

261 US foreign assistance by country, *Somalia 2022* available at https://www.foreignassistance.gov/cd/somalia/2022/obligations/0.

262 ForeignAssistance.Gov, funding obligations in Somalia 2014-2020.

rights violations.[263] Somalia also received some military training in 2014, but most of the training was in counter-terrorism actions. While this is a valid decision, considering the biggest threat in the country was armed terrorist groups, this funding goes against the 2008 act by training military groups that knowingly had children fighting in them. Accurate rates are difficult during this time because most citizens do not have birth certificates.[264]

As mentioned previously when discussing the 2008 Act, the US government may continue to aid countries recruiting child soldiers if the country can show that there is an action plan with actual steps to be within compliance with the Act.[265] In 2014, the Human Rights Practices Report stated that Somalia's action plan with the UN to end the recruitment of children remained limited.[266] Nonetheless, according to UN reports, the SNSF recruited or used children during the period of April to December 2013. In addition, reports indicated that Somaliland and AMISOM forces also allegedly used children for support during the year.[267]

While the UN has an obligation to end child soldier recruitment, the peacekeepers in Somalia since 2013 (UNSOM) has worked with the government to provide strategies and policy advice on peacebuilding and to monitor human rights.[268] As of 2020, Al-Shabab was the main perpetrator of child soldier recruitment, but the national army is still reported to have children in their ranks.[269] While the Federal government of Somalia and the

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[263] UN Security Council, *Security Council resolution 2147 (2014) [on the extension of the Mandate UN Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)]*, 28 March 2014, S/RES/2147 (2014), available at: https://www.refworld.org/docid/533d290d4.html [accessed 12 July 2023].

[264] United States Department of State, *2013 Country Reports on Human Rights Practices – Somalia*, 27 February 2014, available at: https://www.refworld.org/docid/53284a6f14.html [accessed 4 July 2023].

[265] Child Soldiers Prevention Act of 2008, Section 404 (d).

[266] United States Department of State, *2014 Country Reports on Human Rights Practices – Somalia*, 25 June 2015, available at: https://www.refworld.org/docid/559bd53c12.html [accessed 6 July 2023].

[267] United States Department of State, *2014 Trafficking in Persons Report – Somalia*, 20 June 2014, available at: https://www.refworld.org/docid/53aab9a78.html [accessed 6 July 2023].

[268] "UNSOM," Department of Political and Peacebuilding Affairs, n.d., https://dppa.un.org/en/mission/unsom#:~:text=These%20efforts%20to%20achieve%20peace,of%20Mogadishu%20in%20June%202013.

[269] "Somalia – United States Department of State," United States Department of State, December 1, 2020, https://www.state.gov/reports/2020-trafficking-in-persons-report/somalia/.

UN renewed their commitment to end child soldier recruitment in 2019, the United Nations Security General released in 2020 that the government forces recruited and used 1,442 children in conflict.[270] It is reports like this where the United States needs to assess if this is considered reasonable steps to implement effective measures to demobilize child soldiers as defined in the CSPA[271]

Should a country sign a waiver saying that a country will end child soldier recruitment count as implementing effective measures? The restrictions to allow the waiver is very vague, saying only that the president may sign if it is in the national interest of the United States.[272] This brings up another question to be researched further; does the United States want to end terrorism on foreign soil so desperately, that it will continue to fund governmental militaries that use child soldiers to do so? The waiver shows that the national interest of the US is to maintain a good relationship with Somalia to fight terrorism and that the US is not serious about ending child soldier recruitment while funding military operations.

With the limited scope and resources of this paper, it is suggested that the United States stop putting Somalia on the waiver of the CSPA 2008 act. The United States is consistently the largest donor to the UN each year,[273] which has an active mission in Somalia to monitor human rights and work with the Somalian government to make policies to end child soldier recruitment.[274] If the United States stops funds to the Somalian military and instead puts that money into UN Peacekeeping missions, Somalia will more effectively follow the UN guidelines to end child soldiers to get military funding once again from the United States to fight terrorism.

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[270] General assembly security council, "Children and Armed Conflict," *United Nations* (United Nations, June 9, 2020).

[271] Child Soldiers Prevention Act of 2008, Section 404 (e).

[272] Ibid., Section 404 (c).

[273] "How We Are Funded," United Nations Peacekeeping, n.d., https://peacekeeping.un.org/en/how-we-are-funded.

[274] "UNSOM," Department of Political and Peacebuilding Affairs, n.d., https://dppa.un.org/en/mission/unsom.

It is important to note that this suggestion to Somalia is based on research that worked in the DRC. A policy suggestion such as this could result in the situation getting worse or not changing at all as a result. As previously mentioned, countries may not be able to fully end recruitment without the structure of government to support the end of it[275]. United Nation peace-keepers being funded with the United States' lack of military sales may have the desired effect of Somalia becoming stable enough to end child soldier recruitment.

Conclusion

The end of child soldier recruitment in the DRC government military happened because of the actions of multiple actors. The UN worked with the DRC and other countries to sign agreements that condemn child soldiers, as well as fund peacekeeping missions to stabilize governments. UNICEF launched the campaign "Children, not Soldiers" as a movement of global consensus that children should not be used in arm conflicts in 2014. In 2008, the United States signed the Child Soldier Prevention Act to pressure countries to stop recruitment to continue receiving funds for the military.

After reviewing all these different methods that have been put into place, the UN peacekeeping missions have been the most effective at reducing and stopping child soldier recruitment. When money is properly used to create plans and strategies, the trafficking in persons reports show a decrease in child soldier rates.[276] This is seen in the DRC with the change from MONUC to MONUSCO, which put a focus on human rights defenders.[277]

Additionally, this paper found that the CSPA of 2008 has not had as large of an effect on child soldier rates as it could. The consistent use of the waiver function by the president shows a lack of concern from the United States. The waiver effectively tells countries using child soldiers will

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[275] De Berry, "Child Soldiers and the Convention on the Rights of the Child."

[276] Refer to figure F2.

[277] "Monusco."

continue to receive funding if they are using them for something the United States is more worried about, such as fighting terrorist groups.

Based on the findings of this research, Somalia should obtain an increase in peacekeepers to enforce human rights. The stability in the government aided by peacekeepers will cause the reduction of child soldiers by causing a systematic change, which will remove the need for child soldiers fighting in an unstable country.

Further research is needed on this topic. This paper has only focused on one country's success and one country's failure at the end of child soldier recruitment in official government militaries. Research on other countries and other forms of deterrence should be investigated further. Limitations of this paper also include unreliable statistics in 2020 through the present day due to the Covid-19 pandemic. While the TIP report continued at this time, statistics from underdeveloped countries are not reliable due to pandemic-related impairments.

7

Lessons Learned from Rwanda: Improving the Response of U.N. Peacekeeping

Zale PEART

Abstract: Currently, 90,000 United Nations Peacekeepers are deployed across 12 missions across the globe. Peacekeepers play an impartial role in armed conflict and are deployed to protect civilians and monitor global peace processes. From protecting civilian populations, promoting human rights, observing ceasefires, and assisting in the demilitarization of armed forces, peacekeepers are deployed in situations where local government and armed groups cannot ensure the safety of their civilians or require assistance in observing peace processes and demilitarization efforts. However, as this paper demonstrates in the case of Rwanda, the deployment and effectiveness of peacekeepers are often plagued with drawn-out bureaucratic processes, lack of political will, funding from U.N. member states, and, perhaps most importantly, the inability to deploy them rapidly. This paper provides a survey of the literature on past efforts to reform and address many of the shortcomings in peacekeeping. It then identifies the remaining challenges, focusing in particular on the need to develop a rapid response force and puts forth a proposal on how to improve the deployment of U.N. peacekeepers as well as contribute to the academic conversation pertaining to the matter.

Keywords: RRF, UNAMIR, RPF, Hutu, Tutsi

Introduction

Founded in October of 1945, the United Nations was born to save "succeeding generations from the scourge of war".[278] In the aftermath of the Second World War and the Holocaust, the world powers sought to create an international organization with three primary objectives: 1. To maintain peace and international security, 2. To develop friendly relations among nations, and 3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character.[279] One of the outcomes of these aspirations was the creation of the U.N. peacekeepers, a force tasked with the goal to "assist host countries cross the difficult path from conflict to peace".[280]

Presently peacekeepers are deployed across the globe with a primary focus in the global south, with some of their missions being over two decades old and still progressing. However, the length of current U.N missions paired with the past history of the U.N failing to intervene in genocides such as Rwanda, Bosnia, and Darfur beg the question – Why do Peacekeeping Missions remain partially ineffective? Authors such as Nina Wilén, Peter Langille and William Strong have all produced academic works critiquing U.N. peacekeeping. Wilén and Langille particularly point out the shortcomings of U.N rapid deployment and suggest recommendations for improving the system. Using the failures of the peacekeeping mission in Rwanda as a case study and addressing the existing critiques of peacekeeping produced by academics, this paper seeks to contribute to the academic conversation on how to improve U.N. peacekeeping by proposing an alternative hypothetical solution to complement the existing peacekeeping system, making the process more fluent and adept at actively preventing civilian casualties. This paper first proceeds by addressing the purpose of peacekeeping. Then it examines the failures of peacekeeping during the

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[278] Suvir Kapur, "UNITED NATIONS PEACEKEEPING OPERATIONS: AN OVERVIEW," *The Indian Journal of Political Science* Vol. 76, no. No.1 (2015), https://www.jstor.org/stable/26534816?seq=2.

[279] Ibid.

[280] Ibid.

Rwandan Genocide. This is then followed by a survey of literature on the improvements of peacekeeping since Rwanda. Finally, this paper outlines a detailed hypothetical proposal to develop a Rapid Response Force (RRF) tasked with protecting civilians in war zones and establishing a base of operations for larger peacekeeping missions while circumventing some of the traditional bureaucracy of the United Nations as an alternate solution to improve the effectiveness of peacekeeping.

Background on Peacekeeping

The U.N. describes peacekeeping as providing security, political, and peacebuilding support to help countries make the complex, early transition from conflict to peace.[281] U.N. peacekeeping started in 1948 in the aftermath of the 6-day war. It saw U.N. peacekeepers deployed to the Middle East to monitor the armistice agreement between Israel and its Arab neighbors involved in the conflict.[282] Since their initial deployment, U.N. peacekeepers have been deployed in over 70 U.N. peacekeeping missions with three stated principles: 1. Consent of the parties 2. Impartiality, and 3. Non-use of force except in self-defense and defense of the mandate.[283] Principle one necessitates the cooperation between the government in which peacekeepers are deployed in the United Nations. In the event of withdrawn consent from a nation, U.N. peacekeepers will then be instructed to leave, as they are not peace enforcers.[284] Principle two necessitates peacekeepers to remain impartial during their missions to avoid coming across as taking a particular side that could lead involved parties to withdraw their consent to the peacekeeping mission.[285] Principle three seeks to ensure that peacekeepers only use force as a means of last resort. Furthermore, if force is used, the least amount of force should be used

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[281] "Our History," United Nations Peacekeeping, accessed May 30, 2023, https://peacekeeping.un.org/en/our-history.

[282] Ibid.

[283] Ibid.

[284] Ibid.

[285] Ibid.

to achieve the desired effect, and the use of force should only be proportional to the provocation, otherwise peacekeepers run the risk of becoming enforcers rather than peacekeepers.[286] These principles to maintain the credibility of UN peacekeeping missions. However, the implementation of peacekeeping is often fraught problems, leaving much to be desired when considering the protection of civilians in armed conflict. This paper proceeds by examining the case of the Rwandan Genocide, not only to identify the many failures of the U.N. peacekeeping mission in Rwanda (UNAMIR), but also to inform the proposed hypothetical solution. First, however, the paper discusses the background of the Rwandan genocide and what efforts were made to stop it.[287]

The Arusha Accords

The 1990 invasion of Rwanda saw the Rwandan Patriotic Front (RPF) forces push into the Rwandan bush, unable to gain a decisive victory against the Hutu-led government. 1992 saw the two sides engaging in peace talks in Arusha, Tanzania, better known as the Arusha Accords. The Arusha Accords was the last chance for the belligerents to negotiate peace and scale down the ethnic violence in Rwanda. In August of 1992, Joyce Leader, the U.S. Embassy's Deputy Chief of Mission (DCM) in Rwanda, wrote, "…we can anticipate a new wave of internal insecurity, in some form or another, as peace talks proceed, especially if internal differences over power-sharing integration of [military] forces become acute."[288] However, even with adequate warning of an imminent ethnic conflict in Rwanda, President Bill Clinton refused to send in American soldiers because of the memory of the Battle of Mogadishu.[289]

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[286] Ibid.

[287] For more information on the Rwanda Genocide, please refer to Britannica, "Rwanda – Rwanda under German and Belgian Control," in *Encyclopedia Britannica*,(2019), https://www.britannica.com/place/Rwanda/Rwanda-under-German-and-Belgian-control.

[288] Emily Willard, "Rwanda: The Failure of the Arusha Peace Accords," nsarchive2.gwu.edu, last modified May 21, 2014, https://nsarchive2.gwu.edu/NSAEBB/NSAEBB469/.

[289] Mark Bowden, "The Legacy of Black Hawk Down," *Smithsonian Magazine*, January 2, 2019, https://www.smithsonianmag.com/history/legacy-black-hawk-down-180971000/.

One of the critical and hotly debated issues in the Arusha Accords, was the integration of the RPF into the Hutu-dominated Rwandan military. There were many concerns about how RPF and Government soldiers would be demobilized and integrated into society, alongside leadership concerns about how military officers would be chosen between the two ethnic groups[290].These discussions prolonged the peace process, and the international community was of little help. Both sides requested a neutral international peacekeeping force that would oversee the demobilization efforts and the implementation of the Arusha Accords taken seriously by both sides. However, the international community needed to procure the funding to employ such a force, and both sides largely ignored the demobilization procedures.[291]

Moreover, the implementation of a transitional government, which should have included adequate Hutu and Tutsi representation throughout the governing body, failed to get off its feet. Additionally, demobilizing soldiers back into civilian life in a stagnating economy with little opportunity in the private sector proved unappealing to Government forces and the RPF[292]. Instead, a growing mistrust between the RPF and the Hutu-led government forces and the lack of funding from the international community served as an additional deterrent for peace talks.[293] August of 1993 saw Joyce Leader, DCM of Rwanda, wrote the U.S. Secretary of State, noting:

> Both sides have signed the peace accord; neither side trusts the intentions of the other. Historic rivalries between the majority Hutu, who predominate inside the country, and the minority Tutsi, who predominate within the RPF, continue to fuel antagonism. On the one hand, doubts persist about whether the RPF is committed to democracy or a government takeover and restoring Tutsi rule. On the other hand, doubts also persist about the

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[290] Willard, "Rwanda: The Failure of the Arusha Peace Accords."

[291] Willard, "Rwanda: The Failure of the Arusha Peace Accords."

[292] Ibid.

[293] William C. Strong, "The Failure of the United Nations Assistance Mission in Rwanda: A Dearth of Intelligence," *American Intelligence Journal* 37, no. 2 (2020): 139-142, The Failure of the United Nations Assistance Mission in Rwanda on JSTOR.

commitment of the president and his close entourage to sharing governance of the country with the RPF.[294]

The Peace Accords were falling apart before the international community, and little was being done to lower rising tensions.

UNAMIR

October of 1993 saw the creation of the United Nations Assistance Mission in Rwanda (UNAMIR) under resolution 872.[295] The mission of UNAMIR was to report on the progress of the transitional government and monitor the implementation of the ceasefire agreement.[296] UNAMIR was also responsible for maintaining Kigali's security and assisting in humanitarian efforts.[297] UNAMIR's job would have been relatively simple if both sides held their end of the bargain, but this was different. The RPF and the Hutu-led Rwandan Government were rapidly arming themselves, and tensions failed to subside. UNAMIR should have received permission to demilitarize the RPF and Hutu Government forces, a vital mistake in the peacebuilding process.[298] The RPF and Hutu Government forces were weary of one another and did not meaningfully participate in the demobilization process. Troop presence was another vital element that was missing from UNAMIR's mission. UNAMIR force Commander Lieutenant-General Roméo Dallaire initially requested over 4,000 peacekeepers but was only granted 2,500.[299] Despite the request for the peacekeepers in October of 1993, the full force of 2,500 peacekeepers did not arrive until February 1994.[300]

In January of 1994, UNAMIR and the U.S. embassy in Rwanda reported on Hutu-led Government forces arming and training civilian militias despite

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[294] Ibid.

[295] United Nations, "Resolution 872," U.N. Security Council, (1993).

[296] Strong, "The Failure of the United Nations Assistance Mission in Rwanda: A Dearth of Intelligence."

[297] Strong, "The Failure of the United Nations Assistance Mission in Rwanda: A Dearth of Intelligence."

[298] Ibid.

[299] Ibid.

[300] Ibid.

the efforts of the Arusha Accords to disarm the RPF and Government forces. During the peace talks, one of the incentives of demobilization was the compensation of demobilized RPF and Government soldiers to ease their reintegration into Rwandan society. However, neither the RPF nor the Government forces could afford to pay their soldiers the discussed pensions, and the international community dragged its feet on raising the money needed to make it happen.[301] The international community refused to give any development funding to Rwanda until the agreed-upon transitional government was put into power.[302] Nevertheless, the transitional government could not take power because of rising tensions between the RPF and Hutu extremists, lack of funding from the international community, and the bureaucratic restraint that prevented U.N. peacekeepers from enforcing the Arusha Accords.[303] Without the financial backing to monetarily incentivize demobilized soldiers to reintegrate into civilian life, both sides continued arming themselves and preparing for inevitable armed conflict.

April of 1994 saw the breaking point of the conflict with the assassination of President Habyarimana and the subsequent murder of Prime Minister Uwilingiyimana. Additionally, April saw the deaths of 27 U.N. peacekeepers at the hands of Hutu extremists, resulting in the United Nations security council withdrawing most of its peacekeeping force, leaving only 270 peacekeepers behind.[304] The decision to withdraw peacekeepers from Rwanda contributed to the ensuing slaughter of Rwandan Tutsis. Within 100 days of the assassination of President Habyarimana, over 800,000 Tutsis lost their lives through a campaign of brutal violence.[305] Although the absence of advanced weaponry, Hutu extremist militias were able to kill hundreds of thousands of Rwandans through machetes and minor arms violence culminating in the largest genocide ever to occur on the African continent.[306]

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[301] Ibid.

[302] Ibid.

[303] Ibid.

[304] Strong, "The Failure of the United Nations Assistance Mission in Rwanda: A Dearth of Intelligence."

[305] BBC. 2019. "Rwanda Genocide: 100 Days of Slaughter." *BBC News*, April 4, 2019. https://www.bbc.com/news/world-africa-26875506.

[306] Ibid.

Failures of the West

The mistakes of the international community started before the genocide occurred. Rather than being a reactive force, peacekeeping forces need to be able to take preventative measures as well. The inability of UNAMIR peacekeepers to act in a preventative capacity is not the fault of the commanding officers on the ground but rather those who created the parameters of their specific mission. U.N. peacekeepers do not act in the same capacity as a conventional military force and have strict limitations on using deadly force. However, even with their limitations, more should have been done to protect the vulnerable Tutsi population before and during the genocide. The Rwandan Genocide showcased the incompetency of the U.N. and started an international discourse on how to address the shortcomings of the U.N. This discourse took shape in multiple reports including the Brahimi Report and the Capstone Doctrine, which were documents that suggested changes be made to the peacekeeping process and were influenced by the failures of UNAMIR during the Rwandan Genocide.

Peacekeepers in Rwanda failed to keep innocent civilians safe from armed militias. UNAMIR Peacekeepers were ordered not to fire on armed combatants unless fired upon and were severely short-staffed. With only a force of 270 peacekeepers, UNAMIR peacekeepers were spread dangerously thin and were unable to create a safe environment of the persecuted Tutsi population. The lack of support in the case of Rwanda can be attributed to the lack of political will behind preventing the genocide. America was weary of sending peacekeeping troops because of the Battle of Mogadishu, and the slain Belgium peacekeepers deterred Belgium from sending additional reinforcements. All the while the international community, specifically America, was well aware of the rising tensions in Rwanda before they occurred.

Beginning in 1992, before the genocide occurred, various cables were sent to the U.S. Secretary of State detailing the demise of the Arusha Accords, and warning of impending ethnic violence, yet nothing was done to intervene by America or the international community.[307] Even during the initial

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[307] Steven Metz, "DISASTER AND INTERVENTION IN SUB-SAHARAN AFRICA: LEARNING FROM RWANDA," Strategic Studies Institute, US Army War College, 1994, http://www.jstor.org/stable/resrep11349.

stages of the Rwandan Genocide, instead of increasing peacekeeping forces in the region, the United Nations decided to withdraw the majority of peacekeepers stationed in Rwanda, leaving a defenseless and unarmed minority to fend for themselves in the process. The Ethnic violence subsided on July 17th, 1994, when RPF soldiers reached Kigali and overthrew the Hutu military forces. The aftermath of the genocide revealed the deaths of 75% of the Tutsi population, over 250,000 rapes, with 67% of those victims contracting HIV/AIDS.[308]

One of the significant failures of the international community, was the reluctance to call the mass murder of the Tutsi population a genocide. The U.N. held out on officially calling the mass killings of Tutsis a genocide until January 14, 2014. The failure to categorize the ethnic violence in Rwanda as genocide can be seen in U.N. resolution 918, released in May of 1994.[309] The ineffectiveness of resolution 918 should not be understated. Instead of naming the mass murder of the Tutsi population as genocide, resolution 918 instead remarked, "the killing of members of an ethnic group to destroy such a group, in whole or in part, constitutes a crime punishable under international law."[310] The resolution even goes on to recognize the deaths, in the tens of thousands, of the Tutsi minority, including the deaths of women and children, and still failed to call the acts of mass murder a genocide.[311] Calling the Rwandan Genocide, a genocide at the time would have meant an immediate intervention, a step many member states were unwilling to take.[312] Even in the aftermath of the genocide, the U.N failed to name the ethnic violence in Rwanda as a genocide.

The reluctance to act by the international community was by far the worst mistake in preventing the Rwandan Genocide. The international community

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[308] "Holocaust Memorial Day Trust | Life before the Genocide," Holocaust Memorial Day Trust, accessed June 27, 2023, https://www.hmd.org.uk/learn-about-the-holocaust-and-genocides/rwanda/life-before-the-genocide/#:~:text=The%20distinction%20between%20Hutu%20and.

[309] "Resolution 918," U.N. Security Council, May 17, 1994, accessed May 25, 2023, Security Council Resolution 918 – UNSCR.

[310] Ibid.

[311] UN Security Council, "Resolution 918."

[312] "Leave None to Tell the Story: Genocide in Rwanda," Human Rights Watch, Last modified April 1, 2004, https://www.hrw.org/legacy/reports/1999/rwanda/Geno15-8-02.htm#P321_97516.

failed to inform themselves of the deep-rooted ethnic tensions between Tutsis and Hutus, which would have informed their decisions on whether to act. However, incentivizing world powers to act in a military capacity in smaller nations can prove to be frustrating. Therefore, rather than addressing the various factors that contribute to the decision-making of individual nations, more should be done to reform the U.N, especially the response time of peacekeepers.

Improving U.N. Peacekeeping

Since the Rwandan Genocide, the U.N. has taken steps to improve the effectiveness of peacekeeping missions. These changes include creating the United Nations Standby Arrangements System (UNSAS), creating the Brahimi report, and implementing the capstone doctrine. The UNSAS was made in recognition of the U.N. needing a standby force that could deploy faster than the peacekeeping mission.[313] The force comprises a mix of civilian and military personnel with expertise in rapid deployment. It could mobilize at a moment's notice to support a peacekeeping mission.[314] The Brahimi report was created in the aftermath of the failures of the U.N. in the Rwandan Genocide and other peacekeeping missions of the decade. The report outlined the need for more effective peacekeeping strategies, more participation on the part of U.N. member states, and peacekeepers to mediate and further work towards tackling the root causes of global conflicts.[315] The Brahimi report served as a building block for the more refined Capstone Doctrine, which called for further reform in the peacekeeping process to include an integration of civilian, military, police, civilian, and humanitarian elements in the peacekeeping process.[316]

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[313] Peter H. Langille, "Standby Arrangements System," *Improving United Nations Capacity for Rapid Deployment* International Peace Institute, 2014, http://www.jstor.org/stable/resrep09637.6.

[314] Ibid.

[315] United Nations, General Assembly and Security Council, *Report on the Panel of the United Nations Peace Operations*, (A/55/305-S/2000/809), 21 August 2000.

[316] UN Department of Peacekeeping Operations (DPKO), *United Nations Peacekeeping Operations: Principles and Guidelines*, March 2008, available at: https://www.refworld.org/docid/484559592.html.

While the Capstone Doctrine and the Brahimi Report are both critical in pointing out the shortcomings of the U.N. peacekeepers and outlining what needs to be done to improve peacekeepers, the most promising of these three improvements is the UNSAS. The UNSAS is the only change made to traditional peacekeepers that attempts to speed up the peacekeeping deployment process. However, the limitation of this force is deeply inter-mixed with the bureaucracy of enlisting members from member states into active duty. Participation in the UNSAS is optional, and as of 2013, only 90 countries actively participated in the system.[317] Only three of those 90 member states were willing to contribute troops to the rapid deploy-ment force.[318] The problems that plague the UNSAS are intrinsic to the U.N.'s decision-making process, which is the willingness of member states to participate. A primary objective of the U.N. is respecting and observing member states' sovereignty. An unfortunate side effect of this practice is that member states only have to take active roles in the peacekeeping pro-cess if they are willing to do so.[319] This practice often leaves peacekeeping missions underfunded, poorly equipped, and operationally restrained.[320]

Additionally, the security council can only approve rapid deployment of the UNSAS, further extending the bureaucratic process of deploying peacekeepers. As of 2010, the Office of Internal Oversight found that the absence of member states participating in the rapid deployment aspect of UNSAS limited the U.N.'s ability to even deploy the force in the first place[321]. Additionally, the report stated that UNSAS has yet to successfully implement the rapid deployment of U.N. peacekeeping resources, mak-ing the program ineffective at its mission[322]. Considering the shortcomings of UNSAS, a different approach should be taken to developing a more effec-tive peacekeeping force that would better equip the U.N. to save the lives of thousands in future conflicts and allow Western states to take a more

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[317] Langille, "Standby Arrangements Systems."

[318] Ibid.

[319] Ibid.

[320] Ibid.

[321] Ibid.

[322] Ibid.

hands-off approach in intervening in ethnic conflicts. Using the Rwandan Genocide as a case study to improve the effectiveness of the U.N. peacekeeping missions is paramount to creating a more effective peacekeeping force. The improvement process should address significant shortcomings detrimental to UNAMIR's mission in Rwanda.

Peter H. Langille and Nina Wilén, provide detailed outlines critiquing U.N peacekeeping and served as a point of entry for my academic research. While more academics have contributed to the conversation on improving U.N peacekeeping Langille and Wilén proved to be the two scholars whom proposed ideas similar to that of the proposal later on in this paper. In his piece titled *"Improving United Nations Capacity for Rapid Deployment,"* Peter H. Langille details potential solutions to improve the rapid deployment of U.N. peacekeepers, including a standby arrangements system, a police unit standby initiative, improving standing police capacity, financial premiums, and incentives, global field support strategy, enhanced rapidly deployable capacities, early mission headquarters, and partnerships for rapid deployment.[323] Langille's in-depth analysis of the problems plaguing U.N. peacekeepers touches on the need for more political will from member states to participate in the peacekeeping process, explicitly calling out Western powers for their reluctance to become involved in peacekeeping missions.[324] Langille also highlights the need for more effective rapid deployment forces and suggests restructuring the existing UNSAS system.[325] Rather than being comprised of volunteer forces, Langille suggests that UNSAS personnel be selected based on expertise and merit.[326] Instead of countries having to donate resources, Langille theorizes that making the UNSAS more selective and merit-based will encourage countries to participate in the UNSAS to showcase their powers and capabilities.[327] Langille's piece then recommends more solutions to existing peacekeeping issues concerning incentivizing peacekeepers financially,

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[323] Langille, "Standby Arrangements Systems."

[324] Ibid.

[325] Ibid.

[326] Ibid.

[327] Ibid.

making a more robust U.N. police force as a complement to existing peacekeeping forces, and much more. However, Langille's proposals still depend on the will of states wanting to participate in the peacekeeping process and fail to circumvent some of the bureaucracy involved in the creation of a peacekeeping mission.

In her report titled *"Improving Peacekeeping Performance – Dilemmas and Goals,"* Nina Wilén also proposes solutions to improving the peacekeeping process.[328] Wilén discusses the need to persuade Western militaries, who are better trained, funded, and equipped, to participate more in the peacekeeping process, but fails to outline how to persuade Western countries to take on a more significant role in the peacekeeping process.[329] Wilén also details the need to equip existing peacekeepers with better training but retorts her own argument by noting that the global south is the top contributor to peacekeeping missions and that some armies that contribute to peacekeeping missions are run by authoritarian regimes[330]. Training soldiers from authoritarian regimes can backfire on the global stage, with troops using the training they receive as peacekeepers to become more effective soldiers in their national armies.[331] Wilén concluded her piece, noting the importance of learning from past peacekeeping missions and emphasizing the need for Western nations to train peacekeepers not only as soldiers but in empathy and human rights as well. Missing from Wilén's peace is the blueprint of how to get Western nations to take larger roles in the peacekeeping process within the U.N.

Both authors propose worthwhile and considerable changes to be implemented by the U.N. for its peacekeeping forces. However, both authors fail to identify ways to circumvent the time-consuming bureaucracy that contributes to the ineffectiveness of peacekeepers. And while both authors recognized the usefulness of developing a supplementary force, neither

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[328] Nina Wilén, "Improving Peacekeeping Performance – Dilemmas and Goals," *Africa Policy Brief* no. 21, (October 1, 2018).

[329] Ibid.

[330] Ibid.

[331] Ibid.

of the authors provide a blue print on how to go about it. This paper puts for the idea of a Rapid Response Force (RRF), and provides suggestions for creating it. The hypothetical proposal draws from the UNSAS, and attempts to address its shortcomings and the failures of peacekeeping in Rwanda. The idea of the creation of a RRF is still in its infancy and should face further critiques and reform. Presently, peacekeeping missions can take several months to be fully deployed. One of the barriers to rapid deployment is that peacekeepers need to learn and train for their specific mission since every U.N. peacekeeping mission has different parameters, rules of engagement, and requirements for what needs to be achieved. Additionally, peacekeeping operations are typically operated by forces foreign to the mission country. A way to improve this situation would be diversifying the peacekeeping force by implementing a continually standing RRF comprised of peacekeepers from all over the globe.

The Implementation of RRF

In response to the shortcomings of UN peacekeeping, the implementation of a presently hypothetical solution could solve the issue of rapidly deploying peacekeepers. If correctly implemented, the creation of a RRF tasked with safeguarding civilians and establishing a base of operations for conventional peacekeeping missions has the potential to speed up getting well trained peacekeepers on the ground which can save lives and prevent further violence in the given conflict. Since the inception of the U.N., the organization has never had a standing military force. A standing military force has the potential to be misused or weaponized against U.N. member states if implemented incorrectly. However, a clear set of parameters should be created to outline the purpose of RRF to prevent the misuse of their abilities. The first parameter to be put in place is the restriction of the size of RRF. The primary purpose of a RRF should be to intervene primally in instances of targeted violence against ethnic groups or in situations where civilian populations are at risk of severe violence. A RRF should establish a protected, safe zone for the civilians and a base of operations for the larger peacekeeping mission. The duration of their deployment

would only be until the peacekeeping mission, assembled through traditional methods, is mobilized.

The primary goals of a RRF should be creating a base of operations, protecting the civilian population from armed combatants, and creating a safe zone around the base of operations for refugees. Any further assistance would arrive with the official U.N. mission to the nation in question. A RRF would have to be granted permission to intervene through a majority vote of the security council and would be deployed as quickly as possible from the decision on their deployment. Permission to use lethal force should be granted only when protecting the civilian population from combatants or in situations of self-defense, including any armed violence against peacekeepers. However, a RRF, in a situation of self-defense, should not be permitted to employ offensive strategies such as the occupation of territory, imprisonment of enemy combatants, or acting in an offensive capacity after the confrontation concludes.

The key behind a RRF should be the ability to react with lethal force in a defensive capacity to protect themselves and the civilian population, with the protection of the civilian population being the primary objective of their deployment.

A RRF should also be comprised of various professionals from different backgrounds, such as police, soldiers, healthcare professions, engineers, climate professionals, firefighters, logistics professionals, policy analysts, and others who could contribute to establishing a base of operations in a combat zone in a small window of time. After the initial base of operations is established and the official peacekeeping mission is ready to address the broader conflict, a RRF will be replaced by the larger peacekeeping mission. While not the answer to ending ethnic violence and genocide, a RRF would serve as a capable and highly skilled force capable of deterring genocide or, at the very least, mitigating its spread.

Touching on the personnel aspect further, to make a RRF most effective, those serving in the task force should prioritize the safety of civilians and the enforcement of the Geneva Conventions and international law above

all. The U.N. states five main objectives of its mission as an organization on its website; Maintaining international peace and security, protecting human rights, delivering humanitarian aid, supporting sustainable development and climate action, and upholding international law[332]. The creation of a RRF would actively work to uphold all five of these goals, albeit in a timelier manner, while the wheels of bureaucracy spin to create a more permanent peacekeeping mission. The diversity of a RRF members contributes to the overall force's effectiveness. All U.N. member states should be required to contribute funding and personnel to the RRF. Expected financial contributions would be based on a percentage of every member nation's GDP so that contributions would be proportional to the size of the economy of individual nations.

Additionally, with a more diverse personnel group, a RRF would be better suited to tackling conflicts in all regions of the globe. Financial commitment to a RRF is imperative as the more money that is contributed to the creation of a RRF, the better training members of the task force can receive. One of the primary goals of creating a RRF is to circumvent the lengthy process of deploying a peacekeeping mission to conflict zones where the civilian population is in imminent danger. When ethnic violence erupts, time is vital, and a RRF would have the ability to be deployed in a matter of days. A RRF would ideally have permanent operation centers across the globe, aiding in the rapid mobilization process and also serving as regional bases to monitor peacekeeping missions and observe developing conflicts. These regional operation centers would be in cooperation with regional authorities and militaries, aiding in the monitoring process. A RRF would then draft scheduled reports to keep the U.N security council updated with developing conflicts and potential peacekeeping missions. While a RRF would be unable to act without an order of deployment their continual monitoring of global conflicts would also prove helpful to speeding up peacekeeping deployments.

While the idea of creating a RRF may seem appealing, the U.N. creating a standing force capable of military action will be a point of contention

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[332] United Nations, "Our Work," United Nations, 2021, https://www.un.org/en/our-work.

to many member states, worried that a RRF might not respect their sovereignty. Additionally, larger states, especially permanent members, would request the ability to veto the deployment of a RRF in any case deemed fit. To address these concerns, three points need to be considered. First, a RRF would not be an offensive force tasked with invading or overthrowing any nation. The primary objective of a RRF is the protection of civilians in war zones or ethnic conflicts and the establishment of a base of operations in preparation for the arrival of a peacekeeping mission. Additionally, the size of a RRF would be restricted to no more than 10,000 active personnel, ensuring that based on size alone, a RRF would not be a force capable of taking on large conventional militaries in a military confrontation. Secondly, creating a RRF would also contribute to subsiding the flow of migrants to the West. In curtailing ethnic conflicts and providing a safe place of residence for civilians in conflict zones, the desire for refugees to leave their country should be diminished substantially. Additionally, the stabilization of nations leads to a more business-conducive environment for world trade. Lastly, the creation of a RRF mitigates the need for world powers to send their troops in the capacity of peacekeepers into conflict zones.

Conclusion

This paper provided a critical look at previous efforts to reform and address the many shortcomings in peacekeeping. It then identified the remaining obstacles, focusing in on the need to develop a rapid response force. Following, it put forth a proposal on how to improve the deployment of U.N. peacekeepers as well as contribute to the academic conversation pertaining to the matter. As this paper discussed, the ability of a RRF to circumvent the bureaucracy of U.N. peacekeeping will ultimately separate a RRF from its predecessor the UNSAS. A RRF will only be successful if it can be rapidly deployed with sufficient force and funding. Another factor setting a RRF apart from UNSAS would be its ability to maintain a standing force with a primary allegiance to U.N. peacekeeping rather than their native governments. The last key aspect of the success of this force would be the security council giving the deployment process of a RRF priority

over all other matters. Making a RRF an autonomous force, separate from the directives of the security council, would be unrealistic, but forcing the security council to address the deployment of a RRF as a primary objective would speed up the bureaucratic process. Not to mention, the mandatory contribution of funds, troops, and supplies from all member states will make a RRF force adequately equipped to facilitate the protection of civilians during armed conflict and the ability to defend themselves as well.

The importance of protecting vulnerable civilian populations from armed conflict keeps growing as weapons become more advanced and newer armed conflicts around the globe are taking shape with frequency. With these developments, the U.N., as the global organization responsible for peace among states, is growing old, and the power structures within in U.N. are due for a drastic change in the coming years. However, these developments necessitate a globally backed force responsible for keeping innocent civilians safe and preventing genocide. The bottom line is that peacekeepers are a unique armed force that does not fight under the name of any nation or company but instead fights to uphold and maintain peace and the safety of world citizens. If allowed to take preventative measures instead of reactive measures in the peacebuilding process, the peacekeeping force could evolve into a force that prevents global conflicts instead of reacting to them. However, this idea is far down the road and, frankly, quite idealistic. In the meantime, something achievable that can be implemented relatively quickly is reforming peacekeepers, with a focus on speeding up their deployment to peacekeeping missions. A RRF could be instrumental in achieving this goal and preventing genocides such as the one in Rwanda from occurring. As seen in Rwanda, global powers like the U.S. should not be relied upon to maintain peace, as nations are bound by their interests and hold allegiance to their citizens over anything else. The U.N., on the other hand, can be a more impartial force when coming to peacekeeping and is better equipped, by the nature of the institution, to handle problems concerning peacekeeping. After putting for the hypothetical proposal of developing a RRF, further research and critical academic conversations remain needed.

Agricultural Limitations and Stability in Afghanistan

Dillon GRUBB

Abstract: The theory of human security as a framework for stability has been used to analyze why and how insurgent groups rise to power in unstable rural regions. The use of agriculture can help meet certain human security needs such as relieving poverty and increasing food security. 79% of Afghanistan's population lives in rural communities with high food and income insecurity. By improving the agriculture sector through policy changes and rural investment there is an opportunity to reduce insurgency effectiveness in rural regions. Improving output is one of the only ways to aid in food security. The two parts of the agriculture sector that need the most aid are the areas of production and market access.

Keywords: Rural, Agriculture, Food Security, Human Security, Afghanistan

Introduction

The most important sector to rural Afghans is currently the agricultural sector with 79% of rural households relying on farming or animal breeding to make a living.[333] Rural agriculture finds itself in a position where it is uniquely vulnerable to several different threats that can cause shocks at numerous parts of the supply chain. Environmental, biological, or price shocks all can harm production and distribution increasing prices and making food less

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[333] WFP et al., "Seasonal Food Security Assessment (SFSA) 2020 Report," *Afghanistan Food Security & Agriculture Cluster*, 2020.

accessible[334]. Rural households also on average tend to be impacted by poverty worse than those in urban environments both in scale and in depth.[335]

By alleviating rural poverty through programs that aim to make agriculture more profitable and accessible, I argue that we can reduce rural insurgency support and help stabilize food security[336] by addressing rural limitations. Addressing rural poverty and agricultural shortfalls will require identifying limitations to rural communities and how these limitations can be alleviated.

Connecting Rural Insurgency to Rural Conditions

Using human security as a framework to counter extremism, it becomes clear that instability of food, health, educational, and economic conditions create an environment that allows insurgent groups to develop.[337] Violence in unstable rural regions produces a cyclical feedback loop that creates sustained instability.[338] Rural regions are more susceptible to insurgency because of their economic and social vulnerability, lack of government control,[339] and urban bias.[340]

During the occupation of Afghanistan by the United States the Taliban found a majority of its support from rural areas of Afghanistan.[341] Yet as the Taliban

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[334] Food and Agriculture Organization of the United Nations, *2021 The States of Food and Agriculture Making Agrifood Systems More Resilient to Shocks and Stresses*, 2021.

[335] Muhammad Asef Shaiq et al., "Dimensions of Poverty in Kunduz Province of Afghanistan," *World* 3, no. 4 (2022): 979-92, https://doi.org/10.3390/world3040055.

[336] Nigel Poole et al., "Sowing the Wheat Seeds of Afghanistan's Future," *PLANTS, PEOPLE, PLANET* 4, no. 5 (2022): 423-31, https://doi.org/10.1002/ppp3.10277.

[337] Anusha Arif, "Global War on Terror, Human Security and FATA," *FWU Journal of Social Sciences* 11 (2017): 11-20, 13-14.

[338] Tafida Ahmadu Abubakar and Michael Amurtiya, "Boko-Haram Insurgency and Rural Livelihood Dilemma: Implication for Sustainable Development in North-East Nigeria," *Problemy Ekorozwoju* 18, no. 1 (2023): 216-25, https://doi.org/10.35784/pe.2023.1.23.

[339] Aasim Sajjad Akhtar, "Breaking Afghanistan," *Catalyst* 5, no. 4 (2022): 142-58.

[340] Jan H. Pierskalla, "The Politics of Urban Bias: Rural Threats and the Dual Dilemma of Political Survival," *Studies in Comparative International Development* 51, no. 3 (2015): 286-307, https://doi.org/10.1007/s12116-015-9194-2.

[341] Thomas Ameyaw-Brobbey, "The U.S. Withdrawal, Taliban Takeover, and Ontological (in)Security in Afghanistan," *World Affairs* 186, no. 1 (2022): 109, https://doi.org/10.1177/00438200221125800

has come to power a vast majority of urban and rural communities do not favorably view a Taliban government.[342] This creates conditions where insurgency becomes more likely especially as the Taliban has not improved the economic conditions of rural areas. The Taliban's rise to power has also enabled numerous terrorist groups to operate in Afghanistan,[343] this includes allies such as Al Qaeda and enemies such as ISIS-k.[344]

Agriculture and Stability

The agriculture sector in Afghanistan has the potential to help improve the lives of all Afghani citizens in the areas of economics and food stability. Currently, there are 18.9 million people in Afghanistan facing acute food insecurity[345] and all but four provinces in Afghanistan reported a drop in crop output from 2021-2022 (the four other provinces had no data gathered.)[346]

Data suggests 79% of rural households rely on some form of agriculture to make a living in Afghanistan.[347] However, agriculture is insufficient to support families. As of 2023, an estimated 28.3 million people are in need of assistance, and 22.2 million of them live in rural communities.[348] That being said growth in the agriculture sector is not only possible but is one of the only ways forward for self-sufficiency in Afghanistan.[349]

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[342] Maryam Baryalay, *SURVEY Of SOCIO-POLITICAL NORMS AND VALUES Of PEOPLE IN RURAL AND URBAN AFGHANISTAN*, PDF (Organization for Social Research and Analysis, 2022).

[343] Barbara Elias, "Why Rebels Rely on Terrorists: The Persistence of the Taliban-al-Qaeda Battlefield Coalition in Afghanistan," *Journal of Strategic Studies* 45, no. 2 (2021): 234-57, https://doi.org/10.1080/01402390.2021.2002691.

[344] "Terrorist Groups in Afghanistan – CRS Reports," Congressional Research Service, April 19, 2022, https://crsreports.congress.gov/product/pdf/IF/IF10604.

[345] WFP, *WFP Afghanistan Situation Report*, 2022.

[346] FAO, *Afghanistan: Diem – Data in Emergencies Monitoring Brief, round 6*, 2023, 9-12, https://doi.org/10.4060/cc5953en.

[347] OCHA, *HUMANITARIAN NEEDS OVERVIEW AFGHANISTAN*, 2023, 4-5.

[348] Ibid.

[349] Poole et al., "Sowing the Wheat Seeds of Afghanistan's Future."

Stabilizing Output

Infrastructure encapsulates a large number of important points in the agricultural supply chain and lack of or poor infrastructure can hinder accessibility and raise prices. It can do this in a few ways first it can impact productivity through water infrastructure, [350]scarcity, and crop storage.

Water Infrastructure

Irrigation in Afghanistan has the potential to increase the productivity of farmers by large amounts. In 2017, 52% of irrigated farmland made up 91% of total wheat production, the remaining 48% and 9% were rainfed.[351] Between 1980 and 2022, cultivated land fell from 3.3 million hectares of land to 1.8 million hectares of land. This was primarily attributed to the degradation of irrigation infrastructure.[352] Improper infrastructure projects also have the potential to spur local armed resource conflicts.[353] Water is a scarce resource and the use of water for irrigation upstream has the potential to reduce availability to those downstream.

Another important tool for farmers comes from water storage. Water storage allows unused water to be saved for drought years. Another benefit of water storage is that it allows farmers to irrigate more land because they are able

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[350] Wahidullah Hussainzada and Han Soo Lee, "Effect of an Improved Agricultural Irrigation Scheme with a Hydraulic Structure for Crop Cultivation in Arid Northern Afghanistan Using the Soil and Water Assessment Tool (SWAT)," *Scientific Reports* 12, no. 1 (2022), https://doi.org/10.1038/s41598-022-09318-2, 1-2.

[351] Srinivas Tavva et al., "Technical Efficiency of Wheat Farmers and Options for Minimizing Yield Gaps in Afghanistan," *Outlook on Agriculture* 46, no. 1 (2017): 13-19, https://doi.org/10.1177/0030727016689632, 13-14.

[352] Hussainzada & Lee, "Effect of an Improved Agricultural Irrigation Scheme with a Hydraulic Structure for Crop Cultivation in Arid Northern Afghanistan Using the Soil and Water Assessment Tool (SWAT)," 2.

[353] Florian Krampe, Elizabeth S. Smith, and Mohammad Daud Hamidi, "Security Implications of Climate Development in Conflict-Affected States: Implications of Local-Level Effects of Rural Hydropower Development on Farmers in Herat," *Political Geography* 90 (2021): 102454, https://doi.org/10.1016/j.polgeo.2021.102454.

to use the excess water from years with higher-than-average precipitation. Currently, there is very little water collection capacity in Afghanistan. [354]

Rural Credit Access

One of the largest problems facing rural farmers in productivity is a lack of access to a centralized credit system.[355] In 2018 only 3.1% of farming households took part in the formal credit system in Afghanistan.[356] Despite facing higher bars of entry to formal credit, farmers are less often delinquent when paying loans back.[357]

Farms' access to credit depends on a number of different factors, farmers with more crop diversity are more likely to take part in both the formal and informal credit sectors, those experiencing economic shocks are more likely to turn to informal than formal, and those more remote and generally poorer households are less likely to have access to the formal sector.[358]

Credit access is important to both producers and consumers as it can be used to purchase input goods such as seeds and animal products instead of using or lacking personal savings. Consumers on the other hand can use credit to bolster food security in times of shocks such as in case of drought, flood, or crop failure where prices will rise.

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[354] Abdelaziz A. Gohar, Frank A. Ward, and Saud A. Amer, "Economic Performance of Water Storage Capacity Expansion for Food Security," *Journal of Hydrology* 484 (2013): 16-25, https://doi.org/10.1016/j.jhydrol.2013.01.005.

[355] Mawladad Khairi, Mahdi Mahdi Safdari, and Ali Sardar Shahraki, "An Integrated Investigation into the Socioeconomic Factors Threatening Crop Marketing: A Comparative Study on Faryab Province of Afghanistan and the Sistan Region of Iran," *Environmental Energy and Economic Research* 6, no. 2 (2022), https://doi.org/DOI 10.22097/EEER.2022.276998.1188, 16.

[356] Masaood Moahid and Keshav Lall Maharjan, "Factors Affecting Farmers' Access to Formal and Informal Credit: Evidence from Rural Afghanistan," *Sustainability* 12, no. 3 (2020): 1268, https://doi.org/10.3390/su12031268, 2.

[357] Ron Weber and Oliver Musshoff, "Is Agricultural Microcredit Really More Risky? Evidence from Tanzania," *Agricultural Finance Review* 72, no. 3 (2012): 416-35, https://doi.org/10.1108/00021461211277268.

[358] Moahid & Maharjan, "Factors Affecting Farmers' Access to Formal and Informal Credit: Evidence from Rural Afghanistan," 11-13.

There is a distinction between the informal and formal sectors of lending. The results from lending money from the formal sector see an increase in food stability. The opposite is true of the informal sector where food security is actually seen to fall in cases where informal loans are used.[359]

Post-production processing and Stora

Proper post-production storage also allows for more consistent access to goods and more consistent prices.[360] This has also been labeled as a weak point in Afghanistan's agricultural supply chain.[361] Inadequate storage can lead to the destruction of products through pests, humidity, or spoilage.[362] Without access to storage, it incentives quick turnarounds selling the products as soon as possible.[363] Improved farm storage has been correlated with an improvement in food security as farms are able to hold onto the product past the annual or semi-annual harvests using the reserves for when access to other foods is unavailable.[364]

Input Quality

Low access to affordable and quality inputs has hampered outputs as early as 2007, when Afghan farmers had access to locally sourced poor-quality seeds.[365]

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[359] Wezi Salima et al., "The Impact of Credit Access on Household Food Security in Malawi," *Journal of Agriculture and Food Research* 11 (2023): 100490, https://doi.org/10.1016/j.jafr.2022.100490, 9.

[360] Hayatullah Ahmadzai, "ON-FARM GRAIN STORAGE LOSSES: POTENTIAL GAINS FROM IMPROVED STORAGE FACILITY AND MANAGEMENT PRACTICES IN AFGHANISTAN" (thesis, Purdue University, 2011).

[361] Abdul Matin Miani et al., "Toward Sustainable Rural Livelihoods Approach: Application of Grounded Theory in Ghazni Province, Afghanistan," *Applied Geography* 154 (2023): 1-13, https://doi.org/10.1016/j.apgeog.2023.102915, 2.

[362] Ahmadzai, "ON-FARM GRAIN STORAGE LOSSES: POTENTIAL GAINS FROM IMPROVED STORAGE FACILITY AND MANAGEMENT PRACTICES IN AFGHANISTAN," 23.

[363] Ibid., 13.

[364] Michael Brander, Thomas Bernauer, and Matthias Huss, "Improved On-Farm Storage Reduces Seasonal Food Insecurity of Smallholder Farmer Households – Evidence from a Randomized Control Trial in Tanzania," *Food Policy* 98 (2021): 101891, https://doi.org/10.1016/j.foodpol.2020.101891, 1.

[365] Sam Kugbei and Shahabuddin Shaha, "Strengthening National Seed Production Capacity in Afghanistan ANALYSIS Of THE SEED MARKET IN AFGHANISTAN," *FAO*, 2007, 34-35.

This remains a problem that continues to reduce productivity. More recently the FAO has taken steps to help improve seed quality[366] but outside of full market implementation, a majority of farms are limited to locally sourced seeds. The lack of access to certified seeds leads crops to be more susceptible to environmental threats and lowers the yields of farms using noncertified seeds. A 2006 survey has shown a culture of using their own saved seeds from earlier yields to produce the next yield.[367] This continues the cycle of poor-quality uncertified seeds. Even when certified seeds are available, they are sold at a premium above market value and even those who have access to these different seeds, may not have knowledge on their differences.[368]

Farming Techniques

A further restraint, is the lack of knowledge on modern growth techniques and methods.[369] When modern techniques are utilized there is a growth in cultivation and an increase in overall output.[370] Those that do have knowledge in the area of fertilizers and organic fertilizers face barriers due to rising costs[371] and access to markets and credit.[372]

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[366] FAO, "Fao.Org," Certified seed increases wheat harvest and gives economic reprieve to farmers | FAO in Afghanistan | Food and Agriculture Organization of the United Nations, August 21, 2022, https://www.fao.org/afghanistan/news/detail-events/en/c/1602652/.

[367] Tavva Srinivas et al., "ICARDA's Approach in Seed Delivery: Technical Performance and Sustainability of Village-Based Seed Enterprises in Afghanistan," *Journal of New Seeds* 11, no. 2 (2010): 138-63, https://doi.org/10.1080/15228861003754156, 147.

[368] Sam Kugbei, "Efficiency of Wheat Seed Production and Crop Diversification in Afghanistan," *Journal of Crop Improvement* 25, no. 3 (2011): 191-201, https://doi.org/10.1080/15427528.2011.547751, 194-197.

[369] Abdul Hadi Wasil et al., "The Level of Knowledge, Attitude and Practice toward Organic Fertilizer Adoption among Almond Smallholder Farmers in Uruzgan, Afghanistan," *Sarhad Journal of Agriculture* 39, no. 1 (March 2023): 29-39, https://doi.org/10.17582/journal.sja/2023/39.1.29.38, 30.

[370] World Bank World Bank Group, "Modern Farming Boosts Production in Afghanistan's Khost Province," World Bank, February 26, 2018, https://www.worldbank.org/en/news/feature/2018/02/26/modern-methods-and-much-needed-irrigation-help-farmers-increase-their-incomes-in-rural-afghanistan.

[371] FAO, "Country Briefs: Afghanistan," FAO Giews Country Brief on Afghanistan -, June 5, 2023, https://www.fao.org/giews/countrybrief/country.jsp?code=AFG#:~:text=According%20to%20the%20latest%20available%20Integrated%20Food%20Security,2.8%20million%20people%20in%20IPC%20Phase%204%20%28Emergency%29.

[372] Wasil et al., "The Level of Knowledge, Attitude and Practice toward Organic Fertilizer Adoption among Almond Smallholder Farmers in Uruzgan, Afghanistan".

Output Policy Recommendations

These tools can be implemented to combat the consistent environmental shocks that plague the agriculture sector in Afghanistan.[373] Droughts and floods are common at the same time in different parts of the country.[374] Pests and crop diseases can lead to crop failures that hurt the market. These shocks can be alleviated by taking preventative measures that aim to keep yields high even in times of shock, and measures that aim to boost general output.

There are many policy responses that can be used to alleviate the price and output impact of market shocks. First, by creating reserves of water even in times of environmental shocks a certain amount of output can be cultivated. Irrigation improvements can enable farms close to water sources to still access them during droughts. Improved inputs such as higher quality seeds that are resilient to droughts, pests, and disease can help keep output high.

Second, prices can be protected through on-farm food storage on a small scale and a national food reserve on a national level. With a reserve of food to access, even if yields are smaller than expected, they can be used to keep supply to the market consistent and bolster food security by making food accessible even after harvest season.[375]

General output improvement is widely accepted as the only way to combat food insecurity.[376] This can be done by optimizing yield sizes. It is argued the best way to improve yield is through an improvement of Afghanistan's current irrigation infrastructure. Looking at the disparity between irrigated land and non-irrigated land's output, the difference is undeniable. Connecting rainfed farmers to irrigation infrastructure could massively

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[373] FAO, "Afghanistan: Diem – Data in Emergencies Monitoring Brief, round 6."

[374] Ibid., 5.

[375] "Why We Need Food Reserves," Institute for Agriculture and Trade Policy, October 10, 2010, https://www.iatp.org/documents/why-we-need-food-reserves.

[376] Poole et al., "Sowing the Wheat Seeds of Afghanistan's Future."

improve output. Comparatively making up similar land size irrigated land produces ten times higher yield than rainfed.[377]

Water collection also has the potential to increase output by allowing excess water to be captured and used. This has been linked to increases in cultivation of up to 21%.[378] Higher quality and yield seeds and fertilizer can also improve general outputs, although they are more expensive.[379] This can be combated through the implementation of more inclusive formal credit reform that aims to aid those in remote regions and those in economically disadvantaged conditions. Credit can be made more accessible by changing collateral loan requirements and working on remote outreach and education.[380]

Market Access

Because of the nature of agricultural goods, quick access to markets is vital to making both consumers and providers happy. This means that quick access to markets is imperative to a sustainable market. If producers are unable to cheaply move products to where they are needed, the products may go to waste or perish before they reach the proper markets.[381] At the same time, if transportation is too expensive, then the price of goods will be pushed up, making it less accessible to those that need it most.[382] This requires proper market information and cheap transportation costs.

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[377] Hussainzada & Lee, "Effect of an Improved Agricultural Irrigation Scheme with a Hydraulic Structure for Crop Cultivation in Arid Northern Afghanistan Using the Soil and Water Assessment Tool (SWAT)," 2.

[378] Gohar, Ward & Amer, "Economic Performance of Water Storage Capacity Expansion for Food Security," 23.

[379] Kugbei, "Strengthening National Seed Production Capacity in Afghanistan ANALYSIS Of THE SEED MARKET IN AFGHANISTAN," 194-195.

[380] Moahid & Maharjan, "Factors Affecting Farmers' Access to Formal and Informal Credit: Evidence from Rural Afghanistan," 11-13.

[381] Khairi, "An Integrated Investigation into the Socioeconomic Factors Threatening Crop Marketing: A Comparative Study on Faryab Province of Afghanistan and the Sistan Region of Iran," 2.

[382] Laura Turley and David Uzsoki, "Why Financing Rural Infrastructure Is Crucial to Achieving Food Security," International Institute for Sustainable Development, January 9, 2019, https://www.iisd.org/articles/rural-infrastructure-food-security.

Market Information

Market information relates to the information relating to both the sourcing of the required inputs, competition, and consumer desires. In perfect markets, this information is available to producers. Poor market information has given rise to middlemen in Afghanistan who will purchase producers' goods at exploitative prices and resell them to consumers at high prices.[383] This takes profit away from the producers and makes affordable food less accessible to consumers.

Access to information to producers relating to local market prices can help them negotiate better prices from the vendor.[384] Long-term market information when gathered also allows farmers to better plan what crops are usually most in demand by consumers. This can be accessible as mobile technology becomes more available. Mobile phone use on farms has been connected to reducing costs and increasing profits.[385]

Although increasing phone use on rural farms seems an easy task, many barriers such as the literacy required to use a phone and access to purchase one exist in these regions, in 2021 only 57%[386] of Afghani citizens had subscriptions to a phone service and only 9% has access to the internet.[387] Not only do those who have a cell phone need to be able to be connected to broadband but the user also needs to be literate in order for cell phones to be useful. In 2021, only 37% of people over the age of fifteen

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[383] Khairi, "An Integrated Investigation into the Socioeconomic Factors Threatening Crop Marketing: A Comparative Study on Faryab Province of Afghanistan and the Sistan Region of Iran," 16-17.

[384] "The Role of Market Information," FAO, Accessed July 14, 2023, https://www.fao.org/3/AB795E/ab795e02.htm#:~:text=Up-to date%2C%20or%20current%2C%20market%20information%20enables%20farmers%20to,to%20rural%20producers%20regarding%20quantities%20and%20varieties%20required.

[385] Amy Quandt et al., "Mobile Phone Use Is Associated with Higher Smallholder Agricultural Productivity in Tanzania, East Africa," *PLOS ONE* 15, no. 8 (2020), https://doi.org/10.1371/journal.pone.0237337, 1-2.

[386] "Mobile Cellular Subscriptions (per 100 People) – Afghanistan," World Bank Open Data, accessed July 14, 2023, https://data.worldbank.org/indicator/IT.CEL.SETS.P2?locations=AF.

[387] "International Literacy Day 2021 – UNESCO," International Literacy Day 2021 Literacy for a human-centred recovery: Narrowing the digital divide, 2021, https://en.unesco.org/sites/default/files/literacy-afghanistan-fact-sheet-2021.pdf.

were literate in Afghanistan.[388] It can be concluded that all of these statistics are biased in favor of those living in urban communities.

Transportation Infrastructure

The development of proper domestic infrastructure has the potential to connect rural communities with the wider market. Currently, Afghanistan faces an infrastructure deficit[389] that has hindered economic development. Rural road infrastructure can especially help stimulate economic growth by connecting producers to markets that have demand for their goods. This improves the economic standing of farmers by getting their goods sold. It also has the opportunity to bolster food security by lowering food prices.[390, 391]

Transportation Inputs

Changes in the price of food due to rising transport costs harm consumers and producers. Producers are hurt by the increased input cost of travel to market. Consumers are hurt both by the rising input price but also by the costs required for the consumer to reach the market.[392]

Transportation in Afghanistan is limited to mostly informal kinds of travel: walking, public transportation, and intermediate means of transport.

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[388] "Literacy Rate, Adult Total (% of People Ages 15 and Above)," World Bank Open Data, accessed July 14, 2023, https://data.worldbank.org/indicator/SE.ADT.LITR.MA.ZS?locations=AF.

[389] "Infrastructure," The Embassy of Afghanistan in London, July 19, 2022, http://afghanistanembassy.org.uk/english/business-investment/infrastructure/.

[390] Mohibur-Rahman Mohib, "Impact of Road Transport Infrastructure on Economic Growth: Evidence from Afghanistan," Kardan Journal of Economics and Manangement Sciences, 2021, https://doi.org/10.31841/kjems.2021.98.

[391] Umar Ijaz Ahmed et al., "Status and Determinants of Small Farming Households' Food Security and Role of Market Access in Enhancing Food Security in Rural Pakistan," *PLOS ONE* 12, no. 10 (2017), https://doi.org/10.1371/journal.pone.0185466.

[392] Charlotte J. Tuttle and Timothy K.M. Beatty, "The Effects of Energy Price Shocks on Household Food Security in Low-Income Households," *U.S. Department of Agriculture, Economic Research Service,* ERR-233 (July 2017).

Intermediate means of transport are third parties who give rides for people or freight. The steep prices of intermediate transport make markets less available and prices higher.[393]

Market Access Policy Recommendations

 Increasing market access is a challenge and can only be improved by alleviating both social inequalities such as illiteracy and infrastructure that makes information available such as cellphone availability and internet access. Over time literacy rates are rising again meaning this problem is currently being solved through educating the younger generations.[394] With improvements in infrastructure and access to cities, we can reduce the price of goods and increase access to tools such as cell phones and schools,[395] which can be improved by converting rural walking trails into drivable roads.[396]

It will be difficult to shelter Afghanistan from energy price shocks. Recently the Taliban has made a deal to import diesel and liquid natural gas at reduced prices from Russia[397] and has historically made oil deals with Iran in the past[398]. This does, however, offer an opportunity to drive down energy prices and bolster Afghanistan's energy sector. Although, because of poor international trade logistics prices can still be comparatively high up.[399] By lowering transport inputs, the transport, itself will be cheaper.

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[393] Paul Starkey and John Hine, *Poverty and Sustainable Transport How Transport Affects Poor People with Policy Implications for Poverty Reduction*, October 2014.

[394] The World Bank, "Literacy Rate, Adult Total (% of People Ages 15 and Above)."

[395] Starkey & Hine, *"Poverty and Sustainable Transport How Transport Affects Poor People with Policy Implications for Poverty Reduction."*

[396] Ibid., 28.

[397] Mohammad Yunus Yawar and Charlotte Greenfield, "Exclusive Afghan Taliban Sign Deal for Russian Oil Products, Gas and Wheat," Reuters, September 28, 2022, https://www.reuters.com/markets/commodities/exclusive-afghan-taliban-sign-deal-russian-oil-products-gas-wheat-2022-09-27/.

[398] Bozorgmehr Sharafedin and Julia Payne, "Exclusive Iran Resumes Fuel Exports to Neighbouring Afghanistan," *Reuters*, August 23, 2021, https://www.reuters.com/world/middle-east/iran-resumes-fuel-exports-afghanistan-after-taliban-request-union-says-2021-08-23/.

[399] Nadia Rocha, "Trade as a Vehicle of Growth in Afghanistan: Challenges and Opportunities," *World Bank Group*, n.d.

Conclusion

Although ideally, it would be possible to pursue all of these policy changes, because of the state of the nation, it is important to prioritize projects that would be the most impactful to rural communities and create the most stability. Increases in agricultural output should be prioritized as it is the only way to increase food security and drive down prices.[400]

 The most impactful changes in Afghani agriculture come from expanding water infrastructure by creating storage facilities and expanding and improving current irrigation. Expanding irrigation yields to rainfed fields will help them to compete with currently irrigated land which, makes up 91% of all crop output in Afghanistan.[401] By improving irrigation infrastructure, a substantial amount of water can be saved as currently the irrigation is poorly drained and wastes up to 20% of the water.[402] The creation of water reservoirs both strengthens farmers' resolve against droughts and shocks and also has the capacity to increase crop cultivation by up to 21%.[403]

Increasing access to rural formal credit allows farmers to purchase inputs even in the lack of savings and can help decrease food insecurity during challenging times.[404] It also provides the opportunity for rural communities to help improve output by investing in better inputs such as more expensive, certified seeds.[405]

Agriculture goods are only able to help communities if they can reach communities. The second priority should be to improve the infrastructure to transport goods and stabilize transport input costs. Developing rural

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[400] Poole et al., "Sowing the Wheat Seeds of Afghanistan's Future," 429.

[401] Hussainzada & Lee, "Effect of an Improved Agricultural Irrigation Scheme with a Hydraulic Structure for Crop Cultivation in Arid Northern Afghanistan Using the Soil and Water Assessment Tool (SWAT)," 2.

[402] Ibid., 5-6.

[403] Gohar, Ward & Amer, "Economic Performance of Water Storage Capacity Expansion for Food Security," 23.

[404] Salima et al., "The Impact of Credit Access on Household Food Security in Malawi,".

[405] Kugbei, "Strengthening National Seed Production Capacity in Afghanistan ANALYSIS Of THE SEED MARKET IN AFGHANISTAN," 194-197.

walking trails to be drivable[406] and continuing to improve trade relations have the ability to lower transport costs making food more affordable.[407]

Furthermore, by increasing market information to rural communities' prices can be more accurately predicted and future growth plans can be made.[408] Overhauling information access is unreasonable to do in a short amount of time as it requires an increase in literacy and improved internet and cellular infrastructure. Market information can be used in tandem with crop storage to help stabilize prices and move goods to where they are desired. Further access to market information also allows the sharing of farming techniques that are more productive. Productive farming techniques are important to increase output but can be supplemented with more and higher quality inputs.

Overall, stabilizing food security has the side effect of reducing the risk of insurgency.[409][410] The benefits of supporting rural farmers have the potential to grow the overall economy and help the country as a whole provided the right policies are implemented.[411]

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[406] Starkey & Hine, "Poverty and Sustainable Transport How Transport Affects Poor People with Policy Implications for Poverty Reduction." 28.

[407] Ibid.

[408] FAO, "The Role of Market Information."

[409] Arif, "Global War on Terror, Human Security and FATA," 13-14.

[410] Abubakar & Amurtiya, "Boko-Haram Insurgency and Rural Livelihood Dilemma: Implication for Sustainable Development in North-East Nigeria."

[411] Pierskalla, "The Politics of Urban Bias: Rural Threats and the Dual Dilemma of Political Survival."

Energy Security: Examining the Status of European Energy Security in the Context of Eliminating Reliance on Russian Natural Gas Exports

Maren Howard

Abstract: This paper analyzes Russia's strategic use of energy exports. Specifically, this paper focuses on Russia's influence in the west and the strategic use of forming a dependency on their energy exports leading up to the Ukraine invasion. Additionally, I examine how Russia has been able to shift energy exports into the east and how this compares to its strategy previously used in the west. Finally, I look at Europe's ability to diversify their use of energy sources and highlight possible policy avenues for diversification for the sake of both mitigating climate change and decreasing dependency.

Keywords: Russia, Nord Stream, War in Ukraine, Energy Security

Introduction

This paper examines how Russia has been able to create a dependency on its energy exports in the west, and the east, and how the profits have been used for military funding and to financially support its pursuit of a new

world order, starting with the annexation of Crimea. Due to Russia being one of the leading energy exporters, Russia has a large amount of leverage to use in pursuit of the state's interests. The energy market is important to examine because countries form a reliance on others to provide heating in households, basic living needs, and support for infrastructure.

Additionally, it is necessary to investigate for the west to form strong alliances with more western leaning countries and understand what they are up against and evaluate how much western reliance to Russian exports is aiding in Russian military pursuits, particularly in the context of the Russo-Ukrainian war. It is important to understand these connections to further create policy that goes along the lines of western interests, values, and security.

This paper will first investigate Russia's activity in Europe leading up to the invasion of Ukraine. I will specifically be looking into Germany's relationship to Russian natural gas exports through pipelines and the ties formed between countries. Furthermore, I will investigate the revenue streams made from the creation of the Nord Stream pipeline. While Europe has been able to cut off a majority of relations to Russian energy, Russia has been able to make up for this loss in the east. Due to this shift, I will compare Russia's activity with Nord Stream and the Great Siberia pipeline. By comparing these two pipelines, it enables us to understand the amount of leverage Russia has globally.

Furthermore, I will use these findings to examine Europe's energy security in the present. By looking into these three areas of energy activity, I will highlight suggested policy made within the European Union that can be utilized in the procurement of alternative sources of gas to increase energy security and mitigate future threats. This will include the topic of climate change because this is another area of energy security that cannot be ignored. With this in mind, I will investigate how energy markets can be diversified in Europe. Not only will diversification aid in climate change, but also widen options to decrease a heavy dependency on a single source of energy.

Russia's strategic use of energy ahead of the Ukraine Invasion: Eliminating Europe Interest in Ukraine

Due to the rise of the Green Party, Germany officially decided to phase out nuclear power in June 2011. This choice came as a product of safety concerns after the Fukushima disaster in March 2011.[412] According to the International Energy Agency, "since 2005, [nuclear power] generation has fallen from around 30% to total power generation to 12% in 2018."[413] However, in 2011 there was a sharp decrease in nuclear power generation. Promptly after the German 13th Amendment of the Atomic Energy Act in 2011, eight reactors were decommissioned.[414] This information is pertinent to highlight when looking to see what energy source could compensate for Germany's previous reliance on nuclear power. There is a clear correlation between the decline in nuclear power plants in 2005 and the agreement for Nordstrom 1 in September of 2005. This correlation is also supported by seeing how in 2011 Germany swiftly shut down eight nuclear reactors and in the same year Nord Stream 1 was completed. At this point the pipeline, "can send a maximum of 170m cubic meters of gas per day".[415]

Moreover, it is essential to understand the strategic placement of this pipeline. The line runs from Vyborg, Russian straight into Greifswald, Germany through the Baltic Sea. This direct line is a way to bypass bordering countries in order for Russia to supply gas directly into Germany. Specifically, this placement effectively cut off Ukraine's natural gas flow into Europe. Ukraine has a history of being a relevant player in gas distribution to Europe. As of March 2021, "one third of Russian gas-exports to Europe

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[412] Federal Office for the Safety of Nuclear Waste Management, "The Nuclear Phase-out in Germany," March 19, 2023, https://www.base.bund.de/EN/ns/nuclear-phase-out/nuclear-phase-out_node.html.

[413] International Energy Agency, "Germany 2020: Energy Policy Review," (IEA Publications, 2020), 195, https://iea.blob.core.windows.net/assets/60434f12-7891-4469-b3e4-1e82ff898212/Germany_2020_Energy_Policy_Review.pdf.

[414] International Energy Agency, "Germany 2020: Energy Policy Review," 196.

[415] "Nord Stream 1: How Russia is cutting gas supplies to Europe," *BBC News*, September 29, 2022, https://www.bbc.com/news/world-europe-60131520.

travel through Ukraine."[416] However, with the construction of Nord Stream 2, also directly running from Russia into Germany, shows signs for concern for energy security in Europe and in Ukraine. For Ukraine, a direct line from Russia into Europe eliminates the likelihood of Europe's interest in Ukraine-Russian relations. This line would take away the importance of the pipelines in Ukraine for several European countries. Previously, Russian pipelines through Ukraine supplied Poland, Hungary, Romania, and Moldova.[417] The TurkStream pipeline, along with Nord Stream cuts off Ukraine's importance in gas transportation to Europe. The TurkStream pipeline consists of two lines that has the "annual capacity of 15.75 billion cubic meters."[418] The TurkStream pipeline further supplies Bulgaria, Serbia, and Hungary.

With the construction of the Nord Stream pipelines and TurkStream, Ukraine is essentially being phased out as an essential partner in gas delivery from Russia and isolated from Europe ahead of the Russian invasion. Europe had increased its reliance on Russia and no longer held the same level of interest in Ukraine. It is necessary to point out the new pipeline instillations in NATO member countries. If you look at this in the context of Russia planning an invasion of Ukraine, Russia is building up its leverage over NATO member states such as Germany and Turkey via the Nord Stream and TurkStream pipelines. This leverage can be described as Russia's ability to increase prices or cutoff gas to Europe if interests are not met.

Russian War Being Funded by Pipeline Revenue

Both Nord Stream and the TurkStream pipelines are owned by Gazprom. Moreover, as of 2021, 50% of Gazprom shares are held by the Russian

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[416] Mark, Temnycky. "The security Implications of Nord Stream 2 for Ukraine, Poland, and Germany." Wilson Center, March 17, 2021. https://www.wilsoncenter.org/blog-post/security-implications-nord-stream-2-ukraine-poland-and-germany.

[417] Filip, Božić, Daria Karasalihović Sedlar, Ivan Smajla, and Ivana Ivančić. 2021. "Analysis of Changes in Natural Gas Physical Flows for Europe via Ukraine in 2020" *Energies* 14, no. 16: 5175. https://doi.org/10.3390/en14165175.

[418] Olga, Tanas. "Russia Opens Natural Gas Link too Turkey amid U.S. Opposition," BNN, January 8, 2020. https://www.bnnbloomberg.ca/russia-opens-natural-gas-link-to-turkey-amid-u-s-opposition-1.1370578.

Federation.[419] It may seem fairly obvious the Russian government is a majority benefactor of these pipelines, it is just important to clarify where funding and revenue comes from. The Russian economy relies heavily on oil and natural gas production. Afterall, Russia is one of the world's leading suppliers. In 2021 revenues from oil and natural gas exports "made up 45% of Russia federal budget."[420] Leading up to the Russian full-scale invasion of Ukraine, Revenue from gas exports in Europe amassed up to about 700 million euro per day.[421] Turkey aided in providing Russia 50 million euros per day and the United Kingdom supplied over 14 million euro in January 2022.[422] For Europe and the UK, these are the peak profits from Gas supply for Russia. These numbers describe the outcome of the Nord Stream and TurkStream pipeline by showing the monetary value for Russia's supply of gas in the west and showing the millions of profits in euros that can be used to fund Russia's invasion of Ukraine. While it is hard to verify the use of funding for the war, it is reasonable to assert that since 45% of Russia's revenues come from energy exports, pipelines are a valuable source of income for the Russian federation.[423]

Russia's Shift into The East

Since the invasion of Ukraine Nord Stream 2 construction has been stalled, and along with the destruction of Nord Stream 1, gas has not been permitted to flow from Russia into Germany.[424] Additionally, due to Russia's annexation of Crimea, Russia faced sanctions in 2014. In the same year,

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[419] "Gazprom shareholder structure 2021," Statista, Statista Research Department, April 6, 2023, https://www.statista.com/statistics/273267/shareholder-structure-of-gazprom/#:~:text=As%20of%20 2021%2C%20the%20government,shares%20are%20owned%20by%20the.

[420] IEA. "Russia-Countries & Regions." IEA, March 24, 2022. https://www.iea.org/countries/russia.

[421] "One Year on, Who Is Funding Russia's War in Ukraine?," Energy and Clean Air, February 24, 2023, 4. https://energyandcleanair.org/wp/wp-content/uploads/2023/02/CREA_One-year-on-who-is-funding-Russias-war-in-Ukraine.pdf.

[422] Ibid., 7.

[423] "Russia-Countries & Regions," IEA.

[424] "Single Line of Nord Stream 2 Can Still Export Gas, Analysts Say." *Reuters*, September 28, 2022. https://www.reuters.com/business/energy/single-line-nord-stream-2-can-still-export-gas-analysts-say-2022-09-28/.

Russia struck a deal with China to construct the Power of Siberia pipe-line.[425] This line of gas distribution runs from the Chayanda natural gas fields in Russia into Heilongjiang, the boarder into China.[426] Similar to the previous gas pipelines mentioned, this line is also operated by Gazprom. Gazprom holds a monopoly over Russian gas exports and this deal consists of a 30-year contract with China National Petroleum Corporation to send 10 billion cubic meters of gas a year.[427] Russia's movement into the east seems to be a lucrative process as we can see through Gazprom's inten-tion to strike a deal for the Power of Siberia Pipeline 2. In March of 2023 Russian President Vladimir Putin met with Chines President Xi Jinping to discuss the construction of a second pipeline, but with no resolution for construction.[428] In additional to the Siberian pipeline, China has also been importing increased LNG from Russia, resulting in "shipping 16.5 billion cubic meters of gas to China in 2021."[429]

The Road to Energy independence in Europe: Energy Policy in the European Union Alternative Sources of Gas

The European Union's energy platform has launched an AggregateEU sys-tem that allows for joint purchasing of gas.[430] This system is a part of the European Unions 'REPowerEU Plan', where the purchasing of liquified nat-ural gas can be purchased by member states together. This plan is meant

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[425] "The Power of Siberia Pipeline, Russia-China," *NS Energy*, accessed July 14, 2023, https://www.nsenergybusiness.com/projects/power-siberia-pipeline-russia-china/#.

[426] Congressional Research Services, Power of Siberia: A Natural Gas Pipeline Brings Russia and China Closer §, 2 (2020), https://crsreports.congress.gov/product/pdf/IF/IF11514/2.

[427] Chen Aizhu, "Russia, China Agree 30-Year Gas Deal via New Pipeline, to Settle in Euros," *Reuters*, February 4, 2022, https://www.reuters.com/world/asia-pacific/exclusive-russia-china-agree-30-year-gas-deal-using-new-pipeline-source-2022-02-04/.

[428] "Xi's Delay of Siberia Pipeline Signals Limits to His Embrace of Putin." *The Washington Post*, March 23, 2023. https://www.washingtonpost.com/world/2023/03/22/xi-putin-russia-china-pipeline/.

[429] Chen Aizhu, "Russia, China Agree 30-Year Gas Deal via New Pipeline, to Settle in Euros."

[430] "AggregateEU – Questions and Answers." European Commission. Accessed July 14, 2023. https://energy.ec.europa.eu/topics/energy-security/eu-energy-platform/aggregateeu-questions-and-answers_en.

to mitigate price hikes by pooling demand instead of increasing demand by separate industries and states.[431] Overall, this initiative is an avenue for diversifying gas supply by purchasing LNG at a lower price, excluding supply by the Russian Federation, and meeting Europe's reserve requirements.

While this program focuses on the purchasing of gas, it is also important in the REPowerEU plan to work towards renewable sources of energy. The EU energy platform's address on the future of hydrogen in this same aggregate model:

> The first phase of implementing the EU energy Platform will serve as a learning process for the potential implementation of joint purchasing for renewable hydrogen in the future. This is in line with the Commission communication of 18 May 2022 entitles 'REPowerEU plan', setting up and EU Energy Platform together with the Member States for the common purchase of gas, liquefied natural gas (LNG) and hydrogen.[432]

In addition to the AggregateEU system, Europe as increased gas infrastructure since 2022. In order to make up for the loss of Russian gas imports, gas connections have been made between Greece and Bulgari, Poland and Slovakia, and increase gas from the Baltic pipeline from Norway and supply from the LNG terminal in the Netherlands.[433] As demand for LNG increased in Europe, there is also a prevalent demand coming from China as well.

Competition for Liquefied Natural Gas

As the International Energy Agency points out, since China has lifted their covid restrictions, their demand for LNG from Russia has increased along

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[431] Official Journal of the European Union, "Council Regulation (EU) 2022/2576", December 29, 2022, 4, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022R2576#:~:text=(8)%20 The%20new%20mechanism%20developed,provider%2C%20contracted%20by%20the%20Commission.

[432] "AggregateEU – Questions and Answers." European Commission.

[433] "New Reports Highlight 3rd Quarter Impact of Gas Supply Cuts." Energy, January 13, 2023. https:// energy.ec.europa.eu/news/new-reports-highlight-3rd-quarter-impact-gas-supply-cuts-2023-01-13_en.

with Europe's increase in demand for LNG due to moving away from Russian imports.[434] The IEA's report from February 28, 2023:

> LNG was a particularly dynamic area in 2022 as the value of global trade hit an all-time-high, doubling to USD 450 billion. Traded volumes increased by 6%, slightly slower than 2021, once again highlighting the distortive impacts that sharp rises in energy prices have had on global economic activity. Europe was the primary driver behind the increase in LNG demand as it pivoted away from Russian pipeline. LNG cargoes delivered to Europe increased by 63% last year.[435]

It is important to note from this increase in demand, with China being the world's largest importer of natural gas, the IEA also projects "China's domestic LNG demand could increase by 10% in 2023".[436] While projections are uncertain, the IEA's Director of Energy Markets and Security has asserted that "China is the great unknown in 2023. If global LNG demand returns to pre-crisis levels, that will only intensify competition on global markets and inevitably push prices up again."[437]

Strategic Placement of Pipelines

Based on the findings above, by examining relations made overtime and looking at the strategic placement of pipelines we can make connections into Russia's energy security strategy.

Going back to the buildup ahead of the war in Ukraine, we can see Russia building up their leverage in the gas market. By establishing pipelines into Europe there is a sense of soft power here. Russia has a monopoly over

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[434] IEA. "Natural Gas Markets Remain Tight as Uncertainty Persists around Chinese LNG Demand and Further Supply Cuts by Russia – News." IEA, February 1, 2023. https://www.iea.org/news/natural-gas-markets-remain-tight-as-uncertainty-persists-around-chinese-lng-demand-and-further-supply-cuts-by-russia.

[435] Ibid.

[436] Ibid.

[437] Ibid.

gas exports into Europe and the power to cut off and change prices leaves Europe tied to Russian demands. This is especially important to look at in hindsight as the west is staunchly against Russia in the invasion of Ukraine. This shows the importance for Europe to not become dependent on vital sources of energy from an authoritative state. It would make more sense in this case to align energy relations with states that have similar values and democratic leanings. Additionally, we can gather how Russia effectively worked to decrease Europe's interest in Ukraine. This is seen by understanding how Russia cut off Europe's reliance on the pipelines running through Ukraine. Northern Europe can be supplied by the Nord

Stream pipeline, while southeastern Europe is supplied by the Turk-Stream line. This is a clear work around of the lines built into Ukraine in an apparent way.

Since the war Europe has sanctioned Russia heavily in the energy sector and the Nord Stream lines have been inoperable. However, Russia has been able to compensate in the east. We see from the construction of the Siberian pipeline into China it is vital for Russia to make up for its European loss in revenue. We can understand this by their goal to construct the Power of Siberia pipeline 2 in China. Furthermore, since energy exports are Russia's leading revenue source, it is reasonable to see how Russia's relations with China moving forward are essential in funding the war. Looking back into the deals made for the Nord Stream pipeline, we can see how revenues from those negotiations went into the funding for the invasion of Ukraine. However, since funding has been cut off by the west as a form of protesting Russia's actions in Ukraine, it is pertinent for Russia to pursue a profitable relationship in the east.

Diversifying Europe's Energy

Due to competition in the LNG market causing high prices for Europe, it is pertinent to focus on diversifying energy in Europe via renewable sources. For the sake of meeting goals in minimizing carbon emissions and finding secure sources of energy it is reasonable to focus on LNG and

inter-European gas pipelines for the short term and utilize renewables for the long term in Europe.

As stated previously, the European Union's REPowerEU initiative focuses on diversifying energy recourses through LNG procurement and further to work in accordance to meeting goals of combating climate change and focus on renewable sources of energy. There has been an interest in hydrogen power in hopes of decreasing global warming. However, hydrogen power is an area the requires careful examination before enforcement and infrastructure is built.

From research by Illissa B. Ocko and Steven P. Hamburg in the European Geoscience Union, implementation of hydrogen power should be carefully understood before implementation. This is necessary to look at because leakage from hydrogen power production is important to control due to its global warming potential.[438] Through their research it is possible to understand the effects of both the best and worst case scenarios of blue hydrogen and green hydrogen. Blue hydrogen refers to "methane emissions when hydrogen is produced via natural gas with carbon capture, usage, and storage."[439] Green hydrogen refers to the renewable energy source using water.[440] This study has found:

> Overall, any amount of hydrogen leakage will diminish the climate benefits of avoided carbon dioxide emissions to some degree, but there are vastly different outcomes – favorable and unfavorable – depending on the production method, total emissions, and time horizon. For example, the worst case for blue hydrogen (10% hydrogen leakage and 3 % methane leakage) could initially be worse for the climate than the CO_2 emissions from the corresponding fossil fuel technologies, yielding up to 60 % more warming over the first 10 years and taking around 50 years before the

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[438]   Ilissa B. Ocko, Steven P. Hamburg, "Climate Consequences of Hydrogen Emissions," European Geoscience Union Volume 22. July 20, 2022. https://acp.copernicus.org/articles/22/9349/2022/#:~:text=While%20zero%2D%20and%20low%2Dcarbon,both%20widely%20overlooked%20and%20underestimated.

[439]   Ibid.

[440]   Ibid.

benefits of the technology switch are realized. On the other hand, the best case for green hydrogen (1 % hydrogen leaks) could yield a near elimination of the climate impact compared with fossil fuel's CO_2 emissions.[441]

Through this research and a heavy understanding of the varying effects of hydrogen power production, it is essential to understand how to manage leakage from hydrogen power ahead of implementing the infrastructure to being production in an effort to replace fossil fuel energy.

Conclusion

This paper has highlighted the timeline of Russia's pursuit of decreasing European interest in Ukraine via pipeline placement. It is pertinent to examine essential infrastructure globally in order to distinguish varying of levels of leverage. Through examining the gas pipelines from Russia, we can understand the timeline of implementation and we can further conclude how Russia was prepared within their energy sector ahead of their full-scale invasion of Ukraine. By increasing dependency in Europe, it can also be concluded that the placement of such profitable infrastructure has helped Russia accumulate high levels of revenue that can be distributed for military purposes. Additionally, by looking at their current pursuits in the east, Europe can evaluate how the market may look based on the increase in LNG demand in Asia.

Additionally, this research has examined the policy recommendation introduced by the European Union's energy platform to 'REPower EU'. This initiative looks to be a promising avenue to decrease LNG prices as demand increases globally. Moreover, the plan also emphasizing the possibly of Hydrogen power increase is a positive goal as well, as long as there is sufficient understanding of the warming effects of implementing hydrogen power in a large scale.

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[441] Ibid.

PART II

PURSUING CYBERSECURITY and WINNING THE INFORMATION WAR

1

Navigating Cybersecurity Policy in the Midst of a Hybrid War

Nicole A. DELGADO

Abstract: February 24th, 2022, marked the beginning of the Russo-Ukrainian War, a culmination of developing tensions between the Russian Federation and Ukraine since Russia's annexation of the Crimean Peninsula in 2014. This is the most advanced war fought to date: Both sides are fighting beyond the physical battlefield through information, ideology, and technology. The Russo-Ukrainian War encompasses all aspects of hybrid warfare and only continues to develop in complexity. The present analysis explores the latest, largely unknown, but quickly evolving battlefield in the conflict: the cyber domain. Russian-affiliated cyber operations threatening national security and state sovereignty began in 2007 in Estonia, and continue to this day. Russia has largely escaped consequences for these cyber attacks, and continues to operate in a grey area that international law has not been customized to address. As the stakes rise and global technological dependence grows, there is an international duty to come to an agreement on how current international laws and norms can be applied to cyberspace. The present analysis will analyze the leading theoretical framework for applying international law to cyberspace as outlined in the *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*. It will address three key areas of contention within the Manual contributing to a grey area that nation-states like Russia benefit from acting within. These ambiguities will be exemplified through major cyber operations conducted within the scope of the Russo-Ukrainian conflict and key events in the years preceding it. By analyzing these grey areas, the present analysis seeks to demonstrate the necessity for clarity and cooperation in global discourse regarding international cybersecurity policy, and offer solutions that may pave the way to enhanced accountability measures in the digital world.

Keywords: Cybersecurity policy, Tallinn Manual, Non-State Actors, International Law, Russo-Ukrainian War

Introduction

In response to the removal of a Soviet-Era statue from Estonia's capital city Tallinn, pro-Russian hackers, presumably with the aid of the Russian government, launched a three-week long Distributed Denial of Service (DDOS) attack to Estonian websites of government ministries, political organizations, and financial institutions.[442] An advanced anonymous botnet network flooded the sites with internet traffic, repeatedly crashing them for 22 days.[443] Estonia, one of the most digitized countries in the world, suffered substantial damage to critical national infrastructure, its online governmental and financial capabilities severely impaired. Traced back to Russia, these attacks marked the first time that a state actor utilized cyberspace to undermine another state's capabilities for vindictive purposes.[444] The event also showcased the versatility and advantageous nature of the cyber domain. Information and Communication Technologies (ICTs) are relatively easy to develop with training, susceptible to misuse, and can be obscured more effectively than a state's physical tactical weapons. Most concerning, however, is that in an increasingly modernized and interconnected world, the environment we know has likewise become increasingly vulnerable to malicious cyber attacks. This means civilian private information, commercial entities, and critical infrastructures such as the healthcare, financial, and energy sector, are at risk of compromise. Moreover, as our government and military organizations become reliant on ICTs, the threat to every state's national security from opponents continues to grow.

Estonia was just the beginning; the nation of Ukraine's developing relationship with the West has prompted their own rising tensions through the years with the Russian Federation, and cyber attacks have played a significant part in escalating conflicts. Russia has developed an advanced cybersecurity sector under intelligence organizations such as the Chief

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[442] J.J Hunt, "Case Study: The 2007 Cyber Attacks on Estonia", Medium, last modified June 29, 2019, https://medium.com/@jonhunt_USN/case-study-286d8a27766f.

[443] Ibid.

[444] Ibid.

Intelligence Office (GRU) and the Federal Security Service (FSB)[445], and has been attributed to malicious cyber attacks targeting Ukraine at an increasingly alarming rate since 2014.[446] These cyber attacks were instrumental in Russia's annexation of Crimea, and since the onset of the full-scale invasion of Ukraine in February 2022, hostility has reached an all-time high. The international community is currently witnessing war in its most advanced state, a combination of military operations fought not solely on land, air, and sea[447], but social media and computer information systems. Warfare is no longer limited to physical means but transcends boundaries, inflicting drastic consequences with much more accessible weapons; the computers, telephones, and networks we use daily. Considering this new form of hybrid war, it is imperative to recognize the additional battlefront that international armed conflict actors are facing: the cyber domain. Russia, emerging as an international cyber power, has proven to be a prominent threat to democratic institutions since the 2007 attacks in Estonia, and the complexity of the Russo-Ukrainian War necessitates a growing urgency for an agreement on strong cyber policy norms within the international community.

Since 2001[448], cooperation on a global scale towards a more secure cyberspace began to gain traction. Discussions were prompted among nations to apply existing international law to the quickly developing cyber domain. Progress has been made with regards to acknowledgment of the applicability of international law, but states worldwide hold differing views regarding the extent of implementation on the global scale. As the

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[445] Health Sector Cybersecurity Coordination Center, "Major Cyber Organizations of the Russian Intelligence Services", briefing, published May 19, 2019, https://www.hhs.gov/sites/default/files/major-cyber-organizations-of-russian-intelligence-services.pdf.

[446] Jakub Przetacznik with Simona Tarpova, "Russia's War on Ukraine: Timeline of cyber attacks", briefing, published June 2022, https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733549/EPRS_BRI(2022)733549_EN.pdf.

[447] Gerry Doyle, Samuel Granados, Michael Ovaska and Prasanta Kumar Dutta, "Weapons of the war in Ukraine", *Reuters Graphics,* March 10, 2022, https://www.reuters.com/graphics/UKRAINE-CRISIS/WEAPONS/lbvgnzdnlpq/.

[448] Alexander Seger, "The Budapest Convention on Cybercrime: a framework for capacity building", *Global Forum on Cyber Expertise*, July 12, 2016, https://thegfce.org/the-budapest-convention-on-cyber-crime-a-framework-for-capacity-building/.

Russo-Ukrainian War continues to develop, the United Nations endeavors to make this a priority through specialized task forces and discussion groups like the Group of Governmental Experts (GGE) and the Open-Ended Working Group (OEWG). However, to date, the most notable and exhaustive framework that translates international law to the cyber domain is found in the International Group of Experts' (IGE) *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*[449] (from this point forward shortened to Tallinn 2.0, or the Manual). Most modern discussions, analyses, and recommendations on the issue of implementing a global cyber policy cite this study extensively, as it is useful in applying law to both wartime and peacetime. While Tallinn 2.0 is detailed and objective in its efforts to clarify precisely how international law may apply to cyber operations, its comprehensive approach includes many conflicting opinions from the IGE on the rules outlined. This may lead to just as many questions for policymakers as Tallinn 2.0 answers.

In response to the growing threat of malicious cyber operations during a conflict such as the Russian invasion of Ukraine, the international community should work to intensify efforts to apply international law to cyber operations during times of active warfare and peacetime as outlined in the *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*. However, upon examining actions taken by the Russian Federation and its state-sponsored actors, it is observed that states frequently operate within grey areas present in the Manual. The grey areas are found in rules outlining legal implications of states' due diligence responsibilities, cyber espionage operations, and attribution protocols. These uncertainties must be examined and made clear to begin the path to collaborative and comprehensive agreements on the applicability of international law to cyberspace,

This paper will seek to address the grey areas of due diligence, cyber espionage operations, and attribution protocols through the lens of the Russo-Ukrainian War, as well as key events in the years preceding it. It begins with contextual background, detailing the largest strides being taken by the

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[449] Michael Schmitt, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations* (Cambridge, United Kingdom; New York, NY, USA: Cambridge University Press, 2017).

international community to govern the cyber domain. Next, emphasising the findings illustrated in Tallinn 2.0 provides further analysis into unsettled legal applications. Concurrently, through specific cases of Russian cyber operations from 2007 to the present, the paper will exemplify the legal and security issues resulting from supposed state-sponsored actions carried out in the three different grey areas mentioned. It will conclude with an assertion of what actions may be missing regarding international cooperation, and possible policy recommendations that may be successful in clarifying uncertainties. Thus, moving nations closer to an international consensus on acceptable state behavior in the ultra-modern and complex cyber domain.

Applying International Law: International Cooperation

Collaboration efforts to outline a framework for international law applicable to cyberspace kickstarted in the early 2000's, but progress has stagnated as states have been unable come to a consensus when discussing how exactly legal norms and obligations should be put in place governing state behavior in the digital world. In November of 2001, the Council of Europe headed the Convention on Cybercrime in Budapest, Hungary.[450] Its main objectives outlined a list of criminalized cyber attacks, a legal procedure for investigating cybercrime, and initiatives on international cooperation and Cyber Capacity Building (CCB) in states. It has been ratified by 67 countries to date.[451] Interestingly, despite its member status in the Council of Europe at the time, Russia did not participate in efforts to propose the resulting treaty. The Budapest Convention treaty allows for lawful cross-border cyber operations, a point Russia did not agree with and according to Russian news agency TASS, voiced as their principal rationale for not participating.[452] Until recently, the Paris Call Convention was organized by France at the UNESCO

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[450] Seger, "Budapest Convention."

[451] Ibid.

[452] TASS, "Press review: Russia unveils bid to fight cyber crime and Samsung Pay faces patent issue" *TASS,* July 30, 2021*,* https://tass.com/pressreview/1320973.

Internet Governance Forum on November 12th, 2018.[453] Based upon 9 principles of cybersecurity, the Call stresses multistakeholder cooperation and commitment to "ensure peace and security in the digital space."[454] Since its origination in 2018, 1,213 entities–nations, non-state actors such as commercial and private institutions, think tanks and civil society organizations–have all pledged to cooperate in advancing and developing the 9 principles outlined in the Call. Though it is non-binding, the Paris Call marks the largest coalition of both state and non-state actors committed to advancing strategies for cybersecurity agreements and defense against irresponsible cyber behavior.[455] This is yet another coalition that Russia has elected to avoid participation in.

It is important to note that although there is a lack of extensive agreement on the world stage, many countries have taken cybersecurity policy matters into their own hands (and legal frameworks). The UK, EU, United States, Canada, Japan, and Singapore have all undertaken steps to implement their own cybersecurity measures and norms within their respective jurisdictions and domestic law.[456] More broadly, the NATO alliance in its 2016 Warsaw Summit discussed and concluded to recognize the cyber domain as an area of security necessitating as much effective collective defense as the air, land, and sea domains.[457] Additionally, it proposed commitment to a Cyber Defense Pledge, where Allies commit to advancement efforts in their cyber defense capabilities as well as cooperation with one another in confidence-building measures (CBM).[458] This commitment highlights the resolve of partnerships like NATO and has ensured a degree of adherence to international law regarding cyber operations, at least from members of the alliance.

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[453] "Paris Call for Trust and Security in Cyberspace", Paris Call International, accessed July 14, 2023, https://pariscall.international/en/.

[454] Ibid.

[455] Ibid.

[456] Pia Hüsch and James Sullivan, "Global Approaches to Cyber Policy, Legislation and Regulation: A Comparative Overview", *RUSI Special Resources* (April 2023), https://static.rusi.org/rusi-global-approaches-to-cyber-special-resource_0.pdf.

[457] NATO, "Warsaw Summit Communiqué", official text published July 9, 2016, items 70 and 71, https://www.nato.int/cps/en/natohq/official_texts_133169.htm.

[458] Ibid.

The two main bodies of international law applying to armed conflict include International Humanitarian Law (IHL) and Human Rights Law. The International Community of the Red Cross (ICRC) has asserted that these two bodies of law apply to cyberspace as well.[459] The International Court of Justice has further specified that IHL is applicable to "all forms of warfare and to all kinds of weapons, including those of the future."[460] Presently, all members of the United Nations unanimously agree that IHL and Human Rights Law, specifically through the UN Charter, are both applicable to operations in the cyber domain.[461] The UN GGE explains this acknowledgment in its most recent 2021 report, which was endorsed soon after by the UN General Assembly.[462] This consensus and the UN's normative framework for responsible state behavior in cyberspace in Resolution 70/237constitute substantial progress in coming closer to a clearer interpretation of the law as it applies to cyberspace.

Still, there is a long way to go before the international community can come to a joint agreement on how to specifically translate the law when it comes to ICTs and the digital world. Various issues that states do not agree on include how to hold both state perpetrators and powerful non-state actors accountable for cyber attacks, what constitutes an act of war and violation of sovereignty in the cyber domain, and how to properly respond to and deter future cyber attacks.[463] In efforts to address indefinite areas of law, specialists and experts in both law and cyber have researched and contributed their own observations and interpretations, most notably through publications like the International Group of Experts' Tallinn Manuals.

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[459] CyberPeace Institute, "Law and Policy", last modified June 30, 2023, https://cyberconflicts.cyberpeaceinstitute.org/law-and-policy.

[460] Ibid.

[461] United Nations Group of Governmental Experts, *ADVANCE COPY: Report of the Group of Governmental Experts on Advancing responsible State behaviour in cyberspace in the context of international securityI*, May 28, 2021, https://front.un-arm.org/wp-content/uploads/2021/06/final-report-2019-2021-gge-1-advance-copy.pdf.

[462] Ibid.

[463] Michael Schmitt, "The Sixth United Nations GGE and International Law in Cyberspace", *Just Security*, June 10, 2021, https://www.justsecurity.org/76864/the-sixth-united-nations-gge-and-international-law-in-cyberspace/.

The Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations

The first Tallinn Manual was published in 2013[464] as part of a coalition sponsored by the NATO Cooperative Cyber Defence Centre of Excellence in response to the 2007 cyber attacks against Estonia. This book focused on the applicable law to what contributors dubbed "cyberwarfare."[465] Shortly after its publication, the International Group of Experts that contributed to the manual began drafting a second, broader study that invited a larger and more diverse pool of experts to further examine the law applicable during peacetime. The *Tallinn Manual on the International Law Applicable to Cyberwarfare* evolved into the *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*. This new edition published in 2017 contains a foreword asserting that it is a non-legally binding "policy and politics-neutral…*lex lata*"[466] study of the way international law applies to cyber operations.

Because the book is simply a detailed observation of the applicability of international law, it contains comments from the Experts regarding the specificity and scope of various applications and dimensions of rules derived from international law. The introduction notes that the principle of consensus was utilized when finalizing each black-letter rule of law, therefore unanimous decisions were required to establish a starting point for discussion. For example, black-letter Rule 2 on internal sovereignty states: "A State enjoys sovereign authority with regard to the cyber infrastructure, persons, and cyber activities located within its territory, subject to its international legal obligations."[467] The IGE as a whole, agreed on the validity of this statement. However, comment 11 under this rule details the disputed view that

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[464] Schmitt, *Tallinn 2.0*, xxiii.

[465] Michael Schmitt, *Tallinn Manual on the International Law Applicable to Cyber Warfare* (Cambridge: Cambridge University Press, 2013).

[466] Schmitt, *Tallinn 2.0*, 3, *lex lata* meaning law as it exists.

[467] Ibid., 13.

"a few of the Experts"[468] held on the exception of sovereign rights of data belonging to a state but stored or transmitted abroad. This is one example of the large body of commentary that is discussed under each of the 154 black-letter rules. The rules cover vital aspects of relevant legal issues as they apply to the cyber realm, ranging from general international law to space law, to neutrality, and even including cyber operations that do not traditionally fall under international law.[469] Such numerous and diverse views have created a body of work that addresses nearly every angle and perspective of international law in cyberspace. While this is important to ensure the law is being interpreted to the fullest extent (especially when policymakers may look to the Manual for guidance), it creates ambiguity if a governing body tries to use it to prosecute what they deem to be an unlawful cyber attack. The vague nature in which the rules can apply makes it difficult to achieve quick and efficient legal and policy responses during high-stake conflicts like the war between Russia and Ukraine.

Nevertheless, the detailed approach that the Manual takes contributes to its status as the most diverse and objective view of how the law operates concerning cyberoperations. This makes Tallinn 2.0 a prime candidate for potential translation into a legally binding treaty extended towards all states in the international community. Yet, in order to be seen as fully applicable and legally binding to cyber operations, policymakers must scrutinize these grey areas and work in cooperation to clarify them, otherwise malicious cyber attacks will continue to proliferate and escape accountability. The purpose of this paper is not to analyze the entirety of Tallinn 2.0, but rather specific rules regarding principles of due diligence, attribution, and cyber espionage. The disunity of how these rules should apply has allowed Russia in the present to operate inside the grey area and avoid international legal repercussions. On that matter, each law point will now be explained, and accompanied by cases in which Russia's cyber operations have acted as a reflection of the grey area in these rules. Therefore, the scope of this research is limited to relevant pages and sections of Tallinn 2.0.

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[468] Ibid., 15.

[469] Ibid., v-xi.

States' Due Diligence

Rules 6 and 7 in the Manual deal with the responsibilities of states to exercise due diligence in cyber operations. Rule 6 acknowledges that "A State must exercise due diligence in not allowing its territory, or territory or cyber infrastructure under its governmental control, to be used for cyber operations that affect the rights of, and produce serious adverse consequences for, other States."[470] Rule 2 on internal sovereignty supports this, stating that the principle of sovereignty "imposes legal obligations, such as that requiring the exercise of due diligence to terminate harmful cyber activities emanating from a State's territory."[471] Rule 7 also expands on this, requiring states to "take all measures that are feasible in the circumstances to put an end to cyber operations that affect a right of, and produce serious adverse consequences for, other States."[472]

Evidently, Experts agree that the rule applies, but cannot agree on what serious adverse consequences are, and where the threshold lies to determine that a cyber attack caused them. Further, they are divided on the characteristics of actions that should be taken once the state becomes aware about the act. The rule allows states to take "all measures that are feasible in the circumstances", but the measures taken are at the discretion of the territorial state.[473] Even in discussions on due diligence during a UN GGE, members were reluctant to solidify the principle, noting that states "should" rather than "must" exercise due diligence.[474] This may be intentional, as many scholars and analysts in the field share the opinion that states purposely utilize private non-state actors to carry out detrimental cyber attacks in order to avoid affiliation, and to be able to deny knowledge of the attack taking place.

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[470] Schmitt, *Tallinn 2.0*, 3, *lex lata* meaning law as it exists, 30.

[471] Ibid., 16.

[472] Ibid., 43.

[473] Eric Talbot Jensen, "The Tallinn Manual 2.0: Highlights and Insights", *Georgetown Journal of International Law* (2017): 735-778, https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2018/05/48-3-The-Tallinn-Manual-2.0.pdf.

[474] Ibid., 745.

Russia is purported to have been involved in at least 59 significant cyber incidents since the onset of the 2022 invasion alone,[475] very few of which have been confidently attributed to the state itself. However, the majority of these attacks have been in some capacity linked to either pro-Russian "hacktivists" or Russian-aligned cyberthreat and cybercrime groups.[476] The Kremlin has made efforts to stop none of them, despite public notices published by the Computer Emergency Response Team of Ukraine (CERT-UA) warning of specific malware and hacker groups coming from Russia.[477]Under international law, countermeasures by victim states like Ukraine are warranted if there is sufficient evidence that Russia, the territorial state, was aware of plans for attack. However, many of these attacks are categorized as simple DDOS attacks, usually falling below the threshold to constitute serious adverse consequences[478]. Additionally, Russia's plausible deniability made possible by non-state actors like pro-Russian hacktivist attacks allows the state to claim it had no constructive knowledge of planned cyber operations.

A notable observation of the due diligence obligations under Rule 7 of the Manual is immunity of repercussions for being aware of a cyberattack that ultimately fails. State actors are not considered to have unlawfully breached the due diligence principle if the attack they had previous knowledge of is unsuccessful[479]. This was exemplified in April 2022, when CERT-UA managed to stop a 2-wave attack from unfolding from Russia, set to destabilize the electricity grid.[480] Researchers credited the attempt to Sandworm, a known Russian Advanced Persistent Threat (APT). The attack

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[475] "Significant Cyber Incidents", Center for Strategic and International Studies, last modified June 2023, https://www.csis.org/programs/strategic-technologies-program/significant-cyber-incidents.

[476] "Russian State-Sponsored and Criminal Cyber Threats to Critical Infrastructure", Cybersecurity and Infrastructure Security Agency, last revised May 9, 2022, https://www.cisa.gov/news-events/cybersecurity-advisories/aa22-110a#.

[477] "Cyberattack by the APT28 group using CredoMap_v2 malware (CERT-UA#4622)", CERT-UA, published June 5, 2022, https://cert.gov.ua/article/40106.

[478] Schmitt, *Tallinn 2.0*, 37.

[479] Ibid., 50.

[480] James Pearson, "Ukraine says it thwarted Russian cyberattack on electricity grid", *Reuters*, April 12, 2022, https://www.reuters.com/world/europe/russian-hackers-tried-sabotage-ukrainian-power-grid-officials-researchers-2022-04-12/.

had the potential to dismantle various critical components of Ukraine's energy sector, but because it failed no measures could be taken to address the attack. Sandworm has been linked to the Russian GRU[481], and therefore as acting in a territory under substantial government control, Russia likely had constructive knowledge of the attack, allowing it to be carried out nonetheless.

Due diligence breaches can be difficult to prove, but not impossible. In the years preceding the Russo-Ukrainian War there is evidence that Russia was quite aware of cyber operations which forecasted severe adverse consequences and failed to exercise due diligence. In October 2016, emails were leaked linking Vladislav Surkov, a high-ranking Russian government official, to Russian separatist aggressor groups.[482] Ukrainian hacker group CyberHunta[483] published thousands of emails in which Vladislav's office corresponded with the Novorossiya campaign. This indicated the Kremlin's support and exposed the involvement of Putin's advisor in orchestrating the Russian invasion of Crimea in 2014. It was officially denied by the state, officials accusing hackers of fabricating a portion of the emails leaked.[484] Still, a few of those involved in sending and receiving the emails confirmed the validity of specific correspondence. Additionally, the Atlantic Council Digital Forensics Lab determined the content of document drafts contained in the emails to real public Russian press documents.[485] If the efforts from Ukraine's cyber hacktivists successfully leaked accurate evidence, then the Russian Federation was in direct breach of rules 6 and 7 of the principle of due diligence in Tallinn 2.0, because a high ranking government official

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[481]   Health Sector Cybersecurity Coordination Center, "Major Cyber Operations."

[482]   (Preferred citation) Baezner, Marie (2018): Cyber and Information warfare in the Ukrainian conflict, Version 2, October 2018, Center for Security Studies (CSS), ETH Zürich., https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/20181003_MB_HS_RUS-UKR%20V2_rev.pdf.

[483]   Ibid.

[484]   Carl Schreck, "Kremlin Brushes Off E-Mail Leak Allegedly Showing Russian Hand In Ukraine Conflict", *Radio Free Europe/Radio Liberty*, October 26, 2016, https://www.rferl.org/a/ukraine-surkov-leaked-emails-authentic/28076329.html.

[485]   Howard Amos, "Hackers: Emails Show Ties Between Kremlin, Ukraine Rebels", *Associated Press,* October 26, 2016, http://apnews.com/article/e2824e83c4764f33896b54244103dd1f.

not only neglected to stop serious adverse consequences in its territory, but readily assisted and was heavily involved in carrying these operations out.

Cyber Espionage Operations

Rule 32 in Tallinn 2.0, grouped among cyber operations not regulated by international law, states: "Although peacetime cyber espionage by States does not per se violate international law, the method by which it is carried out might do so."[486] Put simply, the act of cyber espionage is not prohibited, unless the way in which states gather intelligence violates sovereignty (Rule 4), international human right to privacy (Rule 35), or the prohibition of intervention (Rule 66).[487] Cyber espionage under IHL is not seen as unlawful, as in principle it does not directly harm the government, civilians, or critical infrastructure.[488] Thus, no retaliation is warranted or justified upon attribution, since cyber espionage does not operate with intent to violate international law (i.e. sovereignty or civilian privacy). It should be noted that the Manual's Rule 4 on violation of sovereignty asserts that nonconsensual espionage by a state while *physically* in the territory of another state violates the target state's sovereignty. [489] Later on, the Manual states generally that if during any cyber espionage operation there is a loss of function to the capabilities of the target state (or if data is manipulated, erased, or altered), then the operation may be seen as a violation of international law[490]. A further comment on this rule details how Experts view cyber surveillance, and that each cyber surveillance operation should be examined individually.[491]

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[486] Schmitt, *Tallinn 2.0*, 168. It should be noted that there is a section specifically dedicated to cyber espionage during armed conflict, but it largely applies to soldiers and members of the armed forces. Since most cyber operations conducted by Russia are through state-sponsored actors, this section does not apply as accurately as the one presently analyzed.

[487] Ibid., 170.

[488] Ibid.

[489] Ibid., 19.

[490] Schmitt, *Tallinn 2.0*, 170.

[491] Ibid.

On the subject of *remote* cyber espionage, experts were divided in deciding whether a remote cyber espionage operation can reach a severity threshold that renders it unlawful. As they exemplified, exfiltration of nuclear launch codes[492] could be viewed as a breach of sovereignty, as opposed to the exfiltration of less sensitive data (while it may not yet result in physical damage or hostilities, it has potential to). The majority of experts stated that the cyber espionage operation would still be considered lawful, while few experts believed that at a certain severity, the data breached may violate sovereignty. [493] Further, despite Rule 4's comment on cyber espionage and its violation of sovereignty, the experts also could not agree on the lawfulness of *close access* cyber espionage. The example used in this case is the insertion of a USB with intelligence gathering malware into a target state while the actor is physically in the target state.[494] While this is nonconsensual cyber espionage and the majority of experts viewed this as violation of sovereignty, a minority insisted that cyber espionage operations like these do not fall under violation of sovereignty rules.[495] These disagreements among Experts illustrate that in the case of digital intelligence-gathering efforts, potential breaches of law necessitate a case-by--case analysis.

In January 2022, Russian GRU-sponsored threat group Cadet Blizzard began releasing malware called WhisperGate targeting the Ukrainian government.[496] This operation was multifaceted, as the malware first conducted extensive data collection and cyber espionage, then destroyed the data stolen. Cadet Blizzard's activities have been continuous since then, last confirmed in January of 2023.[497] This is a prolonged operation that began as cyber espionage, but developed into a wiper attack intervening in and

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[492] Ibid., 171.

[493] Ibid.

[494] Ibid.

[495] Ibid.

[496] Hivepro, "Threat Advisory: Unveiling Cadet Blizzard APT's Wiper Attacks Targeting Ukraine," *Attack Report (Red)*, (June 15, 2023) https://www.hivepro.com/wp-content/uploads/2023/06/Unveiling-Cadet-Blizzard-APTs-Wiper-Attacks-Targeting-Ukraine_TA2023265.pdf.

[497] Ibid.

ultimately altering the data of a sovereign country. While this cyber operation targeted and attacked state infrastructure, the Ukrainian government was still fully functional, and the attack report lists no severe consequences of the attack other than destruction of data.[498] Therefore, it is likely that the Cadet Blizzard attack may not be seen as unlawful, as the actions taken were not severe enough to trigger a violation of sovereignty. Still, its persistence in gathering and destroying data is a threat to national sovereignty; if left unchecked and free to operate in legal ambiguity, the severity of attacks may grow.

Experts unanimously agreed that a cyber espionage operation conducted at one time, and the eventual use of that intelligence to carry out a kinetic attack later cannot be seen as a singular violation of international law.[499] Rather, they agreed that the acts should be considered and examined as two separate operations. Though the physical attacks would violate the prohibition on the use of force, the cyber espionage preceding it would not be unlawful.[500] In 2014, Russian GRU-affiliated hacker group Gamaredon was credited with spear-phishing emails intended to infiltrate Ukraine's government and military sectors. [501] Analysts deduced that the intent was to gather intelligence for battlefield advantage during the conflict in Ukraine's eastern region.[502] Dubbed Operation Armageddon, this case exemplifies how cyber espionage was used in support of kinetic attacks.[503] In the view of Tallinn 2.0, the espionage operation itself would have no link to the acts taken on the ground, since the experts agreed situations like these must assess the operations separately. This is interesting to note in the context of the Russian invasion, as a similar operation occurred the same month the war began. In February 2022, a cyber espionage operation against Ukrainian government officials was confirmed and linked to Gamaredon, the same hacker group targeting Ukraine with similar actions

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[498] Ibid.

[499] Schmitt, *Tallinn 2.0*, 172.

[500] Ibid.

[501] Baezner, "Cyber and Information Warfare", 11.

[502] Ibid.

[503] Ibid.

in 2014[504] Since espionage is not unlawful under international law, the operation warrants no legal action. Yet, in a full-scale war the stakes are higher and there is a great probability that the intelligence gathered during this most recent operation will be exploited, if it has not yet already been.

VOA News cites a Microsoft report from June 2022,[505] explaining since the onset of the war that Russian-sponsored hackers have continued to engage in cyber espionage. There is evidence that Russia has been involved in intelligence gathering efforts against not just Ukraine, but institutions within 42 of Ukraine's allied countries.[506] Microsoft's report observed a refrain from conducting destructive attacks and unleashing malware that could cause dysfunction of infrastructure.[507] Russia, it seems, has been acting more carefully and inconspicuously so as not to trigger countermeasures or any potential for legal response, at the same time expanding its scope to target western allies. If applying Tallinn 2.0's Rule 32 in the cases of these cyber operations, Russia has not acted unlawfully, as it has operated remotely, there has been no loss of function during these operations, and there has been no imminent threat observed upon Russia's exfiltration of data and intelligence. Still, this can be dangerous for states at war. There is potential for exploitation of previously gathered information for strategic advantage, once again proving the necessity to moderate this grey area.

Attribution Protocols

The issue of holding states legally accountable for cyber attacks introduces another vacuum of ambiguity. Rules 15 and 17 in Tallinn 2.0 detail the instances during which states may be held responsible for cyber operations.

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[504] "Cyber Operations Tracker: Targeting of Ukrainian government authorities", Council on Foreign Relations, accessed July 14, 2023, https://www.cfr.org/cyber-operations/targeting-ukrainian-government-authorities.

[505] Associated Press, "Microsoft: Russian Cyber Spying Targets 42 Ukraine Allies", *VOA News*, June 22, 2022, https://www.voanews.com/a/microsoft-russian-cyber-spying-targets-42-ukraine-allies/6628417.html.

[506] Ibid.

[507] Ibid.

Rule 15 states: "Cyber operations conducted by organs of a State, or by persons or entities empowered by domestic law to exercise elements of governmental authority, are attributable to the State".[508] This rule is sound in theory, but not quite analogous when compared to the physical organs: When discussing the cyber domain, "organs of a state" are not as easily linked to the acting state as tanks and warships would be in the physical domain.[509] Thus, the deadlock in cyber attribution begins here. A common phenomenon referred to by the experts as "spoofing"[510] (intentionally masking the identity of organizations or IP addresses to appear to be another state), presents a hurdle as it is possible to mislead an investigative body to believe that cyber attacks originated from areas other than the conducting state's territory, risking a wrongful attribution. Therefore, the experts concluded that simply tracing a cyber attack to a physical location is preliminary, and not conclusive enough to attribute an attack to that state.[511] In this case, it is important to consider the events in Estonia back in 2007. In order to generate enough internet traffic to compromise Estonian websites, hackers employed "botnets" into unsuspecting computers in various countries like Russia, the United States, and Egypt.[512] These spoofs succeeded in stalling investigations, leading analysts to believe the activity came from different locations before correctly tracing origins to a Russian IP address.[513] Thus, the confusion caused by software like botnets makes simply tracing the supposed location of state organs an unreliable standalone characteristic of attribution.

Rule 17 in the Manual advances to address criteria for attributing non-state cyber operations to a state: "Cyber operations conducted by a non-State actor are attributable to a State when: (a) engaged in pursuant to its instructions or under its direction or control; or (b) the State acknowledges and adopts the operations as its own."[514] Because Russia actively denies

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[508] Schmitt, *Tallinn 2.0*, 87.

[509] Ibid., 91.

[510] Ibid.

[511] Ibid.

[512] Hunt, "Case Study: Estonia."

[513] Ibid.

[514] Schmitt, *Tallinn 2.0*, 94.

accusations of its involvement in malicious cyber operations, investigators mainly rely on proving through evidence that non-state actors carry out attacks under the government's control. "Effective control", as the Experts note, occurs when a state "determines the execution and course of the specific operation", as well as when the non-state actor's participation is determined as vital to the operation.[515] While the actions of pro-Russian hacker groups have been instrumental in advancing Russian interests throughout the Russo-Ukrainian War, effective control has been largely difficult to prove.[516] Attribution is complex due to governments purposely routing operations solely through hacker groups like these, remaining in the grey area as private actors take the reins of cyber operations.

Private actors working with states can be seen as benevolent, such as Elon Musk's recent efforts in providing a resilient cellular network to Ukrainian civilians through SpaceX's Starlink technology.[517] However, private entities may also be sponsored by states to act harmfully. A sponsored non-state actor does not necessarily mean they are under state control; they may simply be financially supported by the state. Their actions may also be approved of and publicly backed by the state, though not overtly controlled. Primitive Bear and Venomous Bear are examples of what the Cybersecurity and Infrastructure Security Agency calls "Russian-Aligned Groups",[518] independent actors not definitively attributed to, but observed to act in support of Russia. Russia also supports these actors, allowing them to conduct cyber attacks against Russian opponents without consequence from government officials.[519] This is not enough to be deemed effective control, as the state does not determine these hackers' actions. Therefore, linking their malicious cyber activity back to the state government is not as simple as Rule 17 suggests.

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[515] Ibid., 96.

[516] "Pro-Russian Hacktivism and Its Role in the War in Ukraine", Intel471, blog article published October 19, 2021, https://intel471.com/blog/pro-russian-hacktivism-and-its-role-in-the-war-in-ukraine.

[517] Anna Zhadan, "Starlink: fighting for Ukraine on the cyber front", *Cybernews*, May 17, 2022, https://cybernews.com/cyber-war/starlink-fighting-for-ukraine-on-the-cyber-front/.

[518] Cybersecurity and Infrastructure Security Agency, "Russian State-Sponsored Threats."

[519] Ibid.

 According to a comment on the Manual's Rule 33 concerning regulations of cyber operations by non-state actors, countermeasures against non-state actors cannot be taken unless the operations of the actors are attributable to a state.[520] This poses a dilemma for governments that have reasonably linked proxy operations to a state, but cannot confirm effective control, nor does the accused state acknowledge involvement.[521] These accusing states cannot irrefutably attribute the cyber attack, and will be hesitant to conduct potentially aggravating countermeasures. This is a possible explanation as to why governments investigating recent cyber operations against Ukraine have named Russia as the state sponsor, but only responded with sanctions or denouncement.[522] If attribution is possible only through proof of effective control or the accused state's acknowledgment, attributions may never advance beyond accusation; cyberspace is too complex to rely solely on these criteria.

One of the most significant cyber attacks on Ukrainian infrastructure occurred just an hour before Russia invaded the country in February 2022.[523] Wiper malware was released against devices powering Viasat, a satellite network utilized not just by Ukrainian citizens, but for command-and-control operations in the Ukrainian military.[524] Much of the country lost access to internet, leaving Ukraine stunned and at a disadvantage as Russian troops advanced in their offensive. Shortly after the attack, Sentinel Labs produced a report analyzing the event and linking AcidRain, the malware released, to a previous government-sponsored Russian threat actor.[525] In Sentinel Lab's report, analysts assessed "me-

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[520] Schmitt, *Tallinn 2.0*, 175.

[521] Cybersecurity and Infrastructure Security Agency, "Russian State-Sponsored Threats."

[522] "Cyber Operations Tracker", Council on Foreign Relations, accessed July 14, 2023, https://www.cfr.org/cyber-operations/

[523] Patrick Howell O'Neill, "Russia hacked an American satellite company one hour before the Ukraine invasion", *MIT Technology Review*, May 10, 2022, https://www.technologyreview.com/2022/05/10/1051973/russia-hack-viasat-satellite-ukraine-invasion/.

[524] Howell O'Neill, "Russia hacked an American satellite company one hour before the Ukraine invasion."

[525] Juan Andres Guerrero-Saade, "AcidRain: A Modem Wiper Rains Down on Europe, *Sentinel Labs*, March 31, 2022, https://www.sentinelone.com/labs/acidrain-a-modem-wiper-rains-down-on-europe/

dium-confidence" in "developmental similarities" between AcidRain and VPNFilter, malware attributed to a 2018 destructive campaign answering to the GRU and subsequently indicted by the FBI.[526] Russia denied accusations, claiming it did not "[carry] out offensive cyber operations."[527] Still, formal attributions were extended by governments of the Five Eyes intelligence alliance, as well as numerous members of the European Union.[528] Interestingly, no offensive countermeasures followed this attribution. The attack targeting Viasat and Ukraine was attributed to Russia by numerous governments and reputable coalitions, garnering public support worldwide. However, the Kremlin has not been definitively linked to have exercised effective control over the attacks, as Sentinel Lab's report states a "medium confidence". Since Russia also denies involvement, attribution of the Viasat attack to the state would likely not be upheld according to the stipulations in Rule 17 of Tallinn 2.0.

It is possible to trace the location of devices, software, and networks involved in a cyber attack and determine the state it originated from. However, accurately identifying the actor carrying out the operation, and definitively linking the actions to a state proves much more challenging. Russia has benefitted from this uncertainty, enthusiastically denying involvement in attacks targeted at Ukraine. Effectively tracing an attack beyond reasonable doubt is especially hard during a war when cyber attacks necessitate an almost immediate response. Thus, there is a further need to support accusations with additional intelligence, "including technical forensics, human intelligence, signals intelligence, history, and diplomatic relations," according to the Texas Law Review.[529]

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[526] Ibid.

[527] James Pearson, "Russia downed satellite internet in Ukraine – Western officials", *Reuters*, May 11, 2022, https://www.reuters.com/world/europe/russia-behind-cyberattack-against-satellite-internet-modems-ukraine-eu-2022-05-10/.

[528] CyberPeace Institute, "Case Study: Viasat", last modified June 30, 2023, https://cyberconflicts.cyberpeaceinstitute.org/law-and-policy/cases/viasat#attribution.

[529] William Banks, "State Responsibility and Attribution of Cyber Intrusions After Tallinn 2.0", Texas Law Review, Essay, accessed July 14, 2023, https://texaslawreview.org/state-responsibility-attribution-cyber-intrusions-tallinn-2-0/.

The IGE outlines Rules 15 and 17 on attribution in seemingly self-evident terms, making it appear hypothetically straightforward to hold state and non-state actors accountable for cyber attacks. Unfortunately, the complexity of cyberspace and states' ability to mask and deny involvement renders attribution anything but simple. Non-state actors conducting these attacks cannot easily be connected to the state with certainty, and thus cannot be held accountable. Lawful attribution of malicious non-state cyber operations to suspected state actors requires concrete links between the two. Time and extensive resources are needed to confirm irrefutable involvement. Yet, if victim states do not urgently respond and credit perpetrators, they may be seen as weak and hesitant. Citizens may lose faith in the government's ability to protect, and the public may withdraw support. Conversely, if states voice attributions prematurely and without sufficient evidence, a wrongful attribution can induce public skepticism about the government's intelligence capabilities.[530] More importantly, it may lead to increased tensions and an escalated conflict. Still, if reasonably supported with supplemental intelligence or evidence, public attribution is helpful even if the accused state denies involvement in a purported operation. It encourages vigilance and awareness for other states that can heed analyses and thereby take action to protect themselves against potential future attacks.

Proposed Solutions

Grey areas as outlined in Tallinn 2.0 only incentivize nations to continue conducting cyber operations in the manner that they do. States can feign innocence to proxy cyber attacks and escape due diligence obligations, utilize technology to spy without much restriction, and get away with considerably more as the complexity of attribution protocols end up protecting non-state actors supported by their government. Given today's tense environment and ideological differences between eastern and western countries, it is unlikely that a realistic and collaborative application of the

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[530]   Banks, "State Responsibility and Attribution of Cyber Intrusions After Tallinn 2.0".

Tallinn Manual 2.0 can be wholly applied in an international forum such as the UN. Recognizing NATO's sponsorship of the initial Tallinn Manual effort, however, smaller agreements can be attempted. It is entirely possible that a multinational defense alliance can cooperate within themselves to unanimously adopt norms and legal boundaries from the Manual into pledges within the alliance. Still, the issue then becomes that while this alliance (imagine NATO, for instance) would have legally bound itself to "play by the rules", opponents like Russia and China may continue to freely operate how they'd like. Regarding intelligence gathering operations in the cyber domain, the best practice would be for cyber espionage to remain lawful, as states can equally benefit in strengthening their own national security through ICT intelligence gathering efforts. Discussions for the future of cyber espionage operations are warranted, however. Norms must be enacted to ensure measures that prevent cyber espionage operations that result in loss of function.

If malicious cyber operations in which governments employ proxies increase, but nothing can be done to undoubtedly attribute the operations to the state, pressure from victim states to loosen attribution criteria may lead to efforts in addressing this grey area.[531] However, this is unlikely, and there is a moral problem in simply waiting until enough states have been adversely affected by cyber attacks to induce change. A more productive solution to the dilemma of attribution exists, and is proposed as such: Governments must consider more frequent public attribution, with cooperation from technical experts in various states to gain validity and confidence. This entails being more transparent, increasing information-sharing with allies, working together to assess attacks, and jointly issuing public statements. There is strength in numbers, and joining forces transnationally to accuse states of a violation of international law makes denial by a suspected state less plausible. Evidence beyond reasonable doubt is not easy to gather, but if there is more cooperation and transparency (supplemented with reliable intelligence) when it comes to attributing cyber attacks, credibility can increase. Lawful countermeasures may also increase,

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[531] Jensen, "Tallinn Manual Highlights", 752.

as probable cause will be supported by the states cooperating in verifying and attributing the attack.

The most achievable solution to protect against grey-area actions may not even come from accountability efforts at all; it may be more likely to come in the form of technological development. A unanimous decision at the UN GGE in 2021 concluded that states should begin to focus on Cyber Capacity Building (CCB) efforts worldwide.[532] Capacity building is important because when technology is bolstered through funding and development, it ensures that a state is significantly less vulnerable to a cyber attack from a foreign actor. Evidently, the European Commission reports that along with the EU, at least 12 countries (including Australia, Canada, Singapore, the UK, and the US) have significantly increased investment into cybersecurity infrastructures and foundations to fund them.[533] CCB also acts as a deterrent for states with malintent. A threat actor may become discouraged after observing the developing technological capacities of a target state once assumed to be weak in terms of cyber infrastructure. Russia's cyber attacks against Ukraine continue, but at a much weakened severity since Ukraine has taken great efforts to analyze attacks, learn from them, and develop preventative CCB measures accordingly[534].

Specific CCB successes in Ukraine were also due to magnanimous support from NATO countries, the European Union, and private actors like Elon Musk,[535] as well as Microsoft and Amazon Web Services.[536] Capacity building assuredly aids in confidence-building measures between states, prompting them to cooperate, share best practices, and remain transpar-

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[532] Schmitt, "United Nations GGE."

[533] Robert Collett and Nayia Barmpaliou, "International Cyber Capacity Building: Global Trends and Scenarios", *European Commission* (2021), https://www.iss.europa.eu/sites/default/files/EUISSFiles/CCB%20Annex%203%20Final_0.pdf.

[534] Rob Hastings, "Why Russia's cyberwarfare has failed in Ukraine – but remains a threat to the UK", *iNews*, June 13, 2023, https://inews.co.uk/news/technology/russia-cyber-warfare-failed-ukraine-threat-uk-2404924.

[535] Zhadan, "Starlink."

[536] Sebastian Moss, "Ukraine awards Microsoft and AWS peace prize for cloud services & digital support", *Data Center Dynamics*, July 7, 2022, https://www.datacenterdynamics.com/en/news/ukraine-awards-microsoft-and-aws-peace-prize-for-cloud-services-digital-support/.

ent about capabilities being developed. In continuing to put consistent and strong efforts into advancing cyber capabilities in all states, malicious actors operating in grey areas can be deterred. This may result in a more even playing field for all, better protection against cyber threats targeting underdeveloped cyber infrastructure, and consequently a decrease in detrimental cyber attacks worldwide.

Conclusion

The Russo-Ukrainian War erupted after long time disputes between Ukraine and the Russian Federation. This conflict is not new or unprecedented, but the severity and strategic nature of unlawful Russian-sponsored cyber operations has indeed taken the international community by surprise. Consequently, international law and cyber policy development has struggled to keep up. The scope of this paper is limited to scholarly articles, expert publications, and publicly available information on a groundbreaking international event that is still unpredictably unfolding. The analysis presented is a deduction that comes from searching for the most up to date, reliable sources and examining and confirming connections between sites, publications, and articles. A number of details come from various news sources, some of which may represent a bias in their reporting and be directed at audiences for purposes of interest and engagement. Great care was taken to extract as much objectively factual information from these sources as possible. Additionally, it should be stressed that though advocated for as the blueprint for international law in this paper, Tallinn 2.0 is by no means a perfect guide to navigating a global cyber security policy. There is still much to review and develop within its pages, but its significance lies in the objectivity, diversity, and thoroughness of expert opinion. There is no doubt that it should be one of the paramount sources considered as discussions on future international law continue.

A quote by American writer H.P Lovecraft states, "Uncertainty and danger are always closely allied, thus making any kind of an unknown world a world of peril and evil possibilities." This is the world we face when a powerful and advanced environment like cyberspace can be manipulated without

consequence, and it is a world that must be stabilized. It is quite an idealistic expectation to assume that the legal grey areas asserted in the present analysis can be clarified within a reasonable time frame, if in fact they can be clarified to a greater extent at all. The Russo-Ukrainian War has drastically severed relationships between the belligerent countries, and many formidable powers bearing witness have taken their respective sides and extended support.[537] It is reasonable to conclude that the future of the international community will observe a polarized membership of states. However, this should only intensify the need to establish concrete global rules, norms, and practices tailored to the digital domain. Doing so will likely deter future cyber attacks posing significant danger to state sovereignty, regardless of state alignment. Most importantly, it will also prevent uncertainty within legal protocols and allow for faster and more efficient countermeasures, contributing to an increased confidence in state accountability, and ultimately a step closer to global harmony.

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[537] Mohammed Haddad, "Where does your country stand on the Russia-Ukraine war?", *Al Jazeera*, February 16, 2023, https://www.aljazeera.com/news/2023/2/16/mapping-where-every-country-stands-on-the-russia-ukraine-war.

<div style="text-align: right; font-size: 3em;">2</div>

The Role of Russian Media in the Radicalization of Donbas

Jacqueline ROW

Abstract: This paper seeks to analyze the role of official Russian state media in the radicalization in Donbas since the start of the conflict in the region preceding the Russian-Ukrainian War. This paper begins by providing a brief history of the conflicts in the separatist regions leading up to the Russian-Ukrainian War's official beginning in 2022. Then the paper discusses the topics covered in Russian television and how they are portrayed and influence perceptions of Eastern Ukraine given the cultural and historical context of the region. The paper concludes by discussing the causes and sources of radicalization that emerged in this region during the conflict and how rhetoric used by Russian state media contributed to the radicalization of the local population aligned with the DPR and/or LPR.

Keywords: Donbas, radicalization, propaganda, Russian-Ukrainian War, media, hybrid warfare

Introduction

The threat brought about by radical thoughts leading to violence has been an increased security threat on the national and international scale throughout the 20th and 21st century, and the development of media techniques and global reach has exacerbated the spread of radicalization in vast examples throughout the world. Though radicalization is often associated

with and linked to groups and organizations, this paper examines its usage by state actors in hybrid warfare. This paper analyzes the role that Russian state media, particularly through television, has played in contributing to the potential for radicalizing views in the separatist zones of Ukraine since 2014. First however, the paper provides a brief historical background around the events leading up to the Euromaidan protests and the events that resulted in Ukraine's conflict with separatist regions in the east. The paper then discusses and analyzes the topics and rhetoric in Russian state television and its relevance to the populations in eastern Ukraine. Finally, the paper will analyze how this rhetoric in the context of eastern Ukraine is weaponized to aid in the radicalization process that would ideologically support the DPR and LPR.

Brief History of Conflict in and around Ukraine preluding the Donbas Conflict

Though Ukraine has been internationally recognized as a sovereign country since the Soviet Union's dissolution in 1991, the establishing of a Ukrainian national identity has remained difficult on both the national and international level.[538] Within Ukraine's borders, ethnic Ukrainians and ethnic Russians coexist, each natively speaking Ukrainian, Russian, or both[539] However, differences exist not only on ethnic or linguistic levels, but ideological levels. Since Ukraine's independence there has been a strong split amongst the country's citizens –

Western Ukraine who wishes to politically align with the West, and those in the Donbas region that prefer to stay aligned with Russia within its sphere of influence.[540] Russia, concerned with the approach of the EU and especially NATO, has publicly made it clear that it wants Ukraine to remain

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[538] Gwendolyn Sasse and Alice Lackner, "War and Identity: The Case of the Donbas in Ukraine," Taylor & Francis Online, January 2018, https://www.tandfonline.com/doi/epdf/10.1080/1060586X.2018.1452209?role=button.

[539] Ibid.

[540] Ibid.

within its sphere of influence.[541] Russia has drawn attention to the historical, religious, and ethnic ties between Russians and Ukrainian citizens.[542] Ideological differences between those who wished to align with the West and those who preferred to remain within the sphere of influence of Russia were brought to a breaking point in November 2013, when Ukraine's then president Viktor Yanukovych, decided not to strengthen political and economic ties with the EU by refusing to sign the EU-Ukraine Association Agreement. This decision sparked the Euromaidan demonstrations and Revolution of Dignity, ultimately resulting in Yanukovych's fleeing from Ukraine and removal from office. In accordance with the Ukrainian constitution, president Oleksandr Turchynov was installed as acting president.[543] In response to the Euromaidan and the ousting of Yanukovych, the Donetsk Party of Regions sponsored and launched protests in late 2013 in Southern and Eastern Ukraine.[544] The protests aimed to demonstrate support for President Yanukovych and the threat of the Euromaiden demonstrations to stability.[545] Clashes between anti-Euromaiden and pro-Russian demonstrators took place in early 2014, and escalated into the Conflict of Donbas, the predecessor of the Russian-Ukrainian War.[546]

Russian Media Coverage of the Conflict in Donbas

Prior to the Euromaidan protests, Ukraine received very little coverage in the Russian televised media due to the political situation being perceived

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[541] Reuters, "Extracts From Putin's Speech on Ukraine," *Reuters*, February 21, 2022, https://www.reuters.com/world/europe/extracts-putins-speech-ukraine-2022-02-21/.

[542] Peter Pomerantsev and Michael Weiss, "The Menace of Unreality: How the Kremlin Weaponizes Information, Culture and Money," *The Interpreter*, November 22, 2014, http://www.interpretermag.com/the-menace-of-unreality-how-the-kremlin-weaponizes-information-culture-and-money/.

[543] Andriana Velianyk, "Maidan in the East: The History of Resistance to Occupation in Donetsk and Luhansk Regions," Svidomi, November 21, 2022, https://svidomi.in.ua/en/page/maidan-in-the-east-the-history-of-resistance-to-occupation-in-donetsk-and-luhansk-regions.

[544] Sean L Hanley, "South-Eastern Ukraine: Extremism and the Anti-Maidan," UCL Blogs, May 9, 2014, https://blogs.ucl.ac.uk/ssees/2014/05/09/south-eastern-ukraine-extremism-and-the-anti-maidan/.

[545] Velianyk, "Maidan in the East".

[546] Ivan Kozachenko, "How Social Media Transformed Pro-Russian Nostalgia into Violence in Ukraine," White Rose Research Online, April 12, 2017, https://eprints.whiterose.ac.uk/114776/1/How_social_media_transformed_pro Russian_nostalgia_into_violence_in_Ukraine.pdf.

as stable, particularly in the context of Russian political interests.[547] This situation completely changed with the start and escalation of the Euromaidan protests and the political changes that followed. Russian media began to heavily focus on events in Ukraine, as data of Russian state-owned media coverage of Ukraine on RT News collected by Dr. Leonid Peisakhin and Dr. Arturas Rozenas shows in Figure 1.[548]
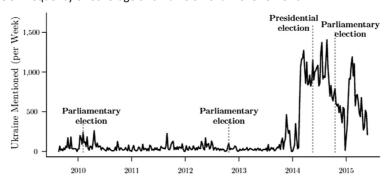
Figure 9. Frequency of Coverage of Ukraine on Channel One News

Source: Leonid Peisakhin and Arturas Rozenas, "Electoral Effects of Biased Media" *American Journal of Political Science* 62, no. 3 (July 30, 2018): 538, https://doi.org/10.1111/ajps.12355.

This data is significant to understand the influence of Russian media in Eastern Ukraine due to the popularity of television in Ukraine as a source of news and entertainment, especially back in 2014 but even today. According to a survey by the International Republican Institute conducted in early 2014, 91% of Ukrainians received their political information primarily through television.[549] A different study conducted by InMind for Internews Networks in 2018 found this percentage decreased to 74%, due to the increased use of the internet and social media as an alternative to

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[547] Leonid Peisakhin and Arturas Rozenas, "Electoral Effects of Biased Media" *American Journal of Political Science* 62, no. 3 (July 30, 2018): 535-50, https://doi.org/10.1111/ajps.12355.

[548] Peisakhin and Rozenas, "Electoral Effects of Biased Media".

[549] International Republican Institute, "Public Opinion Survey Residents of Ukraine," International Republican Institute, April 20, 2014, https://www.iri.org/wp-content/uploads/2014/04/201420April205 20IRI20Public20Opinion20Survey20of20Ukraine2C20March2014-262C202014.pdf.

receive political information.[550] And while this negative trend for television and positive trend for social media is expected to continue,[551] these figures show the unparalleled reach of television in Ukraine during the conflict in Donbas preceding the start of the Russian-Ukrainian War in 2022. Dr. Leonid Peisakhin and Dr. Arturas Rozenas argue that this directly impacted political attitudes and actions in Ukraine. For example, they note:

Using original survey data, we have also shown that Russian media did not just mobilize voters with pro-Russian priors but also strengthened their pro-Russian beliefs even further through persuasion by causing political attitudes to shift. The implication of this set of findings is that the aggregate effect of biased media is a product of the distribution of political priors in the population. In the case of Ukraine, where voters were already polarized, exposure to Russian television brought about greater polarization, as expressed through differences in political attitudes and voting.[552]

The Ukrainian government has acknowledged the threat that state-sponsored Russian media posed to the country's security and banned cable channel transmissions since 2014.[553] Yet despite these efforts to reduce the reach and impact of Russian media, exposure to it in Southern and Eastern Ukraine is still possible due to the close proximity of television signals from Russia picked up by television dishes in these areas in Ukraine.[554] Unlike Western Ukrainians, who increasingly turn to social media as an alternative outlet to receive their political news and information, the separatist regions of Donbas in Eastern Ukraine still tend to rely on television, making them more susceptible to the influence of Russian media.[555] Additionally,

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[550] Andrii Ianitskyi, "Ukraine – Television," Media Landscapes, May 2020, https://medialandscapes.org/country/ukraine/media/television.

[551] Ibid.

[552] Peisakhin and Rozenas, "Electoral Effects of Biased Media: Russian Television in Ukraine".

[553] Peter Dickinson, "Analysis: Ukraine Bans Kremlin-Linked TV Channels," Atlantic Council, February 9, 2021, https://www.atlanticcouncil.org/blogs/ukrainealert/analysis-ukraine-bans-kremlin-linked-tv-channels/.

[554] B. Khomych and S. Yuskiv, "THE ROLE Of MEDIA PROPAGANDA IN THE 'HYBRID WAR,'" View of the role of Media Propaganda in the "Hybrid War," November 18, 2017, http://apir.iir.edu.ua/index.php/apmv/article/view/3172/2847.

[555] Peisakhin and Rozenas, "Electoral Effects of Biased Media: Russian Television in Ukraine".

Russian media is broadcast in Russian, making it more appealing for Eastern Ukrainians whose mother tongue is primarily Russian. Eastern Ukrainians also tended to prefer Russian media since many identified themselves as politically aligned with Russia.[556] These factors suggest that the presence of Russian media in and of itself was not the main security concern, but rather it was its ability to provide messages that resonated with political and linguistic demographics of the region.

Coverage of the conflict is significant both in the context of what events were portrayed and how in terms of the rhetoric surrounding them by the Russian media. The fabrication of actions against Eastern Ukrainians by forces from Kyiv was a frequent tactic used in Russian state media. Examples include the complete fabrication of reported events, such as the alleged sacrifice of a young boy from Donbas by Ukrainians. Or the supposed murders and rapes in separatist regions.[557] Footage with a Ukrainian flag edited into unrelated footage from a completely different conflict would serve to fabricate atrocities committed by Ukrainian forces against ethnic Russians or pro-Russian Eastern Ukrainians. As Peter Pomerantsev points out,

> It is all too easy to show that RT's coverage is rife with conspiracy theories and risible fabrications: one programme showed fake documents intended to prove that the US was guiding the Ukrainian government to ethnically cleanse Russian speakers from western Ukraine. Another RT report investigated whether the CIA had invented Ebola to use as a weapon against developing nations.[558]

However, both existing and fabricated conflicts supposedly initiated by Kyiv's forces have been portrayed as being ethnic and culturally motivated against ethnic Russians and native Russian speakers, rather than the conflict being ideologically motivated. These claims in turn have been used to

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556   Ibid.

557   Olga Yurkova, "How Russian TV Uses Psychology Over Ukraine," StopFake, February 2, 2015, https://www.stopfake.org/en/how-russian-tv-uses-psychology-over-ukraine/.

558   Peter Pomerantsev, "Inside the Kremlin's Hall of Mirrors," The Guardian, April 9, 2015, https://www.theguardian.com/news/2015/apr/09/kremlin-hall-of-mirrors-military-information-psychology.

justify Russian military support and its presence in predominantly ethnic Russian regions outside of Russia's borders.

Additionally, Russian media uses the buzzword "fascist" in its rhetoric to to describe the forces and government in Kyiv. The use of this word specifically serves as a reference to the Nazi forces of WWII, who are referred to by this same word. This parallel is clearly deliberate in its aim to portray the government supported by the Euromaidan protest as being equivalent in threat and intent to the Nazis who invaded Ukraine in the past.[559]

The Direct Effects of Media in the Conflict

The extreme events portrayed and how they are framed have contributed to extreme polarization in Ukraine for those supporting and against the separatist movement. However, as Dr. Leonid Peisakhin and Dr. Arturas Rozenas's survey demonstrates, it was not the extreme bias in Russian television that changed people's opinions in Donbas, but rather it strengthened previously held political views supported by propaganda in Russian media.[560] The portrayal of the conflict as being fueled by Russophobic sentiments from Kyiv by Russian media further escalates the conflict from being motivated by ideology to being a fight fir survival against the ethnic cleansing of a significant portion of the Eastern Ukrainian population. The faked footage of Ukrainian troops in Donbas brutally killing innocent civilians, especially children, is further used to instill a sense of alarm and fear in viewers. These depictions serve to add to the perceived lines between Eastern and Western Ukraine as well as raising the stakes of the conflict for those in Eastern Ukraine. These efforts sought to further polarize pre-existing differences in perceived identity within Ukraine, especially along linguistic and religious lines.[561]

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[559] Laas Leivat, "Russian Propaganda: Twisted, Fabricated, Insidious," Estonian World Review, February 22, 2015, https://www.eesti.ca/russian-propaganda-twisted-fabricated-insidious-estonian-life/article44443.

[560] Peisakhin and Rozenas, "Electoral Effects of Biased Media: Russian Television in Ukraine".

[561] Sasse and Lackner, "War and Identity: The Case of the Donbas in Ukraine".

In addition to polarization caused by biased media exposure, studies conducted at Rivne State University of Humanities found a direct correlation between the frequency of certain words and phrases mentioned in relation to the conflict in Donbas and the frequency of attacks carried out by separatists in the region.[562] This data shows that Russian media had a clear influence not only in the radicalization of ideas in Donbas, but the radicalization of actions as well. Thus, these findings can link the fighting to mainly being motivated by ideological opposition to the Western Ukrainian government. Whether these sentiments originated in organic sentiments or were implanted by the Kremlin's influence continues to be debated by scholars.[563] Regardless of the origins of the sentiments, an opposition to the democratic government in Kyiv and democracy in general was strengthened and further perpetuated following the Euromaiden protests and ousting of Yanukovych, portrayed by the Russian media as not only illegitimate but also supported and influenced by the USA to serve its interests rather than that of Ukraine.

The Government of Ukraine recognizes Russia's use of the Russian media as a tool in its hybrid warfare against Ukraine, as a form of soft power for military support and financial backing of separatists.[564] It is readily aware of how Russian media frames the fighting in Donbas as being between the West and Russia, rather than a domestic conflict, and that Kyiv is being used as a proxy of the US and NATO. The Government of Ukraine readily point out how even Russian Defense Minister Sergei Shoigu has publicly acknowledged how crucial the Russian media is in serving as an arm of the Russian military in Donbas.[565]

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[562] Khomych and Yuskiv, "THE ROLE Of MEDIA PROPAGANDA IN THE 'HYBRID WAR.'".

[563] Sabine Fischer, "The Donbas Conflict: Opposing Interests and Narratives, Difficult Peace Process," Stiftung Wissenschaft und Politik – Berlin, April 2019, https://www.swp-berlin.org/publications/products/research_papers/2019RP05_fhs.pdf.

[564] Fischer, "The Donbas Conflict."

[565] Portnikov, "Mass Media as One of the Types of the Armed Forces of Russia," Radio Svoboda, March 28, 2015, https://www.radiosvoboda.org/a/26924585.html.

Reflection of the Radicalization Process

The exact definition of radicalization differs across the scholarly, political, and law enforcement spheres. As Dr. Donatella Della Porta and Dr. Gary LaFree point out,

> Many researchers conceptualize radicalization as a process characterized by increasing commitment to and use of violent means and strategies in political conflicts. Radicalization from this point of view entails a change in perceptions towards polarizing and absolute definitions of a given situation, and the articulation of increasingly "radical" aims and objectives. It may evolve from enmity towards certain social groups, or societal institutions and structures. It may also entail the increasing use of violent means.[566]

This definition makes note of the direct link between the polarized perception of a conflict as part of the process in development of radical views and actions. The examples in the paper's previous section show how the depiction of the alleged actions by the Ukrainian government and military as claimed by Russian state media align with formulating this polarized perception of the conflict in Donbas. By claiming the Ukrainian forces as committing atrocities against innocent civilians, their forces are portrayed as an absolute, merciless, evil aggressor. This polarization is furthered by the framing of the conflict in Donbas as being a motivated aggression against ethnic Russians and native Russian speakers, despite the presence of this demographic existing across Ukraine. This depiction of the conflict preys upon the linguistic and ethnic heterogeneity of Ukraine. And while ideological differences existed along these lines, conflict did not organically exist along the ethnic and linguistic lines themselves.

Furthermore, the claims that the Ukrainian government is merely a Western puppet state, furthers the idea of the Donbas region fighting a foreign

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[566] Donatella Della Porta and Gary LaFree, "Processes of Radicalization and De-Radicalization," International Journal of Conflict and Violence, 2012, https://www.ijcv.org/index.php/ijcv/article/view/2926/pdf_56.

entity. This plays the role of further polarizing the conflict as well as furthering the idea of a threat. Whether real or imagined, an extreme threat against a group, the ideology of the group is used to support the top priority of the survival of the group.[567] If survival is questioned, then the use of violence in therefore not only normalized in such a conflict, but even rewarded within the threatened community with respect and glory.[568] Thus, the use of violence when such a threat is created becomes more expected and partially explains the escalation of violence from the anti-Euromaidan protests. In turn, the ideology created in the context of the separatist regions is described by scholars as a patchwork of ideologies that Russian media has helped to construct, rather than rooted at the grassroots level.[569]

One of the key components of the ideology of the separatist regions is the shared Soviet memory of the WWII victory and its unifying force among people in previous Soviet Republics.[570] The claims of the Ukrainian government as consisting of fascists is a direct reference to the rhetoric surrounding the government of Nazi Germany.[571] The parallel of the rhetoric used frames the conflict as being an unjust aggression by Ukraine against the separatist regions and depicts them as an absolute evil, serving to polarize the opposing sides of the conflict further. It further portrays the fighting on the side of the separatists as being honorable and heroic, just as "Defenders of the Fatherland" were viewed and continue to be viewed in relation to Soviet WWII forces.[572] Social backing thus encourages radical actions in relation to the conflict.

Another main component of the ideology in Donbas is the following of the Russian Orthodox Church. Identity within Ukraine is often closely related

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[567] Kruglanski et al., "The Psychology of Radicalization and Deradicalization: How Significance Quest Impacts Violent Extremism," JSTOR, February 2014, https://www.jstor.org/stable/43783789.

[568] Ibid.

[569] Ivan Kozachenko, "How Social Media Transformed Pro-Russian Nostalgia into Violence in Ukraine," White Rose Research Online, April 12, 2014, https://eprints.whiterose.ac.uk/114776/1/How_social_media_transformed_pro-Russian_nostalgia_into_violence_in_Ukraine.pdf.

[570] Ibid.

[571] Ibid.

[572] Ibid.

to the church one follows, either the Russian Orthodox Church or Ukrainian Autocephalous Church and is found to directly correlate to ones feeling of being "more Russian" or "more Ukrainian" respectively.[573] It is the direct opposition of a number of Western values that creates ideological division between these groups and draws Russian Orthodox followers to the Russian political sphere where such values are claimed to be under attack from the degenerate, decadent Western influence.[574] This religious element furthers the narrative of the conflict as being one of "good versus evil" and serves to create a sense of threat and increase tensions from the preexisting religious differences within Ukraine.

Radicalization is sometimes thought to become an increased risk in regions suffering seemingly inescapable economic hardship that threatens the very livelihood of an individual or group.[575] Yet despite some economic decline in the region following the post-Soviet deindustrialization and emigration from the region, little economic disparity between the East and West existed during the beginning of the Euromaidan protest.[576] Rather, the Donbas region has suffered heavy economic loss since the start of the conflict, and thus has become increasingly reliant on Russian economic backing to sustain itself.[577] Thus while the conflict did not necessarily originate out of economic grievances, the conflict is perpetuated by the increasing economic dependance of the region on Russian investments into both the region and especially the conflict itself.[578]

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[573] Sasse and Lackner, "War and Identity"

[574] Fearghas O'Beara, "Russia's War on Ukraine: The Kremlin's Use of Religion as a Foreign Policy Instrument," Epthinktank, May 19, 2022, https://epthinktank.eu/2022/05/20/russias-war-on-ukraine-the-kremlins-use-of-religion-as-a-foreign-policy-instrument/.

[575] Kruglanski et al., "The Psychology of Radicalization and Deradicalization".

[576] Vlad Mykhnenko, "Putin's War – How Did We Get Here?," University of Oxford, March 15, 2022, https://www.ox.ac.uk/news/2022-03-15-expert-comment-putin-s-war-how-did-we-get-here-ukraine-2014.

[577] Fischer, "The Donbas Conflict".

[578] Mykhnenko, "Putin's War".

Conclusion

The process of radicalization is not a uniquely modern phenomenon. However, the ease at which a state can employ its exported media as a means of weaponizing propaganda to create or expedite this process outside of its own borders is a relatively newer and unique phenomenon in recent history. It is within this modern scope of media that allows state-owned media to be used as a soft power in hybrid warfare against target states. Such tactics were crucial in Russia's perpetuating of the conflict in Donbas, not only with hard power in the form of direct military and economic aid, but by using the media to garner support within Donbas by using rhetoric to foster radical thinking and actions against Kyiv forces.

This paper has discussed the history of social tensions within Ukraine that have existed since its independence that led to the Conflict of Donbas and later the Russian-Ukrainian War. As this paper has demonstrated, Russian state-owned media in Donbas has used culturally and historically relevant rhetoric to weaponize the thoughts and feelings of Ukrainians in the region. It also analyzed how they have fostered radical thoughts that have contributed to the conflict in Donbas. As the Russian-Ukrainian War continues, the groundwork laid through Russian media's depiction of events involving Donbas, both in Ukraine and in the West, still plays a significant role in assisting Russia in its military goals and actions. After providing an analysis on how and why these tactics have been used, future research remains needed to develop countermeasures in the digital landscape as internet usage continues to rise in Ukraine.

3

A Case Study in Propaganda: The 2003 Iraq War and The Russo-Ukrainian War

Anna Knutar

Abstract: This paper compares two major world conflicts and their use of propaganda: The 2003 Iraq War, and the current Russo-Ukrainian War. It shows how propaganda between these two wars have evolved and how it is still pertinent to modern-day conflict. This paper first looks at a brief history of propaganda to understand how it has shaped warfare and then continues to compare the two major conflicts stated above using a mixture of primary and secondary sources.

Keywords: Propaganda, Ukraine, Iraq War

Introduction

Propaganda is a word that has multiple definitions due to its adaptability to society. However, these debating definitions all have similar components as to what propaganda is. It includes words that are meant to help the reader or viewer come to an idea created by the propagandist. It includes a variety of outputs meant to reach the biggest target audience possible. It is meant to deliberately sway people to have a certain perception. Therefore, propaganda can be defined as any means of visual or audio aid meant to influence the persons or group receiving and understanding

the message in the direction of the creator. In this paper, I will use primary and secondary sources that cover the different perspectives of the two conflicts to answer the question; "Has there been a change in target audience between the two conflicts?" and more importantly; "How has the format changed?' In answering these questions, this paper seeks to demonstrate how propaganda has been adapted to younger generations due to social media and other means of mass communication. With the internet, both state and non-state actors can create and weaponize forms of propaganda such as the press, newspapers, and videos, while using multiple platforms to do so. This paper gives a short background on the main aspects of how propaganda has been created and then moves to describe the types of propaganda used in the Iraq War and its significance. From there this paper analyzes the current-day use of propaganda in the Russo-Ukrainian War, eventually comparing how propaganda has changed between the two conflicts.

A Brief Background of Propaganda

Propaganda has been around unofficially since the ancient Greek era. The earliest official use of the word "propaganda", however, can be traced back to the start of the First World War. Governments started producing propaganda in mass, printing things like postcards, war posters, and trade cards.[579] These illustrated cards were decorated with short slogans or a call to action, whether it be to buy war bonds or enlist in the military. O.W. Riegal, a propaganda analyst for the Office of War Information asserts, "The function of the war poster," is to make coherent and acceptable an incoherent and irrational ordeal of killing, suffering, and destruction that violate every accepted principle of morality and decent living."[580]

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[579] Ralph D. Casey, *What Is Propaganda?: Em 2, GI Roundtable*, *American Historical Association* (Washington, DC, MI: University of Minnesota, 1944), https://www.historians.org/about-aha-and-membership/aha-history-and-archives/gi-roundtable-series/pamphlets/em-2-what-is-propaganda-(1944), 1.

[580] "The Propaganda Posters of WWII – The National WWII Museum." The Propaganda POSTERS of WWII, 2020. accessed May 30, 2023, http://www.enroll.nationalww2museum.org/learn/education/for-students/ww2-history/at-a-glance/propaganda-posters.html.

Film and movies were also used to create[581] nationalistic films, which allowed propaganda to continue to gain more importance on the battlefield, leading to the creation of the Office of War Information in 1942. From there the government put a much greater emphasis on pushing nationalistic ideas, causing an increase in recruiting artists, filmmakers, and radio hosts for the American effort.[582] However, the Americans were not the only ones pouring money and resources into uniting the nation behind the need to fight in World War II. Hitler and the Nazi party had extensive and extreme control of propaganda and its dissemination[583], showing how widespread a government's influence could reach. The crackdown on the free press, the creation of organizations like the Ministry of Public Enlightenment, and a constant influx of film and radio speeches made by the Nazi Party were an example of the government using multiple dissemination tactics to influence the public. Moving ahead to the Korean and Vietnam Wars, the government realized that with the increase of technology, the use of television would enable them to present their influence on a greater range of people.

Propaganda in the Iraq War, The U.S. Perspective

The 2003 Iraq War changed the way propaganda was disseminated forever, as shown by the mass wave of embedded correspondents sent by the U.S. and other allied countries. Embedded correspondents were journalists sent overseas to record and move with their home military[584], allowing for the creation of a 24/7 news report. However, what made this type

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[581] Preeti Oza, *Film as a Tool for War Propaganda: Synopsis from World War I*, 2022, 4-5, https://doi.org/ 10.13140/RG.2.2.33438.56644, 5.

[582] "The Propaganda Posters of WWII – The National WWII Museum," The Propaganda POSTERS of WWII, 2020, http://enroll.nationalww2museum.org/learn/education/for-students/ww2-history/at-a-glance/propaganda-posters-of-ww2.pdf, 1.

[583] Karthik Narayanaswami, "Analysis of Nazi Propaganda," web log, *Harvard Blogs* (blog), 2011, https://blogs.harvard.edu/karthik/files/2011/04/HIST-1572-Analysis-of-Nazi-Propaganda-KNarayanaswami.pdf, 2-4.

[584] *The Propaganda War Wages Over The Iraq Invasion (2003). Youtube,* 2014. https://www.youtube.com/watch?v=PsGINVv9-9s&ab_channel=JourneymanPictures.

of information "propaganda" was how, or more precisely, what the journalists were allowed to report[585]. What makes this reporting different from the reporting in the Vietnam War is how the journalists were treated and told what information to give.[586] The restriction of information no longer makes said information "the truth." Instead, it becomes the message that the government wants to be sent. Another aspect of broadcasting military action is that it was also seen by the enemy. The "shock and awe" campaign[587] was an idea of the Bush Administration to intimidate Iraqi forces, to have a quicker and more decisive victory. The sheer amount of power shown through videos of thousands of tanks and other infantry equipment was meant to broadcast America's superior military power to both enemy and friend. Not only was it used as an intimidation tactic, but it was meant to boost patriotism and support for U.S. involvement.

However, live footage and embedded correspondents were not the only things the U.S. used to push propaganda. Select press releases were used in order to strike fear into the American public, surrounding the accusations of Iraq having Weapons of Mass Destruction,[588] with counterclaims to this accusation being given little to no press coverage. Not only were there constant accusations of WMDs, but the press started associating "enemy with terrorist"[589] in news articles and other information about the war. This in itself was propaganda, as it allowed little interpretation of who the enemy was. It should also be stated that networks inside the U.S. were still heavily reliant on what information the Bush administration gave out.[590] Major TV networks like CNN and FOX were "tightly aligned with the war scenario"[591], showing how able the government was at pushing out its narrative.

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[585] Ibid.

[586] Christopher Paul et al., "History of Relations Between the Press and the Military," essay, in *Reporters on the Battlefield: The Embedded Press System in Historical Context* (Santa Monica, CA: RAND, 2004), 37-54, 37.

[587] Christopher Paul et al., "History of Relations Between the Press and the Military," 54.

[588] David L. Altheide and Jennifer N. Grimes, "War Programming: The Propaganda Project and the Iraq War," *The Sociological Quarterly* 46, no. 4 (2005): 617-43, https://doi.org/10.1111/j.1533-8525.2005.00029.x, 618.

[589] Ibid., 626.

[590] Ibid., 629.

[591] Ibid.

Another important facet of how propaganda was spread was through the utilization of the internet. Although 89% of Americans used television as their news source, 77% of them used the internet for information in the first weeks of the Iraq war. [592]Moreover, 55% of Americans started using email to correspond and gather information about the war.[593] These breakthroughs in technology allowed propaganda to be disseminated more thoroughly and wider spread, with less government intervention and more person-to-person interaction.

Propaganda in the Iraq War, The Iraq Perspective

Although propaganda in the U.S. showed a united and relatively bloodless front, choosing instead to focus on the American victories, the Iraqi perspective showed the extreme opposite. Channels like Al-Jazeera showed pictures and videos of "burned and mutilated children"[594], allowing nothing about the actions of the enemy to be left to the imagination. Not only did the Iraqi news press show the darker side of the conflict, but it was extremely limited in what it could show. Iraqi citizens were not allowed even the option of tuning into American channels, as satellite dishes that would allow people to listen to foreign news channels were illegal, and could cause the owner up to a $200 fine and their name on Hussein's watchlist[595]. Journalists were required to be a member of the Baath Party (the political party headed by Hussein at the time) and a member of the Journalist Union.

On top of the numerous restrictions, all four TV stations were government-run and funded.[596] Journalists or presenters who defied the Ministry

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[592] Ibid.

[593] Susannah Fox and Deborah Fallows, "The Internet and the Iraq War," Pew Research Center: Internet, Science & Tech, April 1, 2003, https://www.pewresearch.org/internet/2003/04/01/the-internet-and-the-iraq-war/.

[594] Ibid., 630.

[595] Valentinas Mite, "Iraq: Once-Outlawed Satellite Dishes Sprouting like Mushrooms on Baghdad's Rooftops," RadioFreeEurope/RadioLiberty, April 9, 2008, https://www.rferl.org/a/1103368.html.

[596] United Nations High Commissioner for Refugees, "Reporters Without Borders Annual Report 2003 – Iraq," Refworld, 2003, https://www.refworld.org/docid/46e6917821.html.

of Information by not reporting what the government called "the truth," were either sent death threats, forced to quit or had the station banned from reporting.[597] Foreign Journalists not allied with the U.S. were allowed to shoot only when and where the Baath party deemed fit, and only if accompanied by ministry officers[598]. The United Nations Security Council found Hussein guilty of spreading mass propaganda. The United Nations Security Council reported, "The Iraqi Government, the Ba'th Party, or persons close to Saddam Hussein own all print and broadcast media, and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed either domestically or abroad."[599] The Security Council also pointed out how, "In government-operated Internet cafes, users only are permitted to view web sites provided by the Ministry of Culture and Information."[600]

Another key player in providing propaganda included Hussein's son, Uday Hussein, the owner of several major TV and radio shows. As the leader of the Journalists Union, Uday was able to exact totalitarian control over what was reported during the Iraq War. The lack of diversity of news in both television and printed press makes all information given to the people propaganda, as it refuses to allow the citizens to understand the full picture of the conflict and come up with their own opinions.

Overall, the way propaganda was used and disseminated by the U.S. and Iraqi governments was through newspapers, press releases, and live T.V. clips. New introductions such as embedded correspondents and the internet helped spread propaganda to a larger part of the population, and this in turn allowed governments to start reaching more of a younger audience. However, propaganda has still come a long way since the 2003 Iraq War, as shown by the advancements in technology pertaining to the ongoing Russo-Ukraine War.

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[597] Ibid.

[598] Office of the Press Secretary, "Saddam Hussein's Repression of the Iraqi People," National Archives and Records Administration, 2002, https://georgewbush-whitehouse.archives.gov/infocus/iraq/decade/sect4.html.

[599] Ibid.

[600] Ibid.

Propaganda in Ukraine, Ukraine Perspective

The most significant change in propaganda is its distribution, especially in the current age of technology. Social media sites like Instagram, Tik Tok, and Twitter can spread information (and misinformation) in a split second, reaching thousands of viewers in no time. Pictures and videos can be put together and shared faster than any newspaper can print or air, and it is in this sense that the Russo-Ukrainian War has had to fight on a new front. According to the Pew research center, 86% of Americans receive their news from a smartphone or tablet, and 53% say they receive their information from social media websites.[601] More notably, 42% of people ages 18-29 often receive their news from social media, a large step up from the 12% who used social media in 2005[602]. The importance behind these statistics is that nowadays, TV reporting is being used less and less, with the internet becoming a bigger player in how people receive their information. This section looks at Twitter, Facebook, Instagram, and Tik Tok in order to show how propaganda has spread in this multimedia wave.

The official Ukrainian Twitter uses a mix of styles of propaganda. Nationalistic tweets celebrating Ukraine's culture are mixed with videos and news articles calling Russia out for child abduction [603] and other similar crimes. However, these news article links lead directly to the official Ukrainian website, which contains a myriad of bold claims against the Russian Federation. Regardless of the amount of truth in it, the one-sidedness of it makes it propaganda, as it is clearly trying to convince the viewer to have the same opinion as the government-run website. The Ukrainian president, Volodymyr Zelensky, also has his own Twitter account. On this account, there is a mix of videos thanking other countries for their support, Zelensky himself mixing with the common people, and patriotic

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[601]   Naomi Forman-Katz, "News Platform Fact Sheet," Pew Research Center's Journalism Project, September 20, 2022, https://www.pewresearch.org/journalism/fact-sheet/news-platform-fact-sheet/, 2.

[602]   Ibid.

[603]   Yumiia Khomyn, "Why the Deportation of Ukrainian Children to Russia Is an Act of Genocide," Official Website of Ukraine, 2023, https://war.ukraine.ua/articles/deportation-of-ukrainian-children-to-russia-is-a-genocide/.

calls to action.[604] Overall, the Ukrainian Twitter accounts rely on nationalistic propaganda to show a united and strong front, while using a steady stream of photos and videos to showcase the destruction the Russian military has caused.

Although Facebook has been generally thought to house an older target audience, the largest age group for Facebook, Twitter, and Instagram is 25-34-year-olds. [605] All three platforms allow audience interaction in ways of likes, comments, and reposts. In the same way, these sites recommend and give the user more information based on what they like, repost, and spend time on.[606] Therefore, once a user starts to like posts from either a government or supporter account, more and more similar information will show up on their home page. The same works for ads on these sites. These companies take the information given to them by users and advertise products or information most likely to interest said users in an effort to keep them on the website longer.[607] This shows how easy it is to spread propaganda to people, as these social media sites connect and strengthen the bonds between propaganda groups and users looking for information.

Another important social media site is Tik Tok. This app is a place where creators can upload short video clips ranging from dog videos to short news segments. Hashtags are used to categorize and link similar videos together, with the algorithm (the computer that decides what to show to users) working in the same as the previous social media accounts listed above. And it is in this way that propaganda has been able to fully reach the younger generation. 25% of people on Tik Tok are between the ages of 10-19, with a total estimated 834 million users as of July 2023.[608]

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[604] https://twitter.com/ZelenskyyUa

[605] Daniel Ruby, "62 Twitter Statistics in 2023 – (Users, Revenue & Trends)," DemandSage, July 11, 2023, https://www.demandsage.com/twitter-statistics/.

[606] Twitter, "Twitters Recommendation Algorithm," web log, *Twitter Engineering* (blog), 2023, https://blog.twitter.com/engineering/en_us/topics/open-source/2023/twitter-recommendation-algorithm.

[607] Facebook Meta, "How Facebook Ads Work," Meta for business, accessed July 12, 2023, https://www.facebook.com/business/news/How-Facebook-Ads-Work.

[608] Jack Shepherd, "21 Essential TikTok Statistics You Need to Know in 2023," The Social Shepherd, 2023, https://thesocialshepherd.com/blog/tiktok-statistics#:~:text=TikTok%20is%20Most%20Popular%20With%20Younger%20Generations&text=Ages%2010%2D19%20are%2025,49%20is%2020.

This means 208.5 million young adults are exposed to propaganda from newspaper accounts, fan pages, etc. Hashtags such as "#Ukraine" have over 93.6 billion views, and channels such as "@soldierukrainewin" have millions of followers. These channels post videos of soldiers fighting in Ukraine, while others post heartbreaking goodbyes and interviews. Even the official Ukraine Tik Tok has videos of the damages shown after fighting mixed with patriotic clips of people standing strong. In almost all these videos there is the national flag. The point of these details is that even though propaganda may have changed in its dissemination, its characteristics have remained almost the same. The same patriotic call still works, with the same nationalistic ideals and feelings. However, the rise in social media has allowed Ukraine to spread its perspective much farther and faster than it could before.

Propaganda in Russia, The Russian Perspective

Russian propaganda differs from other normal routes, in the fact that there are very few platforms for Russian citizens to use. According to an article published in 2022 by Radio Free Europe, "Roskomnadzor, [Russia's media regulator] has ordered media to only publish information provided by official sources." Certain American apps like Facebook and Instagram have been banned from the Russian public, making it hard for citizens to receive foreign information[609].

However, other American social media apps such as YouTube and parts of Tik Tok are still accessible, including other Russian-owned platforms like VK, Мой Мир (My World), and Rutube (The Russian version of YouTube). It is through these that the Russian government disseminates its propaganda. Channels such as 'Спецкурс' on both YouTube and Rutube have videos of men rehearsing battle drills, crawling around, shooting guns, etc. It is this channel that claims to train Russians in skills such as combat arms and basic field medicine before they are sent to fight. Another propaganda

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[609] Moscow AP, "Russia Court Bans Facebook, Instagram on 'extremism' Charges," AP News, March 21, 2022, https://apnews.com/article/russia-ukraine-technology-business-moscow-facebook-456db70cbe8e9bb639fca9fe2d793b10.

channel on Rutube is 'Ukraine.ru", which describes itself as having "...an alternative point of view, which is fundamentally different from the one that dominates the Ukrainian and Wester media." This state-run channel is full of jabs at Zelensky and his cabinet, while simultaneously promoting Russia's fortitude. As Russian citizens have limited ways of fact-checking these claims, the propaganda given is absolute.

Another way Russia has presented its propaganda is through Tik Tok. Although citizens are note allowed to watch any foreign content on Tik Tok, they are still able to see state-sponsored videos and channels such as RT Today or Sputnik News.[610] Tik Tok has gone as far as labelling these channels "Russia state-controlled media," suggesting it is propaganda. Although Russian propaganda may be limited in what platforms it uses, it is unyielding in its rate of dissemination and repetition.[611]

The Latest Form of Propaganda: Memes and Internet Trolls

A newer aspect of propaganda is the introduction of memes and internet trolls to spread propaganda. Memes are made of one or more pictures with a funny caption on them. This is notably similar to slogans, which were used as a past propaganda technique as they include short, simple, emotive phrases that are easy to recall. Memes also have a component of humor that often masks the propaganda. If something is funny, it is more likely to be shared among friends and family, making memes a discreet way of circulating propaganda. Take for example the Twitter account called "Ukrainian Meme Forces". This channel uses well-known pop culture references mixed with captions to make easily understandable references to the War. Although a user may see a meme and laugh without giving it a second thought, memes contribute to the propaganda seen by people

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[610] Salvator Romano et al., "Tracking Exposed Special Report: TikTok Content Restriction in Russia," *Tracking Exposed*, 2022, 1-23, 8.

[611] Christopher Paul and Miriam Matthews, "Russia's 'Firehose of Falsehood' Propaganda Model," RAND Corporation, July 11, 2016, https://www.rand.org/pubs/perspectives/PE198.html#fn4.

of a younger generation. Memes are on almost every social media plat-form, allowing a large range of people to receive this type of propaganda.

Another recent development is the creation and use of internet trolls. An internet troll is defined as a person who makes rude or demeaning posts in an attempt to offend and harass another. In an interview recorded by Radio Free Europe, a man by the name of Sergey K. describes how com-panies use internet trolls "factories" to spread propaganda. He describes how trolls would create fake accounts and then create comments in chats on platforms such as YouTube, Facebook, etc. The purpose of these of-fensive comments in this situation is to "undermine views or information that runs counter to Russian themes"[612]. What is more important is the number of trolls and posts that are spread around the internet. 120 com-ments a day is the minimum for those who work in these "troll factories", with about 300 people working in a single day.[613] Although memes are thought to unite and connect people with their propaganda, taking a more positive approach, trolls seek to alienate and ridicule users, while causing confusion on online forums. Either way, it is an effective way to discreetly spread propaganda to multiple platforms on the internet.

Comparisons and Conclusions

There are a couple of key understandings to realize when comparing the two wars mentioned in this paper. The first is that propaganda undoubt-edly plays a crucial role in warfare, and will continue to do so in any type of future conflict. The second is that although propaganda is shown in a different format, not all aspects of it have changed. Governments still use propaganda and have a degree of influence on media when it comes to releasing information. Whether it be a TV news station or a social media platform, all administrations have the power to release information based

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[612] Ibid.

[613] Dmitry Volchek, "Inside the 'propaganda Kitchen' – a Former Russian 'Troll Factory' Employee Speaks Out," RadioFreeEurope/RadioLiberty, January 29, 2021, https://www.rferl.org/a/russian-troll-factory-hacking/31076160.html.

on the viewpoint that is perceived as needed. Pictures and slogans are still used as propaganda, and the use of video still plays a crucial role in broadcasting findings. Dissemination, as it has been repeated in this article, has been able to reach a broader audience as time goes on. With more people having faster access to information, more people can be reached. Just as social media connects us, so does the perceived information it holds.

However, the rise of technology has created a shift in how propaganda is sent and received. Most, if not all, of propaganda, has become digitalized, slowly pushing out newspapers and news shows. As of 2022, only 31% of Americans use television to get their news, and only 8% still used print newspapers.[614] More and more people are relying on social media for their news, and it is in that way that propaganda flourishes. Directly or not, this has led to a younger age demographic receiving this disinformation. Although propaganda cannot be eradicated from these social networks, it can be recognized and blocked. This type of warfare still has room to adapt, and as people find new ways to report and send information, propaganda will quickly follow it.

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[614] Naomi Forman-Katz, "News Platform Fact Sheet," Pew Research Center's Journalism Project, September 20, 2022, https://www.pewresearch.org/journalism/fact-sheet/news-platform-fact-sheet/.

4

The Dangers of the Digital Age: Russian Propaganda and Disinformation in Estonia Then and Now

Nickolena Kolev

Abstract: Disinformation and propaganda have and continue to be Russia's primary means to attain and spread national interests. In the 21st century, the complex information sphere makes disinformation extremely difficult to discover and counter, even in a digitally advanced country like Estonia. This research paper uses literature to examine the implications of propaganda and disinformation for Estonia's national security and vulnerability. The paper explores the limitations and failures of the integration policies for Russian minorities into Estonian society, which make them more susceptible to disinformation. Recommendations include better funding for Estonian-based Russian-language media, media literacy education in all schools, and emphasis on accurate journalism that will build trust within the younger generations of ethnic Russians in Estonia.

Introduction

In Estonia, a country of 1.3 million people, a quarter of the population are Russian speakers[615], who are eager to find news and media in the Russian language. Since the Cold War, propaganda and disinformation have been deeply rooted in the lives of many Eastern Europeans and Russians. The fall of Communism removed the established Russian propaganda machines from the former Communist Bloc, but Russian disinformation still has an influence in many of these countries, including Estonia. The intentions behind propaganda and disinformation have not necessarily changed with the rise and advance of technology but have become easier to access and spread. It is becoming harder to distinguish between real and false information, making it even more difficult to find and combat. This is especially the case in countries ridden with tensions between two ethnic groups, as is Estonia with its Russian population.

I grew up listening to many stories from my Bulgarian family about propaganda used during the Cold War. They were only allowed to watch television in Russian, had to learn Russian in school, and the public did not have access to non-government sponsored information about the outside world. Even the education system was turned into a form of Communist propaganda[616]. Since then, I have been interested in how disinformation can manipulate people, how Russian propaganda has continued to spread years after the fall of the Communist regime despite serving a different purpose now, and how it is even more dangerous during a time of mass online communications.

In the digital age, disinformation and false media have become an eminent channel for fulfilling national interests, reaching audiences, and gaining power internationally. Despite funding for public and private media in Estonia after Russia invaded Ukraine in 2022, it is still moderately easy for

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[615] Kenneth R. Rosen, "Estonia's Answer to Russian Disinformation Is to Fund Real Journalism," Coda Story, April 12, 2023, https://www.codastory.com/newsletters/estonia-public-media-russian-disinformation/.

[616] "Bulgaria," Bulgaria | Communist Crimes, accessed July 12, 2023, https://communistcrimes.org/en/countries/bulgaria.

the Russian-speaking population of Estonia to access pro-Kremlin media channels[617]. This makes it easy for pro-Russian state media to take advantage of Estonia's Russian minority, creating pressing national security questions for the country. It is important to research how propaganda is communicated, its techniques and audiences, and how to successfully spread accurate information while combating false media, to prevent the increase of polarization, digital attacks, and threats to national security.

Since Russian disinformation and propaganda are still prevalent in Estonia, what does this imply about its national security, and more importantly, its vulnerability? How has Russian disinformation allowed Russia to maintain a stronghold in Estonia? In this paper, I will examine these questions, along with the measures Estonia is taking to prevent Russian disinformation, and to what extent Estonia is successful in its prevention and what are the limitations of its policies? What is the influence of Russian disinformation on the stability and security of Estonia and what are the ways of counteracting those threats?

Estonia's vulnerability to the spread of propaganda and disinformation appears most in the small Russian-speaking towns close to the Estonian-Russian border. The digitization and sophistication of pro-Russian media poses a threat to Estonia's future national security, because of Russia's successful weaponization of disinformation and ability to take advantage of the Russian minority in Estonia and manipulate narratives. Through polarization and confusion of the public, the stability of Estonia is compromised. Despite policies present for integrating the Russian community in Estonia and blocking these propaganda websites, it is important for Estonia to take further countermeasures, including media literacy in schools and act in establishing a stronger Estonian identity for those still leaning towards pro-Russian media.

In this paper, I will begin with a historical background of Russian propaganda during the Cold War and the 2007 cyber-attacks and information wars on Estonia. Following this, I will explore the propaganda that was used in

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[617] Ramishah Maruf, "How Estonia Wants to Steer Clear of Russian Propaganda | CNN Business," CNN, April 18, 2022, https://edition.cnn.com/2022/04/17/media/reliable-sources-estonia-russia/index.html.

Estonia during the annexation of Crimea and compare its presense to today in the current Russia-Ukraine war. Then, I will analyze the impact of Russian disinformation on Estonia, examine what factors allow Russia to maintain a stronghold in this country, evaluate the effectiveness of Estonia's counter measures to prevent disinformation and identify their limitations.

Cold War Propaganda in Estonia

Propaganda can be defined as a selective use of arguments and information either to benefit or harm a political force or political motive. Disinformation can be defined as motivated messaging to achieve a political goal and create public confusion or distrust[618]. The Cold War was a time of pro-communist, anti-colonial, and labor messaging, with "ideological truth claims".[619] The message drilled into the minds of the public stated, "the victory of the Soviet Union and communism is inevitable".[620]

Estonia's historical dependance on Russia dates back to 1710. It was part of the Russian Empire until 1917, and in 1918, declared its independence. Although this independence was not recognized, Estonia was an independent republic until 1940. In 1940, Estonia was occupied by Soviet forces and was part of the Soviet Union until its formal independence in 1991[621]. Since the Cold War was not during the digital age, to spread false information, Russia had to take measures within the education and culture of Estonia[622]. Schools were not only mandated to teach the Russian language, but also courses on Marxism-Leninism for all grade levels. Educational institutions

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[618] Stefan Meister,"Understanding Russian Communication Strategy: Case Studies of Serbia and Estonia," DEU, 2018: 9, https://nbn-resolving.org/urn:nbn:de:0168-ssoar-59979-0.

[619] Edward Lucas and Peter Pomeranzev, "Winning the Information War", *Techniques and Counterstrategies to Russian Propaganda in Central and Eastern Europe. Washington: The Center for European Policy Analysis* (2016): 1-66.

[620] Brutus Coste, "Propaganda to eastern Europe", *The Public Opinion Quarterly* 14, no.4 (Winter 1950-1951): 639-666, https://doi.org/10.1086/266246.

[621] "Estonia. Some Historical Remarks," The Baltic Initiative and Network, accessed July 12, 2023, https://coldwarsites.net/country/estonia/.

[622] "Estonia," Estonia | Communist Crimes, November 26, 2013, https://communistcrimes.org/en/countries/estonia.

were "purged of teachers and lecturers who were not considered to be trustworthy".[623] Members of Estonia's government cabinet, judges, county elders, and heads of state were "imprisoned, deported, or killed during the Soviet occupation in 1940-1941".[624] Almost 500,000 volumes of books published before 1944 were banned and hidden or destroyed.[625]

Although Estonia is no longer part of the Soviet Union, and there were many resistance movements to Russia's power over the country, the "nostalgia" for the Communist regime remains in many of the ethnic Russian communities. Since 25% of the population of Estonia are ethnic Russians, it makes these groups a much easier target for Russian disinformation, due to their direct consummation of Russian media.[626] Furthermore, during the Cold War, the main message Russian propaganda sent was that Communism was an enticing substitute for the West, the goals today, in 2023, are to aggravate existing gaps in the West through an anti-EU and anti-US attitude.[627]

Information Wars on Estonia

The core of Russia's foreign policy are information war tactics and maintaining "soft power" in Eastern Europe and countries with significant Russian-speaking minorities. The Russian Federation stated its goals within the cyber sphere in the Information Security Doctrine (2000). These include "… to protect strategically important information, to protect against deleterious foreign information, and to inculcate in the people patriotism and Russian values".[628] This is one statement, among others warning how "foreign special

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[623] Ibid.

[624] Indrek Paavle, "The Destruction of the Estonian Political Elite during the Soviet Occupation in 1940-1941," The Destruction of the Estonian Political Elite during the Soviet Occupation in 1940-1941 | Communist Crimes, accessed July 12, 2023, https://communistcrimes.org/en/destruction-estonian-political-elite-during-soviet-occupation-1940-1941.

[625] "Estonia," Estonia | Communist Crimes.

[626] Meister, "Understanding Russian Communication Strategy: Case Studies of Serbia and Estonia,"16.

[627] Lucas and Pomeranzev, "Winning the Information War."

[628] Viljar Veebel, "Estonia Confronts Propaganda, Russia Manipulates Media in Pursuit of Psychological Warfare," last modified February 26, 2017, https://www.academia.edu/31614423/Estonia_confronts_propaganda_Russia_manipulates_Media_in_Pursuit_of_Psychological_Warfare.

services use media operating within the Russian Federation to inflict damage to the nation's security and to spread disinformation."[629] This document is an apparent example of Russia using domestic government documents as a tool for propaganda that extorts fear of the West to Russian citizens and Russian speakers keeping up with Russian government sources.

In 2007, the Estonian government removed the "Bronze Soldier" Soviet--era war monument[630]. The Russian minority in Estonia, reading the news produced by Russian-based media, began to protest, alongside Russian politicians that "arrived in Estonia to 'rile things up'".[631] This was followed by a cyber-attack on Estonia, also referred to as the "Bronze Night"[632]. Russia succeeded in shutting down Estonian government websites, banks, and media outlets. All oil and coal trade to Estonia was blocked and "Russia's Federation Council called on its government to cut diplomatic relations with Estonia"[633]. This attack proved Estonia's susceptibility, but also its failures of integrating the Russian-minority in the society. The "Bronze soldier" was a symbol of unity and a sense of identity to ethnic Russians. Through examining the Russian media before the cyber-attack, anti-Estonian sentiment could be seen to intensify, while the Kremlin portrayed Russian-language media in Estonia as "unreliable and manipulated by the Russian government".[634] This increases the extent with which Russian minorities trust Russian-state media in Estonia. The gap between ethnic Estonians and Russians during the post-Soviet years played a role in the current tense atmosphere of Estonia, due to its no dual citizenship policy. Additionally, the country only recently allowed

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[629] Information security doctrine of the Russian Federation, last modified December 29, 2008, https://www.itu.int/en/ITU-D/Cybersecurity/Documents/National_Strategies_Repository/Russia_2000.pdf.

[630] "Estonia Begins Removing Soviet-Era War Monuments," BBC News, August 16, 2022, https://www.bbc.com/news/world-europe-62562909.

[631] Veebel, "Estonia Confronts Propaganda, Russia Manipulates Media in Pursuit of Psychological Warfare."

[632] Lucas and Pomeranzev, "Winning the Information War."

[633] Veebel, "Estonia Confronts Propaganda, Russia Manipulates Media in Pursuit of Psychological Warfare."

[634] Lucas and Pomeranzev, "Winning the Information War."

non-Estonian speaking people to be granted citizenship, only they must give up citizenship to their native country.[635]

During the attacks, the riots and violence that occurred allowed for Russian-state media to portray somewhat of a "half-truth" in their propaganda:

> These distortions were supported by custom-made, and faked, footage from Tallinn. According to KAPO, RTR journalist Yekaterina Zorina arranged for Night Watch to stage demonstrations at Tõnismägi in order to get more "powerful" shots for Russian national TVs. RTR's reporting excluded other viewpoints in favor of local Russian-speaking leftists. RTR journalists also tried to spark a spontaneous demonstration at Ganin's funeral… In this context of half-truths and distortions, rumors spread easily and widely. For example, it was alleged that the bones of the buried soldiers had been dug up and thrown away; that Estonian police had killed three people including Ganin; and that ethnic Russians who gathered to defend the Bronze Soldier were tortured.[636]

Estonia's response was decisive, blocking any further attacks or protests to occur, and despite Russia's failure during this information war, the psychological part was successful and a cautionary event for the future. Analyzing the causes and impacts of events like this is the only way to build strong measures to prevent the "soft power" of Russia's media warfare.

Before these attacks, Estonia had already placed emphasis on its digital infrastructure for government and commercial operations, and this cyber war proved to show Estonia's digital vulnerability. This was the first "web war" and was a warning to Estonia and the rest of the digitally based countries of the dangers present in the cybersphere. After these attacks, Estonia heightened its counter measures. In 2010, Estonia began contributing to

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[635] '"Nationality Is Ethnicity:' Estonia's Problematic Citizenship Policy," Migrant Integration Policy Index 2020, last accessed July 12, 2023, https://www.mipex.eu/nationality-ethnicity-estonias-problematic-citizenship-policy.

[636] Lucas and Pomeranzev, Winning the Information War

Europe's Cybercrime Convention[637] – which Putin refused to sign, as it went against Russia's national interests and its political ambitions.[638] The goals of the cybercrime convention are to "increase cyber security and counter-act cyber threats".[639] It is signed by more than forty countries and came into full force in 2004.

Propaganda During Annexation of Crimea Compared to 2022 Russia-Ukraine War

As described by journalist Pavel Ivanov, former Russian editor of an Estonia-based Russian-language program, when it comes to Russian media 'even politics turns into a show'.[640] Despite the traditional view of propaganda stated in the Cold War section, Russian propaganda in the 21st century does not necessarily aim to "convince or persuade, but rather to undermine".[641] This contemporary propaganda is referred to as the "firehouse of false-hood" because of its abnormally high amounts of channels and "a shame-less willingness to disseminate partial truths or outright fictions".[642] The purpose is to keep audiences distracted, afraid, and confused, and build a sentiment of paranoia. [643] It is not only an information war, but a psychological war, always continuing, during wartime or peacetime. It is "fact-free" and "enjoyable"[644], keeps audiences hooked and coming back

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[637] "Estonia Supports Council of Europe in Fight against Cyber Crime," Estonia Supports Council of Europe in Fight Against Cyber Crime | Välisministeerium, March 21, 2010, https://vm.ee/en/news/estonia-supports-council-europe-fight-against-cyber-crime.

[638] Viljar Veebel. "Russian propaganda, disinformation, and Estonia's experience." Foreign Policy Research Institute (2015).

[639] "Budapest Convention – Cybercrime – Www.Coe.Int," Cybercrime, accessed July 12, 2023, https://www.coe.int/en/web/cybercrime/the-budapest-convention.

[640] Jill Dougherty and Riina Kaljurand. "Estonia's 'virtual Russian world': The influence of Russian media on Estonia's Russian speakers." International Centre for Defence and Security, Tallin, 2015. https://icds.ee/wp-content/uploads/2014/Jill_Dougherty__Riina_Kaljurand_-_Estonia_s__Virtual_Russian_World_.pdf.

[641] Lucas and Pomeranzev, "Winning the Information War."

[642] Christopher Paul and Miriam Matthews, "Russia's 'Firehose of Falsehood' Propaganda Model," RAND Corporation, July 11, 2016, https://www.rand.org/pubs/perspectives/PE198.html.

[643] Lucas and Pomeranzev, "Winning the Information War."

[644] Ibid.

to the media. It uses conclusive and factual events in a fabricated way, to avoid outside viewers recognizing it as propaganda and keep Russian-speakers in a nationalistic mindset.

In 2004, when Estonia joined NATO, Russian propaganda and disinformation about Estonia advanced to a narrative of "Estonia as a fascist country, Estonian Russian's as part of a divided nation, and Russia's claim to protect the rights of Russian-speaking minorities outside of Russia."[645]

Russian propaganda and disinformation have specific motives in Estonia, which are to polarize the population between only Estonian speakers and the Russian speaking minority. The aim is to confuse the public and create an overall distrust in every media consumed, by skillfully overwhelming its audience. In 2014, Russia invaded Crimea, bringing back disinformation tools used during the Cold War to exert influence and power. The Russian government used a distortionary type of propaganda and according to the George C. Marshall Center for Security Studies, "manipulating images of oneself and the enemy… replacing an objective image in the media with a distorted or manipulated one is first justified by a practical need to retaliate, to mislead an adversary, or to help mobilize and motivate the 'man in the street'"[646]. The Russian government controlled many TV channels during the annexation of Crimea, such as LifeNews, Russia1, Russia24, Channel 1, NTV and REN TV. Russian media was portrayed on Ukrainian TV channels too, including Inter and Ukraina 24, "run by pro-Russia oligarchs or Russian news providers"[647]. These channels, along with newspapers and social media trolling, portrayed the Ukrainian Army as "criminals, Nazi perpetrators, and murderers" intended to spark a civil war throughout Ukraine.[648] The purpose of this overload of false information was to skew the public opinion of what is true and create an overall distrust in media, governments, and information. Even in 2019, Estonia's new "Sputnik-Meedia" website continued to create its own falsified articles, one

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[645] Meister, "Understanding Russian Communication Strategy: Case Studies of Serbia and Estonia."

[646] Lucas and Pomeranzev, "Winning the Information War."

[647] Lucas and Pomeranzev, "Winning the Information War."

[648] Ibid.

of which was headlined "Crimea With Russia Forever", with a web graph including statements such as that "there was a coup in Ukraine and the referendum in Crimea 'was held in a democratic way, in full compliance with international law and the UN Charter'".[649] Another common characterization of propaganda during Crimea was its lack of consistency. Initially, Putin was denying the soldiers in Crimea were Russian; he later admitted that they were in fact Russian.[650]

Although inconsistency may have detrimental outcomes for propaganda, this is not the case for those who are willing to be convinced and look past these juxtapositions. The effective use of disinformation during the annexation of Crimea introduced conversations about Estonia's national security and fears of potential war. It also brought to light the divided Estonian society.[651] Russia's foreign policy, including plans of a new world order, are supported by 53%[652] of ethnic Russians in Estonia. This portrays the stronghold that Russia still has on Estonian Russians.

When Russia invaded Ukraine in February of 2022, Putin justified this unprovoked war by stating his wish to reconcile the former Soviet Union and his "Russian world". He continuously proclaims his defense of ethnic Russian minorities in these countries, such as Estonia, from prejudice and a feeling of being out-of-place. Although these statements are predominately false and imagined, it is still difficult to bring together the ethnic Russians and ethnic Estonians and their cultures, as they have been polarized by the geopolitical strains of the 2022 / 2023 war. Misleading Tweets such as "Did you know that in many areas, 40% of Estonians are Russian? Did you know they are forbidden to speak their language?"[653] circulating

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[649] EUvsDisinfo, "A (New) Sputnik Has Been (Re)Born," EUvsDisinfo, June 30, 2022, https://euvsdisinfo.eu/a-new-sputnik-has-been-reborn/.

[650] Paul and Matthews, "Russia's 'Firehose of Falsehood' Propaganda Model."

[651] Dougherty and Kaljurand. "Estonia's 'virtual Russian world': The influence of Russian media on Estonia's Russian speakers."

[652] Meister and ifa (Institut für Auslandsbeziehungen), "Understanding Russian Communication Strategy: Case Studies of Serbia and Estonia."

[653] Jenna McLaughlin, "Why the Estonian Town of Narva Is a Target of Russian Propaganda," NPR, May 10, 2022, https://www.npr.org/2022/05/10/1097820850/why-the-estonian-town-of-narva-is-a-target-of-russian-propaganda.

the internet further the lack of Russian minority of Estonia feeling integrated into the Estonian culture and society.

According to the World Press Freedom Index, Russia places 164/180, while Estonia is number 8. Two thirds of ethnic Russian Estonians receive their information from Russian-controlled television, but the threat of this is that Russian-minorities in countries such as Estonia are also receiving their information from this same television channels. As of today, 23 journalists and media workers have been detained in Russia. Ever since the 2022 invasion, "almost all independent media have been banned, blocked and/ or declared "foreign agents" or "undesirable organisations". All others are subject to military censorship."[654]

Most disinformation campaigns in Estonia are popular with the Eastern cities, such as Narva, among older generations, some people in which may not even have a good grasp of Estonian, increasing their desire for Russian-state media. Before the 2022 invasion, there was estimation of one-fifth of the Russian-speaking population watching and consuming Russian state media. Even though there is a ban on Estonia-based Russian-language media, "reports of people buying antennas and setting up virtual private networks (VPNs) to reach Kremlin-supported channels indicate the information bubble has not burst."[655] The most attractive characteristic of Russian television is that it is "a mesmerising mix of frothy morning shows, high-decibel discussion shows, tearjerker serials and song contests–peppered with news bulletins and current events shows that toe the Kremlin line".[656] Even the strongest Estonian critics of Vladimir Putin concede that Russian TV is supremely watchable."[657] These features make Russian television accessible and easily digestible, and allow for the scattered propaganda to be readily consumed, making Estonia vulnerable to this disinformation.

[654] "Russia," Bienvenue sur le site de Reporters sans frontières, July 7, 2023, https://rsf.org/en/country/russia; "Estonia," Bienvenue sur le site de Reporters sans frontières, June 22, 2023, https://rsf.org/en/country/estonia.

[655] Leon Hartwell et al., "Winter Is Coming: The Baltics and The Russia-Ukraine War.", *LSE IDEAS*, December 2022, https://doi.org/89385.

[656] Ibid.

[657] Ibid.

Sputnik in Estonia

Russian propaganda circulates openly through foreign-language television like "Russia Today" and the "self-styled news agency 'Sputnik International'"[658] and secretly through "independent journalists, experts and commentators (many of whom lack legitimacy or status elsewhere) as well as Internet trolls (paid propagandists)."[659]

> The underlying message is simple: the United States is engaged in a selfish, ruthless bid for world domination. By implication, anything Russia or any other country can do to resist this is commendable and justified. It portrays the foundations of modern Euro-Atlantic security–including NATO enlargement to former communist countries and Western support for Ukraine–as hypocritical and unjust.[660]

Sputnik began in 2014 as a supplement for the Russian-state owned Rossiya Segodnya enterprise. Sputnik is international and web-based in 35 languages, allowing it to reach vast and diverse audiences. It aims to take advantage of confirmation bias, with an anti-Western tone and sarcasm. It even claims to be a "'provider of alternative news content'"[661], taking away its need for accurate coverage of mainstream evens and perspectives. In Estonia, Sputnik has only mentioned two of its six Members of the European Parliament, quoting only one-sided point of views and opinions, choosing specific and tailored comments.

In December 2019, Sputnik Estonia closed its business; however, in November 2020, a new legal entity was created in Estonia called "Sputnik Meedia" as a Non-Profit Organization, funded by independent sources. Sputnik Meedia later found to be funded by a grant for the Legal Protection and Support of Russian Federation Compatriots Living Abroad. This fund also

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[658] Lucas and Pomeranzev, "Winning the Information War."

[659] Ibid.

[660] Ibid.

[661] Lucas and Pomeranzev, "Winning the Information War.".

finances NGOs in foreign countries "to train and guide them and to use them in Russia's influence operations in international organisations and in the media."[662] This new "independent" website is still funded by the Russian state and is basically a copy of the old Sputnik.

This shows the tenacity and ease with which Russian-state media can revive old narratives and websites in new forms. This ability allows Russia to maintain an influence over Estonia covertly, continuing to polarize its society.

Counterstrategies: Estonia's Disinformation Policies

Estonian local public broadcasting opened a Russian-language television channel in September of 2015, following the first invasion of Ukraine, called ETV+. The purpose of this channel was to keep the Russian-speaking minority factually informed about local and global issues and to provide entertainment. There are wide gaps in resources provided to integrating the Russian-minority in Estonia when compared to the resources the Russian Federation must feed its propaganda machine.

Another countermeasure is the requirement implemented in 2010. All Estonian public schools were required to teach media literacy, along with a 35-hour course in tenth grade.[663] Media literacy is incorporated into all classes, even art (analyzing advertisements and perceptions of media) and social studies (war propaganda). In 2022, Estonia ranked four on the media literacy index[664], despite being a relatively small country.

Estonia created a Computer Emergency Response Team in response to the cyber security threats in 2006 and in 2015, with volunteers called "Baltic

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[662] EUvsDisinfo, "A (New) Sputnik Has Been (Re)Born," EUvsDisinfo, June 30, 2022, https://euvsdisinfo.eu/a-new-sputnik-has-been-reborn/.

[663] Amy Yee, "The Country Inoculating against Disinformation," BBC Future, March 18, 2022, https://www.bbc.com/future/article/20220128-the-country-inoculating-against-disinformation.

[664] "How It Started, How It Is Going: Media Literacy Index 2022," osis.bg, July 13, 2023, https://osis.bg/?p=4243&lang=en.

elves" that became active after the invasion of Crimea.[665] Additionally, in 2022, Estonia and Ukraine signed a "memorandum of cooperation to promote exchange of experience in the field of digital transformation.[666] At the 2021 NATO Summit in Brussels, a renewed Comprehensive Cyber Defense Policy was endorsed by the Allies, "pursuing efforts to enhance stability and reduce the risk of conflict by supporting international law and voluntary norms of responsible state behaviour in cyberspace."[667]

The Estonian Ministry of Foreign Affairs also recently expelled a staff member of the Russian Embassy in Estonia for directly engaging in and "actively undermining Estonia's security and constitutional order, spreading propaganda that justifies Russia's military action and causing divisions in Estonian society."[668] The Estonian Information System Authority works to find these types of disinformation campaigns, and protect the influence of soft power on the public.[669] Although it is not possible to stop all cyber-attacks and propaganda, it is possible to reduce the impact and number of instances. Over the past two decades, Estonia has become a leader in the cyber security sphere amongst developed countries.

Limitations to Counterstrategy Policies

Although there are countermeasures in place internationally to combat the spread of disinformation, there are pressing challenges within the information world that require shifts in cultures and societal norms. During the Cold War, the limited information database made it easier for the

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[665] "Estonia," EU DisinfoLab, December 7, 2019, https://www.disinfo.eu/resources/estonia-2/.

[666] Hartwell et al., "'Winter Is Coming: The Baltics and The Russia-Ukraine War.'"

[667] Nato, "Cyberdéfense," NATO, accessed June 29, 2023, https://www.nato.int/cps/fr/natohq/topics_78170.htm?selectedLocale=en.

[668] "Estonia Is Expelling a Member of the Staff of the Russian Embassy," Estonia is expelling a member of the staff of the Russian embassy | Välisministeerium, accessed July 14, 2023, https://www.vm.ee/en/news/estonia-expelling-member-staff-russian-embassy.

[669] Piret Pernik, "Hybrid Coe Paper 8: Cyber Deterrence: A Case Study on Estonia's Policies and Practice," Hybrid CoE – The European Centre of Excellence for Countering Hybrid Threats, June 21, 2023, https://www.hybridcoe.fi/publications/hybrid-coe-paper-8-cyber-deterrence-a-case-study-on-estonias-policies-and-practice/.

West to fact-check misinformation and assure the public was receiving factual news. It was simpler to understand and discover instances when the Kremlin was falsifying information about the United States or the West in general; however, with the 21st century cyberspace complexity and constant development, it is impossible to fact check information across multiple audiences, in many different countries, who are looking at completely different versions of the internet.[670] Russia's target audiences are already those who speak Russian, and are probably not consuming the media that is counteracting Russian propaganda. Even the Estonian-based Russian-language media is not trusted by some ethnic Russians. This poses challenges to counterstrategy policies that do not involve introducing or better-funding a Russian-language mainstream channel for Russian minorities being targeted by Putin.[671] The Estonian Russian-language media has limited resources, number of journalists, and public reach. Thus, failing to reach the goal of increasing "ownership among the Russian-speaking population in Estonia, challenging the victim-narrative and giving them an opportunity to create their own product, to be involved actively in Estonian social and political life".[672]

The success of ETV+ could take years and Russian state media is working to undermine this channel as "Estonian government propaganda". On the same day ETV+ launched "the Russian foreign minister, Sergey Lavrov... asked whether the purpose of the station was to counter Russian broadcasts, something Ilamar Raag denied. She says there have been some "weak" cyber-attacks on the channel's website, "and there is concern that bigger attacks could be on the way".[673]

It is important to note that an effective response to disinformation must first consider the different target audiences, which require specific customized approaches. Since mainstream media is not reaching the amount

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[670] Lucas and Pomeranzev, "Winning the Information War."

[671] Ibid.

[672] Propaganda to eastern Europe – JSTOR.

[673] Enteringmode, "Estonia's 'Virtual Russian World': The Influence of Russian Media on Estonia's Russian Speakers," ICDS, August 6, 2020, https://icds.ee/en/estonias-virtual-russian-world-the-influence-of-russian-media-on-estonias-russian-speakers/.

of people needed to make an impact, the counter measures must be addressed to distinct groups of people. The main goal of this response should be to create a sentiment of trust between polarized groups that are separated by geopolitical tensions, therefore frustrating the aims of propaganda to create these divisions. The juxtaposition here is the limitation of this response, as it inherently creates a separation between two groups, for example, Russians and Estonians in Estonia, as they are already going to be reading two different sources of information.[674] The challenge here is how to maintain "two cultural integration pathways".[675]

Russian speakers in Estonia watch Russian based media not just because they know the language and find it entertaining – they find it hard to identify with Estonian-language media that has ethnic Estonian features. Russia's target audiences are not Estonians, but ethnic Russians, which makes it difficult to combat, because ethnic Russians are used to consuming and enjoying Russian media.[676] Russians in Estonia are pulled between Estonia and Russia, as they "would like to love their new homeland, Estonia, but without the condition of having to hate the country where their forefathers come from."[677]

Conclusion and Recommendations

Younger generations of ethnic Russians living in Estonia are not as heavily influenced by Russian media as are their older relatives, especially those who were raised during the Cold War in the Soviet Union. Older generations will continue to watch Russian television, because this "information bubble" is what they are used to.[678] Counterstrategies can be effective and preventative for these young generations of Russian speakers, if

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674 Ibid.

675 Hartwell et al., "'Winter Is Coming: The Baltics and The Russia-Ukraine War.'"

676 Meister,"Understanding Russian Communication Strategy: Case Studies of Serbia and Estonia."

677 Ibid.

678 Jenna McLaughlin, "How One of Russia's Neighbors Is Dealing with Putin's Propaganda," NPR, May 11, 2022, https://www.npr.org/2022/05/11/1096856581/how-one-of-russias-neighbors-is-dealing-with-putins-propaganda.

these communities are integrated into society from a young age. Exposure to non-Russian websites and media can be a starting point to defending against false news sources. A policy that has already been implemented is media literacy as an educational requirement. However, an effective recommendation and solution would be extending it to Russian schools since Russian propaganda does not necessarily target Estonians. Another recommendation is to increase government funding for accurate journalism, which in turn would stimulate the number of factual sources circulating the media outlets.

In the coming months, even years, Russia can be "expected to increase cyber-attacks against the Baltics, NATO member states, and Ukraine"[679]. Cyber armies are relatively cheap to create, meaning that a future policy recommendation may include a greater budget for cyber defense systems and rapid reaction systems to cyber-attacks or threats of cyber-attacks. Moreover, Estonia, a home of numerous Russian-speaking media writers and journalists, that are against Russia's influence, can assist counter policies. The Estonian government, with the support of NATO and the EU, can develop countermeasures together with these journalists in providing media that is accurate and adheres to the sentiments of the Russian-minority. It is also important to understand the downfalls of ETV+ and create media that will gain the support of Russian speakers in Estonia. To fight against propaganda, one must be able to recognize it and understand the minds of those who believe it.

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[679] Hartwell et al., "'Winter Is Coming: The Baltics and The Russia-Ukraine War.'"

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The Price of Privacy: Searching for Security Through Data and Algorithms in the Information Age

Nya FEINSTEIN

Abstract: The rate of generation of data is rapidly increasing in tandem with technologies that require large amounts of data to generate actionable insights or accomplish goals in the realm of national security, such as Big Data analysis and Artificial Intelligence. This highlights the importance of data privacy and protection regulations with the conflict between this concept and the drive to develop technology at all costs for political and economic gain. Through analysis of legal, ethical, and technical documents, it is clear that there must be unprecedented cooperation and transparency between the government and citizens in data protection following the widespread collection of personal data to the extent that is favorable to preserve the interests of national security. The case studies observe Poland, Belarus, and Russia, concluding that Poland (and the European Union) have made large strides in advancement, but must clarify data privacy and protection laws. Belarus and Russia have nearly opposite approaches to data privacy, but both with the goal of furthering their respective authoritarian regimes.

Keywords: Data Privacy, Data Security, Big Data, Artificial Intelligence, National Security

Introduction

As of 2023, about 90% of the world's data was generated in the past two years[680]. Moving forward, the quantity of all data generated in 2023 alone is expected to increase by 150% in 2025[681]. As data is generated by billions of individuals every day, pertinent questions rise into the attention of the public sphere: What data is collected, and how? Where is the data going and how is it used? Data can be applied in many facets of life to enrich the human experience, from mundane wants such as finding a long searched-for product, to more urgent needs including the prevention or prediction of conflict. Despite these advantages and many others, there is a rising concern that these benefits demand a steep price: Privacy. The right to exist without infringement on civil liberties by large entities, especially the government, is one of the most fundamental cornerstones of democracy.

As the concept of data privacy in relation to technological development is explored, it is becoming increasingly apparent that the issue is far from clear-cut. The benefits of fewer data privacy regulations include increased effectiveness of AI systems and Big Data Analysis. Applications of this in national security issues include counter-terrorism measures such as image recognition software or analysis of text to detect malicious intent. Honing such advancements has the potential to prevent or mitigate destruction of infrastructure, loss of lives, and social chaos. Further, Big Data Analysis and Artificial Intelligence can only be effective and as unbiased as possible if the algorithms have as large and holistic input of data as possible. If a government were to make release of data optional but still strive to train Artificial Intelligence algorithms or conduct statistical analysis on this inherently incomplete data, the results would be catastrophic. Policy or large decisions could be based on biased or fundamentally inaccurate conclusions, harming all involved.

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[680] "Amount of Data Created Daily (2023)," Exploding Topics, published April 3, 2023. https://explodingtopics.com/blog/data-generated-per-dayExplodingtopics.com/blog/data-generated-per-day.

[681] Ibid.

Despite the necessities of data for development, there are major draw-backs and hesitations to widespread access to data, especially very personal information, by the government, even for development purposes. Data used for such analysis is not disembodied numbers but must be harvested from living sources: Individual users of the internet or who interact with technology.

Developing an international approach amongst and within states remains problematic since they are socially, religiously, economically, and historically diverse that in turn impacts their structures, institutions, proposed policies, enforcement of laws and regulations, how laws and regulations are enforce, and the reaction by their citizens. This alone is evidence that a single international blanket proposal of policy cannot be made, but even within states considered (or that consider themselves) democracies, values and norms vary wildly. In terms of data privacy (and, consequently, impacting the use of Big Data Analysis and Artificial Intelligence), the question arises: At what point are the basic tenets of democracy encroached upon, such as free speech and right to personal property? These two issues are intertwined when personal data is concerned and result in varied responses given the properties of the society within a state.

Further, even when citizens give consent, an ongoing issue is how informed consent can be given that this new wave of technology is still abstract in the public eye. Next, while many citizens of democratic states experience high quality of life, there is no such thing as a perfect democracy due to many reasons, but specifically one unavoidable factor: human nature. How can citizens be assured that their data will not be used for economic gain or inappropriate political gain? Moving to more technical issues, while many people think of data in a metaphorical and immaterial sense, it does need to be stored and organized. Physical infrastructure is required as well as robust and inconceivably large databases. Further, great care must be taken in the security of these systems as they would definitely be the target of sabotage (by state or non-state actors) and open up a door to the vulnerabilities of preserving sensitive data that could fall into the wrong hands. This paper will explore the driving question: what is the interaction of Data Privacy regulations and ethics on the use and development

of Big Data and Artificial Intelligence with individual citizen civil liberties, what implications does this relationship have on the Counterterrorism and broader National Security, and how can a compromise be made between these issues as well as between states?

The standing hypothesis is that, ultimately, a sacrifice must be made. Data privacy regulations (largely stemming from definitions in the legal and philosophical realms) are necessary to preserve civil rights of individuals, but as participants in the modern world and with the expectation of benefitting from technological advancements, individuals must be prepared to have certain elements of private life exposed to analysis in order for benefit to be brought to them and the greater good. This forfeiture is not one-sided, however, as the government must be prepared to make sacrifices as well, not necessarily in the form of privacy laws for collection, but in usage laws to create "checks and balances" that would result in the government being punished for transgressions.

The research question and resulting hypothesis will be explored through journals, articles, and papers concerning philosophy and ethics, legal insight, and technical details of data privacy and applications. To add context, three case studies will be analyzed: Poland (and the wider EU), Belarus, and Russia. The paper will proceed by discussing the overlying issue of Data Privacy and moving on to the affected areas of Big Data and Artificial Intelligence, connecting each to civil rights and national security. The following case studies will forge a connection between the theoretical and the applied. Finally, a tentative solution will be proposed to navigate the divide between individual liberties and the advantage of technology for the greater good.

1. Data Privacy

1.1. Overview

Moving into the future, the development of technology and the need for advancements only continues to increase. Thus far, one aspect has especially proven to be both the hurdle and the key: Data. In the modern world,

data is a coveted resource, a tool, and even a form of universal currency. This is clear in both the public and private sector in which data can be harnessed to better understand and serve customers and constituents. Unfortunately, technological advancements have been used for far more nefarious purposes, including being employed to engage in increasingly pertinent cyberterrorism and hybrid warfare. With a focus on countering cyberterrorism, however, data can be used to stop attacks before they occur through Big Data Analysis and Artificial Intelligence. Despite this deceptively simple solution, the situation is anything but. The data in question must be thorough in nature and harvested from individuals. Therefore, the question of data privacy and civil rights is called to attention. Data privacy can be defined as the discretion of the collection and dissemination of personal data. The main issue stems from the fact that the uses of data, once it is collected, are not so straightforward. Data can be used for economic gain, psychological manipulation, inappropriate extrapolation (whether accurate or inaccurate is intrusive), and several other results that make users uncomfortable. Ethics and comfort are nearly impossible to measure empirically, but are no less than important than the qualitative results of the calculated benefit of using technology.

1.2, Ethics

Thus far, several states have attempted to provide solutions to the discrepancy between benefit and harm of wide collection and use of personal data. For example, the European Union has established laws in the GDPR (General Data Protection Regulation) stating that citizens have the right to access the data being used to generate decisions as well as the logic and process of the decision making[682]. This eliminates the danger of blind faith in algorithms as well as preserves the human element to identify potential bias or flaws, especially in the early stages of the analysis or algorithmic pipeline.

Legal frameworks in the United States suggest that privacy should be taken "into account in the research and development phase, [privacy

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[682] Eric Horvitz and Deirdre Mulligan, "Data, Privacy, and the Greater Good", *Science*. Vol. 349 (2015): 254, https://doi.org/10.1126/science.aac4520.

protections can be built into the design]" instead of retroactive action[683]. The guideline for defining what should be conserved under privacy protection includes that which is even publicly available, making the argument that "privacy is about control, fairness, and consequences [and that] individuals should retain some control over the use of information about themselves and should be able to manage the consequences of others' use of that information"[684]. Even when data is available to the public, "sensitive knowledge can be inferred from benign data that are routinely and promiscuously shared … machine learning can be used to draw powerful and compromising inferences from self-disclosed, seemingly benign data or readily observed behavior"[685]. As data is collected in nearly all spheres of daily life, both explicit and implicit sharing can occur. Mundane data can provide just as consequential information as sensitive data. Machine learning and statistics, for example, can be used to extract patterns that most individuals cannot see with the naked eye, even the subject who generated the data. While some data can result in obvious conclusions, meaningful inferences can also be drawn from patterns in seemingly unrelated data. This is invaluable when profiling a potential terrorist, but can be a blatant invasion of personal privacy for the average citizen.

1.3. National Security

In the scope of national security, the availability of data, collection, and processing directly applies to machine learning and the analysis of patterns to make judgements or decisions. A proposed solution to the conflict between data privacy and development and deployment of algorithms that fits within legal boundaries is exclusively pattern-based analysis. That is, separating identifiable information from the data. The thought is that, in extreme situations (such as a terrorist plot), the anomalies in the data would be so extreme and specific that they would be immediately recognized as deviating from a benign pattern of use and direct action

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[683] James X. Dempsey and Lara M. Flint, "Commercial Data and National Security," *George Washington Law Review.* vol. 72, no. 6 (August 2004): 1461.

[684] Ibid., 1462.

[685] Horvitz and Mulligan, "Data, Privacy, and the Greater Good", 253.

could be taken[686]. In this area, "data mining can be used to detect unusual patterns, terrorist activities and fraudulent behavior"[687]. Stopping terrorist attacks before they occur has the potential to save countless lives as well as to prevent irreparable psychological, economic, or infrastructural damage. Despite these positive effects, the flip-side of the benefits that can be reaped are the dangers of encroaching on not only the privacy as relating to data, but the freedom of individuals. This issue is especially glaring in the case in which an error has been made.

When labeling a potential terrorist or terrorist group, there are four potential outcomes: Correctly labeling the subject as guilty (true positive), correctly labeling the subject as not guilty (true negative), incorrectly labeling the subject as guilty (false positive), or incorrectly labeling the subject as not guilty (false negative). When each of the incorrect labels are given, there are dire consequences. In the case of a false positive, the use of data has been abused due to negligence or error, an innocent person suffers consequences, precious time and resources are wasted, and the credibility of the organization suffers. In the case of a false negative, a terrorist attack occurs, lives are lost and ruined, and the state is devastated. To effectively analyze data, there must be sufficient practice and training when using statistical analysis on Big Data or creating Artificial Intelligence algorithms. Thus, a paradox is born. In order to have an actionable outcome, there must be training data (which could be unclassified or even hypothetical in the case of little historical presence of the requested data), but also sufficient meaningful data (most likely classified), yet the guarantee that data would be used safely is expected to be assured. To find the balance between useful information and privacy, some techniques have been employed already, such as using an adequate quantity and quality of data, but employing "randomization, [and] cover stories, as well as multi-party policy enforcement for privacy preserving data mining"[688].

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[686] Dempsey and Flint, "Commercial Data and National Security," 1464.

[687] Bhavani Thuraisingham, "Data Mining for Counter-Terrorism", in *Web Data Mining and Applications in Business Intelligence and Counter-Terrorism* (CRC Press, 2003): 191-216.

[688] Thuraisingham, "Data Mining for Counter-Terrorism", 193.

Given the fact that data is omnipresent, there are many potential points of infiltration for cyberterrorists. For example, economic systems could be crippled:

> If terrorists attack such a system and deplete accounts of the funds, then the bank could lose millions and perhaps billions of dollars. By crippling the computer system millions of hours of productivity could be lost and that equates to money in the end. Even a simple power outage at work through some accident could cause several hours of productively loss and as a result a major financial loss[689].

Further, information itself can be in danger as attacks can include "spreading viruses and Trojan horses that can wipe away files and other important documents"[690]. Specifically for information related terrorism, data is a precious resource that is sought for by terrorists to be used as blackmail or for their own analysis. Information terrorists often attempt to steal, stealthily access, or corrupt data. Here, data is needed to protect as data on users themselves (and therefore including the terrorists) through analysis of patterns for irregularities or comparing to historical instances of cyber terrorism or attacks.

1.4. Applications

Though the exact procedure of the basic data analytics cycle are contested, it can be broken down into approximately four steps: "Collection, integration and analysis, decision-making, and review and revision"[691]. Each of these steps are accompanied by a concern of privacy. In collection, it is most beneficial to the success of later steps if a wide range of data is gathered. While not all of the collected data will be used, collecting a wide swath is more efficient than attempting to sift through at this stage.

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[689] Ibid., 199.

[690] Ibid., 198.

[691] Paul M. Schwartz, "Privacy, Ethics, and Analysis," *IEEE Security & Privacy*, vol. 9 no. 3 (2011): 66, https://doi.org/10.1109/MSP.2011.61.

Collecting data indiscriminately presents the issue of sweeping up sensitive personal information alongside relatively harmless data. As discussed, even the gathering of innocuous details is debated as they can reveal subtle details about the user that can be used to generate assumptions in later steps. During the integration and analysis step, data is aggregated and patterns established[692]. Patterns can reveal even more personal information about an individual or group than most lone data points. After this, decision making comes into play in which the patterns extracted from the data are used to the advantage of the stakeholder[693]. The biggest concerns at this step are accuracy of the conclusions being used to construct decisions as well as the impact of those decisions. Finally, review and revision include iteratively using current results from decisions to forecast which decisions could be beneficial in the future[694]. Especially when attempting to forecast, analysts have the responsibility of only using the relevant data collected.

In technical aspects, data mining logic includes "top down reasoning where [one] starts with a hypothesis and then determines whether the hypothesis is true, or bottom up reasoning where [one] starts with examples and then comes up with a hypothesis"[695]. Having both available invites a more flexible approach depending on the issue at hand. The specific methods used in tandem with these reasoning patterns are "associations, link analysis, forming clusters, classification and anomaly detection"[696]. Link analysis and associations both involve searching for connections between individuals, groups, and/or events. Clustering can be oversimplified to be defined as science-based grouping based on traits or patterns, classification takes clustering a step further by making recommendations based on the clusters, i.e. profiling, and anomaly detection uses standards and norms (as defined by logic and majority actions)[697].

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[692] Ibid., 67.

[693] Ibid.

[694] Schwartz, "Privacy, Ethics, and Analysis."

[695] Thuraisingham, "Data Mining for Counter-Terrorism", 212.

[696] Ibid., 212.

[697] Ibid.

It is relatively simple to discuss potential and practical technical methods to pursuing counterterrorism, but major the ethical questions persist, boiling down to two primary issues: Which is more important – the group or the individual? Which tactic should national security strategists pursue: Prevention or reaction? These are incredibly difficult questions without a clear answer and the subject of ongoing debates. To circumvent the need to come to a unanimous solution (an impossible task), compromises can be made, such as continuing to collect data, but exercising strict regulations on who can access it – even within the highest circles[698].

2. Big Data

2.1. Overview

In the world of data, an up-and-coming topic is Big Data, which is the essence of "capturing, storing, sharing, evaluating, and acting upon information that humans and devices create and distribute using computer-based technologies and networks"[699]. Big data is characterized by a series of descriptors: "Volume, variety, velocity, and veracity"[700]. In some definitions, a fifth "v" is added: Value. Together, these are known as the five "v"s. Volume refers to the vast quantity of data stored. The variety of data stems from the diverse sources that possess the capability of data collection, such as "video sharing, social media, location services and other innovative forms of data generation"[701]. These aspects will only continue to be more prominent in line with the next "v": Velocity. As each individual continues to generate data, as more individuals become connected to data-collecting technology, and as more technology becomes available through innovation, the data will continue on an exponential trajectory of rapid increase[702].

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[698] Ibid.

[699] Richard Herschel and Virginia M. Miori, "Ethics & Big Data," *Technology in Society.* Vol 49 (2017): 31.

[700] Ibid.

[701] Ibid.

[702] Herschel and Miori, "Ethics & Big Data."

Thus far, all "v"s are concrete, given that any data is being collected. On the other hand, veracity and value both depend on the data itself. Veracity refers to the accuracy of the data, and it is important to remember that "oftentimes the data being collected and distributed is incomplete and/or inaccurate"[703]. Finally, the value refers to the usefulness of the data for analysts; "it's an entire discovery process that requires insightful analysts, business users, and executives who ask the right questions, recognize patterns, make informed assumptions, and predict behavior"[704]. Given these aspects serving as hallmarks of Big Data's complexity and versatility, it is a valuable resource that serves as the basis for analysis and the pool from which Artificial Intelligence algorithms draw from. Harkening back to the overarching theme of data privacy, however, there are several concerns of concerning individual rights in the process of collecting and utilizing Big Data, including the fact that with "so much data and with powerful analytics, it may be impossible to remove the ability to identify individuals"[705].

2.2. Ethics

Beyond collection, the major ethical issue in Big Data is who uses it – the stakeholders – and with what goal in mind. An analysis of Big Data reaches deep into the recesses of a user's mind through pinpointing their habits, preferences, and other personal details about one's life, therefore possessing the power of influence whether explicit or implicit[706]. Alongside the ongoing debates concerning ethics of Big Data collection, another difficulty is in the technical aspects. With each of the "v"s, challenges are presented in the usage pipeline. Most applicably, given the variety of the data, integration is a persistent issue[707]. When the data is standardized, it must then be stored. This can be done either in the cloud or on local servers. The cloud is

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[703] Ibid.

[704] "What is Big Data?", Oracle (OCI) Google, Accessed July 8, 2023, https://www.oracle.com/big-data/what-is-big-data/#:~:text=With%20big%20data%2C%20you%20can,line%20with%20current%20market%20demand.

[705] Herschel and Miori. "Ethics & Big Data", 32.

[706] Ibid.

[707] Oracle (OCI), "What is Big Data".

a cheaper but less secure option while servers on site require more upkeep but are the better option for dealing with sensitive data[708].

As data availability to all parties – both malignant and benign – becomes readily available, there are constant discoveries of new uses. Unfortunately, the damaging attacks are also experiencing innovation. Two significant methods of cyberattacks are distributed denial of service and worm attacks, the former of which "[prevents] normal users from accessing specific network resources" and the latter which spreads viruses rapidly[709]. These can be countered with the power of security-related Big Data, which is data with the explicit purpose of preventing and/or countering such attacks that can be divided into four categories: "Packet-level data, flow-level data, connection-level data, and host-level data"[710]. Packet-level data is made up of small parcels of data that gives information about network activities and potential attacks, but can be inefficient due to the volume of individual packets to inspect[711]. Next, flow-level data is "a more macroscopic view of network traffic … [that] represents statistical information about the flow"[712]. Following, connection-level data is paired with the previously mentioned data types, defined as the "statistical description of connection" of traffic between IP addresses that provides "global information"[713]. Finally, host-level data is the analysis of the events (not collected from network devices, but from a local host, unlike the previous categories) in question including an attempted explanation of the reasons behind their occurrence[714].

Not only is the concept, collection, and usage of Big Data still being explored, but made further difficult to understand by many aspects of legal

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[708] Ibid.

[709] Xuyang Jing, Zheng Yan and Witold Pedrycz, "Security Data Collection and Data Analytics in the Internet: A Survey," *IEEE Communications Surveys & Tutorials*, vol. 21, no. 1, (2019): 586, https://doi.org/10.1109/COMST.2018.2863942.

[710] Ibid., 587.

[711] Ibid.

[712] Ibid.

[713] Ibid.

[714] Ibid.

and ethical issues. Stemming from this are three paradoxes. First, given that Big Data can have such enormous implications in many crucial sectors, the exact details of operations are shrouded in secrecy, resulting in the so-called "transparency paradox"[715]. To explain this, it must be noted that Big Data is highly centralized for the sake of security. Not only is this problematic as the centralization makes corruption with one breach an issue, but also raises questions of secrecy and civil rights. If Big Data is to consist of personal data, it can be argued that those from whom the data is harvested have the unquestionable right to be privy to the processes of collection, usage, and analysis. On the other hand, an ideal relationship between citizens and government would consist of mutual trust. There are several responsibilities a government has to its citizens, two of which are to protect citizens and to never infringe on civil liberties. In this situation, these are at odds. By not divulging all details of data use to citizens, fundamental rights are threatened. On the contrary, if all information were to be divulged, the citizens' safety and security would be threatened as that information could easily fall into the wrong hands. Next, diving into the realm of philosophy, the "identity paradox" is brought into question[716]. In chemistry and physics, the Heisenberg Uncertainty Principle states that it is impossible to know both the speed and position of a particle simultaneously – finding one characteristic fundamentally disturbs the other and renders it impossible to measure the other accurately. Circling back, Big Data seeks to label the pure identity of individuals quantitatively through both quantitative and qualitative data. In doing this, however, part of an individual's identity is threatened by the fact that it is being monitored and they are no longer free to live completely freely and are experiencing their entire existence being simplified to patterns and analysis[717]. Thirdly is the power paradox which argues that data in the hands of powerful institutions "may therefore be exacerbating inequalities and exploitation, rather

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[715]   Jeremy W. Crampton, "Collect it all: national security, Big Data and governance," *GeoJournal,* vol. 80 (2015): 520, https://doi.org/10.1007/s10708-014-9598-y.

[716]   Ibid., 521.

[717]   Crampton, "Collect it all: national security, Big Data and governance."

than ameliorating them"[718]. This asymmetry could be seen as inevitable as, often, these institutions alone have the resources and power to collect and analyze Big Data.

2.3. Process and applications

Data incorporated into the Big Data framework is harvested from many sources, "including sensors used to gather climate information, posts to social media sites, digital pictures and videos, purchase transaction records, RFID devices, and cell phone GPS signals"[719]. One of the most pertinent methods of data collection to contribute to Big Data in the modern world is through the Internet of Things. While still in its infancy, it has been defined thus far as a "dynamic global network infrastructure with self-configuring capabilities based on standards and interoperable communication protocols [of] physical and virtual 'things' in an IoT [that] have identities and attributes and are capable of using intelligent interfaces and being integrated as an information network"[720]. In other words, many electronic devices that individuals use connects the physical and virtual world through an electronic footprint, creating a virtual trail and abundance of data as citizens move through daily life. Each device communicates to create a more cohesive experience for the user to accomplish desired tasks, and the information can be exported to ameliorate general user experience or provide feedback to stakeholders after analysis. Information is largely collected through RFID and sensors as "every object in IoT holds a digital identity and can be easily tracked in the digital domain" through a universal unique identifier (UUID)[721]. In fact, the concept of the Internet of Things was born from the increasing emergence of RFID sensors as well as Wireless Sensor Networks (WSN), including "many types of intelligent sensors [that] have been developed based on physical principles of infrared, γ-ray, pressure, vibration,

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[718] Ibid., 521.

[719] Herschel and Miori. "Ethics & Big Data", 31.

[720] Shancang Li, Li Da Xu, and Shanshan Zhao, "The internet of things: a survey," *Information Systems Frontiers,* vol. 17 (2015): 244, https://doi.org/10.1007/s10796-014-9492-7.

[721] Ibid., 247.

electromagnetic, biosensor, and X-ray"[722]. Devices with such sensors can be found everywhere, especially with the rise of "smart cities, environmental monitoring, and smart homes and buildings"[723]. These sensors could be threatened by "RFID tags attacks and data leakage", though innovators have been using preventative measures such as encryption and cryptography[724]. A robust security framework is in place for conventional internet, but not yet for the Internet of Things. Despite this, the call for more "things" to be added to the network by consumer demand as well as for data and analysis purposes is causing forward motion without appropriate protocol.

3. Artificial Intelligence

3.1. Overview

Just as data privacy drives Big Data collection and therefore analysis, the presence of Big Data and the process of analysis relates intimately to another relevant emerging topic: Artificial Intelligence. With Big Data, machines can be taught to process instead of the laborious and error-ridden process of manual programming[725]. For as long as philosophers have expressed thoughts and musings, the origin and limits of human intelligence, consciousness, and cognition have been issues worth discussing and have resulted in countless unsettled debates. Now, in the information age, a new facet of this debate has emerged through the birth of Artificial Intelligence. Artificial Intelligence seeks to automate the fundamentals of human intelligence such as language ability, decision making and problem solving, perception and recognition, and the ability to learn. This is done with the fusion of sophisticated algorithms of processing as a framework and massive amounts of data to provide the material on which to base processing. At this point, there are several types of artificial intelligence, but

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[722] Ibid., 250.

[723] Ibid., 255.

[724] Ibid., 253.

[725] Oracle (OCI), "What is Big Data".

three are most prominent: "Natural language processing, machine learning, and deep learning"[726].

Natural language processing (often abbreviated as NLP) is the way that machines "learn, understand, and create human language content"[727]. In this way, NLP provides a way for humans to communicate with machines more intuitively that mimics human to human interaction. This has applications in many spheres, but in national security can serve as a tool of education and conveying of information to the public or as a method to analyze text patterns of potential perpetrators, especially terrorists. The method of data collection that NLP bases both learning and interaction on is user-generated words (written or oral), both previously processed and in real-time. While it can be argued that individuals have more power over what language they produce and choose to give to the world as opposed to different types of data commonly harvested, having records of all utterances of individuals makes most uncomfortable. Further, as in other forms of analysis, text analysis through NLP can produce conclusions from implicit characteristics of a user's words that the individual did not want to be exposed. Despite this, in the case that this individual is plotting a terrorist attack and using code words or even a pattern of speaking indicative of one plotting such an offense, this is incredibly valuable.

Machine learning is the process of using algorithms to encourage machines to engage in decision making and imitate critical thinking to "adapt and learn through trial and error without human intervention"[728]. This is done primarily through statistical analysis to find patterns in data. In the realm of national security, machine learning could be applied to generate predictions based on how current data relates to previously collected data. Forecasting can be used to predict conflict, but a re-appearing relevant issue would be the danger of incorrectly predicting an event from

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[726] Lars-Erik Casper Ferm, Sara Quach, and Park Thaichon, "Data Privacy and Artificial Intelligence," In *Artificial Intelligence for Marketing Management* (Routledge, 2022), 163-174.

[727] Ibid., 165.

[728] Ferm, Quach, and Thaichon, "Data Privacy and Artificial Intelligence".

erroneously making assumptions about an individual or group. This would be interpreted as an invasion of privacy and an assault on civil liberties.

Deep learning takes machine learning's ability to reason on a surface level a step further, using neural networks to "derive levels of abstraction across multiple processing layers"[729], imitating the complex and nuanced processes in the human brain. Among the potential uses of this in counterterrorism include image recognition, deep fakes, and other methods of manipulation or analysis of images. These have major implications in national security, but the misuse of these techniques has already begun to cause problems socially and politically – especially deep fakes – as synthetic images are very difficult to identify with the eye alone and can appear very real. This can infringe on privacy in a very unique way: A completely fake yet sensitive image can be incriminating on no grounds but yet cause social or psychological damage.

Not only does artificial intelligence function best with more data, but it is also dangerous to limit data input and expect an output from which an actionable insight can be generated. Given this, artificial intelligence uses data indiscriminately. The EU has attempted to make a compromise between adequate data collection of data and privacy by creating the "right to be forgotten" in which data that has served its purpose is destroyed[730].

3.2. Ethics

The broad dissemination of Artificial Intelligence and broadly Smart Information Systems has created a new theoretical sphere known as the sociotechnical environment in which technology has the unprecedented power to impact and influence society intimately, potentially threatening "autonomy of users, their agency, trust, consent, identity, inclusion and digital divides, security, harm, misuse, and deception"[731].

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[729] Ibid., 166.

[730] Ibid., 168.

[731] Bernd Carsten Stahl and David Wright, "Ethics and Privacy in AI and Big Data: Implementing Responsible Research and Innovation," *IEEE Security & Privacy*, vol. 16, no. 3 (May/June 2018): 27, https://doi.org/10.1109/MSP.2018.2701164.

Aside from the prevailing concerns of privacy data collection, further ethical concerns have been raised regarding what can go wrong in the implementation of Artificial Intelligence. Data breaches are an urgent matter of both national security and personal privacy, defined as "the disclosure of confidential or sensitive data in unauthorized access"[732]. Given the complexity of the Artificial Intelligence workflow, there are many instances with unique vulnerabilities to external would-be corruptors; "AI makes it harder to protect personal information–finances, patterns of daily life, relationships, and health among other things–that adversaries could use to develop individually tailored models for influence"[733]. Though data privacy measures beyond simple anonymization were developed decades ago, the emergence of Artificial Intelligence led to the concepts of Privacy-enhancing Techniques and most recently the novel idea of sending the code to the data instead of transporting sensitive details[734]. Further, along this same workflow at each point, there are also vulnerabilities to the severe unintended influence of bias that threaten the inherent integrity of the system including sample bias, algorithm bias, prejudicial bias, and measurement bias[735]. Ultimately, these biases are direct results of human error, either through skewed data, incomplete data, or faulty algorithms. Working with the data available, however, certain techniques can be employed to identify the presence of bias through finding the "difference in means, difference in residuals, equal opportunity, disparate impact, and normalized mutual information"[736]. When the algorithm is at fault, however, "those who create algorithms should be accountable for their consequences"[737]. Though Artificial Intelligence algorithms are often anthropomorphized,

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[732] Saharnaz Dilmaghani et al, 2019, "Privacy and Security of Big Data in AI Systems: A Research and Standards Perspective," Paper presented at *2019 IEEE International Conference on Big Data (Big Data)*, Los Angeles, CA, USA, 2019: 5739, https://doi.org/10.1109/BigData47090.2019.9006283.

[733] Eric Schmidt, "AI, Great Power Competition & National Security," *Daedalus*, vol. 151, no. 2 (2022): 293, https://doi.org/10.1162/daed_a_01916.

[734] Dilmaghani et al, "Privacy and Security of Big Data in AI Systems: A Research and Standards Perspective," 5741.

[735] Ibid., 5739.

[736] Ibid., 5741.

[737] Stahl and Wright, "Ethics and Privacy in AI and Big Data: Implementing Responsible Research and Innovation," 29.

they are fundamentally human products. Returning to external corruption or seizing of data, one method that hostile entities use is Model Extraction in which "reverse-engineering of ML model can happen by observing the input and output pairs or by sending queries and analyzing the responses"[738]. Two methods to counter this have been proposed as "training multiple models using different partitions of training data" or to "limit the information regarding the probability score of the model and degrade the success rate by misleading the adversary"[739]. Neither of these are ideal.

3.3. Applications

If the Information Age were expressed as a body, raw data would be the blood, Big Data systems the legs, and Artificial Intelligence the brain and face. Intentionally or unintentionally, all internet users interact with Artificial Intelligence systems. While many users are not yet aware of the technical specifics or even of all manifestations due to novelty and active development of concepts or security issues, Artificial Intelligence is extremely widely disseminated for public use. As a result of its versatility, Artificial Intelligence can be found in nearly every sector such as in entertainment, health care, finance, education, and government. In the sphere of government use – especially in national security – Artificial Intelligence can have many defensive capabilities against attacks, such as for counterterrorism purposes, but the use of which can also create vulnerabilities. The outward visibility of the methods or use or presence of Artificial Intelligence varies by organization, but is largely shrouded in secrecy. This secrecy is multifaceted, but a large part of the reasoning behind the lack of transparency is due to the sensitive nature of the process that can give hostile entities leverage if it is compromised, controlled, or data accessed[740]. The Central Intelligence Agency (an intelligence agency of the United States) proposes three pillars to clarify the necessary aspects of a system for ultimate

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[738] Dilmaghani et al, "Privacy and Security of Big Data in AI Systems: A Research and Standards Perspective," 5740.

[739] Ibid., 5741.

[740] Dilmaghani et al, "Privacy and Security of Big Data in AI Systems: A Research and Standards Perspective," 5737.

security: Confidentiality requires the "protection of sensitive information against misuse and unauthorized access", integrity addresses the "consistency and accuracy of data through the AI system workflow against unauthorized modification", and availability discusses the ability of the "system power to perform to achieve the expected purpose designed for the AI system with reliable outputs"[741]. These can be accomplished by refining algorithms through repeated testing, the fuel for which is data.

Though the risks cannot be ignored, there is also enormous potential for Artificial Intelligence in strategy, "[b]oth "offense" and "defense"– both the spread of disinformation and efforts to combat it–will become increasingly automated and entrusted to AI"[742]. In the public eye, one of the most pressing concerns about the implementation of Artificial Intelligence are the apocalyptic capabilities. Though Artificial Intelligence machines are human creations, they do possess a high level of autonomy paired with much quicker processing and decision-making abilities. While this is an advantage, it is also a concern due to unpredictability and loss of complete user control[743]. Even though machines are created with the interest of users in mind, Artificial Intelligence systems could be a danger to Data Privacy in themselves if they were to "decide" to release information.

4. Case Studies

4.1. Introduction

Though theoretical and hypothetical approaches to Data Privacy regulations and the effects on data analysis and use is important for a broad understanding of these concepts, case studies provide a deeper level of comprehension through context. Albeit that they are similar in geographical location, Poland, Belarus, and Russia have very different political situations and have been chosen to be case studies. Poland is a member of the

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[741] Ibid., 5738.

[742] Schmidt, "AI, Great Power Competition & National Security", 292-293.

[743] Ibid., 294.

European Union, part of the "western world" politically and socially and is considered a "free state" with a relative freedom score of 81/100[744]. Russia is widely considered a perpetrator of conflict and an authoritarian state, especially after the 2022 invasion of Ukraine, and is classified as a "not free state" with a relative freedom score of 16/100[745]. Belarus is also an authoritarian state, also a "not free state", entrenched in playing the role of a "puppet state" to Russia, and has a relative freedom score of 8/100[746].

4.2. Poland and the European Union

As a member of the European Union, Poland's stance on data privacy falls under the broader law of the European Union and "[neither] the concept of privacy nor the framework for its protection in Poland differs significantly from other continental jurisdictions"[747]. While the standing doctrine covers many basic human rights of general liberty, it does not yet address ultra-modern issues such as "the relationship between the right to privacy and phenomena such as anonymity, digital personality, or digital fingerprints[748]. Despite the recent influx of technological advancements, some fundamental ideas of data privacy and rights have stayed the same, namely consent. Fundamentally, consent must be as informed as possible, or – when necessary – enforced, stating that an individual can only give consent to have his/her right to privacy limited in specific circumstances but never to waive its protection in general"[749]. In other words, the law limits how much data can be shared by an individual, regardless of the consent, especially if "it is clear that the scope of processing exceeds that which is necessary for the declared purpose"[750]. This has several benefits. Firstly, it protects individual rights, though somewhat aggressively.

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[744] "Global Freedom Status", Freedom House, Accessed July 10, 2023, https://freedomhouse.org/explore-the-map?type=fiw&year=2023.

[745] "Global Freedom Status".

[746] Ibid.

[747] Izabela Kowalczuk et al, "The Protection of Privacy in Poland in the Digital Environment," *International Data Privacy Law*, vol. 3, no. 8 (2011): 161, https://doi.org/10.1093/idpl/ipr007.

[748] Ibid., 162

[749] Ibid.

[750] Ibid.

Large entities are infamous for being manipulative and have the capacity and resources to coerce even the most logical citizen into performing actions that benefit the entity while bringing harm on the individual. Next, this law expands upon this protection from coercion and protects the group and national security. Though, in most cases, one individual does not possess a large amount of sensitive information, each individual is a part of society as a whole and the sum of information from several citizens can prove useful for potentially nefarious purposes, either to manipulate large groups or to glean information of the government or other organization's inner workings. Nevertheless, if there is insufficient communication between the policy makers that determine the level of data sharing and the scientists charged with data analysis and creation of algorithms, there is the danger of falling behind. Big Data analysis and Artificial Intelligence are constantly evolving, resulting in constant updates and adjustments being made to regulations as security requirements and protections morph. In general, there is a wider international push "limiting the citizen's right to privacy for the sake of increasing public security", which Poland adheres to, citing the Polish Constitution's call for action in public interest as a legitimate reason to limit privacy in the name of the greater good[751]. Another potential function, albeit convoluted, of this law is to protect users from themselves. At times, the virtual environment becomes removed from reality, boundaries blurred, and "users are voluntarily providing more and more personal information"[752]. Despite the pressing danger to individuals of voluntarily but unwisely oversharing, it could be argued that attempting to regulate what information is appropriate to be shared (already highly subjective) would infringe on the basic right to freedom of speech. If it is acknowledged that this potentially data or information will be shared, data protection and not data privacy is the primary concern.

Legally speaking, there are five specific rights concerning privacy explicitly spelled out in the Polish constitution. First, "no one can be obliged, except on the basis of statute, to disclose information concerning [a] person"[753].

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[751] Kowalczuk et al, "The Protection of Privacy in Poland in the Digital Environment," 162.

[752] Kowalczuk et al, "The Protection of Privacy in Poland in the Digital Environment," 164.

[753] Ibid., 163

This upholds the individual's basic rights of pure privacy, not necessarily related to data. Next, "public authorities shall not acquire, collect nor make accessible information on citizens other than that which is necessary in a democratic state ruled by law"[754]. Though data privacy has strong roots in national security and counterterrorism, another issue is how one's own government will use citizen data, whether by taking the search for common interest too far or by furthering the state's own economic interest or political agenda. Following, "everyone shall have a right of access to official documents and data collections concerning themselves, but limitations on such rights may be established by statute"[755]. This raises the question of personal property. Someone's actions and words are their own, without question, but the algorithms that analyze those outputs in the interest of benefit belong to developers. In comparison, if an individual grows a tree and hires an artist to paint it, the painting is the intellectual property of the artist though the individual still owns the tree and has the power to decide what to do with it. In the sphere of data, though most individuals do not explicitly hire analysts, they nevertheless expect to reap the benefits of analysis. Therefore, while citizens have basic rights to their information, in specific instances in which releasing detailed information about analysis, data collection, or algorithms could without question harm security interests or collective privacy, the developers reserve the right to refuse access. It is important to note, however, that this guideline must exist in tandem with previous stipulations concerning the nature of the data that the government can collect. In that way, checks and balances are in use. Proceeding, "everyone shall have the right to demand the correction or deletion of untrue or incomplete information, or information acquired by means contrary to statute"[756]. This is especially applicable in Artificial Intelligence as, due to many potential flaws in the pipeline, inaccurate conclusions can be generated. For this to be successful, however, there must be availability of information generated from data for individual viewing, which could potentially be in direct contrast with the previous

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[754] Ibid.

[755] Ibid.

[756] Kowalczuk et al, "The Protection of Privacy in Poland in the Digital Environment," 163.

right. Finally, "principles and procedures for the collection of and access to information shall be specified by statute"[757]. A very important argument in Big Data analysis and Artificial Intelligence is algorithm transparency, hovering between the idea that individuals have the right to know what is happening to their data and the potential but devastating risk of sensitive algorithms being exposed to hostile entities.

While Artificial Intelligence and Big Data are often seen as confined to the vast and abstract abyss of the web, many social factors contribute to their development and use. Like all states, Poland carries a unique strategic cultural identity made up of a background of many factors such as a tumultuous political and social history due to and as well as constant and ongoing geopolitical issues. Poland is part of the European Union and broadly part of the abstract idea of the western world. In a digitized world where national boundaries are blurred, Poland holds strong to "its moral obligation to preserve its Christian heritage, traditional values, and national identity" all of which " help further explain Poland's foreign policy in the digital era"[758].

Overwhelmingly, there is "growing competition between states and global corporations… [with] several implications for the enduring role of national identity and nationalism", demonstrated in example by "the struggle of Poland and the EU against US tech companies' mass surveillance"[759]. Allies and enemies alike scramble for dominance of technology and the internet, threatening to smother other states socially, economically, and technologically. This fact mingles with Poland's geopolitical environment and the EU's inconsistencies concerning data privacy and usage to provide an existential threat as Poland and other European Union states seek refuge together[760]. Alongside and relating to technological development and its economic and political implications, however, the European Union has experienced internal rifts as differences in priorities have been exposed,

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[757] Ibid.

[758] Roger Rangel, "Poland in the Digital Age: A brief geopolitical assessment within the context of Artificial Intelligence and emerging technologies," *Rocznik Europeistyczny,* vol. 6 (June 2020): 67.

[759] Ibid., 59

[760] Ibid., 63

especially relating to Germany's unofficial status as one of the most powerful players following the exit of the United Kingdom[761].

Beyond virtual dominance, hostile entities are experiencing advancement. One especially pressing concern is the rise of 4th generation warfare and hybrid war through the weaponization of Artificial Intelligence, especially as used by Russia[762]. While one application of Artificial Intelligence in national security is in counterterrorism, Poland's priorities involve state-on-state conflict, primarily with Russia.

The basis for data privacy in the European Union is from the General Data Protection Regulation (GDPR) with the goal of providing a "unified and directly applicable data protection law for the European Union which replaces almost all of the existing Member States' provisions and which will have to be applied by businesses, individuals, courts and authorities without transposition into national law"[763]. Though an attempt to create unity, its implementation was met with doubts on its success and concerns that it would create tension by attempting to enforce an umbrella solution to the diverse member states of the European Union. Nevertheless, the GDPR paired with a Data Protection Board promised coherence, accountability, transparency, and inspiration to develop[764].

4.3. Belarus

The need for data privacy regulations is more urgent than ever, leading to many technologically active states developing and implementing them, especially in Europe. Left behind, however, are a few European countries without such specific regulations, including Belarus[765]. In 2008, Belarus adopted "[certain] privacy provisions [that] can be found in the Law on

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[761] Ibid., 70.

[762] Ibid., 60.

[763] Jan Philipp Albrecht, "How the GDPR Will Change the World," *European Data Protection Law Review (EDPL)* vol. 2, no. 3 (2016): 287

[764] Jan Philipp Albrecht, "How the GDPR Will Change the World," 289.

[765] Graham Greenleaf, "Global Data Privacy Laws: 89 Countries, and Accelerating", *Privacy Laws & Business International Report Issue 115, Special Supplement, Queen Mary School of Law Legal Studies Research Paper No. 98/2012,* no. 115 (Posted February 2012, Revised July 2017).

Information, Informatization and Protection of Information, and the Law on Population Register" that remain unenforced and are not appropriate for current issues[766]. Within companies, it is not unusual for a specialist in information security to be appointed, though not required[767]. The state of Belarus does require internal security documentation, but the responsibility of specifying data processing policy falls to local jurisdiction, often but not necessarily resulting in adoption of policy[768].

Despite shortcomings in Data Privacy and Protection guidelines, Belarus boasts a blooming Information Technology sector. Artificial Intelligence is in use, predominantly in applications relating to agriculture or health[769]. In available sources, privacy is not discussed.

4.4. Russia

Though Russia and Belarus experience a close allyship and cultural similarities, there are many differences as to how they approach data privacy and use. In 2006, Russia adopted a preliminary data protection law, later amending it in 2015 to include the "requirement to store personal data of Russian citizens in databases physically located in Russia", giving more power of influence and enforcement to the "Federal Service for Supervision of Communication, Information Technology and Mass Media (Roskomnadzor)"[770]. Many of the guidelines are for the corporate world. Within the companies themselves, an individual is responsible to oversee the processing of personal data, especially through a legal lens. Though this individual is chosen by the company in question, the presence of this position is mandated by the government[771]. This is similar to European

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[766] Volha Samasiuk, "When the GDPR Is Not Quite Enough: Employee Privacy Considerations in Russia, Belarus, and Ukraine", *Autodesk, Inc.,* April 29, 2018, 2, http://dx.doi.org/10.2139/ssrn.3170681.

[767] Ibid., 3

[768] Ibid., 5

[769] А. А. Жлукта, "ARTIFICIAL INTELLIGENCE IN BELARUS," *БЕЛАРУСЬ И СЛАВЯНСКИЙ МИР В ИНТЕЛЛЕКТУАЛЬНОМ КОНТЕКСТЕ ВРЕМЕНИ* (March 2021): 51.

[770] Samasiuk, "When the GDPR Is Not Quite Enough: Employee Privacy Considerations in Russia, Belarus, and Ukraine", 2.

[771] Samasiuk, "When the GDPR Is Not Quite Enough: Employee Privacy Considerations in Russia, Belarus, and Ukraine", 3.

Regulations by the GDPR. Through an obligatory "personal data processing policy" for companies, further safeguards can be taken, including "restricting access to personal data"[772].

While Russia considers itself a democracy, it is widely regarded as authoritarian. This has significant implications in many areas. In the technological realm, authoritarian governments have a complex relationship with adopting modern technology, as they "can either implement them and be at risk of losing the power, or not implement them, and thus [be] lagging behind the technological progress", though many mediate this through the use technology for political gain accompanied by strict censorship[773]. The use of Big Data can actually lend itself to repression as, without appropriate data protection laws, information collected from citizens can be used to manipulate society and "strengthen the legitimacy of the regime"[774]. Currently, Russia employs Big Data largely in the banking sector while the most pressing civil rights concerns lie in the use of censorship and propaganda[775].

Discussion and Conclusions

As the generation and use of data becomes even more prominent in the global environment, regulations attempting to find the balance between utility and ethics must be not only adopted and implemented, but constantly amended. Unfortunately, it is increasingly clear that the creation of these regulations is not so simple, especially due to the constant battle between individual rights to privacy and rights to protection. If legal systems chose to prioritize data privacy, the advantage of advancement in Big Data analysis and Artificial Intelligence will be lost. The implications of this

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[772] Ibid., 4.

[773] Yury Kabanov and Mikhail Karyagin, "Data-Driven Authoritarianism: Non-democracies and Big Data," *Digital Transformation and Global Society*, Communications in Computer and Information Science, vol 858. Springer, Cham. (2018): 146, https://doi.org/10.1007/978-3-030-02843-5_12.

[774] Ibid.

[775] Ibid., 150.

could include extreme vulnerability to cyberterrorism, cyberattacks, or hybrid warfare as well as economic stagnation. By contrast, if technological advancement is deemed most important, the sense of what it means to be a democracy is jeopardized for states that identify themselves as such as celebrate civil liberties of the people as a whole.

Throughout this paper, several terms are defined. One that is not, however, is used constantly as explanation of and justification for fewer data privacy regulations: The greater good. One major argument in political philosophy is determining whether to serve the group or individual. Concerning technology, this becomes even more complex. For example, if an individual chooses not to provide their data as a tool to develop technology, the logical result is that the technology will be less able to benefit them *or* the whole. Interwoven with this, however, are the dangers of Artificial Intelligence and Big Data analysis that could bring harm to the individual and group if data is provided. Strictly concerning data privacy, one of the most direct and inevitable risks of fewer regulations is the psychological ramifications on individuals. While a search or purchase history is not necessarily sensitive, it is unhealthy psychologically and socially for citizens to feel constantly observed and could breed resentment or general discomfort. Ultimately, the "greater" aspect of the "greater good" is made up of individuals and therefore depends on the health and happiness of the people within.

Realistically, the information age is showing no signs of pausing or slowing down, so instead of focusing on data *privacy*, the new frontier is data *protection* – how to responsibly handle the data that has already been collected, both for ethical and security reasons. Due to the nature of Artificial Intelligence, the data itself is not the most pressing issue, but rather the gravity of the analysis and conclusions drawn. As a result, there must even be strict protection of publicly available data.

The aggregation of that data, Big Data, is vast and complex as expressed by the five "v"s. This provides some implicit protection of personal data as it is rare for individual information to be extracted unless deemed necessary by an algorithm, though such algorithms can be faulty. Artificial intelligence

has the ability to process each individual's information and acknowledge each, but – ultimately – the analysis performed by machines must be double checked by humans. This prevents over-reliance on machines, leads to identification bias, and takes advantage of human limited processing capacity to prioritize only truly substantial findings.

Though the use of Artificial Intelligence and Big Data have advantages in national security, it provides enormous weaknesses for hostile entities to exploit due to the necessity of potentially sensitive data as well as the complex nature of the usage pipeline. The secrecy of the algorithm used is not necessarily the government trying to hide information from citizens or to disregard rights, but is often an issue of national security. The technical aspects of data collection, storage, and usage are rarely addressed, but rather the urgency to innovate as much as possible. In Big Data, storage is a consideration, but not a concern.

Though the European Union has made great strides in many areas including the protection of human rights, it is surprisingly lacking in privacy and technology regulations. A logical explanation for this could be the very reason that this paper is written – the ethically and legally gray nature of this topic.

Russia and Belarus have very different approaches to data, though both attempt to further their respective authoritarian nature. In Belarus, the lack of regulations invites corporations and the government to take full advantage of citizen data without legal repercussions. In Russia, however, more regulations – especially that which requires Russian citizens' data to be stored on servers physically in Russia – provides a framework for the government to have a full monopoly over personal data without legal citizen objection.

Limitations

Though these issues are novel, they are universally regarded as pressing, leading to an adequate quantity of material to study. One downside of this, however, is that many arguments involve a significant level of speculation.

Next, due to the general economic and security advantages stemming from maintaining a high level of secrecy surrounding collection and analysis methods and doubly so for authoritarian regimes concerning ethics or legal matters, there were very few sources describing the data collection and application process by the government in Russia and Belarus. Finally, an important note about the scope of this paper is that the risks of Artificial Intelligence itself are not covered. Instead, the hazards that appear between politically motivated entities who employ Artificial Intelligence and Big Data are explored under the assumption that algorithms are closely monitored and within the bounds of human control.

Policy Suggestions

The initial hypothesis expressed the necessity of sacrifice by both citizens and government. Throughout the process of investigation, the strength of this preliminary recommendation has been augmented through evidence presented by both proponents and opponents of stricter data privacy regulations, proving that compromises must be made to reach a solution that benefits the individual, the society, the state, and the world.

Firstly, there must be a multidisciplinary approach in the development of Artificial Intelligence and Big Data systems. In order to navigate the ethical, security related, and technological nuances of the implementation of these systems, experts from nearly all scientific and social fields must be consulted. This includes, but is not limited to, the hard sciences (including math and statistics), the social sciences (including psychology, sociology, political science, philosophy, and linguistics), engineering (including data engineers and computer scientists), and data scientists. Data privacy and use is not a purely social or technological issue, but rather strongly and equally incorporates elements of each and requires treatment as such on both the state (required for each state) and regional level. Due to political tensions and fundamental cultural differences, seeking an agreement on the global level is unrealistic, but it is important that there is cohesion among regions (geographical, economical, or cultural) and even transcontinental alliances.

In accordance with the risks presented by the misuse of access to Big Data content and analysis processes as well as corruption of Artificial Intelligence algorithms throughout the pipeline, a strictly temporary solution in response to these dangers is to centralize the development of Artificial Intelligence. In this period of rapid development, Artificial Intelligence itself is not the pressing issue, but rather the data with which it is trained. It has been made clear that even open-source data can lend itself to conclusions of a sensitive nature for individuals, organizations, and states. Therefore, it is recommended that the data flow be streamlined until data security regulations are standardized and improved. Of course, this is a very delicate and potentially problematic situation that requires several essential stipulations of checks and balances. Primarily, the sector of the government dealing with privacy matters must act as an extension of the people by way of strict monitoring and transparency to prevent monetization or pursuit of party motivated agendas in order to reduce asymmetry. This can be accomplished primarily through education. Citizens need to be involved to the fullest extent possible without compromising national or societal interests or security. This involvement includes an understanding of ethical, legal, philosophical, or technical details, even if the exact algorithms must be hidden for the sake of security. In the case of misuse of Artificial Intelligence or Big Data, guidelines of accountability must be put in place, traced through the data collection and usage pipeline.

The focus must be shifted from data privacy to data protection for several reasons, such as the requirements of the constant progression of technology as well as the high cost of time and resources to sift through all available data and separate the mundane from the sensitive, even with the speed of advanced computers. To protect data, pattern-based analysis is suggested, but it is widely acknowledged that the modern anonymization process is not enough. Resolving this is a high priority, especially before moving forward with further extensive Artificial Intelligence developments. To lessen the need for constant data protection of the growing pool of data to conserve resources as well as to reduce the risk of data theft or corruption, the EU's "right to be forgotten" must be more widely implemented.

Finally, a point for consideration may be within the justice system. Justice is a pillar of society, but a shift in priorities must be addressed and laws to be re-interpreted, changed, or created. With the advent of Big Data and pattern analysis of citizen behaviors, especially in search of legal transgressions through anomalies in standard behavior, there may be an expectation for an influx of petty crimes or minor misdemeanors to come to light. In these situations, new guidelines must be created to determine when to pursue prosecution for certain crimes that could distract resources from other more severe examples.

PART III

CONFRONTING TERRORISM
and COMBATING CRIME

1

Comparison of the Evolution of Far-Right and Jihadist Terrorist Group Propaganda, Recruitment and Radicalization to Online and Virtual Platforms

Angel ABRAHAM-RODRIGUEZ

Abstract: With the growth of the Internet and online platforms popularity and usage world-wide, there is an increasing concern for radicalization processes to reach larger amounts of people. The problem is unfiltered access to propaganda messages being broadcast to targeted vulnerable groups. Policies to counter these threats lag behind the current issue of social media and virtual radicalization methods from extremist groups. The current study hopes to fill a gap in comparing far-right and Jihadist radicalization tactics to find common denominators and recommend future research for policy creation. Cited findings suggest that current counter strategies apply a crackdown method to search for extremist individuals, however, these groups evolve their methods to avoid eradication. Recommendations include interviewing and contextualizing experiences of former extremists in order to tailor future policy.

Keywords: terrorism, extremism, radicalization, propaganda, Jihadism, far-right, online extremism

Introduction

The creation of the Internet has ushered in an era of exceptional access, spread, and cross-pollination of information. Not only does the Internet foster connection, but it also offers a space in which communities may thrive, both pro-socially and antisocially. Online platforms allow propaganda messaging of persuasion and violence to circulate quickly and efficiently. One prime example of this phenomenon is the Islamic State terrorist group, which has used the Internet as a key tool for radicalization. This study will define radicalization as, "t*he willingness to engage in violent, illegal political action to support ideologies that exhibit outgroup hostility and the rejection of egalitarian and democratic values.*"[776] Far-right terrorist attacks increased by 250% since 2014.[777] Alarmingly, there has been an ongoing pattern of young people arrested as far-right terrorists, with ages trending younger.[778] The Islamic State was the deadliest terrorist group of 2021. For this study, terrorism will be defined according to the Global Terrorism Index as, "the systematic threat or use of violence whether for or in opposition to established authority, with the intention of communicating a political, religious or ideological message to a group larger than the victim group, by generating fear and so altering (or attempting to alter) the behavior of the larger group."[779] The purpose of this study is to compare far-right and Jihadist terrorist organizations in their evolution of the use of online platforms for recruitment, propaganda, and radicalization. How do far-right and Jihadist organizations compare in their evolution of the use of online platforms for recruitment, propaganda and radicalization? What factors contribute to counter-extremism strategy effectiveness? The author's hypothesis to the first research question is as

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[776] Alice Marwick, Benjamin Clancy, and Katherine Furl, "Far-Right online radicalization: A review of the literature," *The Bulletin of Technology & Public Life* (2022).

[777] Institute for Economics & Peace, "*Global Terrorism Index 2022: Measuring the Impact of Terrorism*," Sydney, March 2022. Available from: http://visionofhumanity.org/resources (accessed 13 July 2023).

[778] Daniel Koehler, Verena Fiebig, and Irina Jugl, "From Gaming to Hating: Extreme-Right Ideological Indoctrination and Mobilization for Violence of Children on Online Gaming Platforms," *Political Psychology* 44, no. 2 (April 2023): 419-34. doi:10.1111/pops.12855.

[779] Institute for Economics & Peace, "Global Terrorism Index 2022: Measuring the Impact of Terrorism."

follows: a) radicalization and recruitment messages by extremist groups have become easily accessible with the evolution of online propaganda, b) finding patterns among terrorist organizations can help shape effective counter terrorism policy.

Online Use by Extremists Groups

Before the virtual world-wide environment of the Internet, extremist groups used online websites to spread their narratives. As early as 1985, a United States' far-right white supremacist group developed an online bulletin board titled the "White Aryan Resistance": The bulletin was created to share news and instructions to like-minded individuals of the extremist group and navigate recruitment.[780] This is an early example of an online website used by an extremist group to propagate their beliefs. Other groups began to imitate this approach, as it gave easy access to coordinate and speak with targets and to further their agendas online. Brand management has been a priority amongst extremist groups prior to the introduction of the Internet and its' world-reaching web abilities: "As research by Gerstenfeld et al. finds, during the first decade and a half of the Internet, extremists tended to have four key objectives online: increase their international appeal; recruit new individuals; network with like-minded groups; and engage in image management."[781]

Towards the end of the 20th century, more terrorist groups have developed their online presence. In reviewing past literature, research shows that by the 2000s, websites became crucial for white supremacist organizations in order to push for social movements and collective action. Online websites became a massive success in the distribution of radicalization materials, and worked as instruments for ideological incubation.[782] In this way,

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[780] Charlie Winter, Peter Neumann, Alexander Meleagrou-Hitchens, Magnus Ranstorp, Lorenzo Vidino and Johanna Gustafsson Fürst,"Online Extremism: Research Trends in Internet Activism, Radicalization, and Counter-Strategies," *International Journal of Conflict and Violence* 14 (2020): 1-20.

[781] Ibid.

[782] Ibid.

far-right websites served as a foundation for encouraging involvement or further extremism in individuals with their shared beliefs within an online space. Jihadist extremists also began to move towards online platforms, as it allowed recruiters to speak to the identity-seeking in individuals and to build a community sense.[783]

By 1999, thirty groups had established themselves on a global network. Today, every active terrorist group has created at least one form of presence on the Internet.[784] Extremist groups have learned to evolve and shape their recruitment and their targets with the introduction of the Internet, using it as an instrument for radicalization. Within online platforms, extreme activism can make its way onto the screens of individuals everywhere. Political ideologies are indoctrinated, propelling individuals towards extremism, and offline behaviors can be manifested. The Internet has become a tool in radicalization, with opportunities for individuals with shared beliefs to gather and form social movements: "History shows that, as technology improves, extremists will adapt their approaches to optimally reflect the new operational environment and elude the measures working to under-mine them."[785] Online extremism is the process of Internet activism, which is pushed onto individuals by perpetrators that hold beliefs that are determined as doctrinally extremist. With utilization of the Internet, extremists can engage in psychological warfare.[786] The Internet allows extremists to publish propaganda, gain access to sensitive data, accumulate resources, mobilize new supporters, network among other groups, and plan attacks.[787] Terrorist groups have evolved their strategy to operate in an Internet-centered environment: "Originally the focus has been on terrorist created web sites, now the focus has shifted and spread

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[783] Charlie Winter,. The Virtual 'Caliphate': "Understanding Islamic State's Propaganda Strategy." Vol. 25. London: Quilliam, 2015.

[784] Vase Rusumanov, "The use of the internet by terrorist organizations," *Information & Security* 34, no. 2 (2016): 137-150.

[785] Winter, Neumann, Meleagrou-Hitchens, Ranstorp, Vidino and Gustafsson Fürst. "Online Extremism: Research Trends in Internet Activism, Radicalization, and Counter-Strategies."

[786] Ibid.

[787] Ibid.

to Western social media sites and forums such as Facebook, Twitter, You-Tube and Yahoo groups."[788]

Use of the virtual environment for radicalization proposes a variety of advantages for extremist groups. Research in the use of the Internet by terrorist organizations gives a look into how online platforms became essential in extremist groups recruitment processes. Unrestricted, rapid and non-monitored information spreading through an anonymous funneling source dangerously provides a multi-media radicalization process that is harder to prevent.[789] Research has shown that as the newest generations of terrorist organizations utilize the Internet, 90% of terrorist activity is being conducted online.[790]

Extremist organizations are taking advantage of this multi-media environment, as it allows for the promotion of actions and goals through videos, music, images and speeches. The use of speeches by terrorists' leaders or other high-ranking officials within the organization provide a justification narrative for the groups' goals: This can mean their encouragement for the use of force to achieve the organizations' goals, whether the goals are for religious, political, social ideological, or ethnic superstitions reasons.[791]

The Islamic State Propaganda

There is an increasing danger for extremist groups to seek out potential recruits through Internet platforms without detection. Prior research has shown a surge in Internet propaganda and recruitment use by terrorist organizations since the rise in social media engagement. The Islamic State is an example of a Jihadist group that has used social media and digital platforms in order to spread their message. Cited findings on the use of social

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[788] Robyn Torok, "Developing an explanatory model for the process of online radicalisation and terrorism," *Security Informatics* 2 (2013): 1-10.

[789] Vase, "The use of the internet by terrorist organizations."

[790] Georgia F. Hollewell, and Nicholas Longpré. "Radicalization in the social media era: understanding the relationship between self-radicalization and the internet." *International Journal of Offender Therapy and Comparative Criminology* 66, no. 8 (2022): 896-913.

[791] Vase, "The use of the internet by terrorist organizations."

media by Islamic State sympathizers found that the Islamic State's propaganda output had a huge increase since June of 2014, and the organization is often credited with 'winning the war on social media'.[792] Images and media of the group's brutality quickly spread throughout Internet platforms, shocking many, while appealing to others. Prior to 2016, the social media site Twitter was the primary source for English-language Islamic State sympathizers.[793] The Islamic State shaped their approach to target non-Arabic potential recruits, specifically in Europe and North America. As the Islamic State's attacks began to increase, Twitter and other online sharing platforms began to experience a government crackdown as social media corporations searched for extremists on the sites in order to suspend their accounts using algorithm-assisted account censorship.[794] Jihadist organizations responded by shifting their operational strategies.

The Islamic State has shown its expertise in pandering their propaganda in an evolving digital age. Breaking down the Islamic State's ability to appeal to their target audience, the terrorist organization has the ability to blur the line between content creation and the audience viewing it. The propaganda process for the organization presents problems to the audience and offers the solution. The Islamic State's propaganda approach demonstrates an ability to reinforce an individual's beliefs and radicalize them through detachment of reality, alienation from their peers, and social isolation.[795] The organization pandered to potential recruits through a spectrum of political messaging, with primary themes of their brand, which included brutality, mercy, victimhood, belonging, militarism and apocalyptic utopianism.[796]

Images of brutality by the Islamic State is used to convey their ability to exact revenge and enact their self-declared supremacy to their supporters.

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[792] Audrey Alexander, "Digital decay? Tracing change over time among English-language Islamic State sympathizers on Twitter," *George Washington University Program on Extremism* (2017): 1-48.

[793] Ibid.

[794] Winter, Neumann, Meleagrou-Hitchens, Ranstorp Vidino and Gustafsson Fürst, "Online Extremism: Research Trends in Internet Activism, Radicalization, and Counter-Strategies."

[795] Winter, "The Virtual 'Caliphate': "Understanding Islamic State's Propaganda Strategy."

[796] Ibid.

The organization's vicious acts of violence are published by the organization to garner support from their sympathizers, and to intimidate enemy groups. The theme of victimhood is a regularly used ideology in Jihadist groups, where the perceived idea of victimization leads to radicalization of their ideals.[797] Retributive violence against the group's enemy is instigated by images of brutality by the opposition. An example of this narrative was seen in the June 2015 video from Islamic State's Nineveh Province, depicting a fighter handling a child's dismembered arm at a bomb site, followed by their retaliation against the violence-coded enemy by spies' being killed in gruesome methods such as burning alive and by drowning.[798] Victimhood and brutality are portrayed in conjunction with one another, demonstrating the organization's aim to tie in emotionality with the necessity of retribution. Messages of war and the fight for utopia may provide a purpose for an identity-seeking individual. Finally, the Islamic States' rhetoric panders to a common theme among extremist groups of belonging; The Islamic State caters their propaganda towards individuals seeking a sense of brotherhood or community amongst with like-minded individuals.[799]

Far-Right Propaganda

Evidence has shown a concerning upsurge of more young people being involved in far-right terrorist activities, with researchers suggesting that this phenomenon may be connected to the propaganda and recruitment evolution by far-right organizations.[800] Like the Islamic State, far-right groups have shaped their operations alongside the growth of the Internet and found target populations that can potentially become radicalized. They are present in all major social media platforms, with evidence that Facebook has a vast number of groups and agents on the platform.[801] Research into

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[797] Ibid.

[798] Ibid.

[799] Ibid.

[800] Koehler, Fiebig, and Jugl. "From Gaming to Hating: Extreme-Right Ideological Indoctrination and Mobilization for Violence of Children on Online Gaming Platforms."

[801] Stephane J. Baele, Lewys Brace, and Travis G. Coan, "Uncovering the far-right online ecosystem: An analytical framework and research agenda," *Studies in Conflict & Terrorism* (2020): 1-21.

social media and individuals participating in extremist spaces suggests that the process of becoming radicalized involves a combination of online and offline realities, which is described as a concept of "Onlife" by Valentini at al.: "Especially social media activities often include a dynamic and hybrid mixture of both worlds, since persons oftentimes do engage with each other on those platforms about their offline experiences (e.g., bullying, social isolation, mental health issues, but also positive experiences). On the other hand, online engagements can and do change offline behaviors as well."[802]

In reviewing literature on case studies of the radicalization pathways of children into far-right beliefs, findings show that some radicalization processes may be correlated with a lack of social connections with others, and that playing video games with online players allowed trust building and a sense of belonging.[803]

Common Themes

In comparing Jihadist and Right-Wing organizations, they share commonalities in recruitment targeting strategies, seeking out vulnerable populations with the desire for intrinsic and social values such as individual identity, belonging and an accepting community. The ideology of group inclusion of others with shared beliefs is a central factor in the radicalization process among Jihadist and Right-Wing extremist groups. Radicalization does not happen from the Internet alone. An individual will likely already possess beliefs that may be considered extreme, whereas the Internet acts as an instigator of radicalization. The general consensus from research sees the role of the Internet as that of a facilitator or catalyst, far less as a driving causal factor.[804] Individuals seek out a normalization of their views online, discuss with others who corroborate their opinion and in turn, strengthen

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[802] Ibid.

[803] Ibid.

[804] Jens F. Binder, and Jonathan Kenyon, "Terrorism and the internet: How dangerous is online radicalization?" *Frontiers in Psychology* (2022): 6639.

attitudes and opinions.[805] When individuals with shared extremist beliefs normalize their opinions and continuously encourage further participation, there is potential for radicalization.

Jihadist and far-right extremist groups marketed propaganda many times reach young males and females that are socially isolated and are seeking identity.[806] The impact of social exclusion and isolation is significant in the radicalization process. Research has found that rejection and ostracism are the two branches of social exclusion, whereas rejection involves negative attention, and ostracism involves a lack of attention.[807] In turn, individuals experiencing social exclusion may seek out a way to meet their needs, becoming more susceptible to influencing extremist organizations who brand themselves as capable of meeting these needs.[808] These factors are some of a plethora of predicting agents in the process of radicalization. One or multiple in combination may jump start an individual to seek out and be influenced by political extremists. The Internet may act as a catalyst, prompting the spread of information.

Video Games and their Platforms

A re-occurring recruitment pattern can be seen in video gaming and its' online platforms. Islamic terrorist groups developed their own category of electronic entertainment options, including video games. One of the earliest of these games within Jihadi terrorist organizations was called Special Force, a three-dimensional First-Person Shooter with a military setting, which was created by the Hezbollah Central Internet Bureau.[809] The campaign storyline promoted anti-Israeli and pro-Islamist propaganda. Specifically, it depicted the conflict between Hezbollah's "resistance

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[805] Torok, "Developing an explanatory model for the process of online radicalisation and terrorism."

[806] Ibid.

[807] Michaela Pfundmair, Natasha R. Wood, Andrew Hales, and Eric D. Wesselmann, "How social exclusion makes radicalism flourish: A review of empirical evidence," *Journal of Social Issues* (2022).

[808] Ibid.

[809] Miron Lakomy, "Let's Play a Video Game: Jihadi Propaganda in the World of Electronic Entertainment." *Studies in Conflict & Terrorism* 42, no. 4 (2019): 383-406. doi:10.1080/1057610X.2017.1385903.

fighters" against the antagonistic Israeli Defense Forces. In addition, the "training mode" option emphasized incentives as a reward for completing terrorist attacks against Israeli military and political figures, including the ultimate climax in the form of military martyrdom, or jihad.[810] A second, well-known video game franchise internationally–Call of Duty–has also been co-opted for recruitment purposes. Call of Duty (CoD) is a three-dimensional First-Person Shooter. For several years, an online meme was shared widely that combined CoD with the exaltation of martyrdom: "This Is Our Call of Duty and We Respawn in Jannah." Whether directly or indirectly, video games became one method of propaganda training and recruitment, intentionally packaged in a format that catered to the interests and pastimes of children and adolescents in the Middle East. In current studies, there have been multiple reported of alleged ISIS-spun versions of games like Call of Duty.

Research on the Jihadist-inspired video games shows many of the games took on violent, First-Person shooter centered playing. The Islamic State released a video game trailer for their game, titled Salil al-Sawarem, on YouTube in 2014.[811] The game showed viewers similar virtual wars to that of Western video games.[812] The extremist organization's followers would comment and reply to others through the platform in order to "troll": "Trolling seeks to create an argument, entice others into endless discussion, or hijack a discussion. In other words, trolling is meant as a distraction from the main online discussion in the forum or platform by diverting attention to another issue which is mostly irrelevant."[813] The findings suggest that trolling individuals were used as a shield to allow the Islamic State's message to continue to spread without disruption. Their objectives are to anger their online opposition, and either alter their opinions or prevent them from disagreeing with them. Viewers' attitudes toward the trailer were against the game and the group itself overall. However,

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[810] Lakomy, "Let's Play a Video Game: Jihadi Propaganda in the World of Electronic Entertainment.".

[811] Ahmed Al-Rawi, "Video games, terrorism, and ISIS's Jihad 3.0," *Terrorism and Political Violence* 30, no. 4 (2018): 740-760.

[812] Ibid.

[813] Ibid.

YouTube is still utilized by the Islamic State to spread and their narratives, with sympathizers and "trolls" remaining to push influence over others.[814]

Far-right organizations have similarly invaded gaming spaces in efforts to normalize extremist ideology, and have strategically hidden their beliefs through gaming culture: "By presenting their beliefs as jokes and memes, extremists hope to appeal to their young target audience while disguising hate as trolling or sarcasm".[815] With mainstream popularity of violence and war-inspired situations, white supremacists have capitalized on spreading propaganda through online gaming discourse. Many video games, such as Call of Duty and Grand Theft Auto often virtually create social hierarchies within them that align with white supremacist values. Far-right extremists have evolved their method of content distribution to modding, which is an in-game ability to change features for individuals to personalize their game. Examples of this content insertion include Nazi themes, graphics and game objects, Ku Klux Klan skins, and non-playable characters modified to look like targeted minority groups that players can attack. [816]

Terrorist groups use the youth dominated online gaming platforms to indoctrinate their messages within them, and narrowing in on a target population: "In general, the target group of such video games is young people who are supposed to be more attracted to violent and first shooter games. There seems to be certain emotional appeals for young male adolescents to play first shooter games, including a desire to 'experience fantasies of power and fame, to explore and master what they perceive as exciting and realistic environments (but distinct from real life), to work through angry feelings or relieve stress, and as social tools."[817] Having shaped their strategies from simply using social media, online gaming has become a virtual way of spreading rhetoric.

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[814] Ibid.

[815] Garrison Wells, Agnes Romhanyi, Jason G. Reitman, Reginald Gardner, Kurt Squire, and Constance Steinkuehler. "Right-Wing Extremism in Mainstream Games: A Review of the Literature." *Games and Culture* (2023): 15554120231167214.

[816] Ibid.

[817] Ahmed, "Video games, terrorism, and ISIS's Jihad 3.0."

Counterstrategies

Counter strategies to terrorism discussed in the paper have often revolved around corporal crackdowns on social media sites, such as the hunt for Jihadist perpetrators. However, this method only allowed for terrorist organizations to evolve their operations to other online media sharing platforms. Research on countering terrorism strategies have suggested that takedown policies on social sharing sites are ineffective due to there being a myriad of other communication channels available to these groups, such as Twitter, Facebook, and gaming spaces.[818] Methods of video game propaganda rely on swift, virtual, communal spaces, so too must preventative approaches. It is essential that international governments communicate with each other and take seriously the threat of online recruitment and radicalization spaces. Further, other organizational participants on a global scale, such as counter-terrorism and cybersecurity institutions, must also prioritize automated forms of threat detection and response.

Literature reviews have shown a lag in policies for countering terrorism and social media.[819] There is a call for prevention strategies that are proactive, such as mentoring programs for individuals who recognize they are becoming self-radicalized, as seen in the example of the Aarchus model in Denmark, which offers counseling for individuals recognizing a need for support in leaving an extremist group.[820]

Suggestions for Future Research and Policy Creation

Addressing the root causes of radicalization to terrorism is essential in countering it. Understanding individual risk factors and susceptibility from past research may allow for specialized de-radicalization process. When comparing the radicalization process from both far-right and Jihadist

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[818]   Miron Lakomy, "Why Do online countering violent extremism strategies Not work? The case of digital jihad," *Terrorism and Political Violence* (2022): 1-38.

[819]   Hollewell andLongpré. "Radicalization in the social media era".

[820]   Ibid.

groups, there is a pattern of social exclusion, lack of social connection and identity seeking and desire for group belonging. Individuals that do not have what they need and see that others do are susceptible to becoming influenced by groups that offer guaranteed solutions; The disenfranchised join these groups. Both Jihadist and far-right groups have mobilized their operations into the digital age, and have evaded complete eradication by evolving their propaganda. Understanding the process and identifying specific needs of targeted groups can allow for the design of intervention and prevention processes. Future research should focus on interviewing and contextualizing experiences of former radicals in order to tailor future policy. There is a moderate amount of current research that gives qualitative findings from interviews of de-radicalized individuals, but implementation of this research has been lacking in policy creation. Employing information from past internal agents may be instrumental in shaping intervention and prevention policies to de-radicalizing.

Conclusion

The current study aimed to compare research on the evolution of far-right and Jihadist group's utilization of online platforms and virtual propaganda tactics, in efforts to find their common themes. The trends followed social isolation, rejection, desire for brotherhood and identity seeking. Terrorist groups use these at-risk factors of youth populations in order to influence them into seeking out extremist like-minded individuals. There is a current lack of policy that has shown effectiveness in countering radicalization processes, and more research into understanding root causes is essential in preventative approaches.

The relationship between climate change crisis and terrorism in the Sahel region

Rhiannon S. BERRY

Abstract: There is a significant safety and humanitarian crisis occurring in the Sahel region of Africa. The major problems that need to be addressed include the growth of terrorism between 2007 and 2021 and its connection to climate change challenges. Several interrelated challenges are associated with terrorism and climate change, including armed conflict and ecological threats. There is a lack of awareness of the threat that climate change and interrelated challenges pose to the region's security. The current study seeks to fill this gap by examining the impact of climate change challenges on terrorism in the Sahel and recommending evidence-based systems for intervention. After conducting a literature search, the findings suggest that climate change impacts terrorism directly and indirectly through social vulnerability. The reliance on agriculture and pastoralism makes the Sahel especially vulnerable to threats from climate change. Many of the approaches to dealing with food and water insecurity, natural disaster events, and other climate change-related issues do not consider local culture, customs, and knowledge. Recommendations include approaching interventions with a deep understanding of local knowledge related to environmental vulnerability adaptations to ensure participation and long-term sustainability. A systematic approach to interventions would also be the most effective to make them more cohesive.

Keywords: climate change, terrorism, ecological threat, social vulnerability.

Introduction

Since 2017 there has been a significant rise in terrorism incidents and casualties in the Sahel region of sub-Saharan Africa.[821] 43% of the terrorism casualties globally in 2022 alone were accounted for from this region. This is a significant increase from 2007 when it was only 1%. The major countries in the Sahel region with the most casualties from terrorism include Burkina Faso, Mali, and Somalia.[822] Several interrelated challenges create opportunities for terrorism in the region, including armed conflict, political instability, and climate change.[823] It is a hotspot for climate change crises such as rising temperatures and desertification.[824] Challenges have resulted in food shortages, land shortages, land usage conflicts, conflicts over resources, and many others.[825] Terrorists use these vulnerabilities and local conflict to their advantage to garner support. Studies suggest a correlation between climate change and terrorism.[826] For the purpose of the current study, terrorism will be defined according to the Global Terrorism Index (GTI) as "the systematic threat or use of violence whether for or in opposition to established authority, with the intention of communicating a political, religious or ideological message to a group larger than the victim group, by generating fear and so altering (or attempting to alter) the behaviour of the larger group."[827] Within the climate and security relationship, national/homeland security scholars have focused on understanding the connection between climate change and terrorism but not necessarily on how to use the literature in intervention strategies.[828] There is a need for research to focus on using the existing empirical literature to address

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[821] Global Terrorism Index. "Measuring the Impact of Terrorism".

[822] Ibid.

[823] Adama Dieng. "The Sahel: challenges and opportunities." *International Review of the Red Cross* 103, no. 918 (2021): 765-779.

[824] Institute for Economics & Peace. Ecological Threat Report 2022: Analysing Ecological Threats, Resilience & Peace, Sydney, October 2022. Available from: http://visionofhumanity.org/resources.

[825] Ibid.

[826] Jeremiah O. Asaka. "Climate Change – Terrorism Nexus? A Preliminary Review/Analysis of the Literature." *Perspectives on Terrorism 15*, no. 1 (2021): 81-92. https://www.jstor.org/stable/26984799

[827] Global Terrorism Index. "Measuring the Impact of Terrorism".

[828] Dieng, "The Sahel".

terrorism adaptation and mitigation intervention at different scales. How does climate change contribute to terrorism in the region? How effective have counterterrorism and environmental protection policies been in the Sahel? What systems and methods can be implemented to increase the effectiveness of adaptation and mitigation interventions? The current study aims at examining and bringing awareness to the impact of climate change on terrorism in the Sahel region and recommends methods of adaptation and mitigation interventions.

The European Union has been heavily invested in security and development policies in the Sahel.[829] More awareness should be brought to the threat of climate change and interrelated challenges to the region's security. It is important to bring awareness to the problem and propose related evidence-based strategies. The interactions between climate change challenges, ecological threats, and social vulnerability on terrorism will be examined using a qualitative literature review. Strategies that target terrorism through the lens of climate change and interrelated challenges, especially societal resilience, will be suggested. The literature review approach included using specific keywords, such as "climate change on terrorism", "Sahel climate change", and "climate and terrorism in the Sahel" on academic search engines such as google scholar to find the most recent peer-reviewed academic sources.

Armed Conflict in the Sahel

The Sahel region has a history of security and humanitarian issues. Since 2015 there have been significant increases in armed violence. There is growing violent extremism, local conflict over natural resources, inter-ethnic violence, emigration, and migration. Conflicts between armed forces and groups have led to the displacement of locals within and outside the borders. The displaced population also includes farmers, which worsens

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[829] Cepero, Oriol Puig, Sophie Desmidt, Adrien Detges, Fabien Tondel, Pia Van Ackern, Adrian Foong, and Jan Volkholz. "Climate Change, Development and Security in the Central Sahel." *CASCADES:* https://www.cascades.eu/wp-content/uploads/2021/06/Climate-Change-Development-and-Security-in-the-Central-Sahel. pdf (2021).

the ongoing food crisis.[830] A few highly impacted countries within the Sahel face devastation from ongoing conflicts.

Burkina Faso has faced much devastation since the 2014 uprising and violence by extremist groups against Burkinabe military forces since 2016.[831] There have been over 2000 people killed and 1.5 million displaced from extremist group-connected violence.[832] In Mali, there has been inter-ethnic group armed conflict since 2012.[833] Armed conflict has occurred between the Malian military and other Northern groups in the last decade. Around 350,000 Malians were internally displaced, and there were 50,000 refugees in 2021.[834] Niger is facing similar devastation due to spillover effects from its neighbors: Burkina Faso and Mali.[835]

Terrorism

Armed conflicts within the Sahel have exacerbated the growth of terrorist groups and the emergence of new ones. The growing terrorist groups have facilitated more organized crime and criminal networks. The criminal activities include drugs, arms trade, human trafficking, and kidnappings for ransom.[836] Islamic State (IS) and affiliated terrorist groups have become a significant threat in Sub-Saharan Africa after the conflict in Syria subsided. IS groups target countries in the Sahel, including Burkina Faso, Mali, Nigeria, Niger, and Cameroon.[837] Casualties from terrorist incidents have increased more than 21 times between 2007 and 2022. The largest increases have been seen in Burkina Faso, Mali, and Nigeria.[838] The most prominent and deadly actor in the Sahel is Jama'at Nasr al-Islam wal Muslimin

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[830] Dieng, "The Sahel".

[831] Ibid.

[832] Dieng, "The Sahel."

[833] Ibid.

[834] Ibid.

[835] Ibid.

[836] Ibid.

[837] Global Terrorism Index. "Measuring the Impact of Terrorism".

[838] Ibid.

(JNIM), mostly in Burkina Faso and Mali. JNIM militants' operations include attempts to alienate major cities in the region and disruption of the planting season, adding more strain to the food crisis.[839]

Individual Sahelian states have implemented counter-terrorism strategies at the national level.[840] These strategies rely on use-of-force tactics and are speculated to have caused more civilian casualties than they tried to prevent.[841] The G5 Sahel organization has made some regional counterterrorism efforts. According to Naomi-Moreno, [842] the G5 is "the organization for the coordination of poverty alleviation, infrastructure development, agriculture, and security", and it was formed by Mali, Mauritania, Burkina Faso, Chad, and Niger. Operation Barkhane by the French military and the G5 has worked with national forces in their counter-terrorism efforts.[843] There have been allegations of violating International Human Rights law by national forces. The reports make allegations that forces target civilians, carry out executions, torture, and rape.[844] This has further worsened the situation by breaking regional people's trust and weakening the local social contract,[845] making it less likely that Sahelians will cooperate with counterterrorism efforts in the future. Operation Barkhane against Jihadist groups by the French military failed in 2022 due to strained relationships between France and Mali. It ended a decade of terrorism intervention. This gave more opportunities for competition between Jihadist groups, especially in Mali, Burkina Faso, and Niger tri-border areas.[846] Mali also withdrew from the G5 organization in 2022, which will most likely worsen the violence in the central Sahel region because of the lack of a security presence.[847]

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[839] Naomi Moreno-Cosgrove. "Terrorism in the Sahel Developments, Consequences of French Involvement and Options for European Security and Defence Policy." (2022): 8.

[840] Dieng, "The Sahel".

[841] Ibid.; Francis Kwabena Atta. "Understanding Africa's terrorism debacle: a critical analysis of counterterrorism in Burkina Faso." *Critical Studies on Terrorism* 16, no. 1 (2023): 23-41.

[842] Moreno-Cosgrove, "Terrorism in the Sahel".

[843] Moreno-Cosgrove, "Terrorism in the Sahel".

[844] Dieng, "The Sahel".

[845] Ibid.

[846] Moreno-Cosgrove, "Terrorism in the Sahel".

[847] Ibid.

Climate Change

Ecological threats include water and food risk, population growth, and disasters from natural events, according to the Ecological Threat Report (ETR).[848] Climate change is defined by the United Nations as, "long-term shifts in temperatures and weather patterns."[849] Ecological threats can occur without climate change, although climate change amplifies this threat and can worsen ecological degradation.[850] The Sahel is facing severe ecological threats. More likely seen in high-conflict zones that intersect with terrorism. Climate change is a threat multiplier for these problems.[851] When it comes to Ecological threats, seven out of eight of the most at-risk hotspots are in sub-Saharan Africa. The Sahel region is especially impacted.[852] The 2022 ETR found 27 hot-spot countries facing severe ecological threats with the lowest societal resilience. These countries were also found to be the most impacted by terrorism. Sahel countries, including Mali, Nigeria, Somalia, and Chad, are on the list.[853]

The Sahel region is semi-arid, and the population mostly relies on agriculture and pastoralism. Semi-arid locations are more vulnerable to climate change because of the reliance on ecosystem reserves to support rain-reliant agriculture.[854] Due to climate change, the temperature is rising 1.5 times faster than the global average.[855] Rising temperatures have caused frequent and worsening droughts and floods for Sahelians. Farmlands

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[848] Institute for Economics & Peace. Ecological Threat Report 2022: Analysing Ecological Threats, Resilience & Peace, Sydney, October 2022. Available from: http://visionofhumanity.org/resources (accessed 11 July 2023).

[849] United Nations. "What is Climate Change?". Available from: https://www.un.org/en/climatechange/what-is-climate-change (accessed 12 July 2023).

[850] Ibid.

[851] Global Terrorism Index, "Measuring the Impact of Terrorism".

[852] Ecological Threat Report 2022, "Analysing Ecological Threats".

[853] Ecological Threat Report 2022, "Analysing Ecological Threats".

[854] Tucker, Josephine, Mona Daoud, Naomi Oates, Roger Few, Declan Conway, Sobona Mtisi, and Shirley Matheson. "Social Vulnerability in Three High-Poverty Climate Change Hot Spots: What Does the Climate Change Literature Tell Us?" *Regional Environmental Change 15*, no. 5 (2015): 783-800. doi:10.1007/s10113-014-0741-6.

[855] Dieng, "The Sahel".

have been subject to soil erosion. Grazing lands face deforestation and overgrazing.[856] This not only adds to food insecurity but negatively impacts economic development. Societal resilience to climate change or the ability to cope with the effects of climate change differ between countries in the Sahel. Those with a combination of weak governance and institutions face greater threats from climate change.[857]

Climate change and associated challenges are correlated with conflict of varying types. The strain on environmental resources can drive or enable within-country conflicts.[858] Some literature suggests that it increases opportunities for violence, especially in locations with poor governance.[859] Climate change worsens the already unstable political environment in the Sahel region partly because of resource competition. The instability allows terrorist groups to grow, develop, and radicalize the local population against its state.[860] Examples of the impact of climate change on conflict and terrorism can be seen in several countries within the Sahel. Water-related conflicts like the ones around the Lake Chad basin create a risk multiplier for conflicts. Insecurity related to food, water, and land in northeast Nigeria has increased conflicts over water and land usage. The violent extremist group Boko Haram has exploited these vulnerabilities.[861]

Studies suggest a correlation between climate change and terrorism.[862] Climate change can act as a threat multiplier.[863] The threats include local conflict, terrorism, and violent extremism. Literature suggests that

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[856] Ibid.

[857] Dieng, "The Sahel".

[858] Paola Andrea Spadaro. "Climate Change, Environmental Terrorism, Eco-Terrorism and Emerging Threats." *Journal of Strategic Security 13*, no. 4 (2020): 58-80. doi:10.5038/1944-0472.13.4.1863.

[859] Ibid; Alec Crawford, "Climate Change and State Fragility in the Sahel," FRIDE Policy Brief no. 205 (2015), https://www.iisd.org/sites/default/files/publications/climate-change-and-state-fragility-in-the-Sahel-fride.pdf.

[860] Spadaro, "Climate Change, Environmental Terrorism"; Ecological Threat Report 2022, "Analysing Ecological Threats".

[861] Spadaro, "Climate Change, Environmental Terrorism"; Ecological Threat Report 2022, "Analysing Ecological Threats".

[862] Asaka, "Climate Change – Terrorism Nexus?"; Spadaro, "Climate Change, Environmental Terrorism".

[863] Asaka, "Climate Change – Terrorism Nexus?"; Dieng, "The Sahel".

a mean increase in temperature has an impact on the probability of terrorist incidents. For every one centigrade increase, there may be a 4 to 6% increase in the likelihood of Islamic terrorism.[864] Other important factors are involved in the relationship between climate change and terrorism, such as social vulnerability. Social vulnerability is defined as the dynamic state of societies, which includes exposure, sensitivity, and ability to adapt [865]. Asaka's [866] findings suggest that social vulnerability was found to be an "important bridge" that connects climate change and terrorism. There are different types of interplay between the two factors. Climate change impacts social vulnerability, which can enable or drive terrorist activity. Social vulnerability can worsen ongoing conflicts and may add to domestic resource-related conflicts. Associated problems include migration and emigration across and within borders, which are a source of pressure for other countries and can cause xenophobic attitudes. These attitudes and pressures feed into right-wing extremism and violence, a growing concern in the Sahel region.[867] Social vulnerability in hotspot regions includes high levels of poverty, lack of power to negotiate, and limited resource access.[868]

Implementing adaptation and mitigation strategies that specifically address climate change and associated factors, including social vulnerability, targets the roots of the terrorism problem. The use-of-force techniques that have been implemented have failed to protect citizens, which should be the primary goal of any counter-terrorism approach. Many countries in the Sahel with poor governance and weak state institutions have inadequate responses to issues related to climate change, such as economic development, food and water insecurity, armed conflict, displacement, and terrorism.[869]

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[864] Spadaro, "Climate Change, Environmental Terrorism".

[865] Tucker et al., "Social Vulnerability in Three High-Poverty Climate Change Hot Spots".

[866] Asaka, "Climate Change – Terrorism Nexus?".

[867] Ibid.

[868] Tucker et al., "Social Vulnerability in Three High-Poverty Climate Change Hot Spots".

[869] Dieng, "The Sahel".

Policies and Failures

There is a need to address policies related to the nexus of challenges that contribute to terrorism. It is important to mention what has been done so far with the Sahel region's counterterrorism and environmental protection policies. The measures that have been used so far in climate change mitigation and environmental protection in the Sahel region have not been evidence-based.[870] The environmental security policies in the Sahel are shaped mostly by policy, military, and non-governmental organization (NGO) actors.[871]

The rising temperature and desertification in the region are linked to unsustainable patterns of deforestation and logging. Logging has gotten out of control and fed into desertification. The "great green wall" was a set of intensive programs by the forest service to address this issue at the edge of the desert.[872] Forest services and ranger corps have been endorsed and supported by international donors offering political and financial support instead of focusing on long-term sustainability. This involved increasing punishment severity and fines for informal logging. This is a problem because the policies prey on marginalized communities through extortion, harassment, and other abuses. The Fulani community and nomadic shepherds in Mali are negatively impacted.[873] Jihadist terrorist groups have used the frustration and vulnerability of these communities to gather support. Promoting a narrative that the government is corrupt and poorly manages natural resources.[874]

Food insecurity is suggested to have the strongest correlation to terrorism out of all the other ecological threats, according to the ETR.[875] The Sahel policymakers tried to approach this problem by increasing domestic production.

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[870] Ecological Threat Report 2022, "Analysing Ecological Threats".

[871] Ibid.

[872] Ibid.

[873] Ibid.

[874] Ibid.

[875] Ibid.

These policies have supported increased agricultural production instead of animal farming. There have been increases in arable land and cereal production because of the connection to the ideological and economic interests of ruling elites in Sahelian capitals. There have been increased land usage conflicts, strong demands to protect animal farmers, and a decreased trust in traditional land dispute settlement mechanisms.[876] Jihadists exploit the communal conflicts over land usage. They promote a narrative about the greedy imperialists against the marginalized and disenfranchised.[877]

The legal and institutional frameworks in many Sahelian countries do not adequately deal with the degradation of resources and climate risk management. The case studies highlight the poor management of land usage and logging that has increased the threat of terrorism. Poor management of water allocation is also a factor. Migration and instability resulting from resource degradation interrupt social networks and lessen the ability to adapt.[878] This increases social vulnerability, which has links to terrorism, as previously stated. Without international action, the situation will worsen. Worsening social challenges like malnutrition, forced migration, and illness. An escalation of conflicts will occur and multiply, which creates more global insecurity.[879] Mitigation and adaptation intervention targeting climate change crises and ecological threats in the Sahel may be one of the best tools against terrorism and its counterparts.

Mitigation and Adaptation Intervention

The use-of-force techniques in the Sahel region that have failed to protect the citizens indicate that a more holistic approach may be necessary. The challenges that feed into terrorism in the Sahel are many. Mitigation strategies relate to techniques that help prevent or decrease climate

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[876] Ibid.

[877] Ecological Threat Report 2022, "Analysing Ecological Threats".

[878] Tucker et al., "Social Vulnerability in Three High-Poverty Climate Change Hot Spots".

[879] Ecological Threat Report 2022, "Analysing Ecological Threats".

change processes. Some methods include carbon sequestration, agroforestry, genetically modified crops, etc. Adaptation methods are techniques that help the individual person or community to build resilience to climate change impacts.[880] Many sources in the literature stress the importance of building societal resilience against such threats.[881] Social vulnerability refers to the degree of risk that individuals or communities are at, and societal resilience is related to the ability to deal with the impacts of such risks. Intervention strategies need to strengthen societal resilience in addressing social vulnerability to climate change crises.

Local Knowledge and Intervention

Sahelian countries and much of Africa have a more collectivistic culture meaning that the goals and needs of the community or group are prioritized over the individual. Empowering local communities, encouraging locals to work together, and increasing bonds may be a path to building resilience.[882] The major source of failure with the environmental protection policies referenced in this paper is the lack of cooperation and understanding of the local people and their community. Studies suggest that developmental projects from outside resources that do not integrate local culture and practices have very little participation or success in the long run.[883] Some studies suggest that local Sahelian communities achieved sustainability by adapting their agriculture, livestock farming, and other economic development activities.[884] Any adaptation or mitigation strategy

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[880] Nyong, Anthony, Francis Adesina, and Balgis Osman Elasha. "The value of indigenous knowledge in climate change mitigation and adaptation strategies in the African Sahel." *Mitigation and Adaptation strategies for global Change* 12 (2007): 787-797.

[881] Ibid.

[882] Nyong, Anthony, Francis Adesina, and Balgis Osman Elasha. "The value of indigenous knowledge in climate change mitigation and adaptation strategies in the African Sahel." *Mitigation and Adaptation strategies for global Change* 12 (2007): 787-797.

[883] Nyong et al., "The value of indigenous knowledge in climate change mitigation and adaptation strategies in the African Sahel"; Ogunyiola, Ayorinde, Maaz Gardezi, and Sumit Vij. "Smallholder farmers' engagement with climate smart agriculture in Africa: role of local knowledge and upscaling." *Climate Policy* 22, no. 4 (2022): 411-426..

[884] Nyong et al., "The value of indigenous knowledge".

implementation must first understand how the locals reduced their vulnerability to climate change.

Indigenous knowledge is defined by Nyong et al as institutionalized local knowledge that has been passed down from one generation to the next.[885] In rural communities in the Sahel, it serves as the core of decision-making processes and has successfully been used to reduce emissions. Conserving carbon in soils with zero tilling practices is one method indigenous people have used. Using natural mulches has helped to moderate the temperature of the soil, decrease risks of disease and pests, and lock in moisture. Traditionally communal forest reserves were common. These well-managed resources allowed locals to get the food and wood they needed.[886] Rural coastal Nigerians have information about local meteorology based on observation, traditional practices, and cultural beliefs, which help to predict flooding. These are the core of their lifestyle, traditions, and cultural beliefs.[887] The problem is when Western scientific strategies are implemented in communities like these without understanding the interconnectedness between these indigenous systems dealing with ecological mechanisms and their culture.

The value of indigenous knowledge in climate change studies has received little to no research. More research has been done on developmental studies. Learning from experiences and studies can help pave the way forward. Using this local knowledge in interventions can help with more effective communication and increase the speed at which information is disseminated. The biggest challenge lies in integrating this knowledge into modern scientific practices. [888] Situating local actors as the lead in implementing the interventions while outside partners support efforts from the background is an effective bottom-up participatory approach. This may enable more long-term sustainable outcomes.[889] Since there is a lack of trust

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[885] Ibid.

[886] Ibid.

[887] Fabiyi et al., "Indigenous knowledge system"

[888] Nyong et al., "The value of indigenous knowledge".

[889] Ibid.

in international intervention by locals, this strategy could be more effective. Outside partners must have more care, awareness, and respect for locals' knowledge.[890]

It would be more effective to build on the systems of indigenous people that have evolved over generations of experience.[891] Climate-smart-agriculture (CSA) is often an important factor among African policymakers regarding food productivity, building resilience for farmers, and limiting greenhouse gases. There are many economic and environmental benefits to farmers, yet the acceptance and participation of local African smallholder farmers is low.[892] The failure lies again with excluding or not having enough awareness of local farmers knowledge. If the unique characteristics of these farmers, including traditional values and farming systems, are considered, there could be better results.[893]

Systems Approach to Intervention

Implementing any mitigation or adaptation intervention in the Sahel should consider the whole picture of societal structures and issues. International and Western interventions often do not consider how the policies will work together systematically. One way to approach this problem is through the systems planning approach. The ETR[894] mentioned the HALO approach created by IEP [895] in 2021. It is an approach meant to assist practitioners in creating a picture of societal problems by analyzing societal systems and designing programs to build up societal resilience. The user is guided through 14 steps and 24 building blocks that analyze systems and subsystems. After the analysis, there is enough information to search

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[890] Ogunyiola et al., "Smallholder farmers' engagement with climate smart agriculture".

[891] Nyong et al., "The value of indigenous knowledge".

[892] Ogunyiola et al., "Smallholder farmers' engagement with climate smart agriculture".

[893] Ibid.

[894] Ecological Threat Report 2022, "Analysing Ecological Threats".

[895] Institute for Economics & Peace. Positive Peace Report 2022: Analysing the factors that build, predict and sustain peace, Sydney, January 2022. Available from: http://visionofhumanity.org/resources (accessed 11 July 2023).

for intervention methods to help create a better system balance.[896] Small interventions are often recommended more highly because large interventions tend to cause too much shock to culture and locals and often do not last long. It is better to design solutions together and look at the system instead of implementing interventions randomly with no awareness of the complexity of the issues.[897]

Conclusion

The current study sought to examine the complex relationship between climate change and terrorism in the Sahel region of Africa and has highlighted the complex and multifaceted challenges that feed into this growing concern. It can be argued that climate change impacts terrorism directly and indirectly through social vulnerability.[898]There are also factors that may be interrelated with climate change and social vulnerability that may worsen or enable terrorism, such as armed conflicts and ecological threats. It is apparent from the literature that terrorists use climate change challenges, conflict, and social vulnerability to garner support and push a narrative.

The current state of climate change interventions suggests that they are largely ignorant of local culture, customs, and practices and do not work with the community to implement sustainable strategies to counter climate change and improve societal resilience. According to the literature, the failures and challenges of current adaptation and mitigation strategies internationally and regionally can be attributed to the lack of cooperation of locals and mistrust[899]. To combat the growth of terrorist activity in the Sahel, more awareness should be focused on climate change, ecological threats worsened by climate change, and social vulnerability to these issues. Adaptation and mitigation strategies that allow local

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[896] Institute for Economics & Peace. Positive Peace Report 2022: Analysing the factors that build, predict and sustain peace, Sydney.

[897] Ibid.

[898] Asaka, "Climate Change – Terrorism Nexus?"; Spadaro, "Climate Change, Environmental Terrorism".

[899] Ibid.

actors in the community to take the lead and show respect for local knowledge and culture may have more success, according to evidence found in the literature.[900]

Although the study contributes to the literature and brings more awareness and up-to-date information on the topic, the current study has limitations. The key limitation is the possibility that not all recent literature pertaining to the document was found, which may bias results. The keywords used may not have resulted in related literature. There are significant gaps in the literature; more research should be conducted on the impact of local knowledge in adaptation and mitigation interventions. More evidence-based strategies need to be researched, focusing on the complex relationship between climate change and terrorism.

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[900] Nyong et al., "The value of indigenous knowledge"; Fabiyi et al., "Indigenous knowledge system"; Ogunyiola et al., "Smallholder farmers' engagement with climate smart agriculture".

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Conjoined Threats: Examining the Interconnectivity of Hate Crimes and Right-Wing Terrorism

Mae Elizabeth RUDDY

Abstract: This research paper explores the relationship between hate crime and far-right terrorism in the western world. Synthesizing literature on current limitations for combatting growing rates of hate crimes and far-right terrorist attacks, we find that hate crimes and right-wing terrorism are "close cousins." Furthermore, this paper finds that organized right-wing terrorist groups rely on "spontaneous" hate crimes to carry out extremist agendas they fuel online. The author concludes that law enforcement should (1) standardize hate crime reporting across western nations, (2) monitor political discourse to predict and prevent the next right-wing attack, and (3) frame their understanding of hate crimes and right-wing terrorism as interconnected crimes that serve the same ideological purpose.

Key words: hate crime, far-right terrorism, extremism, right-wing terrorism

Introduction

Throughout the western world, a pressing security issue has emerged, threatening the livelihood of many nations' most vulnerable populations. Right-wing extremism has experienced an alarming surge in the past decade. From 2014-2020, deaths from right-wing terrorism rose 709%. Today, hate crimes account for 100% of deaths from ideological terrorism

globally.[901] These staggering figures do not even convey the true quantity of right-wing extremism, as many incidents are unreported.[902] This exists for two central reasons. The first is that the average victim or bystander may not know what constitutes an extremist attack. The second is because right-wing terrorism can fly under the radar of law enforcement and counterterrorism efforts. The western world's current terrorism infrastructure is not suited to investigate and prevent far-right attacks.[903]

A central dilemma in the effort to combat right-wing extremism is the relationship between hate crimes and terrorism. Many scholars have debated whether hate crimes and terrorism are "close cousins" or "distant relatives."[904] This paper aligns with an understanding of these crimes as closely related and often fluid. It is important to understand hate crimes and terrorism as fluid acts particularly because of the influence far-right bodies have on hate crime activity.

Right-wing terrorists operate outside many norms of modern terrorist organizations. The far-right does not serve as a "weapon of the weak" against a powerful enemy. Nor do extremist organizations take credit for terrorist attacks. Finally, there is a lack of hierarchy and centralized planned attacks within global right-wing networks. Instead, right-wing organizations produce vast amounts of propaganda and misinformation in public forums, allowing individuals to explore and "educate" themselves on far-right ideologies. This propaganda often reflects fringe beliefs within current political discourse. Some radicalized in these far-right spaces plan and execute terrorist attacks on their own – even without a formal membership to an extremist group. However, a much larger portion of those exposed

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[901] Institute for Economics & Peace, *Global Terrorism Index 2020: Measuring the Impact of Terrorism* (2020): 3. http://visionofhumanity.org/reports.

[902] Sarah Meyers, "Is There a Gap in Canada's Hate Crime Laws? The Identification of Soft Violence as a Tool for Current Right-Wing Extremist Social Movements." *Journal of Intelligence, Conflict, and Warfare* 2, no. 2 (2019): 1195. https://doi.org/10.21810/jicw.v2i2.1060.

[903] Daniel Koehler, "Right-Wing Extremism and Terrorism in Europe: Current Developments and Issues for the Future." *PRISM* 6, no. 2 (2016): 84-105 https://www.jstor.org/stable/10.2307/26470450.

[904] Colleen E. Mills, Joshua D. Freilich, Steven M. Chermak, "Extreme Hatred: Revisiting the Hate Crime and Terrorism Relations to Determine Whether They Are Close Cousins or Distant Relatives." *Crime and Delinquency* 63, no. 10 (September 2017): 1191-1223. https://www.doi.10.1177/0011128715620626.

to right-wing propaganda do not turn to violence but internalize the hateful and dangerous values espoused in these spaces. These individuals are primed for spontaneous calls to violence, as shown in conservative European protests.[905] This is a tactic of right-wing terrorism largely unexplored by counter-terrorism efforts.

As far-right activity gains traction throughout the western world, it would be beneficial for world leaders to consider how right-wing actors have largely avoided government crackdown. Right-wing terrorist activity can evade counterterrorist infrastructure by being mis-prosecuted as hate crimes. Law enforcement and counter-terrorist efforts could combat this unique threat by understanding the true interconnectivity between hate crimes and far-right terrorism.

Defining Hate Crimes

A hate crime is defined as a criminal act motivated by the perpetrator's prejudice towards the victim(s) real or perceived identity group.[906] As professor of criminal justice Colleen Mills and her research team explains, this activity is particularly menacing because hate crimes "attack notions of democracy, equality, human rights" that are titular to western society.[907] Such an act will often elevate levels of fear, mistrust, and a lack of a sense of safety in a community larger than the immediate targets.[908] These aspects of hate crimes reflect similarities with terrorism, which also attacks core values of democratic society and incites widespread fear, and is discussed in greater detail below.

In the western world, hate-motivated crimes have been increasing yearly. Between 2021 and 2022, hate crime incidents increased 11.6% in the

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[905] Koehler, "Right-Wing Extremism and Terrorism in Europe," 96.

[906] Daniel Koehler, "Right-Wing Extremism and Terrorism in Europe: Current Developments and Issues for the Future." *PRISM* 6, no. 2 (2016): 87. https://www.jstor.org/stable/10.2307/26470450.

[907] Mills et al., "Extreme Hatred."

[908] Meyers, "Is There a Gap in Canada's Hate Crime Laws?"

United States and 26% in England and Wales.[909] This trend continues through many western states, with nearly every updated database on hate crimes showing an annual increase in incidents. In Europe, the largest targets of hate crimes are migrants, with notable attacks on refugee camps and resettlement homes. America, with its uniquely twisted history of anti-Black racism, sees African Americans as the main target.[910] However, the exact figures for hate crimes are impossible to know, as there are numerous discrepancies with hate crime reporting. Many victims and witnesses do not report hate crimes, leaving crimes unreported and unprosecuted. Furthermore, in the European Union, "only eight members states record crime motivated by the victim's (perceived) sexual orientation."[911] Such discrepancies in reporting mean that the true rate of hate crimes and their targets is unknown, putting western states at a disadvantage for combatting an issue that so directly attacks core values of democracy and freedom. The European Union Agency for Fundamental Rights suggests that the EU should require members states to standardize hate crime legislation as well as publish data on the number of hate crime reports, police records, and convictions to properly combat the growing hate crime issue.[912]

Hate-motivated activity often reflects an extremity of current political discourse. For example, from 2021-2022 abortion clinics in America saw a 231% increase in burglaries, 229% increase in stalking, and a 100% increase in arson as the pro-life movement became a central pillar of the Republican agenda.[913] This relationship between mainstream public discourse and hate crimes reflects the starting point for many soon-to-be-radicalized extremists. Director of the German Institute on Radicalization

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[909] The United States Department of Justice, *FBI Releases Supplement to the 2021 Hate Crime Statistics*, Washington, D.C.: 2023. https://www.justice.gov/crs/highlights/2021-hate-crime-statistics; Grahame Allen and Yago Zayed, "Hate Crime Statistics." *House of Commons* Library. London: 2022. https://researchbriefings.files.parliament.uk/documents/CBP-8537/CBP-8537.pdf.

[910] The United States Department of Justice, FBI Releases Supplement to the 2021 Hate Crime Statistics.

[911] "Hate Crime in the European Union" European Union Agency for Fundamental Rights, 2012.

[912] Ibid.

[913] Oriana Gonzalez, "Report: 'Sharp Increase' in Crimes Against Abortion Clinics Post-Roe." Axios, 2023. https://www.axios.com/2023/05/11/crimes-violence-abortion-clinics-roe-v-wade.

and De-Radicalization Studies Daniel Koehler puts the onus on right-wing politicians for increasingly hateful rhetoric and discourse that inspires extremists. He writes, "the ambivalent standpoint for far-right parties toward violence, as well as their racist and xenophobic propaganda were conductive to right-wing terrorism."[914] The commonality of right-wing media in radicalizing hate crime perpetrators lays the foundation for law enforcement to monitor and prevent future crimes. Through analysis of right-wing mass media and political discourse, counter-terrorist forces can predict the next targets of a fringe extremist internalizing this rhetoric.[915]

There is an important distinction to be made between the scope of criminal acts that can be categorized as hate crimes. Hate crimes can be soft violence (e.g., a hate symbol painted in a public space) or kinetic (the use or planned use of violent force against a target). Data suggests that both soft and kinetic hate crimes positively correlate to a likelihood for more violence and far-right activity.[916] Because hate crimes are under-reported and under-prosecuted, it is essential that law enforcement and policy makers increase the public's understanding of what constitutes a hate crime and how to report such incidents.

Defining Far-Right Terrorism

Various governments, counter-terrorism organizations, and academics have different definitions for what exactly constitutes terrorism. Overall, these definitions require 5 characters: (1) politically motivated, (2) violent or threat of violence, (3) intentional targeting of civilians, (4) incite fear in a broader group, (5) perpetrated by a non-state actor.[917][918] Far-right terrorism easily fits this definition.

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[914] Koehler, "Right-Wing Extremism and Terrorism in Europe," 89.

[915] Ibid.

[916] Mills et al. "Extreme Hatred."

[917] "A Dark and Constant Rage: 25 Years of Right-Wing Terrorism in the United States." *Anti-Defamation League* (2017). https://www.adl.org/resources/report/dark-and-constant-rage-25-years-right-wing-terrorism-united-states

[918] Adrian Borunda, "Terrorism Definitions." *Department of Emergency and Military Affairs* (March 2016). https://dema.az.gov/sites/default/files/Publications/AR-Terrorism%20Definitions-BORUNDA.pdf.

There are two central political motivations for far-right terrorism: racially motivated white supremacy and anti-government movements. In the United States, these two categories make up 85% of far-right terrorism attacks since 1990.[919] White supremacy groups like the Proud Boys in the United States and the National Socialist Underground in Germany are the preeminent face of the far-right movement, touting neo-Nazi, anti-immigration, misogynistic ideologies that turn heads and headlines. Anti-government groups share a similar affinity for firearms and explosives as their white supremacist counterparts but are made up of surprisingly diverse members. Somewhat unexpectedly, anti-government organizations like the American "Patriot" movement have seen a steady rise in African American membership. The increase in far-right conspiracy theories online, particularly in the wake of the COVID pandemic, has likely contributed to the radicalization and recruitment of new members to anti-government far-right groups.[920] International destabilization and economic crises often increase radicalization. This is only exasperated by an international quarantine, wherein many people relied on the internet, home base for far-right propaganda and misinformation, to socialize. Despite their more diverse membership, anti-government right-wing groups are very passive towards racism and white supremacy in far-right sectors on- and offline. This passivity reflects on the "salad bar" extremism of some on the far-right, wherein radicalized members can choose from many targets for their hatred (people of color, women, immigrants, government officials). This leaves some, like shooter Ethan Miller hating "everyone and everything," as he wrote in his manifesto prior to killing himself and two others at a grocery store in Bend, Oregon.[921] The breadth of far-right values is important to note, as they may appear like distinct ideological factions but in reality, exist within the same threat landscape of radicalized right-wing beliefs.

Right-wing terrorism has many unique characteristics that challenge counterterrorism efforts. Terrorism is often referred to as a "weapon of the

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[919] Anti-Defamation League, "A Dark and Constant Rage."

[920] Christina Schori Liang and Matthew John Cross, "White Crusade: How to Prevent Right-Wing Extremists from Exploiting the Internet" *Geneva Centre for Security and Policy* 11 (2020).

[921] Daveed Gartenstein-Ross and Thomas Plant, "Composite Violent Extremism: A Radicalization Pattern Reshaping Terrorism," *Foundation for Defense of Democracy* (2023): 2,4. https://www.fdd.org/analysis/2023/04/18/composite-violent-extremism-a-radicalization-pattern-reshaping-terrorism//.

weak."[922] This phrase reflects on the upward nature of most terrorist attacks, in which the perpetrators are a minority or subjugated group using terrorism to attack a much more powerful enemy. Right-wing terrorism does not fit this mold. Right wing extremists attack downward or laterally, almost never in an upward fashion. The main targets of far-right attacks are minority groups (downward targets) and general civilians (lateral targets). This element of right-wing activity is arguably more insidious than the traditional use of terrorism as a weapon of the weak because the targets are often a nation's most vulnerable populations and fundamental notions of equality and basic human rights.[923]

Right-wing terrorism further breaks the mold of traditional terrorism because organized right-wing extremist bodies rarely take credit for attacks. Most terrorist groups will use the media frenzy around a terrorist attack to publicize their ideologies and hopefully gain new membership. Right-wing organizations do not claim responsibility for far-right terrorism in the same manner as jihadist terrorists and other premier organizations of terror.[924] This reflects on far-right actions as "message crimes" and the distinct path to radicalization for many right-wing actors. Right-wing terrorism often insights fear in a community and serves as a "warning" to the targeted population. As such, far-right groups do not need to claim credit for their action to get their message across. Scholars have defined this kind of violence as "message crimes."[925] Another reason that right-wing organizations do not claim credit for terrorist attacks is because far-right terrorists are usually stray dog actors, who are not explicitly working with a larger organization to plan and prepare their attack.[926] Right-wing groups greatly benefit from not taking responsibility for terrorists that spread their ideologies. By not claiming credit for terrorist attacks, far-right groups can continue to

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[922] Virginia Held, "Terrorism and War." *The Journal of Ethics* 8 (2004): 61. https://www.jstor.org/stable/25115781.

[923] Mills et al., "Extreme Hatred."

[924] Annelies Pauwels, "Rising Right-Wing Violence and Its Impact on the Fight against Terrorism." In Global Terrorism Index 2019: Measuring the Impact of Terrorism, Institute for Economics and Peace (2019): 80-81. http://visionofhumanity.org/reports80

[925] Ibid., 1196.

[926] Ibid.

operate outside the purview of the law, avoiding unwanted attention and a possible crackdown on activity.

Stray dog perpetrators sometimes post manifestos online before launching their attack, as in the case with the Christchurch shooting in New Zealand and the Tops Market shooting in Buffalo, New York.[927] Within both of these now infamous manifestos were references to the Great Replacement Theory, a white supremacist conspiracy theory that claims white society is being replaced by immigrants, Muslims, and people of color, in a "genocide by substitution."[928] This theory is incredibly racist and xenophobic, with deep ties to anti-Semitism. The Great Replacement Theory has been a central keystone to recent far-right terrorist attacks, reflecting on a key motivation for right-wing terrorists: defensive motivation. Right-wing extremists often believe that they are acting to "defend their turf" or neighborhood, whether that is from a minority group or an overbearing government.[929] The perceived threat that these extremists believe they are defending against is obviously bogus, but such motivations are important to understanding the nature of right-wing extremism and radicalization.

The final distinctive quality of far-right extremism that this paper addresses is its hierarchical structure or lack thereof. Unlike familiar forms of terrorism, far-right organizations rarely have defined leadership structures that plan and carry out attacks.[930] Instead, far-right organizations have a "segmentary" and decentralized structure for propagating violence.[931] As the Anti-Defamation League explains in its catalogue of right-wing terrorism in America,

> All of the perpetrators and alleged perpetrators… have ties
> to extremist ideologies, but not all of them actually have had

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[927] Ibid.

[928] "The 'Great Replacement' Conspiracy Theory: Fom the Fringe of White Supremacist Circles to the Mainstream." Global Project Against Hate and Extremism (2023). https://globalextremism.org/the-great-replacement/?gclid=CjwKCAjw5MOlBhBTEiwAAJ8e1tVxZdfCgZFOns1yJwvONrfalV57WQnV-fayfa5lCuCnCjptk-glVWRoC6gUQAvD_BwE

[929] Mills et al., "Extreme Hatred." 1195.

[930] Anti-Defamation League, "A Dark and Constant Rage."

[931] Meyers, "Is There a Gap in Canada's Hate Crime Laws?"

> connections to specific extremist groups… Even when extremists are connected to specific groups, they rarely commit their actions at the direction of the group.[932]

This radicalization allows far-right organizations to have a transnational spread of propaganda across many western countries, allowing this "leaderless resistance" to radicalize many actors without providing explicit guidance on how to launch an attack.[933] Instead of receiving plans from organized groups, radicalized right-wing extremists turn to past attacks to inspire their actions. Behavioral pathologists term this concept of decentralized radicalization and call to action as a "behavior contagion."[934] This explains why many far-right actors write manifestos that tout similar ideals and commit their acts in similar fashion despite not sharing membership with an extremist organization. The reality of the right-wing terrorist machine is that it exists without a strong hierarchical structure but spreads vast amounts of propaganda internationally. Around the western world, those exposed to far-right propaganda "educate" themselves, join and engage in forums, and see each other as inspiration for their own tactics.[935]

However, some members of online forums and conspiracy theory pages do not radicalize to the point of terrorism but remain active in right-wing spaces, sowing disdain for minorities and/or the government. Organized right-wing militias recognize this and manipulate situations to spontaneously radicalize non-militant extremists to violence. Koehler terms this phenomenon "hive" terrorism. He explains that right-wing militant organizations manipulate conservative protest movements to incite violence in large crowds and remain hidden. This terrorist tactic can encourage non-militant protestors to spontaneously join in on the violence. In almost all definitions, terrorism requires planning and preparation from actors. The spontaneous nature of certain actors in these protests-turned-to-ter-

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[932] Anti-Defamation League, "A Dark and Constant Rage."

[933] Jessie Blackbourn, Nicola McGarrity, and Kent Roach, "Understanding and Responding to Right-Wing Terrorism." *Journal of Policing, Intelligence and Counter Terrorism* 14, no. 3 (2019).

[934] "Is Right-Wing Terrorism on The Rise in The West?" *The Economist* (March 2019). https://www.economist.com/graphicdetail/2019/03/18/is-right-wing-terrorism-on-the-rise-in-the-west.

[935] Liang and Cross, "White Crusade"; Koehler, "Right-Wing Extremism and Terrorism in Europe," 87.

rorism deeply blurs the lines between terrorism and hate crime.[936] In following this trend of grey space between hate crime and terrorism, this paper explores a key strategy of right-wing extremists that counterterrorist measures have underestimated.

Interconnecting Hate Crimes and Far-Right Terrorism

Scholars have debated the relationship between hate crimes and terrorism, arguing whether these two acts are "close cousins" or "distant relatives." This paper's findings align with an understanding of hate crimes and right-wing terrorism as "close cousins." Furthermore, the delicate differences between hate crimes and far-right terrorism and our dependency on labeling extremist right-wing activity as one or the other limits our understanding of tactics and strategies distinctive to right-wing extremism. By recognizing the interconnectedness of hate crimes and right-wing terrorism, the west can develop counter-terrorism strategies molded to this unique threat.

The intent and effect of a hate crime is the same as right-wing terrorism. Both hate crime perpetrators and right-wing terrorists are motivated by hatred towards similar scapegoats (immigrants, minorities, people of color). Both acts seek to terrorize a broader group.[937] Moreover, hate crimes and right-wing terrorism both fall under the category of "message crimes," wherein the message of an act is understood without the actor(s) taking credit.[938] The lack of claiming credit for acts also reflects on the decentralized stray dog actors that carry out far-right agendas, who are often acting on their own accord rather than working with a larger organization.

The central characteristic academics cite for differentiating between hate crimes and right-wing terrorism is the lack of planning, preparation, and

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[936] Koehler, "Right-Wing Extremism and Terrorism in Europe," 87.

[937] Ibid.

[938] Mills et al., "Extremist Hatred," 1196.

resources required to commit a hate crime.[939] However, scholars recognize that right-wing activity can be confused for spontaneous hate crimes. Annalies Pauwels, a Belgian researcher on counterterrorism reflects on this conundrum in the 2019 *Global Terrorism Index*: "Right-wing terrorists have a history of not claiming responsibility for their attacks as their message is often straightforward… their violent acts are frequently considered isolated and near-spontaneous incidents."[940] This nature of far-right attacks as "near-spontaneous" explains how law enforcement can wrongly prosecute terrorists with only hate crime charges. Right-wing terrorists spend less time planning and preparing attacks than other terrorist actors. This reality blurs the line between what should be prosecuted as solely a hate crime and what is deserving of "the extraordinary levels of public, political, and law-enforcement attention" associated with terrorism.[941]

Mills and her research team at John Jay College of Criminal Justice proved that an increase in hate crime activity, soft or kinetic, increases the likelihood of right-wing activity and terrorist attacks.[942] When individuals are exposed and desensitized to far-right media online, they are more likely to commit violence against targeted groups, even in a spontaneous nature. Once a hate crime (of any nature) is committed, members within that community of similar ideologies can be inspired to commit crimes of their own, increasing the likelihood of a fatal attack.[943] This study shows the need for law enforcement to increase investigations into right-wing networks on- and offline, particularly in areas with high-levels of hate crimes.[944]

Organized far-right groups recognize the spread of their propaganda and misinformation online. They understand that many non-members are sympathetic to incredibly xenophobic, racist, and dangerous beliefs but have not radicalized to the point of terrorism. This wide-spread, international

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[939] Ibid.

[940] Pauwels, "Rising Right-Wing Violence and Its Impact on the Fight against Terrorism," 80-81.

[941] Daniel Koehler, "Violence and Terrorism from the Far-Right: Policy Options to Counter an Elusive Threat," International Centre for Counter-Terrorism (2019), 9.

[942] Mills et al., "Extremist Hatred."

[943] Ibid., 1199

[944] Pauwels, "Rising Right-Wing Violence."

group is much more likely to "spontaneously" commit a hate crime than your average civilian. The tactics displayed in European protests prove that organized terrorist groups understand the number and power within this non-violent sympathizer population. As a result, militants plan terrorist attacks at protests and rely non-members turn to join in on the violence when exposed to the thrill of a protest turned riot.[945] How can these tactics be defined? Surely, they are a form of terrorism. But what of the people who spontaneously join in on a planned terrorist attack? With the understanding that organized far-right groups explicitly use these tactics, hate crimes can be aligned as a strategic part of right-wing organizations. Through the spread of misinformation and propaganda, far-right organizations rely on radicalized parties to commit spontaneous hate crimes rather than planned attacks. This allows far-right organizations to further their mission to intimidate, eliminate, or "defend their turf" from minority populations all while evading "government crackdown."[946]

This labeling problem can have serious repercussions in efforts to combat far-right terrorism. In his policy analysis for counter-terrorist measures against right-wing groups, Koehler reflects, "the hate crime label can have the side effect of misrepresenting the true extent of far-right violence and terrorism."[947] Failing to prosecute terrorist strategies with terrorism charges deflates figures on right-wing violence, creating inaccurate threat assessments and underfunding in efforts to counter right-wing activity.[948] It is essential to recognize the interconnected nature of hate crimes and far-right activity to fight this increasingly prevalent threat.

Recommendations and Conclusion

The findings in this paper lead to many policy suggestions to help combat far-right terrorism in a thorough manner tailored to the specific nature

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[945] Pauwels, "Rising Right-Wing Violence."

[946] Koehler, "Right-Wing Extremism and Terrorism in Europe," 96-97.

[947] Koehler, "Violence and Terrorism from the Far-Right," 12.

[948] Pauwels, "Rising Right-Wing Violence," 81.

of right-wing extremist activity. It seems the emphasis should be put on three central changes to the current counterterrorism infrastructure that would increase the west's ability to fight far-right activity.

1. Increase efforts to report hate crimes throughout the western world. There is not a unified approach to hate crime reporting, prosecution, or research among western countries. This suggestion includes educating the general population about the various natures of hate crimes and how to report them to law enforcement. Furthermore, as inspired by the European Union Agency for Fundamental Rights, European Union members states and leaders of the western world should adopt legislations "to publish statistical data pertaining to hate crime."[949] Additionally, in a less public mode, participating countries should compare hate crime activity to analyze the international spread of right-wing extremism online.

2. Law enforcement and counter-terrorism units should follow the current trends in political discourse to identify targets of the next right-wing attack. Right-wing extremists follow mainstream political discourse and often begin their path to radicalization within the mass media. This explains why bias-motivated crimes against immigrants increased follow the 2016 American election, in which Republican political candidates espoused anti-immigrant opinions that fueled extremists' call to action.[950] More recently, the repeal of Roe v. Wade in America has increased hate crime incidents against abortion clinics.[951] These trends in right-wing activity can serve as a crucial tool to prevent and combat future incidents. This paper calls for an increase in investigations into trends in fringe political discourse and right-wing forums to predict the nature of – and prevent – the next far-right extremist violent crime.

3. Increased comprehension of the interconnected nature of hate crimes and far-right terrorist networks. Organized neo-Nazi and

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[949] European Union Agency for Fundamental Rights, "Hate Crime in the European Union," 2

[950] Heidi Beirich and Susy Buchanan, "2017: The Year in Hate and Extremism," *Southern Poverty Law Center* (February 2018). https://www.splcenter.org/fighting-hate/intelligence-report/2018/2017-year-hate-and-extremism.

[951] Gonzalez, "Report: 'Sharp Increase' in Crimes Against Abortion Clinics Post-Roe."

anti-government groups produce vast amounts of propaganda, misinformation, and conspiracy theories. Through the global reach of the internet, this media can desensitize many people to radical xenophobic, racist, and dangerous ideologies. Some of these groups radicalize to the point of committing terrorist on their own, as is the case with the Christchurch massacre, the El Paso shooter, and the Buffalo shooter. However, a large population becomes desensitized to extremist ideologies but do not plan or prepare terrorist attacks. Right-wing extremists rely on these sympathetic populations to commit hate crimes, spontaneously join riots, and defend radical action by others. This strategy is unique to right-wing terrorism and has been largely overlooked by counter-terrorist efforts. Prior studies have recognized the positive correlation between hate crimes and fatal right-wing activity.[952] This paper recommends further investigation into the use of hate crimes as a central tactic of international far-right extremists.

Far-right terrorism poses an increasing threat to western countries. This form of terrorism is unique to others and thus requires measures adapted to the manner that far-right activity operates. These policy suggestions are fit, based on research and literature from professionals in the counter-terrorism field, to fight the persisting and growing threat of right-wing violence.

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[952] Mills et al., "Extremist Hatred."

Trans Terror: LGBTQ+ Hostility and its Future in the Study of Domestic Terrorism

Kathryn LYTKOWSKI

Abstract: In the last decade, progress toward equality for LGBTQ+ people have slowed as the extreme right wing (XRW) develops into the primary terror bloc in the United States. This paper seeks to answer the questions of what grounds the XRW uses to justify their attacks against the LGBTQ+ community, and how their tactics play into the relationship between hate crimes and domestic terrorism. Distinctions are made among the hate crime and domestic terrorism theories through an investigation of United States legal code, and the analysis of LGBTQ+ hostility is conducted through historical and current demographics. The research is utilized in supporting a theory of ideologization, where the XRW evolves the LGBTQ+ identity into a conscious and insidious set of beliefs that target the "traditional American society" and its most vulnerable populations. The ideologization of LGBTQ+ people serve as an excuse for their persecution, legally and physically. Finally, conclusions are drawn about how ideologization may evolve to affect other marginalized populations.

Keywords: LGBTQ+, XRW, domestic terrorism, hate crimes, ideologization, discrimination

Abbreviations:
LGBTQ+: Lesbian, Gay, Bisexual, Transgender, Queer, Plus
XRW: Extreme Right Wing
MPC: Model Penal Code

Introduction

LGBTQ+ protections in the Western world have seen an unprecedented rise in the past decades, followed by a sudden backslide within the last few years. The West remains some of the safest places for expressions of LGBTQ+ identity, but political polarization and radicalization remain to challenge that notion. The hostility towards LGBTQ+ people can be most poignantly seen in the United States, where marginalization is occurring on multiple institutional levels. On the ground level, LGBTQ+ people have seen an increase in targeted attacks on their community, specifically resulting in higher instances of death and injury over the past decade. At the legal level, progress made in protecting LGBTQ+ people from discrimination and granting them the rights of other American citizens has been systematically rolled back. Discriminatory policies from the 20th century and earlier currently sit in courts all around America, waiting to be decided. Such has resulted in decreased political satisfaction, government legitimacy, and LGBTQ+ safety. The perilous situation for LGBTQ+ individuals must be investigated.

Fortunately, the academic world has also seen an increased interest in LGBTQ+ studies, and the rise in data and analysis has led to its larger political utilization. Most notably, instances of hate and terror have begun to be systematized in the larger picture of domestic terrorism. Debates over the nuances of hate crimes and domestic terror incidents have persisted since the study's inception. Hate crimes and domestic terror incidents share many similarities and often invoke each other but have traditionally operated in independent spheres. The predominant reason for this separation is the process of ideologization, where terrorists seek action to accomplish a collective goal while hate crime behaviors are targets of individual bias. However, the last two decades of far-right radicalization have shown a diversification of the terrorist organizations and have made way for bias to become politicized.

In this essay, I seek to pathologize the rise of the far-right in domestic terror and hate crime-related issues. I will explain in what ways LGBTQ+ terror has been overlooked, and how this history plays into the increased platforming

of extreme right-wing (XRW) hate today. In describing the enforcement mechanisms utilized to impose terror, I theorize that the XRW has empowered itself to commit a higher number of terror acts against LGBTQ+ people by ideologizing their identities. As a result, hate crime behaviors against LGBTQ+ people have arguably evolved into domestic terrorism. In the end, I hypothesize what this might mean for future terror studies and propose potential responses to lessen the evolving complexity of LGBTQ+ hate.

Domestic Terror and Hate Crimes

To begin a proper assessment of the nuances of terror experienced by LGBTQ+ people, it is important to make a differentiation between violent extremism and hate crime activity. Hate crimes and domestic terror scenarios share similar defining features, but differ in who perpetuates the action, and their motivation for acting. Hate crimes, at their most quintessential level, are defined as crimes "motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability."[953] While this definition is quite simplistic, it defines in the easiest of terms hate crime behavior as actions of terror and/or violence stemming from xenophobia.

The legal history of defining and prosecuting hate crimes is younger than publicly perceived. National hate crime data collection only became mandated in 1990 under the Hate Crimes Statistics Act. The Act required the Department of Justice to "collect and publish data about crimes motivated by hatred based on race, religion, ethnicity, and sexual orientation."[954] Notably absent from the first renditions of the bill were hate crimes on gender and gender identity, which would come about in 1993, through the introduction of the Hate Crimes Sentencing Enhancement Act. The purpose of this bill was to turn data collection into action; alarming information acquired through the Statistics Act pushed House Democrats to demand harsher penalties for hate crime perpetrators. Once again, the

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[953] "Learn about Hate Crimes," Department of Justice, June 16, 2022, https://www.justice.gov/hatecrimes/learn-about-hate-crimes.

[954] Hate Crimes Statistics Act of 1990, 28 U.S.C. § 534 (1990).

bill passed through with little resistance, ultimately being added to the Violent Crime and Law Enforcement Act of 1994.[955] The Clinton Administration would push towards the Hate Crimes Prevention Act of 1997, which would change the legal code to protect LGBTQ+ and disabled individuals against these attacks, who were previously excluded. Racial, religious, and national origin protections would be strengthened as well.[956]

The Hate Crimes Prevention Act of 1997 would stall in the House and Senate and would tragically only push forward in the wake of a year of nationally covered tragedies. Especially notable to this paper is the 1998 hate crime towards Matthew Shepard, a gay man who was beaten and left chained to a fence overnight in Laramie, Wyoming. After six days in the hospital, Matthew was pronounced dead in the hospital; his unwarranted death increased public support for the Hate Crimes Prevention Act to over half of the American population.[957] In 1999, the bill finally became law. The next nine years would see a completely different approach to LGBTQ+ people in hate crime legislature: rejection and deflection. George W. Bush became president in 2001, creating different priorities for the White House. While hate crime legislation was initially pushed, in response to retaliatory attacks against Muslims after 9/11, it would promptly be ignored as the United States moved into a series of wars. Congress introduced sentencing and enhancing acts for local law enforcement, allowing the national government to assist in seeking prosecution on a smaller scale.[958] Despite more than half of Americans, on all sides of the political spectrum, supporting the legislation, Bush struck these bills from the record by threatening a veto.[959] It wasn't until the Obama Administration when they would finally be adopted.[960]

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[955] "Hate Crimes Timeline," n.d., Human Rights Campaign, https://www.hrc.org/resources/hate-crimes-timeline.

[956] Hate Crimes Sentencing Enhancement Act of 1993, 28 U.S.C. § 994 (1993).

[957] "Hate Crimes Timeline," Human Rights Campaign.

[958] Ibid.

[959] Local Law Enforcement Enhancement Act of 2005, S.1145, 109th Cong. (2005); Local Law Enforcement Hate Crimes Prevention Act of 2009, H.R.1913, 111th Cong. (2009).

[960] "Hate Crimes Timeline," Human Rights Campaign; The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249(a)(2).

The age and continuous development of hate crime legislature has allowed it to be one of the most well-defined concepts in the United States legal code. 18 U.S. Code § 249 is commonly referred to as the federal hate crime statute. Not only does it define what offenses are considered hate-based, but it also suggests minimums for sentencing based on the type of crime produced. The code also offers situational exceptions that would still be based under hate crime law.[961] Even though the U.S. federal hate crime legislature stands as a significantly well-produced piece of legal code, it has little power in the context of the United States. The code can only be utilized if the federal government elects to charge an individual with a hate crime, which it often has little jurisdiction to do.[962] This conflict predominantly arises from the structure of the United States government; typically, the states are compelled to bring a hate crime case.[963] While the legal code covers federal parameters of charging, it has no implications for the types of state hate crimes codes that may be created. For this reason, states are wildly inconsistent when it comes to decision to charge something as a hate crime. In terms of LGBTQ+ people, 13 states do not consider sexual orientation or gender identity in hate crime law, and 4 states have no hate crime code whatsoever.[964]

Domestic terror shares a deeply different series of definitions and histories compared to hate crimes. While there is a broadly agreed upon definition of a hate crime, there are a handful of terrorism definitions, both in the academic and legal sense. Generally, though, these definitions share some common overlap in their understanding of intention. Like hate crimes, domestic terrorism looks to cause fear; nevertheless, this fear is intended for a larger, and typically more diverse, audience. The actions in domestic terrorism are similarly "dangerous to human life."[965] Finally, domestic terror

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[961]   Hate Crime Acts, 18 U.S.C. § 249.

[962]   Rashawn Ray, 2021, "Why Is It So Hard for America to Designate Domestic Terrorism and Hate Crimes?" *Brookings*, March 18, 2021, https://www.brookings.edu/articles/why-is-it-so-hard-for-america-to-designate-domestic-terrorism-and-hate-crimes/.

[963]   Ibid.

[964]   "Equality Maps: Hate Crime Laws," Movement Advancement Project, https://www.lgbtmap.org/equality-maps/hate_crime_laws.

[965]   Definitions, 18 U.S.C. § 2331(5).

is highly ideological. Domestic terrorism is propelled with the intention to cause social change, whether through the "intimidat[ion] or coerc[ion of] a civilian population" or "governmental policy or conduct."[966] In domestic terror scenarios, these ideological goals come from local sources, such as those of a political, religious, social, racial, or environmental nature."[967] Domestic terror is defined federally along these lines in 18 U.S. Code § 2331(5), and was recently broadened to include governmental change via "mass destruction" under the USA Patriot Act of 2001.

Domestic terrorism in the United States has been documented and challenged since as early as the 1920s and has seen a lot of scholarly work in unpacking its evolution. Terrorism in the United States and beyond has been broadly explored in David Rapoport's work on the "Four Waves of Modern Terrorism," and while not all waves directly correspond to the domestic situation, they fixate onto each other quite well.[968] The earliest wave of domestic terrorism was anarchist, the simplest form of terror which encompasses a wide array of activities toward governmental demise. Early examples included primarily bombings of government institutions, like banks and police departments.[969] The next stage, anti-colonial terrorism, is notably less applicable to the United States, but connects through the Civil Rights Movement. Much of the decolonization of Africa, which corresponded with the second wave of terrorism, was inspired by liberation movements for racial equality in the United States.[970] While much of the movement was peaceful, there are certain subsections in which condoned terroristic actions. Even if these actions caused moralistic good, they can still be perceived as terror under the definition.

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[966] Peter Berris, Michael Foster, and Jonathan Gaffney, 2021, "Domestic Terrorism: Overview of Federal Criminal Law and Constitutional Issues," R46829, *Congressional Research Service*, https://sgp.fas.org/crs/terror/R46829.pdf.

[967] "Terrorism: Definitions," 2023, Federal Bureau of Investigation. June 15, 2023, https://www.fbi.gov/investigate/terrorism#:~:text=Domestic%20terrorism%3A%20Violent%2C%20criminal%20acts,%2C%20racial%2C%20or%20environmental%20nature.

[968] David Rapoport, 2022, *Waves of Global Terrorism: From 1880 to the Present*.

[969] Ibid., 65-110; Jeffrey B. Kaplan, 2016, "Waves of Political Terrorism," *Oxford Research Encyclopedia of Politics*, November, 4-5, https://doi.org/10.1093/acrefore/9780190228637.013.24.

[970] Kaplan, "Waves of Political Terrorism," 5.

The most substantial wave in United States terror, up until now, of course, was the New Left, a calculated domestic movement that occurred from the 1960s until the 1980s. U.S. left-wing terror organizations were significantly smaller than those in Europe or even around the world, but they were just as lethal. Left-wing groups committed just under half of all terrorism attacks and deaths in the United States during the 1970s, not including separatist groups, who commonly sympathized with the New Left during this period.[971] This period also saw the greatest quantity of attacks, with the 1970s recording 1,471, with a large majority being domestic.[972] The next wave would be religious or jihadist terrorism until the early 2010s; this wave is admittedly not domestic. However, it is important not to rule out the domestic influence this wave would have in developing the next one. Later in the paper, the linkage between religious and extreme right wing (XRW) terrorism is clarified, but in short, XRW terrorism responds to jihadism by both justifying their religious extremism (typically in Christianity) and creating a persecution complex toward those who embody jihadism, i.e., invoking hate activity and speech against immigrants and Muslims.[973]

Domestic terrorism witnesses the complete opposite situation of hate crimes when it comes to the legal system. Domestic terrorism charges have been more regularly applied to state-level cases than to federal ones. This phenomenon is primarily because the federal government does not have a guideline for how to pursue domestic terrorism charges. There is no criminal code that designates domestic terrorism as a distinctly illegal act.[974] For this reason, domestic terror situations are often pursued with

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[971] Erin Miller, 2017, "Ideological Motivations of Terrorism in the United States, 1970-2016," *Global Terrorism Database*, START, 2, https://www.start.umd.edu/pubs/START_IdeologicalMotivationsOfTerrorismInUS_Nov2017.pdf.

[972] Ibid., 2.

[973] Vincent A Auger, "Right-Wing Terror: A Fifth Global Wave?" *Perspectives on Terrorism* 14, no. 3 (2020): 92. https://www.jstor.org/stable/26918302; Arie Perliger, "Tactics of the American Far Right," in *American Zealots: Inside Right-Wing Domestic Terrorism*, 70-89, Columbia University Press, 2020, http://www.jstor.org/stable/10.7312/perl16710.7.

[974] Ray, "Why Is It So Hard for America to Designate Domestic Terrorism and Hate Crimes?"; Myre, Greg, 2017, "Why The Government Can't Bring Terrorism Charges In Charlottesville," *NPR*, August 14, 2017, https://www.npr.org/2017/08/14/543462676/why-the-govt-cant-bring-terrorism-charges-in-charlottesville.

less extremity than necessary for the circumstances, or not pursued at all. Such was the case in the 2017 Charlottesville attack, where a white supremacist purposely drove his car through a crowd of counter protesters. Not all scholars are eager to make domestic terrorism a federal, criminal act, perceiving the dangers of potentially criminalizing ideology.[975] Nevertheless, the idea remains popular, given the fact that an international terror criminal charge exists at this time. States may add domestic terror enhancements, but this has no legal uniformity and is done at the discretion of the state.[976]

Hate crimes and domestic terror incidents share similar actions and outcomes, but the intentions and perpetrators are critical in making their distinction. Generally, domestic terrorists seek revolution, while hate crime perpetrators seek retribution. Domestic terror incidents, as previously outlined, are meant to cause a change in public and/or governmental attitude, leading to a change in social or political institutions.[977] While domestic terrorists may hold beliefs that contain xenophobic rhetoric, the rhetoric is often a part of a larger ideological movement. The discrimination and terror are often the means to an end, not the goal. For hate crime actors, the intention is much simpler; the discrimination is the end.[978] Even if perpetrators wish for an ideological revolution, resulting in the elimination of their selected bias, they are not acting with that intention in mind. Some describe hate crimes as being much more personal than political; while that perspective is complicated by the fact that personal identity is frequently politicized in society, the simplicity of that narrative rings true in the analysis of hate crime actors.

In terms of perpetuation, hate crimes are often performed by a single individual while domestic terrorism is often a network of individuals or a group. It is essential to note that domestic terrorism movements are evolving in

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[975] Myre, "Why The Government Can't Bring Terrorism Charges In Charlottesville."

[976] Ibid.; Ray, "Why Is It So Hard for America to Designate Domestic Terrorism and Hate Crimes?"

[977] Miller, "Ideological Motivations of Terrorism in the United States," 1; "MMP: Mapping the Global Far-Right," n.d. Freeman Spogli Institute, https://cisac.fsi.stanford.edu/mappingmilitants/far-right-extremism#page_title_35057

[978] Lisa Sacco, 2022, "Sifting Domestic Terrorism from Domestic Violent Extremism and Hate Crime," *Congressional Research Service*, https://crsreports.congress.gov/product/pdf/IN/IN10299/13.

complexity. While past domestic terrorists relied on a close, often person-al, relationship to perpetrate their crimes, the Internet has revolutionized how these relationships work in an ideological context. Most domestic ter-rorists are now "lone actors," meaning they primarily commit acts of ter-ror on their own.[979] However, "lone actors" should not be confused with acting alone. These individuals are commonly supported through online forums, which may contribute to the radicalization of the individual's ac-tions.[980] While the lone actor may not pledge formal allegiance or declare their crime on behalf of a particular organization, they are often loosely associated with an extremist network. For new wave XRW terrorists, this may be a network like QAnon. While the actor's work may look independ-ent, this independence is often just in role, as now, domestic terrorists can have looser, differentiated roles under a larger ideological movement.[981] Hate crimes perpetrators, on the contrary, do not usually have this net-work, and instead, hold individual and disconnected biases.[982]

Clarifying the differences between hate crimes and domestic terror in-cidents is particularly poignant because of the legal and social ramifica-tions. Two recent cases describe how the LGBTQ+ community has been affected by classification of terror activity: the Pulse and Club Q Nightclub shootings. In 2016, a U.S. citizen entered the Pulse, an LGBTQ+ nightclub in Orlando, Florida, and open-fired, killing 49 people and injuring 53.[983]

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[979] "Terrorism: Definitions," Federal Bureau of Investigation.

[980] Ibid.; Auger, "Right-Wing Terror," 92; Paul Barrett, Justin Hendrix, and Grant Sims, 2021, "How Tech Platforms Fuel U.S. Political Polarization and What Government Can Do About It," *Brookings*, September 27, 2021, https://www.brookings.edu/articles/how-tech-platforms-fuel-u-s-political-polar-ization-and-what-government-can-do-about-it/.

[981] "MMP: Mapping the Global Far-Right," Freeman Spogli Institute.

[982] In an association study of hate crimes with domestic terrorism, researchers found that there was a strong relationship between increasing hate crimes after a terror attack, but not in a reverse analysis of hate crimes as a precursor to terrorism. While the authors do acknowledge that hate attacks can result in domestic extremism, it is not a statistically significant outcome. What is implied, then, is that hate crimes lack the evolutionary step needed to pathologize discriminatory behavior; outside influences are needed for this change. Please refer to: Kathleen Deloughery, Ryan S. King, and Victor Asal, 2012, "Close Cousins or Distant Relatives? The Relationship between Terrorism and Hate Crime," *Crime & Delinquency* 58 (5): 663-88, https://doi.org/10.1177/0011128712452956.

[983] Doug Meyer, 2019, "Omar Mateen as US Citizen, Not Foreign Threat: Homonationalism and LGBTQ Online Representations of the Pulse Nightclub Shooting," *Sexualities* 23 (3): 250, https://doi.org/10.1177/1363460719826361.

Similarly, in 2022, an U.S. national conducted a mass shooting at Club Q, another LGBTQ+ spot in Colorado Springs, killing five and injuring 25.[984] In the Pulse nightclub shooting, Florida law enforcement officials immediately listed the act as domestic terrorism; yet, in the following trial procedures, even hate crime charges were avoided.[985] The idea behind this outcome at the time was that both the federal government and the State of Florida could not completely explain the shooter's behavior as being bias-related.[986] While the perpetrator was ultimately charged with terrorism, it was for his allegiance to Islamic extremism online.[987] In Club Q, hate crime charges were filed and realized but domestic terrorism charges were not approached for similar reasons.[988] Club Q is complicated by the shooter's claim of being non-binary, protecting the actor from terror counts, despite disclosing interest in attacking LGBTQ+ people in online chatrooms and having content in home that demonstrated intentions to terrorize the community.[989]

The shootings showcase the destabilizing line between hate crimes and domestic terror situations. While premeditation, social networks of extremism, and continuous intentions beyond that night largely suggest domestic terror, others may see these events solely as one-off hate crimes.

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[984] Slevin, Colleen, 2023, "Detective: Colorado Springs Club Shooter Ran Neo-Nazi Site," *AP News*, February 22, 2023, https://apnews.com/article/colorado-springs-crime-hate-crimes-d2379dce03c66e-a3bc0faa2c5ffb7c21.

[985] Meyer, "Omar Mateen as US Citizen, Not Foreign Threat," 262.

[986] In certain states, LGBTQ+ hate crime activity needs to be a fully intentional act. If there are other intentions at play, states may choose to decline hate crime charges toward a specific community. Because Mateen pled his allegiance to ISIS before the shooting, the State of Florida assumed that the mission was solely jihadist. This overlooks the legitimacy of the hate crime claims, as Mateen was reported to have engaged with men on gay dating apps. Another underreported element of the Pulse shooting was that it was Latino night, meaning the victims were predominantly from the racial group. In the same report, Mateen was said to have had a relationship with a Puerto Rican male, and that their breakup served as a factor in targeting Pulse as the location of the shooting. Please refer to: Hennessy-Fiske, Molly, Jenny Jarvie, and Del Quentin Wilber, 2016, "Orlando Gunman Had Used Gay Dating App and Visited LGBT Nightclub on Other Occasions, Witnesses Say," *Los Angeles Times*, June 13, 2016, https://www.latimes.com/nation/la-na-orlando-nightclub-shooting-20160613-snap-story.html; Meyer, "Omar Mateen as US Citizen, Not Foreign Threat."

[987] Meyer, "Omar Mateen as US Citizen, Not Foreign Threat," 255.

[988] Slevin, "Colorado Springs Club Shooter Ran Neo-Nazi Site."

[989] Ibid.

This paper does not intend to decide on the application of these labels. Yet, it is crucial to note that the uncertainty in making domestic terrorism charges can often translate as leniency, which can be further utilized by extremists to commit more crimes.

LGBTQ+ Terror: Past and Present

The extremism situation with LGBTQ+ people is complicated by the previously described lack of data, but state-sanctioned violence has built the foundation for present-day actions as well. Most poignant in the study of LGBTQ+ terror is the *de jure* regulation of LGBTQ+ people and conduct through anti-sodomy laws. Sodomy laws appear as early in the American background as the 17th century, albeit loosely regulated.[990] There are many theories held for why this might be: early skepticism of religious-based morality, lack of centralized processes for punishment, a more libertarian democratic model, or even homosexuality's apathetic impact on gendered labor division.[991] While penal codes of states demonstrated a harsher penalty for sodomy practices, such as execution or life imprisonment, many sodomy cases, especially those of homosexuality, were *de facto* permitted, given discretionary action from the perpetrators.[992]

The 18th century would see the Great Awakening, better known as the Religious Revival, lend itself to pursuing a moralistic code for American society. There are theorized to be four Great Awakenings in American history, with the two longest and most successful from a cultural and legal perspective occurring in the 18th and 19th centuries.[993] Primarily what these waves sought to do was to create a distinctly American form

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[990] Richard Weinmeyer, 2014, "The Decriminalization of Sodomy in the United States," *American Medical Association Journal of Ethics* 16 (11): 916, https://journalofethics.ama-assn.org/sites/journalofethics.ama-assn.org/files/2018-05/hlaw1-1411.pdf.

[991] Margot Canaday, 2015, "We Colonials: Sodomy Laws in America," The Nation, June 29, 2015, https://www.thenation.com/article/archive/we-colonials-sodomy-laws-america/.

[992] Weinmeyer, "The Decriminalization of Sodomy in the United States," 916.

[993] Geoffrey R. Stone, 2010, "The Second Great Awakening: A Christian Nation?" *Georgia State University Law Review* 26: 1307, https://readingroom.law.gsu.edu/gsulr/vol26/iss4/10.

of Christianity.[994] Since the nation itself was built with religious skepticism in mind, the goals of the early Christian waves were to add institutional and social references to the makeup of American society.[995] One way that this was accomplished was the transformation of religious doctrines into legal codes.[996] "Religious categories like *demonic possession, drunkenness*, and *sodomy* were transformed into the scientific categories of *insanity, alcoholism*, and *homosexuality.*"[997] These codes would only become more complex with time.

By the 19th century, cracks became evident in the execution of the sodomy laws for morality purposes. The greatest issue discovered was that sodomy existed within a broad list of impermissible ideas, which often carried the same sentence. Sodomy belonged to a group of "crimes against nature, committed with mankind or with beast."[998] It was considered equally along crimes of either lesser or greater obscenity, ranging from the distribution of perverse material, all the way up to acts of incest. Because many of these acts were given equal classification, only the most corrupt ones were sought. Sodomy, which was identified differently than public obscenity, was relatively private, and hence, did not immediately lend to the depravation of "public morals and decency."[999] Moreover, sodomy laws were so broadly constructed that they did not meet the new underlying intention coming from the 18th century, which was in punishing and imprisoning homosexuals. Early common-law definitions demonstrate sodomizing scenarios involving women and men as equally illegal.[1000] Furthermore, *de facto* realizations of the law were often invoked in non-consensual cases. Court records historically demonstrate the overuse of the sodomy law in cases of rape

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[994] Ibid., 1307-8.

[995] Ibid., 1329-30.

[996] Weinmeyer, "The Decriminalization of Sodomy in the United States," 916.

[997] Jack Drescher, 2015, "Out of DSM: Depathologizing Homosexuality," *Behav Sci (Basel)* 5 (4): 568, https://doi.org/10.3390/bs5040565.

[998] Weinmeyer, "The Decriminalization of Sodomy in the United States," 916.

[999] Ibid.

[1000] Ibid.

and pedophilia, not in consenting, homosexual behavior.[1001] Some legal language even demonstrates sodomy laws as more of a protector, preventing women, children, and "weak men" from being sexually assaulted.[1002]

The 20th century saw a complete inversion of this lackadaisical approach to sodomy laws as restrictions were tightened to specifically target LGBTQ+ people. Technically, punishments for sodomizing behavior were nationally lowered from a capital crime to one that could be at most charged with life in prison; in practice, a more regulatory and authoritative approach to policing LGBTQ+ people came about.[1003] This change was primarily realized in the McCarthy era when Senator Joe McCarthy induced a persecution campaign against behaviors seen as "un-American." While McCarthy's campaign was primarily focused on the extermination of Communists from government spaces, better known as the Red Scare, LGBTQ+ people were swept up in a scare of their own.[1004] An estimated five thousand LGBTQ+ people were expelled from their government jobs based on the interconnection between communism and homosexuality, a claim made by McCarthy himself based on "peculiar mental twists."[1005]

The scare tactics of the 1950s were effective in further justifying legal discrimination of LGBTQ+ people, despite what scientists of the early 20th century discovered about the natural processes of human sexuality and gender identity. While McCarthy never directly quoted his source for his claims on homosexuality as a mental disorder, the narrative had come to be deeply popularized in the American psychology industry. Homosexuality was understood as a pathology, stemming from inadequate parenting, by Hungarian immigrant Sandor Rado, who would gain significant legitimacy

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[1001] Cato Institute, Amicus Curiae Brief in Support of Petitioners, Lawrence v Texas, 539 U.S. 558, 9 (2003) (No. 02-102), 12, http://object.cato.org/sites/cato.org/files/pubs/pdf/lawrencevtexas.pdf.

[1002] Ibid., 11; Weinmeyer, "The Decriminalization of Sodomy in the United States," 916.

[1003] Christopher R. Leslie, 2000, "Creating Criminals: The Injuries Inflicted by 'Unenforced' Sodomy Laws," *Harvard Civil Rights-Civil Liberties Law Review* 35 (January), 105-6, http://works.bepress.com/christopher_leslie/13/; Weinmeyer, "The Decriminalization of Sodomy in the United States," 916.

[1004] Weinmeyer, "The Decriminalization of Sodomy in the United States," 916-7.

[1005] Judith Adkins, 2016. "'These People Are Frightened to Death': Congressional Investigations and the Lavender Scare." *Prologue Magazine* 48 (2). https://www.archives.gov/publications/prologue/2016/summer/lavender.html.

in the sphere from his work on psychosis.[1006] Rado carried a lot of respect in the field, and his perspective would be paramount in solidifying both homosexuality and transgender identity as a mental illness in the Diagnostic and Statistical Manual of Mental Disorders until 1987.[1007]

The reform of the Model Penal Code (MPC) looked to serve as the transition towards decriminalization, but in fact, would further hurt LGBTQ+ people in the years before the mass deregulatory wave. The criminalization of sodomy was deeply unpopular with the American Law Institute at this time, and in 1955, the board voted to remove its statute from the MPC.[1008] This change coincided with the next decade of Supreme Court decisions respecting privacy under the Due Process Clause of the Fourteenth Amendment, including *Griswold v. Connecticut*, *Eisenstadt v. Baird*, and *Roe v. Wade*.[1009] There were two failures of this change, though. First, states were not required to adopt the changes implemented in the new MPC; in some cases, officials even reinstated criminalization that was previously rolled back.[1010] Secondly, the American Law Institute struck a compromise with more conservative states to criminalize solicitation of sodomy instead of the act itself.[1011] Not only was this counterintuitive, as the few sodomy charges filed were conducted in non-public settings, but it also lowered the burden of proof significantly, making it easier for implicit bias to occur in policing.[1012]

[1006] Drescher, "Out of DSM," 569.

[1007] Ibid., 571.

[1008] Weinmeyer, "The Decriminalization of Sodomy in the United States," 917.

[1009] Due process has obviously evolved quite a bit even in the last two years. In 2022, the Supreme Court overturned *Roe v. Wade* in their *Dobbs v. Jackson Women's Health Organization* decision, arguing that Due Process was not applicable nor relevant to abortion cases. In his concurrence, Thomas argued that Roe v. Wade's precedent in due process was "demonstrably erroneous," and that the Court had a duty to "reconsider all of this Court's substantive due process precedents." Time will tell whether due process will remain a strong point to privacy claims, as it has done in the past. See: *Griswold v. Connecticut*, 381 U.S. 479; *Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Roe v. Wade*, 410 U.S. 113 (1973); *Dobbs v. Jackson Women's Health Organization*, 597 U.S. __ (2022).

[1010] The most notable case of law reversal came from the desk of former President Bill Clinton during his time as the Arkansas State Attorney General. Please refer to: Cato Institute, Amicus Curiae Brief in Support of Petitioners, 16.

[1011] Canaday, "We Colonials."

[1012] Hugh Ryan, 2019, "How Dressing in Drag Was Labeled a Crime in the 20th Century," *HISTORY*, June 28, 2019, https://www.history.com/news/stonewall-riots-lgbtq-drag-three-article-rule.

It is critical to note that sodomy was not the only way LGBTQ+ people were regulated; transgender individuals were specially held to a higher level of scrutiny under the law and faced greater legal challenges. Crossdressing laws were formulated from unrelated masquerade laws, which looked to solve issues of impersonation; impersonation was common amongst 19th-century farmers who dressed in traditional Native American garb to avoid paying local taxes.[1013] The gendered effects of the Great Awakening saw this law enforced for creating a strong gender binary.[1014] Since physical presence is much harder to argue than sexual intentions, transgender individuals helped predict the target of LGBTQ+ harassment. While there was no clear rule against cross-dressing, per se, how the police utilized the masquerade law made gender queerness *de facto* illegal.

As previously documented, the legality of these discriminatory events has made it hard to quantify the effect on the LGBTQ+ community. Nevertheless, oral and written accounts from the period describe the types of hurt members of the group experienced. Reports highlight physical roughness from cops, either in the process of arrest or before the arrest was made.[1015] Police would purposely goad LGBTQ+ people into propositioning them to make more arrests. If this was unsuccessful, they usually two-timed them, bringing a lower-level charge like "public drunkenness" first as a gateway into finding more information on their sexuality or gender identity.[1016] Transgender people suffered the worst harassment, normally being forced to publicly strip or expose themselves to check if their presentation aligned with their biological sex.[1017] The legal system existed to ostracize LGBTQ+ people, creating terror with the hopes that individuals would seek to align with heteronormative society.

[1013] Ibid.

[1014] By gender binary, I refer to the binary of roles in which women and men can take. The binary became particularly valuable during the Second Great Awakening, as the family became a regulation of the State. Please refer to: Stone, "The Second Great Awakening," 1329.

[1015] Leslie, "Creating Criminals;" Hugh, "How Dressing in Drag Was Labeled a Crime in the 20th Century."

[1016] Ibid., 131-2.

[1017] Hugh, "How Dressing in Drag Was Labeled a Crime in the 20th Century."

It was not until the 1970s when LGBTQ+ activism, coupled with the progressive moment of states when the legal and political situation for LGBTQ+ people improved slightly. Since the early 2000s, both laws have become significantly less legitimate, with sodomy being overturned altogether.[1018] While the West celebrates progress in this realm, with rulings such as marriage equality, the fight is far from over.[1019]

The American Right-Wing, Extremism, and LGBTQ+ People

In the last thirty or so years, the United States has seen one of the worst terrorism situations of all Western nations. The country ranks at position 30 on the Global Terrorism Index, reporting a score of just under five out of ten, with ten being the most extreme. This lands the country in the top 20% of the world's most drastic terrorism cases.[1020] The United States' challenges with terrorism have been substantially documented through David Rapoport's "Four Waves of Modern Terrorism."[1021] While a moderate amount of debate exists about the wave, scholars generally agree that the extreme right wing (XRW) is the newest terroristic concern. The agreement is so broad sweeping that the Department of Homeland Security has declared it as the "most severe terroristic threat" annually since 2020.[1022]

Defining the far-right is a difficult task, as the group contains many broad interests connected in an innovative loose network. Generally, the only

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[1018] Weinmeyer, "The Decriminalization of Sodomy in the United States," 919-20.

[1019] *Obergefell v. Hodges* holds marriage equality across the United States, but it would be reductive to say that marriage is the great equalizer in human rights. Many states lack discrimination and, as previously noted, hate crime protections. The Supreme Court's recent ruling in *303 Creative v. Elenis* may further impact LGBTQ+ people, as businesses have been given the greenlight to refuse service with little clarity on legal scrutiny. Please refer to: *Obergefell v. Hodges*, 576 U.S. __ (2015); *303 Creative LLC v. Elenis*, 600 U.S. __ (2023); Nour Rahal, and Jeanine Santucci, 2023, "Michigan Hair Salon Studio 8 Turns Away Trans Clients, Limiting Service for LGBTQ Patrons," *USA Today*, July 12, 2023, https://www.usatoday.com/story/news/nation/2023/07/12/studio-8-hair-lab-traverse-city-refuses-trans-clients/70406640007/

[1020] "Global Terrorism Index 2023: Measuring the Impact of Terrorism," 2023, Institute for Economics & Peace, https://www.visionofhumanity.org/wp-content/uploads/2023/03/GTI-2023-web-170423.pdf.

[1021] Rapoport, *Waves of Global Terrorism*; Kaplan, "Waves of Political Terrorism."

[1022] "MMP: Mapping the Global Far-Right," Freeman Spogli Institute.

agreed-upon common trait of the right-wing base is "preservation of the past."[1023] Scholar Vincent Auger defines this as a "label of convenience," an illusionary interest that holds a widely diverse and unstable group together.[1024] Even with the variety of goals, the Institute for Economics and Peace identifies "strident nationalism (usually racial or exclusivist in some fashion), fascism, racism, antisemitism, anti-immigration, chauvinism, nativism, and xenophobia" as essential values in the far-right base.[1025]

Notably, there are distinct divisions in the right-wing base that have helped predict movement goals and tactics. Probably most known in the base is the white supremacist far right. The goal within this group is to primarily maintain racial purity, an ideology that idealizes racist and separatist images of the past.[1026] While the work in the white supremacist movement is primarily racial, LGBTQ+ identity is popularly used in this base to further support the "Great Replacement "theory. White supremacists uphold that LGBTQ+ identity is "promoted by Jewish elites to decrease white birth rates and aid supposed Jewish plans to 'replace' the white population with Black and Brown people."[1027] While traditional Southern white supremacist groups focus primarily on Black and Brown discrimination, new-age white supremacists, such have skinheads, spout the LGBTQ+/racism ideology.[1028]

The next group is the militia, anti-government far right. Militias make up the minority of far-right movements, coming in at around 2% of all recorded XRW attacks.[1029] However, militia activity has become increasingly more dangerous in the last two decades.[1030] In 2021, the Center for Strategic

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[1023] Auger, "Right-Wing Terror," 88-9.

[1024] Ibid., 88.

[1025] Ibid.; "Global Terrorism Index 2023: Measuring the Impact of Terrorism."

[1026] "MMP: Mapping the Global Far-Right," Freeman Spogli Institute; Perliger, "Tactics of the American Far Right," 88.

[1027] Center on Extremism, 2022,"What Is 'Grooming?': The Truth Behind the Dangerous, Bigoted Lie Targeting the LGBTQ+ Community," *ADL* (blog), September 16, 2022, https://www.adl.org/resources/blog/what-grooming-truth-behind-dangerous-bigoted-lie-targeting-lgbtq-community.

[1028] Perliger, "Tactics of the American Far Right," 78.

[1029] Ibid., 74.

[1030] "MMP: Mapping the Global Far-Right," Freeman Spogli Institute.

and International Studies discovered that police and government officials had become the top target for violence in far-right demonstration-related attacks.[1031] Militia terrorists should serve great concern to LGBTQ+ individuals, as far-right attacks perpetuated at "public demonstrations" more than half of recorded time.[1032] Such attacks may include pride events or LGBTQ+-affirming protests.

Finally, is the religious right, or the Christian ideological group. The religious right often coincides with anti-abortion terrorism, despite being slightly different.[1033] Christian ideology remains important to the discussion on XRW because it is often perceived as the retaliatory progression of Rapoport's fourth wave of jihadist terrorism. While pure Christian ideology is not spouted as it was in the early 2000s, Christian extremism has become embedded, and arguably hidden, in other parts of the far-right movement. Christian symbols are often co-opted for propaganda purposes as a lead-in to other forms of XRW action.[1034] It has also been found that Christian ideology can be repurposed in rational terms to legitimize it in the current state of today's debate. Either way, anti-LGBTQ+ readings of Christian literature should remain a concern for LGBTQ+ people.

In short, every form of American XRW terrorism endangers LGBTQ+ people, and in many cases, these fears have been realized. In 2021, the Federal Bureau of Investigation reported 1,121 hate crimes relating to sexual orientation and 266 related to gender identity.[1035] Sexual orientation makes up the second greatest reported hate crime factor, below race/ethnicity/nationality.[1036] Together, LGBTQ+ identity can be contributed to around

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[1031] Catrina Doxsee, Seth G. Jones, Jared Thompson, Kateryna Halstead, and Grace Hwang, 2022, "Pushed to Extremes: Domestic Terrorism amid Polarization and Protest," *Center for Strategic and International Studies*, 3-4 https://www.csis.org/analysis/pushed-extremes-domestic-terrorism-amid-polarization-and-protest.

[1032] Ibid., 1.

[1033] Perliger, "Tactics of the American Far Right."

[1034] Auger, "Right-Wing Terror," 91.

[1035] "Hate Crime in the United States Incident Analysis," 2021, Data set, *Crime Data Explorer*, Federal Bureau of Investigation, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime.

[1036] Ibid.

20% of the reasoning for hate crime activity.[1037] Additional studies have shown that these numbers track within the far-right community as well. 15% of all XRW-associated acts were shown to have targeted members of the LGBTQ+ community in 2020.[1038] LGBTQ+ individuals are the third-most targeted group by the far-right and are targeted equally across the different XRW groups.[1039]

LGBTQ+ and the Law: Platforming Hate

Physical terror attacks are not the only way fear is being replatformed for LGBTQ+ people across the United States. As of July 13th, 2023, 561 anti-LGBTQ+ laws have been introduced in legislatures this year.[1040] The content of these bills ranges broadly, looking to ban everything from LGBTQ+ history and/or sexual education, to transgender children in sports, to drag performances.[1041] The Human Rights Campaign reports that the number of bills against LGBTQ+ people has more than doubled in 2023 compared to 2022 numbers. At the mid-point of the year, 2023 bans are greater than five times the number of bills recorded just five years ago. Data collected shows legislation growing at an exponential rate. What is more terrifying is that these numbers are statistical low for the scope of this movement, as they do not consider local level or school board decisions; these institutions have been wrought with similar bans. All these actions are occurring despite support for LGBTQ+ people being at some of the highest numbers in history, with 80% of all Americans supporting some level of non-discrimination protections for the LGBTQ+ community. Despite widespread, bi-partisan support of LGBTQ+ Americans, many Republican lawmakers have made it a top priority to appeal to the fringe radicals.

[1037] Ibid.

[1038] Perliger, "Tactics of the American Far Right," 4.

[1039] Ibid., 75.

[1040] "2023 Anti-Trans Bills Tracker," n.d., Trans Legislation Tracker, Accessed July 13, 2023, https://translegislation.com/.

[1041] "Year in Review: Anti-LGBTQ+ Hate & Extremism Incidents, 2022-2023," 2023, ADL, https://www.adl.org/resources/report/year-review-anti-lgbtq-hate-extremism-incidents-2022-2023.

The conservative block's anti-LGBTQ+ stance is not new, but the recent bans show a shift within the party and how it seeks to govern. The biggest change to party theory comes from the increasingly polarized landscape of American politics, which is a direct product of government structure. In the last thirty years, the United States has politically polarized faster than many other Western nations. In fact, polls show the United States as the most divisive country among nations like the United Kingdom, Australia, Canada, and Germany.[1042] Traditionally, American politics were quite similar; now, a significantly different picture may be seen.[1043] Pew Research Center has estimated that the Democratic block has become .06 points more liberal, while the Republican block has become .25 points more conservative.[1044] It is complicated to explain why the conservative block has radicalized faster, but fears over preservation of the past and a larger share of the legislative body than decades prior may point to these trends.[1045]

Media is at the center of the political polarization process, as it creates artificially constructed "ideological silos" with a higher barrier to understanding of diverse political beliefs.[1046] The introduction of twenty-four-hour news cycles has been integral to the indoctrination into radicalization on both the left and the right.[1047] The majority of these news cycles are "politically partitioned," meaning that their interpretation of facts is meant to appeal to a specific political perspective.[1048] While it is not in the interest of this paper to speculate on the truthfulness of media sources, it can be generalized that

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[1042] Jill Kimball, 2020, "U.S. Is Polarizing Faster Than Other Democracies, Study Finds," Brown University, January 21, 2020, https://www.brown.edu/news/2020-01-21/polarization.

[1043] Drew DeSilver, 2022, "The Polarization in Today's Congress Has Roots That Go Back Decades," Pew Research Center, March 10, 2022, https://www.pewresearch.org/short-reads/2022/03/10/the-polarization-in-todays-congress-has-roots-that-go-back-decades/.

[1044] Ibid.

[1045] Ibid

[1046] Michael Dimock, Jocelyn Kiley, Scott Keeter, Carroll Doherty, Juliana Menasce Horowitz, Kyley McGeeney, Alec Tyson, et al. 2014, "Political Polarization in the American Public," Pew Research Center, June 12, 2014, https://www.pewresearch.org/politics/2014/06/12/political-polarization-in-the-american-public/.

[1047] Kimball, "U.S. Is Polarizing Faster Than Other Democracies."

[1048] Ibid.

these twenty-four-hour news cycles sometimes exaggerate, or agenda set certain information to meet a particular political purpose.[1049] An example of this behavior replicated towards LGBTQ+ individuals can be found in the recent Nashville shooting. When the shooter was discovered to be transgender, sources like Fox News agenda set the shooter's identity as the main factor in the shooting to divert from calls regarding gun control.[1050] Another way in which ideological silos are created is through computer-generated algorithms. Engagement on social media platforms is designed to collect and promote perspectives like those with which one has engaged. The greatest issues of algorithms are the enforcement of confirmation bias, especially when untrue information can be quickly replicated over and over.

While sites like Instagram and Twitter have begun to attack the issue, by adding content notes to false information, these sites and others cannot tackle misinformation quickly enough, allowing for breeding grounds of radicalization.[1051]

Social media is primarily where the origins of the new wave anti-LGBTQ+ mindset flourished. A large majority of the active anti-LGBTQ+ legislature can be traced back to one theory: grooming. Grooming is broadly defined as the action of manipulating minors into certain sexual behaviors.[1052] Grooming is commonly associated with pedophilic behaviors, which pray on children for sexual reasons.[1053] The association of LGBTQ+ people with

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[1049] Ibid.; Dimock et al., "Political Polarization in the American Public."

[1050] Since the date of the Nashville Shooting, Fox News has released at least 15 publications and/or videos with a focus on the shooter's transgender identity. This does not account for the 24-hour live news cycle, where news presenters may expand on a topic more or less as they see fit. Researchers caution the prioritization of certain identity traits in presenting news on terrorism, especially if that identity has been associated with terrorism in the past or it is vulnerable to retaliation. Please refer to: "Search: 'Nashville Shooting Transgender,'" n.d., Fox News, Accessed July 14, 2023, https://www.foxnews.com/search-results/search?q=nashville%20shooting%20transgender; Diana Zulli, Kevin Coe, Zachary Isaacs, and Ian R. Summers, 2021, "Media Coverage of the Unfolding Crisis of Domestic Terrorism in the United States, 1990-2020," *Public Relations Inquiry* 10 (3): 357-75, https://doi.org/10.1177/2046147x21996015.

[1051] Hendrix Barrett, and Sims, "How Tech Platforms Fuel U.S. Political Polarization and What Government Can Do About It."

[1052] Center on Extremism, "What Is 'Grooming?'"

[1053] Ibid.

grooming is not a new concept; the community has been publicly grouped in with pedophiles for at least 60 years. A 1961 PSA produced by Inglewood, California's School District and Police Department, "Boys Beware," illustrates all instances of male homosexuality as inherently pedophilic and conjoins the behavior.[1054] The root of the association may come from references to "Greek love," an early way of describing non-Christian moral behaviors.[1055] "Greek love" served as an umbrella term for a variety of typical romantic and sexual actions occurring in the times of the Greek and Romans.[1056] While homosexuality and pederasty (sexual relationship between adults and children) both fit into the understanding of "Greek love," they were never meant to be understood as one of the same.[1057] Such an understanding has been diminished as term "Greek love" has become outdated, but the implication has remained.

In recent years, grooming has transcended the boundaries of pedophilia to target transgender individuals in addition to queer ones. In fact, transgender individuals have become the center of the conservative campaign, with almost half of all anti-LGBTQ+ legislation distinctly targeting their access to healthcare, sports, or discrimination protections.[1058] Half of the theory comes from the sexualization of transgender bodies, with certain radicals using the issue of bathroom use to employ the tactic of a different gender wanting to see the other naked and/or compromised.[1059] The sentiment below these statements is the disbelief in transgender peoples' identities,

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[1054] Huggbees, 2022, "Boys Beware – Prejudiced 1960's Educational Video," https://www.youtube.com/watch?v=08UGlR999g4.

[1055]   The terminology of "Greek love," used by Classicists parallels Christian behavior, not the varieties of attraction found in Greece and Rome. Thomas K Hubbard, "Introduction." In *Homosexuality in Greece and Rome: A Sourcebook of Basic Documents*, 1st ed., 7-8, University of California Press, 2003, http://www.jstor.org/stable/10.1525/j.ctt1pp7g1.5.

[1056] Hubbard, "Introduction," 4-5.

[1057] Ibid., 1.

[1058] Cullen Peele, 2023, "Roundup of Anti-LGBTQ+ Legislation Advancing In States Across the Country," Press release, May 23, 2023, https://www.hrc.org/press-releases/roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country; "2023 Anti-Trans Bills Tracker," Trans Legislation Tracker.

[1059] Kate Sosin, 2022, "Why Is the GOP Escalating Attacks on Trans Rights? Experts Say the Goal Is to Make Sure Evangelicals Vote," PBS NewsHour. May 20, 2022. https://www.pbs.org/newshour/politics/why-is-the-gop-escalating-attacks-on-trans-rights-experts-say-the-goal-is-to-make-sure-evangelicals-vote.

and the understanding of gender as equal to or rigidly aligned with sex. Despite this debate, the theorization on grooming is exaggerated. LGBTQ+ people do not participate in grooming behaviors at a statistically significant level than others; heterosexual grooming is reported at a higher level.[1060] In response, conservative radicals have evolved the definition of grooming beyond sexuality to include any level of mental influence. Such a definition has weaponized LGBTQ+ people, as to be seen in *Outcomes and Theories*.

There is hope, however, for the outcomes of these overly regulatory bills. Studies have found that lower-level courts are not showing the same level of political polarization as the state legislative bodies. Around 23% of all bills have failed, indicating almost two times the rate than that of passes (14%).[1061] A handful of those failures are directly from constitutional challenges of the state courts.[1062] However, that does not stop the increasingly hostile platform being built against LGBTQ+ people across the United States. As far-right extremists are unable to compel the change they want to see in their lawmakers, their behavior will only become more perilous.

Outcomes and Theories: What Does This Mean for Domestic Terror?

LGBTQ+ people have reportedly been more now than ever before in the study of hate and terror. While this fact is debatable, given the previously engrained history of legalized discrimination, it is no doubt that the far-right has platformed this issue more in the last decade than ever before. Even more than that, they have found the ability to legitimize their platform on the legal level. How is this possible? In short, the XRW has created a positive feedback loop from ideologizing LGBTQ+ identity. The ideologization

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[1060] Center on Extremism, "What Is 'Grooming?'"; Herek, Gregory, 2006, "Facts About Homosexuality and Child Molestation," *LGB Psychology* (blog), 2006, https://lgbpsychology.org/html/facts_molestation.html.

[1061] "2023 Anti-Trans Bills Tracker," Trans Legislation Tracker.

[1062] Ian Millhiser, 2023, "LGBTQ Rights in 2023: Even Under Trump's Supreme Court, There's a Case for Optimism," *Vox*, June 26, 2023, https://www.vox.com/politics/2023/6/26/23752360/supreme-court-lgbtq-transgender-bathrooms-sports-gender-affirming-care-bostock.

justifies XRW legal attacks, and lawmakers feel a sense of obligation to appeal to the XRW based on the governmental structure. Much of this theory is supported by the previous facts and historical findings, but I will further expand and theorize on the subject in this section.

In short, ideologization is the process of turning something into an ideology, transforming a specific topic or facet of life into a systemic way of thinking.[1063] To ideologize a subject, the subject in question must typically not be associated with any prior belief system.[1064] It is usually the process of transforming a non-interpretative entity, typically one that is static or concrete, into one that is interpreted socially.[1065] The social innovation is the most important part of ideologization; it contends that the entity become a schematic network with a common goal.[1066] The XRW, in fact, is an ideology.[1067] Adoption into the XRW involves an intellectual pursuit into a group in which the identity is not innate.[1068] Static ideas like the past are idealized into a social interpretation about preservation; it is for this reason that many individuals in the XRW think of this time period as the "good old days."

Understandings about LGBTQ+ identity have ebbed and flowed over the last century, with agreement about nature versus nurture yet to be seen. As mentioned earlier in the paper, for many years, LGBTQ+ identity was marked as a mental disorder in the study of psychology. Some psychologists, such as Freud, interpreted queer and transgender expressions congenitally, almost like birth defects.[1069] The more popular interpretation

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[1063] In the West, ideologization is primarily a political tool, and is not associated with its historical basis in the evolution and organization of new ways of thinking. Please refer to: Michael Freeden, 2006, "Ideology and Political Theory," *Journal of Political Ideologies* 11 (1): 4-5, https://doi.org/10.1080/13569310500395834.

[1064] Leor Zmigrod, 2022, "A Psychology of Ideology: Unpacking the Psychological Structure of Ideological Thinking," *Perspectives on Psychological Science* 17 (4): 1077, https://doi.org/10.1177/17456916211044140.

[1065] Freeden, "Ideology and Political Theory," 10.

[1066] Zmigrod, "A Psychology of Ideology," 1075.

[1067] "MMP: Mapping the Global Far-Right," Freeman Spogli Institute.

[1068] Zmigrod, "A Psychology of Ideology," 1075-6

[1069] Drescher, "Out of DSM," 569.

was Rado's, who explained LGBTQ+ existence from a lack of familial nurturing.[1070] In the early 2000s, the idea of being born LGBTQ+ became immensely popular, intending to bring theories of queer and transgender normalcy conducted by Alfred Kinsey and Evelyn Hooker into the mainstream.[1071] However, even within two decades or so, this concept has lost popularity.[1072] In short, many scientists, researchers, and physicians have concluded that LGBTQ+ identity is a combination of nature and nurture factors.[1073] Unfortunately, the embrace of the "nurture" by mainstream society has opened the possibility to choose to be LGBTQ+. Ultimately, this change has empowered the XRW.

A fair criticism would be in the differentiation between LGBTQ+ identity as a choice now versus in the past. The central distinction at the heart of this critique is the nuance in what that choice intends to accomplish. In returning to the grooming narrative, past LGBTQ+ people were mostly interpreted as ill.[1074] In the scenarios where the individual was interpreted as "choosing that lifestyle," it was for individual reasons.[1075] Today's situation faces a different challenge: forced ideologization. LGBTQ+ identity traditionally does not fit the requirement to be ideological. While it shares similarities in community network and seeking common goals, such as equal rights or discrimination protections, these are not inherent in being LGBTQ+.[1076] More importantly, LGBTQ+ people do not follow a uniform line

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[1070] Ibid.

[1071] Ibid., 569-70.

[1072] The primary reason the biological analysis of LGBTQ+ identity has depopularized is because of the fears of eugenics. If being LGBTQ+ is determined at birth, or before, what stops bigoted individuals from pursuing gene editing to "eliminate homosexuality?" Modern ethical guidelines, like the Belmont Report, exist specifically to discourage this behavior. Please refer to: Pam Belluck, 2019. "Many Genes Influence Same-Sex Sexuality, Not a Single 'Gay Gene.'" *The New York Times*, August 30, 2019. https://www.nytimes.com/2019/08/29/science/gay-gene-sex.html.

[1073] Ibid.

[1074] Drescher, "Out of DSM," 569.

[1075] While it may seem counterintuitive, broader American society interpreted the "choice" to be LGBTQ+ as a personal, sexual and/or gendered decision to exist on the margins of society. Now, the XRW is elevating that choice of being on the margins to instead marginalizing those in the majority. Please refer to: Center on Extremism, "What Is 'Grooming?'"

[1076] "Identity and Community," 2013, *A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times*, Pew Research Center, https://www.pewresearch.org/social-trends/2013/06/13/chapter-5-identity-and-community/.

of thinking; there are many queer and transgender individuals around the world who are cognizant of their identity but do not take part in any of its activism.[1077] Furthermore, demanding that LGBTQ+ asks for equality and non-discrimination would undermine the same activism embodied by cisgender, heteroromantic, and heterosexuals who may share the same line of thinking.[1078] Essentially, LGBTQ+ identity is a way of seeing a world, in a way that is immutable, without necessarily changing it.

To justify anti-LGBTQ+ responses, which is critical to the XRW, extremists have initiated a strategic campaign in positioning LGBTQ+ identity as an indoctrinating line of thinking, promoting sexual behaviors of children, and eliminating the "traditional family." At the lone actor level, 356 cases of anti-LGBTQ+ violence extremism were found to have been committed between June of 2022 and April of 2023.[1079] While most cases did not include violence, around 11% and 3% of vandalism and assault attacks occurred respectively.[1080] The majority of crimes included petty offenses, such as harassment.[1081] Nevertheless, these harassment charges should not be understated, especially given that just short of half of all reported perpetrators of anti-LGBTQ+ crimes were found to be connected to the XRW, either in a loose, online network or an organized extremist group.[1082] 54% of extremist perpetrators included the concept of "grooming" as the main reason for their attack.[1083] In 40% of attacks, actors also mentioned the Great Replacement theory as quintessential to their decision to commit the crime.[1084]

[1077] Ibid., 86.

[1078] If LGBTQ+ identity was ideologized, it would carry a set of values distinct from cisgender, heterosexual, and heteroromantic society. This does not make sense in the context of the data, whereas 71% of all Americans support equality protections for same-sex marriage. It also does not account for the bipartisan quality of the support which was reflected in the passing of the Respect for Marriage Act. Please refer to: *Human Rights Campaign*, "New Poll: Two-Thirds of Likely Voters in Battleground States Support Marriage Equality," September 14, 2022. https://www.hrc.org/news/new-poll-two-thirds-of-likely-voters-in-battleground-states-support-marriage-equality; Respect for Marriage Act of 2022, Pub. L. No. 117-228, 135 Stat. 2305 (2022).

[1079] "Anti-LGBTQ+ Hate & Extremism Incidents," ADL.

[1080] Ibid.

[1081] Ibid.

[1082] Ibid.

[1083] Ibid.

[1084] Ibid.

One of the means in which the XRW realizes their campaign against LGBTQ+ people is through legal institutions, as previously described. It is necessary to clarify that individual politician action toward accepting the XRW's demands may be 1) coercive or 2) independent of the will of the people. While there are certainly officials that agree with the sentiment of conservative behavior, the evolution of these bills may come from fear over far-right retaliation, or apathy to the struggle that LGBTQ+ people face. Predominantly, though, the choice to entertain these bills come from what politicians must personally gain. Primaries in the United States present the opportunity to promote one official to be a party representative for the legislative or executive elections. In areas that are solidly Democrat or Republican, politicians are pushed to the fringes, as historically extremists overrepresent in the primaries, and the competition is typically within one's own party group.[1085] As areas across the United States become more stratified, with a higher homogeneity in party affiliation between cities and towns, the politician orients themselves from what viewpoints will cover the most median opinions to what will allow them to get re-elected for their party.[1086] In short, politics in these areas are now an extremism face-off in districts that are safely blue or red.

What these politicians do not realize is that their entertainment of the XRW will have devastating effects, whether they choose to indulge their biases or not. In situations where the XRW is entertained, there are unbearable consequences for LGBTQ+ Americans. Florida's notorious "Don't Say Gay Bill" is known primarily for its silencing of all education on LGBTQ+ identity and history from kindergarten to 12th grade.[1087] What is not commonly discussed in this bill is the element of teaching requirements, which include biological sex as equivalent to gender identity, rendering it

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[1085] Mike Cummings, 2018, "Polarization in U.S. Politics Starts with Weak Political Parties," Yale-News, November 17, 2018, https://news.yale.edu/2020/11/17/polarization-us-politics-starts-weak-political-parties.

[1086] Ibid.

[1087] Parental Rights in Education Act of 2022, Ch. 2022-22 1001.42(8)(c) (2022); Jo Yurcaba, 2023, "DeSantis Signs 'Don't Say Gay' Expansion and Gender-Affirming Care Ban," NBC News. May 17, 2023, https://www.nbcnews.com/nbc-out/out-politics-and-policy/desantis-signs-dont-say-gay-expansion-gender-affirming-care-ban-rcna84698.

"binary, stable, and unchangeable."[1088] Some interpret this forced educational teaching as solely a response to "woke" gender theory; in recalling the way the equivalence between biological sex and gender have been villainized against transgender people in sports and bathrooms, we can begin to see the systemic role of ideologization in the right-wing.[1089] If the teaching mandate does not serve as enough of an indicator, the secretary of Ron DeSantis, Florida's governor, would refer to these measures explicitly as "anti-grooming," indirectly indicating that learning about LGBTQ+ people would indoctrinate them into a lifestyle with the purpose of attacking children and eliminating cisgender, heterosexual, and heteroromantic society as it exists now.[1090]

When institutions do not respect the XRW's wishes, LGBTQ+ people and any organization seemingly friendly to them becomes the immediate target for violence. The violence is commonly regulated through online forums, especially the famous Libs of TikTok Twitter page.[1091] Libs of TikTok has publicly endorsed the incitement of hate speech towards queer and transgender people, allowing them to become the targets of harassment.[1092] In some cases, Libs of TikTok has doxed LGBTQ+ people, essentially revealing private information with malicious intent.[1093] This was the case with TikTok influencer Dylan Mulvaney, a transgender person who was depicted on a Bud Light can for an ad campaign; she faced months of threats and harassment as a result with no intervention from Anheuser-Busch.[1094] Corporations and businesses have also been at the center of threats

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[1088] Ibid.

[1089] Sosin, "Why Is the GOP Escalating Attacks on Trans Rights?"

[1090] Christina Pushaw, 2022, "The Bill That Liberals Inaccurately Call 'Don't Say Gay' Would Be More Accurately Described as an Anti-Grooming Bill," *Twitter*, https://twitter.com/ChristinaPushaw/status/1499886619259777029.

[1091] "MMP: Mapping the Global Far-Right," Freeman Spogli Institute; Center on Extremism,"What Is 'Grooming?'"

[1092] Center on Extremism, "What Is 'Grooming?'".

[1093] Ibid.

[1094] Laurel Wamsley, 2023, "In a New Video, Dylan Mulvaney Says Bud Light Never Reached Out to Her Amid Backlash," *NPR*, July 1, 2023, https://www.npr.org/2023/06/30/1185356673/trans-influencer-dylan-mulvaney-bud-light-backlash.

of terror. When it was theorized that gender-affirming care was being offered at Boston Children's Hospital, which was quickly debunked, members of the XRW sent harassing phone calls and at least two bomb threats were made.[1095] In 2023, Target's pride collection became the face of the new culture war, when false information about trans-affirming swimsuits were distributed online. Multiple instances of vandalism occurred across at Targets across the country, and at least five states reported different bomb threats at a variety of stores.[1096] No matter what institutions choose to do about LGBTQ+ people, the XRW has become empowered to stop them at any means necessary.

How does this play into hate crimes and domestic terror? Clearly, the movement has progressed beyond individual bias based on an immutable identity trait. The ideologization of LGBTQ+ people are intentional in helping the XRW to move pass the hate crime label. The narrative of grooming is one of coincidence that justifies the extermination of the LGBTQ+ identity on behalf of an invented perception of LGBTQ+ people as pedophiles. The calculation of these actions indicates a level of complexity and community well beyond the limits of hate crime behavior. For all the reasons listed above, the false narratives constructed about LGBTQ+ people for the purpose of XRW violence, I declare that the XRW has moved into a period of domestic terror against the LGBTQ+ community.

Conclusions and Future Concerns

This paper has outlined the history of LGBTQ+ identity in the context of hate crimes and terrorism and highlighted the ways in which the XRW may be evolving their actions towards the community. While historically hate crimes and domestic terror instances have different goals, the ability to differentiate the two based on characteristics has become harder

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[1095] Center on Extremism,"What Is 'Grooming?'"

[1096] Jaclyn Peiser, 2023, "Target Stores See More Bomb Threats over Pride Merchandise," *Washington Post*, June 12, 2023, https://www.washingtonpost.com/business/2023/06/12/target-bomb-threat-pride/.

as domestic terrorists evolve in complexity. Hate actions towards LGBTQ+ people have been traditionally underreported, because of legal persecution by the state. Now, they are threatened with reliving that reality under the manipulation and discrimination of the rising XRW. The XRW has sought an intentional plan to frame LGBTQ+ identity as an ideology, intent in preying upon children and indoctrinating them into the ideology via grooming. Despite being wildly untrue unpopular among the American public, the XRW has made itself a necessary political block for conservatives. In a two-party, politically polarized state, conservatives must bend to the will of their most extremes to stay elected. By doing this, they create a monstruous feedback cycle, both negative and positive. As elected officials continue to use legal means to limit LGBTQ+ rights, XRW is encouraged to ramp up attacks, and protections are lowered, making LGBTQ+ people more vulnerable. Officials who do not endorse the legal barriers for LGBTQ+ people create a retaliatory environment, involving significant violence. The structure of the American political system, and broad society, have created a safe space for the XRW; it is unclear if the trend of far-right violence can be reversed at this stage.

Concerns remain in the future escalation of the XRW block. What happens when ideologizing LGBTQ+ people is no longer enough? LGBTQ+ discrimination is just a small block of the far-right base, which includes a variety of xenophobic responses. With certain identities, it is difficult to ideologize them if they are tangible, like race or gender. But will other "hidden" identities suffer the same fate? We cannot say for certain. What is known is that there are other instances now of ideologization, especially coming from the immigration and national identity base. Immigration status is a little different than LGBTQ+ identity; immigration is perceived as more of a choice, despite the circumstances that make migration coercive and/or necessary. However, immigrants, and children of immigrants, have been ideologized into the image of greedy foreigners pushing domestic Americans out of work. In a similar manner, legal discrimination has been encouraged and perpetuated by the XRW. With no legal repercussions to their actions, we can only theorize that the situation will worsen until a breaking point is met.

As for theoretical work, clear weaknesses in the current legal code show the limits of our ability to properly prosecute domestic terror and hate crimes. Further research must be done in identifying the line between domestic terror and hate crimes in the context of the American criminal system. States must instill clearer prosecution guidelines, for hate crimes and domestic terror alike. At minimum, situations of domestic terror should have a legal enhancement statue, which adds penalty onto another crime. Finally, the federal government should create similar punishment guidelines for domestic terror to hate crime and international terror charges, which already exist in the U.S. Code.

The situation is notably bleak, but not impossible. LGBTQ+ people have shown resilience through centuries of persecution. Despite the increased terror, the LGBTQ+ community will continue to fight and, with institutional reform, win their right to "life, liberty, and the pursuit of happiness" across America.

United States Journalism: How Victimization Influences Reporting and Consequentially Anti-Terrorism Measures

Emma OWENS

Abstract: This article aims to understand the widespread influence of United States journalism and how public opinions are shaped by language and narratives utilized in reporting. The increase of reporting on terrorism has made fear of a terrorist attack in the United States extremely salient in political discourse. Through examining political conceptualization as well as public perception of terrorism and connecting them to the war on terror and anti-terrorist governmental action, fear of terrorism will be viewed through the lens of journalism, and the influence of media coverage and portrayal of terrorist actions.

Keywords: Journalism, terrorism, victimization, government, public

Introduction

Media in the United States has become an all-encompassing tool utilized by the public to stay up to date on current issues and journalism is the filter that determines what information the public sees and how they see it. Following the 9/11 attacks on the United States by an Islamist terrorist organization, the influx of fear inducing messages by the media began,

emphasizing the dangers of terrorism and possibility of victimization, painting terrorism as a present issue in the everyday lives of Americans.[1097] From this period on, the "war on terror" and its anti-Muslim discourse began entering the minds of Americans through journalism and media. The disproportionate reporting of terrorism led American citizens, some who had no previous fears of terrorism, to view it as an everyday threat.[1098] The narrative created in media, fostering public distress and fear not only has an influence on anti-Muslim attitudes, but government actions themselves. In an effort to calm public unrest, reports from people in positions of power in the United States made it seem as though the war against terrorism included fighting Islam as a religion.[1099] The byproduct of language that tended to categorize Muslims with terrorism in the media detracted from the actual fight against terrorism, creating violence that appeared to be for the purpose of maintaining Western values globally.

For the methodological understanding of this paper, terrorism will be defined as a "politically motivated, organized violent attack mostly against civilians with the goal to force government and institutions to change policy on specific issues by inflicting fear."[1100] This definition will be utilized in dissecting the reporting of terrorism and how reports are influenced by "victimization". Victimization in the context of this paper will refer to the people affected by terrorism, those harmed or injured by an attack. These two phrases will be represented throughout the paper and understood through the lens of journalism and public opinion.

Political Conceptualization

Terrorism, like other types of crime, must be recognized by a state or institution and given a definition to be recognized by the public and legitimized

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[1097] M. Salih Elmas, "Perceived Risk of Terrorism, Indirect Victimization, and Individual-Level Determinants of Fear of Terrorism", in: *Security Journal* 34, no. 3 (March 2020): 502.

[1098] Ibid.

[1099] Emmanuel Sarfo *et al.,* "Language at War: A Critical Discourse Analysis of Speeches of Bush and Obama on Terrorism.", in: *University of Cape Coast Institutional Repository*, (January 2013): 92.

[1100] Elmas, "Perceived Risk", 498.

as a threat. The state decides what is normal and morally acceptable and punishes those who stray from their ideals.[1101] When considering journalism and how the public perceives terrorism, it is vital to recognize the political conceptualization of the term, as that is the framework through which it is recognized and reported in the media. However, with terrorism's controversial nature, one distinct definition is difficult to create, generating issues on how to present the threat to the American public. While there are certain aspects of the term that are relatively universally agreed upon, terrorism has been used so liberally that its presence in the media has lost value, and by neglecting to definitively give parameters to the word, the powers of the State to act in defense of violence are extended.[1102] Without a definitive scope of terrorism, Richards points out the danger, arguing that it opens the door for public officials to "denounce the activities of their political adversaries".[1103] This is where the wide disparities in political discourse regarding terrorism come from, and a factor of what gets reported.

Recognizing the political conceptualization of terrorism and how it is utilized in politics is important in understanding the influence of journalism and media coverage because it provides a background for the narratives that have arisen in the US in response to terrorism and how heavy reporting and correlations with Islam have a side effect of anti-Muslim attitudes. This is especially important when considering that following the 9/11 attacks, criminal acts that occurred from unknown groups or areas were identified as terrorism, especially when they were presented in the media.[1104] The idea that terrorism was everywhere and that terrorist could attack at any time saturated journalism outlets to the point that the perceived potential of fear actually outweighed the effects and casualties of the terrorist attacks.[1105] The vague, unknown parameters of terrorism combined with the over-reporting of attacks creates a situation whereby

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[1101] Ibid., 500.

[1102] Anthony Richards, "Conceptualizing Terrorism", in: *Studies in Conflict; Terrorism* 37, no. 3 (February 2014): 214.

[1103] Ibid., 215.

[1104] Elmas, "Perceived Risk", 501.

[1105] Ibid., 504.

citizens believe the risk of being a victim of a terrorist attack is higher than statistically proven. This leads to civil distress and a need to feel safe.

Perceived Risk of Victimization

As terrorism reporting became a priority in national media and journalism, the overall fear of being a victim of a terrorist crime increased dramatically. Following 9/11 and the Boston Marathon Bombing, the word 'terrorism' became normalized in the media, and rather than decreasing shock value, it increased the public's desire for national security and policy.[1106] The media is drawn to shocking events, and while terrorism might not consistently threaten the safety of US citizens, it draws the most shock value and sense of territorialism and national pride. According to a 2017 Gallup poll, 60% of Americans felt that it was very or somewhat likely that a terrorist attack will occur in the US.[1107] This poll is important to recognize when considering the tangible effects of reporting in journalism and the media when it comes to terrorism. While it is journalism that ignites the fear factor involving terrorism, it is also important to note that individual identity is a large factor in how the public feels about their vulnerability to a terrorist attack. Determining why the need for the US to feel connected in their stance against terrorist violence is important to decoding the perceived risk of victimization of the average American.

Another influence on the perceived risk of victimization in the minds of Americans is the withdrawn perspective of terrorism in other, more victimized countries. Terrorism in Middle Eastern countries, while also a tragedy, does not generate as much sympathy as an attack in the United States because it is not perceived of as an "attack on all of humanity"[1108] in the same way that a terrorist attack on Western countries is. This perspective

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[1106] Ibid., 499.

[1107] Murat Haner *et al.,* "Public Concern about Terrorism: Fear, Worry, and Support for Anti-Muslim Policies", in: *Socius: Sociological Research for a Dynamic World* 5 (January 2019).

[1108] Abigail Adams, "Selective Sympathy? Exploring Western Media Bias in the Reporting of Terrorism", in: *International Journal of Media & Cultural Politics* 14, no. 2 (June 2018): 255.

leads to questions about whether the evil nature of the attacks is more important, or who is victimized by them. In a survey sent throughout Kent State University following the Boston Bombings, students were asked questions relating to knowing any family members, friends, or acquaintances who were injured or harmed by a terrorist attack. They were then asked to rank their fears of a terrorist attack on a scale of 0 to 40, 0 being "not at all afraid", and 40 being "extremely afraid". The results illustrated that students who were more exposed to terrorism through indirect victimization were more fearful than those who were not as exposed.[1109] This survey is demonstrative of the influence of indirect victimization, which is often exposed through reporting, as more valuable in the minds of US citizens when considering terrorism rather than data acquired from a global perspective.

Terrorism in MENA countries

Many citizens in the US are concerned about terrorism disrupting and victimizing American lives because journalism and the media claim that it is an immediate, time sensitive threat that should be attacked, however there are higher levels of terrorist threats in Islamic dominated areas. Between the years of 1970-2018, the epicenter of terrorism has geographically and politically shifted from Western Europe to Latin American countries and then over to MENA countries, but this data is not as readily available or broadcasted in American media.[1110] While attacks are more threatening to these countries, US still citizens still fear that an attack could happen at any moment on their own soil. MENA has accounted for 21.4% of global terrorist deaths between the years of 1970 and 2018 and many violent groups stem from these areas. Civil conflicts are also a driving factor for terrorism in these areas, which has little spillover into the US.[1111] MENA countries, almost entirely Muslim, are plagued by terrorism but do not elicit the same shock as Western attacks because of the lack of identification with

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[1109] Elmas "Perceived Risk", 509-510.

[1110] Wukki Kim *et al.,* "Middle East and North Africa: Terrorism and Conflicts", in: *Global Policy* 11, no. 4 (June 2020): 424.

[1111] Ibid.

the victims. This is demonstrated in the concerns specifically of Catholics in the US, who are twice as fearful of terrorist attacks than Muslims.[1112] The influence of religious identification is telling of the byproduct of consistently grouping Muslims and terrorism together in the media. Therefore, while terrorism is more present in MENA countries, their general religious makeup of Muslims distances them from Catholic Americans who see terrorism reported in the media that affects people they identify with more heavily, and warps their perspective of the risk of threat.

While MENA countries and the US are not the only ones facing terrorism, especially when considering regions such as South Asia, and the Sahel, this paper focuses on MENA due to the regions large influence on the amount of global terrorist casualties, 49.3% between the years of 2002-2018.[1113] This paper focuses on the MENA region in part because it provides a useful comparison to understand areas that are more at risk of citizens becoming victims of attack and extensive data exists to support this.

The "statistical apathy", also known as the inability to connect emotionally with statistics presented in the media[1114], is one of the reasons that Americans show so much more concern for their own safety regarding terrorism than other countries who are more at risk. The lack of reporting of these countries is not due to a lack of impact, on the countries or their citizens, but a missing aspect of shock value and interest. People are less likely to read international news than news in their own country which leads to a lack of demand for the content and therefore less reporting.[1115] The combination of the natural inclination to disregard geographically distant statistics with the lack of reporting on international issues creates a self-interested view on terrorism and its true threat in the United States. So, while there is more of a consistent threat of an attack in MENA countries, the lack of information available to United States citizens results in an inability to remove themselves from their own domestic issues and look at terrorism globally.

[1112] Ibid.

[1113] Kim, "Middle East and North Africa", 424.

[1114] Adams, "Selective Sympathy", 258.

[1115] Ibid., 257.

Another issue that comes to light when comparing terrorism in MENA countries to the United States is the influence of shock value on reporting as well as in citizen morale and concern towards an issue. For example, when collecting data on the perspectives of individual citizens by the media, one person demonstrated the consistent presence of fear in terrorist concentrated countries. When questioned about terrorism, a Baghdad resident claimed that at least one person he knows has been killed or injured by a terrorist attack, fostering a "numbness" to attacks as they are so frequent.[1116] This is a stark contrast to the United States, where the "war on terror" became the forefront of politics and journalism discussions. To recognize the differences in actual risk factors between the US and Middle Eastern countries is also to consider the influence of shock value on reporting and consequently fear of victimization and harm. Especially in the time following 9/11, the unknowns of terrorism and its influence on the everyday lives of American citizens became important to the media and government officials. The "war on terror" became a way to combat and attack the enemy that created fears for American citizens.

The War on Terror

President Bush first brought the phrase "war on terror" into the light of American politics on September 20, 2001, 9 days after the devastating 9/11 attack where he claimed, "our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group has been found, stopped, and defeated."[1117] It was also in this speech that he asked for the help of other nations, and assured Americans of their safety,[1118] recognizing for the first time that the war would span for decades to protect the tranquility of American citizens. The war on terror began first as a response to attacks on American soil, but soon developed in unifying the US in the collective fight against threats to national power and

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[1116] Ibid., 259.

[1117] United States Archives. "President Declares 'Freedom at War with Fear.'" in White House Archives, (September 2001).

[1118] Sarfo *et al.,* "Language", 380.

a unified nation. Terrorist groups divided societies, causing civil turmoil because of not knowing what to expect from other people in the nation.[1119] In efforts to combat this individualization of American society, it seems that journalism, public officials and politicians used language and narratives that ostracized Muslims.

In the media, the language regarding the fight against terrorism became about a "Christian America" vs Islam, Arabs and Muslims[1120], as opposed to the United States as a whole fighting terrorists, not their religion or country of origin. To unify the US in response to threats of violence, a narrative developed that along with terrorist attacks being a threat to American safety, terrorism also threatened the Western way of life and its values. Mark Twain's century old theory has reigned true in this situation, "whenever the peoples of the Middle East have challenged U.S. interests, America has usually borne down on them with its greatest in an effort to crush them"[1121] this idea is further developed when considering the presentation of Muslims in the media and MENA's stark culture contrast to the US and the values that unify the country.

Anti Muslim sentiments in the "war against terror" as a result of efforts to calm the disproportionate fears of United States citizens is developed through analyzing coverage of domestic terrorism in the media. While transnational terrorism is often speculated to be associated with Islam, or terrorist group such as al Qaeda, US domestic terrorism is describes as "isolated events" carried out by "troubled individuals"[1122]. While it may seem as though the phrase "war on terror" encompasses all types of terrorism, the separate portrayal of domestic and transnational terrorism suggests that the war focuses on Islam as a driving factor of violence, as targeting it would mean that the individual fears of citizens could be combatted into an unknown enemy rather than their own neighbors, a result

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[1119]   Elmas, "Perceived Risk", 501.

[1120]   Kimberly A. Powell, "Framing Islam: An Analysis of U.S. Media Coverage of Terrorism Since 9/11", in: *Communication Studies* 62, no. 1 (January 2011): 90.

[1121]   Ibid., 107.

[1122]   Powell, "Framing Islam: An Analysis of U.S. Media Coverage of Terrorism Since 9/11", in: *Communication Studies* 62, no. 1 (January 2011): 90.

of language that unifies the US. When describing domestic terrorists, news agents used words such as "intelligent" and "planner" as well as mentioning family members, humanizing them. Other actors were described as "angry" or "extremist" while also depersonalizing them, neglecting to mention any family.[1123] This is an important aspect of terrorism reporting and the war against terrorism because it further illustrates the result of US media reporting Islam in a negative light, resulting in a unified nation fighting an evil enemy. With citizens already experiencing overreporting for terrorism, it seemed beneficial for the media to portray fellow Americans with empathy, while others with distain.

The war on terror also escalated the need for citizens to separate Muslims from their collective identity as the United States. While it is contradictory to the efforts of news outlets and government officials to unify the country, the threat of terrorism made individuals feel so vulnerable that they felt separating Muslims from the common US identity was vital. During this time, Middle Easterners and people who looked Arab became the new racial "other", subjecting them to humiliation and abuse in airports.[1124] Because of the consistent negative exposure in the media, ideals that connected Muslims that mimicked actions similar to racial profiling. In a 2002 poll of Muslim Americans following 9/11, 67% claimed that Americans became more prejudiced towards Muslims since the attack.[1125] The anti-Muslim sentiment that began following the beginning of the war on terror further demonstrates the increase of focus on the religion of Islam and its involvement in terrorist actors, rather than terrorism as a whole. This sentiment continued nearly a decade after 9/11, with a Gallup poll that stated that 43% of Americans admitted to being at least a little prejudiced towards Muslims and were twice as likely to view Muslims more negatively than Christians, Jews, or Buddhists.[1126] This once again illustrates the idea

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[1123] Ibid., 98-99.

[1124] Kelly Welch, "Middle Eastern Terrorist Stereotypes and Anti-Terror Policy Support", in: *Race and Justice* 6, no. 2 (July 2015): 120.

[1125] Powell, "Framing Islam", 92.

[1126] Karenlee Barkdull *et al.* "Experiences of Muslims in Four Western Countries Post–9/11." in: *Affilia* 26, no. 2 (May 2011): 139.

that the media's constant connections between Islam and terrorism results in the ostracization of Muslims.

Government Response

The public perception and perceived risk of victimization greatly influenced the government response to terrorism in the US. One way this occurred was through presidential speeches, where former Presidents Bush and Obama made declaratory speeches about the threat of terrorism in the US. These speeches included "no negotiation policies" with terrorists in attempts to criticize their behavior and invoke fear on behalf of the American public.[1127] Taking a harsh and unforgiving stance against terrorism villainized terrorists, deterring from the issues by focusing on the actions of terrorists rather than the root cause. In a critical analysis of presidential speeches regarding terrorism, analyst Van Dijk claims, "power in discourse is abused by controlling people's beliefs and actions to suit the interests of dominant groups as against the interest of the powerless or the will of others".[1128] Taking this quote into the context of the United States, governmental discourse that displays the power of the United States reiterates the idea that protecting Western values and displaying their importance can result in stereotypical and harmful language about terrorism that villainizes American Muslims and detracts from the cause.

In addition to the policies brought forth by presidents in response to terrorism, the words utilized by these presidents also influenced the way that Americans were creating their own views on anti-terrorism policies. Following 9/11, over ½ of Americans surveyed claimed that they supported stricter immigration laws, as well as ⅓ supported placing Muslims under special surveillance.[1129] Years later, President Barack Obama, in a speech regarding the US invasion of Afghanistan described the country as a "cancer that needed to be prevented from spreading".[1130] The beliefs

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[1127] Sarfo *et al.,* "Language", 378.

[1128] Ibid., 379.

[1129] Welch, "Middle Eastern", 120.

[1130] Emmanuel Sarfo *et al.,* "Language", 384.

of American citizens prior to the years of 9/11, that Islam as a religion was to blame for terrorism were reaffirmed by President Obama when he claimed that Afghanistan, an almost entirely Muslim country, was "cancerous". This language can also be transferred to MENA countries mentioned previously in this article that are also Islam dominated. Noticing these connections in public opinion and the response of the government implies that the "war against terrorism" was heavily influenced by public opinion of the Islamic religion following certain events and through the power of negatively connotated words.

The US utilized force to defend the nation against terrorism and Islam, and one way this occurred was through affirming the "legality" of their stance. In many presidential speeches by Bush and Obama, legal terms such as "Supreme Court", "CIA", and "troops", are utilized to convince those unsure of the use of harsh violence of the legality of their actions.[1131] The importance of word usage comes into effect when considering the use of anti-terrorism actions and their goals. Utilizing military action on Muslim populated countries villainizes the religion by making it out to be a virus that needs to be killed, illegitimizing its practice as well as dehumanizing those who follow it. Without a critical and reflective dialogue regarding the Islamic religion and its adherence, Muslims and Arabs are wrongly ascribed to be involved in terrorism because of their religion, when in reality this is not the case.

Conclusion

After analyzing journalism and media, it was possible to ascertain that public fear and distrust of Muslims is a result of public concern for safety, fostering feelings of vulnerability that have resulted in anti-Muslim sentiments and hate. In the government, in journalism, and in the minds of American citizens, the "war on terror" has legitimized the negative connotations regarding Islam that has consequently left Muslims feeling ostracized from the identity of the US. In the author's opinion, this is ineffective

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[1131] Emmanuel Sarfo *et al.,* "Language", 382.

for anti-terrorism, as well as deters from the overarching goal of protecting all citizens of the US from terrorist harm.

The United States has made an obvious effort to protect the Western way of life from any interruptions, however it is everyday people, and not terrorists that take the brunt of the hatred. Closing borders, proclaiming anti Muslim sentiments, and using military force on Islamic dominated countries calm the minds of most frightened Americans, but they also have resulted in discrediting Islam as a religion. Ideally, religion would not be tainted by violence and combatting this issue is difficult, especially when factoring how unpredictable and biased journalism and narratives created by the public can be. The goal of anti-terrorism is to protect innocent citizens, however, this becomes unclear when data from the media can be utilized to support prejudiced narratives of the public. In order to endure that the goal of antiterrorism; citizen safety, is achieved, it is essential that news outlets become more deliberate about the language used in reporting terrorism and the consequences of negative narratives. In order to keep the collective identity of the United States while fighting terrorism, it is vital that correct, as well as objective information is communicated to the public.

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Human Trafficking and Sexual Violence throughout History: Major Contributors and Enablers

Melina PETERS

Abstract: This article seeks to analyze the contributors and enablers of the fastest growing and second largest criminal industry in the world, human trafficking and sexual violence. Starting in World War II where we receive our first quantifiable evidence of sexual violence and moving to the modern day internationally organized trafficking rings; we will discover which organizations are most effective at curtailing trafficking. This article will also look at the statistics evaluating where trafficking is most likely to occur and which preventative measures should be taken.

Introduction

It is the fastest growing international crime network that the world has possibly ever seen.[1] It affects people of all nationalities and ages, with an estimated 27.6 million human trafficking victims worldwide at any given time.[1132] One might find it hard to believe that there could be such a demand for humans, especially in a modern world where technology is so

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[1132] "About Human Trafficking – United States Department of State," United States Department of State, January 18, 2023, https://www.state.gov/humantrafficking-about-humantrafficking/#:~:text=This%20report%20also%20estimates%20that,an%20estimate%20for%20forced%20marriage.

readily accessible and able to fulfill our every need. The use of humans for sexual exploitation or forced labor is nothing new, yet there continues to be a staggering rise in cases.

First, it is important to define what human trafficking is. Human trafficking is the unlawful act of transporting or coercing people in order to benefit from their work, typically in the form of labor or sexual exploitation. This paper will focus on the cases of sexual exploitation and human trafficking throughout history in an attempt to shed light on some of the main questions surrounding this billion dollar crime industry[1133] such as:

• Who are the most vulnerable victims and who are the most common perpetrators?
• What are the major contributors and enablers?
• Where is it most likely to occur?
• What can we do to put a stop to it?

The research will also assist in forming suggestions for how state actors and non-governmental organizations can move forward in effectively addressing this issue. It is important to remember that the scope of trafficking is much broader than can be addressed in this paper. The hope is that a thorough analysis of historical and modern day cases will help us to discover the major contributors to human trafficking and which entities are most effective at curtailing it.

We will first study the instances of sexual exploitation that occurred in World War II. Before the creation of the internet, organized crime such as trafficking could simply not exist on a large scale. Instead we see the presence of sexual exploitation happening where outside circumstances have made it easier for a certain demographic to be taken advantage of. We will then switch our focus to present day occurrences in order to discover what contributors of trafficking and sexual exploitation have been present from the first cases to present day. A look at the United Nation's framework for addressing trafficking will showcase how globalization has played a positive role in the fight against trafficking, yet globalization has also played

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[1133]   United Nations Office on Drugs and Crime Factsheet on Human Trafficking.

a role in the corruption that is present surrounding these crimes. Lastly, this research will compare the effectiveness of non-government organizations and state actors in their fight against trafficking and sexual exploitation using statistics from various government databases and international aid organizations.

First Quantifiable Cases

Although it is important to mention that sexual violence and forced labor have always existed, the data is not present to conduct research on instances that occurred before the 20th century. Therefore, this paper will be starting with examples of the forced prostitution and sexual exploitation that occurred in World War II. Often seen as a taboo topic, discussions regarding sexual abuse that occurred in the ghettos and concentration camps of Europe have rarely been addressed. Katarzyna Person, a historian and author at the Jewish Historical Institute in Warsaw, successfully accumulated stories from survivors of the Warsaw Ghetto in her book, *Sexual Violence during the Holocaust: The Case of Forced Prostitution in the Warsaw Ghetto*[1134] which brings to light some of the atrocious decisions women of this time had to make. People are going to be more willing to compromise their values when they are in need of basic necessities. The book identifies this as the main form of sexual exploitation in the Warsaw Ghetto. Women would give of their bodies in exchange for food for their children or forged documents. While this fate was terribly unfortunate for a myriad of women in Jewish ghettos, hindsight allows these women to be thankful that they were not subjected to the abuses that occurred inside concentration and death camps. A former inmate of the Treblinka extermination camp, Yankiel Wiernik, recalls the atrocities he witnessed in his memoir which states:

> They frequently selected the best looking Jewish girls from the transports of nude women passing their quarters, dragged them

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[1134] Katarzyna Person, "Sexual Violence during the Holocaust: The Case of Forced Prostitution in the Warsaw Ghetto," *Shofar* 33, no. 2 (January 1, 2015): 103, https://doi.org/10.5703/shofar.33.2.103.

into their barracks, raped them and then delivered them to the gas chambers. After being outraged by their executioners, the girls died in the gas chambers with all the rest. It was a martyr's death.[1135]

Another case of sexual exploitation in World War II is the treatment of French women by American soldiers. This case is rarely spoken of for the reason that Americans were the leading force for the allied powers in the war, and therefore assumed to have committed no crimes. However, Mary Louise Roberts' book *What Soldiers Do* illuminates how even the "good guys" fell prone to despicable acts. After the allied powers liberated France, soldiers from the United States were sent to help oversee the post-liberation administration. During this time, it is estimated that thousands of women were raped by American G.I.s, yet only 152 soldiers were tried for it.[1136] This number is presumably low due to an attempt to keep the behaviors of the soldiers somewhat hidden from the public.

Perhaps the least known case of sexual violence to occur during World War II was "The Rape of Berlin". While the Soviet Army was praised heavily for their role in defeating the Nazis during the Great Patriotic War, there is another side to the story that the Soviets were not so proud of. Russian media will claim that it is all a myth made up by the West; however, an abundance of diaries from Soviet soldiers and young German women proves this claim wrong. Despite the fact that the Soviet military had a ban on diaries, a soldier by the name of Vladimir Gelfand described with astonishing accuracy some of the events he witnessed. In a passage dated April 25, 1945, Vladimir describes coming across a group of German women carrying suitcases. He approached them and asked in his broken German where they were going. The women then proceeded to describe to him the horrors they had experienced at the hands of the Red Army after their arrival in Berlin. Most all of the young women had been raped, some in front of their own mothers.[1137] German soldiers had not treated Soviet women

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[1135] Person, "Sexual Violence during the Holocaust: The Case of Forced Prostitution in the Warsaw Ghetto."

[1136] NPR Staff, "Sex Overseas: 'What Soldiers Do' Complicates WWII History," *NPR*, May 31, 2013, https://www.npr.org/2013/05/31/187350487/sex-overseas-what-soldiers-do-complicates-wwii-history.

[1137] By Lucy Ash, "The Rape of Berlin," *BBC News*, April 30, 2015, https://www.bbc.com/news/magazine-32529679.

any differently, but the Germans never had quite the opportunity that was placed in front of the Soviets with their occupation of Berlin. The Soviet press referred to Berlin as "The lair of the fascist beast" and encouraged men to show their anger towards the Germans by taking revenge on the city.[1138] When military leaders became worried about what the men might do to the women upon arrival, the political department of the Soviet Army assured leaders that there was no reason to be afraid, for surely no Russian would want to have relations with a German. How wrong they were. In the state archive of the Russian Federation, historian Antony Beevor found documents that had been sent from NKVD members to their boss in 1944. The documents outlined the mass rapes that would occur in East Prussia and the harsh measures taken by German women to try to avoid Soviet soldiers. Parts of the document report that German women would sometimes kill themselves, or their children, in order to evade the gruesome fate that accompanied the arrival of the Red Army. Other documents describe women dressing like men in order to go unnoticed. A common joke among young German women at the time was," better a Russky on top than a Yank overhead" implying that being pummeled by bombs was perhaps a worse fate than being raped.[1139] No woman wanted the shame that would be attributed to them if they were to tell of their treatment by the soldiers and would therefore keep quiet. However, quite an abundance of women did write memoirs of their time in the war that were to be published posthumously. This is why much of the sexual violence that was perpetrated by the allied forces did not come to light until over 70 years after the war. According to the few remaining medical records, a staggering estimate of 100,000 women in Berlin were raped during the occupation. Although abortions were illegal in Germany during the 1940s, the law changed for a short period in 1945 as an exception for the almost 1,000 pleas for abortion.[1140] Despite the highly convincing evidence, Russia continues to insist that the rapes in Berlin never happened. The Russian parliament even passed a law stating that whoever spoke negatively of the Soviet Army's actions during World War II could be fined or face up to

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[1138]   Ibid.

[1139]   Ash, "The Rape of Berlin," April 30, 2015.

[1140]   Ibid.

five years in prison. Even today, Russian universities continue to be hostile towards students attempting to research the happenings of Berlin beyond what shows the Soviet Army in a positive way.

On top of the myriad of examples already given, some more recent examples include rape being used as means of genocide in Rwanda and as a form of ethnic cleansing in Yugoslavia in the 1990s. These cases did lead the United Nations international tribunals that were prosecuting crimes committed during these conflicts to prosecute sexual violence as a war crime in 1995. Despite rape being used by soldiers to accomplish strategic goals throughout all of history, the United Nations Security Council only recognized rape as an official war crime in 2008.[1141]

Present Day Occurrences

With the creation of the internet and more accessible international transportation, trafficking of persons has become an easier and more lucrative business. While the examples provided from history tend to be less organized and typically consist of sexual crimes of opportunity, present day examples showcase how sexual violence has evolved into an international business.

The United States-Mexico border for example, is a major hot spot for criminal activity. In June of 2022, 1.7 million immigrants had been processed at the southern border since the beginning of the year, not counting those who crossed undocumented. This was a record six month high that brought with it an unfortunate rise in the numbers of human trafficking cases.[1142] U.S. Customs and Border Protection 2022 statistics found that the average number of unaccompanied minors taken into custody was 752 per day. The Coalition against Trafficking in Women conducted a study in 2022 in

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[1141] "Rape | Definition, Effects, Motivations, & Facts," Encyclopedia Britannica, June 23, 2023, https://www.britannica.com/topic/rape-crime/Rape-as-a-weapon-of-war.

[1142] "CBP Releases June 2022 Monthly Operational Update," U.S. Customs And Border Protection, n.d., https://www.cbp.gov/newsroom/national-media-release/cbp-releases-june-2022-monthly-operational-update.

which results showed that a tragic 60% of minors attempting to cross the border will be apprehended by cartels and forced into drug trafficking and child pornography, making children the most vulnerable group to trafficking.[1143] Questions to be asked regarding the trafficking crisis at the border include how much effort each government is putting towards curtailing the criminal activity, as well as discovering if non-government organizations are possibly more effective. However, these questions should be applied to other cases before we create a conclusion. For the remainder of this paper, it will focus on the current situation in Ukraine.

Ukraine has often been criticized on the world stage for their lack of effort when it comes to preventing trafficking; however, they significantly increased their prevention efforts towards trafficking in 2022. They allocated a significant amount of the budget towards anti-trafficking measures and investigated more suspected traffickers. Despite these efforts, authorities convicted fewer traffickers and those who were convicted somehow evaded imprisonment. This has been attributed to a lack of understanding from judges on the severity of the crimes, as well as possible corruption, resulting in weakened deterrence. The Ukrainian government investigated two cases of allegedly complicit officials that did not end in any conviction. Reports of officials complicit in human trafficking continue to persist. International organizations identified far more victims than the government in 2021, contributing to the rise in distrust of the government to properly protect victims.[1144]

Modern slavery experts from the University of Nottingham's Rights Lab: Dr. Monti Narayan Datta, Angharag Smith, and Professor Kevil Bales spent four years developing the newly opened online database that has recorded every type and case of slavery across 171 conflicts and wars from 1989 to 2016. Through this online database, it was identified that trafficking occurs

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[1143] Together Women Rise, "CATW-LAC – Together Women Rise," Together Women Rise -, January 21, 2021, https://togetherwomenrise.org/programfactsheets/regional-coalition-against-trafficking-in-women-and-girls-in-latin-america-and-the-caribbean-catw-lac/.

[1144] "Ukraine – United States Department of State," United States Department of State, March 14, 2023, https://www.state.gov/reports/2022-trafficking-in-persons-report/ukraine/.

in 90% of conflict zones.[1145] The researchers discovered that the most common form of enslavement in conflict zones is the use of child soldiers, which occurs in 87% of armed conflicts. Sexual exploitation was present in 32% of modern wars, forced labor in 21%, and organized human trafficking crimes in 14%.[1146] From this research, it was concluded the main characteristics of a lucrative geographical area for traffickers and slave owners are areas that produce an abundance of vulnerable people with no official state registration, a need for common necessities such as food and water, and urgency to travel across borders for safety. Both Ukraine and Mexico fall into these categories. It is assumed that the statistics this paper has observed are in actuality higher than current estimates. Trafficking cases are challenging to quantify and is an active area of development for many state's and NGOs.

Prosecution, Protection, Prevention

As an attempt to combat trafficking, the United Nations developed a framework referred to as the "3 Ps" paradigm: prosecution, protection, and prevention.[1147] Applying this framework to Ukraine may help to illuminate current issues with the prosecution process and suggest effective preventive measures.

In 2020, only 17% of traffickers convicted in Ukraine were imprisoned. In 2021, 24 traffickers were convicted, yet only five received prison sentences. Perhaps the most notable case of prosecution in Ukraine is the arrest of the leader and eight members of an organized group operating in Russia-controlled eastern Ukraine. This group was accused of illegally detaining residents for labor to support Russian-led forces' military actions.

[1145] "News – Slavery and Trafficking Occurs in 90 per Cent of Recent Wars and Conflicts, New Research Shows – University of Nottingham," n.d., https://www.nottingham.ac.uk/news/slavery-trafficking-in-90-per-cent-recent-wars-conflicts.

[1146] Ibid.

[1147] ANNEX, I. I, Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime, *Vienna: United Nations Office on Drugs and Crime, United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, 2000.

Ukrainian authorities have been cooperative with foreign governments in transnational investigations and have even established Joint Investigation Teams with Georgia, Greece, France, and Italy which have proven to be successful.[1148] In December of 2020 the National Police Counter Trafficking Unit was incorporated into the Migration Police (MiPol). It was observed that many of the newly hired MiPol staff were insufficiently trained to deal with trafficking, a possible contributor to the lack of convictions. Another contributor might be the almost 2,000 judicial vacancies that have occurred since November of 2021, prolonging court hearings. Although all new law enforcement officials receive trafficking training, it was reported that the National Police counter-trafficking unit used outdated investigative tools, specifically in relation to cybercrime. The lack of cybercrime investigative tools resulted in missed opportunities in discovering money laundering cases that are often a first step in finding trafficking cases. To add on to the questionable effectiveness of government employees in the fight against trafficking, corruption has remained a serious problem amongst the judiciary and police. Investigations were opened into two city council members who were recruiting and transporting vulnerable people to agricultural companies for forced labor. Even though investigations are opened into officials allegedly complicit in human trafficking multiple times a year, no convictions have been made in the past five years. Other cases within the past five years that have remained stagnant in the courts including a case that involves a teacher at a public boarding school for orphans in Kharkiv who attempted to sell one of her students, three police officers, and the former commander of the Kyiv city police counter-trafficking unit.[1149]

In terms of prevention, the Ukrainian government allocated a significantly larger portion of the budget towards victim protection efforts in 2021 than in previous budgets, yet a smaller number of victims were provided services. While the smaller number of victims who received services could be seen as a positive indicator of a lower number of cases, when combined with the information that the government nearly ceased their proactive

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[1148] ANNEX, I. I, Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime.

[1149] "Ukraine – United States Department of State."

targeting measures due to the pandemic[1150], these numbers are instead quite alarming. So where was this money going? The government was able to provide more money for medical, psychological, and legal services for people who were granted official victim status. The increased budget was also used to incorporate an electronic registration system for victims. This system was supposed to make it easier for victims to notify authorities and receive official victim status quicker. However, as stated before, fewer victims were identified as compared to previous years. This decrease could be attributed to the reported lack of properly trained personnel as well as pandemic-related restrictions. Other reasons include strict guidelines for classifying trafficking crimes and authorities pursuing indictments under statutes outside of trafficking laws. Civil society also reported the government, demanding additional evidence in order to confirm victim status, which is directly contrary to requirements outlined in Ukrainian law. In some instances, victims were called to appear at court hearings or provide evidence of movement across a border. One must take into account that some victims may not apply for victim status if they do not require assistance from the state, such as medical or legal assistance. It is also important to note that most documents used for reaching official victim status require the divulgence of much private information which may contribute to lower application numbers.[1151] Non-governmental organizations and international aid organizations identify and provide support to the vast majority of victims due to the government's functional issues. Despite the government's allocation of more funds and creation of facilities and systems to address the issue, the lack of training and seeming carelessness from officials has led victims to rely on non-governmental organizations for more stable assistance. Unlike state-run programs, NGOs provide foreign and domestic victims with the same benefits. They also played a role in creating a permit for foreign victims who might face danger if they returned to their country of origin. This permit allowed victims to receive permanent residency upon residing in Ukraine for three years.[1152]

[1150] Ibid.

[1151] "Ukraine – United States Department of State."

[1152] Ibid.

Included in the United Nation's framework for addressing human trafficking is prevention. Ukraine's Ministry of Social Policy (MSP) did increase anti-trafficking efforts at the local and national level, yet they still faced much criticism in reports. Indecisiveness has been reported from experts on issues relating to human trafficking, as there is no one coordinator from the MSP leading the effort. In November of 2021 the MSP created standard operating procedures for a government-sponsored hotline that would allow victims of trafficking and violence to call for assistance. However, they did not record the statistics for calls received in 2021 leaving us to wonder if any calls led to the identification of victims. A local NGO also operated a hotline for counter-trafficking and they received 22,128 calls in 2021. 75 potential victims were identified and referred to local facilities or other NGOs for assistance. They also used social media, a common platform for communication between traffickers and victims, to speak with witnesses and identify victims. Thanks to these hotlines, it was recognized that one of the most vulnerable demographics for trafficking were stateless persons. A lack of documentation meant a lack of access to state services, therefore making oneself an easier target for trafficking. The government decided to take measures to make access to legal documentation easier. In December of 2021 legislation was passed to facilitate residence registration in an effort for the six million Ukrainians with incomplete registration to be recognized by the government. State authorities worked alongside with NGOs to raise awareness in communities through the use of social media, print media, and television to encourage people to take the steps to be fully registered. Also in December of 2021, a local university and an international organization launched a chat-bot to help internet users find safe travel and employment in an effort to curtail the false job and migration offers online.[1153] Police are continuing to work with companies, specifically those that offer jobs abroad, to bring awareness to recruitment tactics used in the hiring process and how to swiftly report and monitor suspicious activities. The Ministry of Economic Development started conducting regular and random inspections of labor recruitment agencies. Labor inspectors conducted 7,231 inspections in 2021 but did not report if

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[1153] "Ukraine – United States Department of State."

any potential trafficking victims were identified.[1154] It is possible that with the new random inspections traffickers have been forced to resort to other means of recruitment, which would ideally in turn lower their success rate.

Addressing Corruption

While it is hard to accurately identify most all trafficking cases, the presence of corruption among authorities and aid organizations is adding to the distrust that victims have in the systems that are supposed to be for their protection. Corruption can be as simple as a border guard pocketing a bit of money in exchange for not checking a passport, or as complex as using the names and prices of furniture on a website as a front for selling humans. Most often, corruption occurs in the form of bribery. Traffickers will offer money or other services to authorities in the criminal justice system in order to create close ties. Once an authority has taken a bribe once, it is near impossible to turn one down in the future without the fear of blackmail. The United Nations Global Initiative to Fight Human Trafficking has even identified cases where criminal justice practitioners will exclusively target rival trafficking rings to ones that they personally back. There have also been reported cases of prosecutors and law enforcement officers requiring financial or sexual services from victims in exchange for pursuing their case.[1155] This creates a dangerous cycle that makes human trafficking a low-risk, high –profit crime:

It can be a vicious circle: corruption is used to facilitate the recruitment, transport, and exploitation of victims of trafficking, prevent justice and ensure that the vast profits made through this inhumane criminal activity remain in the hands of the traffickers. And the very assets enable the criminals to exert even greater influence on public and private officials who actively or passively participate in trafficking in persons.[1156]

[1154] Ibid.

[1155] United National Global Initiative to Fight Human Trafficking. The Vienna Forum to fight Human Trafficking 13-15 February 2008, Austria Center Vienna Background Paper. 020 Workshop: Corruption and Human Trafficking: The Grease that Facilitates the Crime.

[1156] Ibid.

Who is best equipped to address this issue?

The numbers showcased earlier in this paper, comparing the Ukrainian government's level of success in identifying trafficking cases to the level of success that NGOs have experienced, can be a cause for concern. Citizens want to be able to trust their government to deal with criminals accordingly. However, it is important to realize that government authorities do still play a crucial role in stopping trafficking. Perhaps it is best that we recognize the benefits of joint cooperation between states and NGOs. Analyzing this issue specifically using Ukraine as a case study proved that the establishment of regulatory frameworks and adequate legal assistance is a must for effective prevention, not only on the local level, but also through International organizations such as the United Nations. The challenge these organizations face is getting broadly written regulations transferred and actively applied to more local governments. Governments and NGOs need to maintain open communication and share all information obtained regarding criminals and possible corruption. It is apparent that an integrated approach is required to maximize anti-trafficking measures as well as anti-corruption measures.

Conclusion

To ensure that the actions being taken by governments and NGOs are effective in the prevention and identification of trafficking, the best course of action is to create a more integrated framework between the two. Currently, governments tend to focus too much on policy making and not enough on proactive measures, as could be seen in the research done by the United States' Department of State. On the other hand, NGOs and International organizations struggle to receive proper help from governments when it comes to prosecuting and convicting perpetrators, as was shown in the same research. NGOs have shown great effectiveness in identifying victims and removing them from dangerous situations, but they do not have the resources or jurisdiction to bring justice to perpetrators. Instead they must report their findings to the state and accept that, often

times, no conviction will be made against the trafficker. Perhaps governments could allow NGOs to create special task forces, working in tandem with local law enforcement, that operate within international law to bring traffickers directly to the justice system.

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Authors' bios

Angel Abraham-Rodriguez is a graduate student at Portland State University, with a Bachelors from Northern Arizona University. Majoring in Criminology and Criminal Justice, she hopes to work in Homeland Security.

Rhiannon Berry is currently a graduate student at Portland State University, where she will be majoring in Criminology and Criminal Justice. She has 300-plus hours of volunteer work. She has experience in the Army, where she learned patience, problem-solving, communication, listening, and leadership skills. She graduated with a 4.0 GPA for her bachelor's in Psychological Science from Austin Peay State University. Her future goals include working as an Intelligence Analyst for a government organization after graduating in 2024. Correspondence in regard to this article can be addressed to Rhiannon Berry. E-mail: rhiberry@pdx.edu

Jonah Chiasson was raised in small rural town along Bayou Lafourche in the deep south of Louisiana, along the coast of the Gulf of Mexico. Most of his free time was spent fishing and hunting while growing up, and was an avid athlete playing multiple sports. Currently he is attending Southeastern Louisiana University on a merit scholarship, majoring in Criminal Justice and seeking a minor in psychology. He expects to graduate in 2024, and currently considering options post-graduation in the various forms of law enforcement as well as options in the military.

Nicole Delgado is from El Paso, Texas and currently a student at Texas A&M University. She is on track to graduate in 2025 with a bachelor's and master's degree in International Affairs, and a minor in Russian. Nicole is a lifelong "military brat" and is thankful for her father's service in the United States Air Force, allowing her the opportunity to travel to many different countries with her family and foster

a passion for her field of study. Nicole's academic interests lie in intelligence and military defense policy, and she has very recently become curious about international cybersecurity policy. She hopes for a future career with the Department of Defense. For any inquiries, please contact delgadonicole37@yahoo.com.

Charles Fair is an undergraduate student at Miami University. He is double majoring in Russian, East European, & Eurasian Studies and Diplomacy & Global Politics. His research areas of interest include Imperial, Soviet, and contemporary Russia, and the histories of Ukraine and Poland.

Nya Feinstein is an undergraduate student at West Virginia University pursuing majors in Data Science, International Studies with a focus in National Security, and Russian Studies, a minor in French, and a certificate in Global Competency. Her primary academic and professional foci lie in conflict forecasting through Artificial Intelligence analysis methods (Machine Learning and Natural Language Processing) as well as studying the intersection of language, culture, and national security, both with a regional focus of Central and Eastern Europe. Holding the strong belief that studying languages and linguistics is a necessary step to better understanding the world, she has studied French and Russian formally, Belarusian informally, and has recently begun learning Polish. She will continue her education in graduate school upon receiving her bachelor's degree to further study the technological and/or linguistic aspects of security studies. For more information, please contact: nyafeinstein@gmail.com

Dillon Grubb is a Political Science and Economics Double major with a minor in Russian at the University of South Dakota. He has an interest in economic research and language studies as it relates to the Middle East. Currently he conducts research for the Political Science department at his University and studies Farsi through the Middle East Institute.

Maren Howard currently studies at Texas A&M University, and is set to graduate in the spring 2024 with a BA in Political Science at the Bush School of Government and Public Service and Minoring in Russian Language. She is interested in international relations and security.

Anna Knutar is an undergraduate at the University of Colorado Boulder pursuing a major in Psychology and a minor in Russian. She would like to take this opportunity to thank Dr. Maniszewska, Dr. Piasecka, and Dr. Nowicka for their mentorship.

Nickolena Kolev is a rising sophomore at Columbia University. She is majoring in Political Science and Economics with a concentration in Slavic Studies. She hopes to attend law school when she graduates in 2026. She is interested in international relations and Russian / Eastern European studies.

Kathryn Lytkowski is a fourth-year student in the Walsh School of Foreign Service at Georgetown University. She studies Science, Technology, and International Affairs, with a concentration in Biotechnology and Global Health, and a minor in Women's and Gender Studies. Kathryn's studies focus on identity-based inequity in political institutions. She will be producing an honors-level thesis analyzing Poland's policies on contraceptive technologies in Spring 2024.

Emma Owens is a Criminal Justice major at Michigan State University who at the time of publication will be a junior. She is minoring in Peace and Justice Studies as well as Security Management. She hopes to attend law school after attaining her bachelor's degree at MSU.

Zale Peart is from Brooklyn, New York, and currently a student at Connecticut College studying International Relations and History. He hopes one day to join the United States Foreign Service as a Foreign Service Officer, simultaneously serving his country and the international community. He has known his career aspirations since high school and was inspired to chase these ambitions because of his parents. His mother is from Trinidad and Tobago, and his father is from Jamaica. As a first-generation American from immigrant parents, he is grateful for the opportunity the United States has provided he and his family. Furthermore, he seeks to serve his country best while becoming an active member in international affairs as a Foreign Service Officer. While African affairs is not his area of expertise, he was enticed to write about peacekeeping and the Rwandan Genocide through wanting to learn more about the decision-making process of the United Nations and its peacekeepers. Writing this paper satiated his interest in learning more about the U.N.'s decision-making process and has energized him to seek other opportunities to expand his knowledge of the United Nations and peacekeeping processes.

Melina Peters is currently an undergraduate student in the Corps of Cadets at Texas A&M University where she is majoring in International Studies: Politics and Diplomacy with minors in Russian and Business.

Jacqueline Row is a senior at the University of Washington majoring in Global & Regional Studies and Russian. Her research interests include post-Soviet identity and security.

Maisie Ruddy is an undergraduate student at the University of North Carolina (Chapel Hill), where she is seeking degrees in Peace, War, and Defense and World Literature. Maisie is deeply interested in international security, with focuses in nuclear policy and diplomacy. At UNC, Maisie is the President of the Peace, War, and Defense Association, connecting students in her program to professors, alumni, and professional opportunities. Maisie hopes to work in the field of international politics and contribute to conflict resolution efforts.

Alexander Rudnik is an undergraduate student at Minnesota State University, Mankato studying political science and minoring in international relations. His research interests include security, geopolitics, and comparative politics within post-communist Central and Eastern Europe. Upon graduation he hopes to pursue a master's degree in political science.

Cameron Tobias is a senior undergraduate student at Texas A&M University, College Station. His major is in international studies, and his interests include counterinsurgency, partisan warfare, and US grand strategy. Following graduation, he plans to pursue a master's degree in international relations.

Abraham Valero is a senior at the College of Charleston majoring in History and Political Science with a minor in Russian Studies. He has studied abroad in The Netherlands, Germany, and Poland. He has served as the head intern of the North Charleston Office of Senator Tim Scott (R), South Carolina. Valero is the recipient of The Alexander C. Dick Pre-law scholarship for 2023-2024 at the College of Charleston.

Alix Zwingman is a criminal justice undergraduate student at Michigan State University with minors in human behavior and Russian studies. She plans on continuing her studies with a masters in child advocacy to work in human trafficking research and prevention. For the past two years, she has assisted Dr. Karen Holt with sextortion research and Dr. Christina DeJong with the trans homicide database at her university.

The sixth volume of the "Security and Society in the Information Age" series brings together a unique collection of research papers by talented students – participants in the Security and Society in the Information Age program held at Collegium Civitas University, Warsaw, Poland.

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