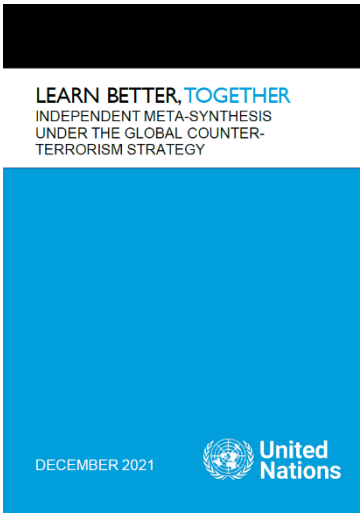
Past, Present and Future of Terrorism

Reda Benkirane

Extracts from the *Independent Meta-synthesis under the Global Counter-Terrorism Strategy*[1], United Nations, December 2021.

Undefined notions of terrorism/counter-terrorism



There is no clear definition or shared understanding on terrorism or CT. A shared understanding of what constitutes CT is critical for the evaluation, assessment, audit, or reviews to assess whether a project or a programme is successful. The conceptual fuzziness around the umbrella term that covers a range of activities is not an impediment to the work, but it shows that, beyond security, military and judiciary measures easily and immediately associated to this term, it is difficult to develop a unified collective action within the UNGCTCC. This is a major gap, especially when considering the risk of states engaging in anti-terrorism measures with oppressive actions and threatening human rights. This omnipresent risk associated to a "misuse" of an undefined terminology was clearly identified in 2005 at a UN Economic and Social Council:

> "The absence of a universal, comprehensive and precise definition of "terrorism" is problematic for the effective protection of human rights while countering terrorism." Fighting terrorism, "without defining the term, can be understood as leaving it to individual States to define what is meant by the term. This carries the potential for unintended human rights abuses and even the deliberate misuse of the term. Furthermore, there is a risk that the international community's use of the notion of "terrorism", without defining the term, results in the unintentional international legitimization of conduct undertaken by oppressive regimes, through delivering the message that the international community wants strong action against "terrorism" however defined."[2]

The sentence "one man's terrorist is another man's freedom fighter" was mentioned several times during the interviews, indicating the relativist perspective of terrorism and therefore of CT itself. The same realities associated with these terms may appear differently from different perspectives. The absence of a definition is a gap with geopolitical consequences since it is not clear whether, where and when an entity, a movement, an

---

[1] This first independent meta-synthesis of evaluation and oversight was commissioned by the Sub-Group on Evaluation of the Resource Mobilization, Monitoring and Evaluation Working Group of the United Nations Global Counter-Terrorism Coordination Compact. It provides collective results from an analysis of over 118 evaluation and oversight reports across Compact entities and has led to aggregated findings, conclusions, lessons learned and recommendations for use by Compact entities in the delivery of quality technical assistance. This report was prepared by an external evaluation team consisting of Dr. Punit Arora (Team Leader), Dr. Reda Benkirane (Counter-Terrorism Expert) and Ms. Xiomara Chavez (Evaluation Expert). https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/meta-synthesis_united_nations_global_counter_terrorism_strategy.pdf

[2] Report of the Special Rapporteur on the promotion and protection of human rights and fundament al freedoms while countering terrorism, Martin Scheinin, E/CN.4/2006/98, 28 December 2005, p. 9. https://digitallibrary.un.org/record/564925?ln=fr

individual may be classified as a terrorist and treated as such according to international laws, procedures, sanctions associated to it. The lack of proper definition is also an impediment to checking new threats and new forms of terrorism in this century. Some research reports of security-oriented entities may have identified the right-wing extremism as a new emerging threat in Northern Europe and Europe: but interviews indicated that, within the current structures and funding model, it was challenging to mobilize resources to prevent or fight it. The most powerful donor states are not amenable to CT actions by international organizations in their own sovereign space. Relatedly, aviation security, maritime security, border security, travel documents control, and immigration control, are all based on a set of standards that seek to prevent terrorist threats from abroad. These security standards are inadequate when terrorists are nationals, and the threat is intrinsically domestic. Further, ideological lines between mainstream politics and right-wing extremism are blurrier today than they were with left-wing extremism in the 1960s and 1970s. Countries where right-wing extremism or extreme right radicalization is taking place are usually the states that are funding CT projects in other countries. So right-wing terrorism is a major emerging threat in global north, but these states tend to underestimate this danger, and more importantly, are not used to external interventions. If no country is immune to terrorism, then the prevailing funding model is not compatible with the scrutiny of domestic affairs of donor states by international institutions engaged in counterterrorism.

During the last 20 years, the international community has been highly vigilant about radical Islamism/ Salafijihadi terrorism. Unlike the African and Asian states which are engaged in countering this threat, many MS are reluctant to use the "terrorist/ism" qualification for mass-killings perpetrated bywhite supremacists or rightwing activists (most of them are often categorized as "lone wolves" affected by "mental illness") and to consequently undertake strong CT measures to fight them. The dominant but undefined terminology does not necessarily allow a universal approach to the armed and political violence qualified as "terrorism" despite the effort undertook by the Security Council to specify acts of that nature[3] , and may, in situation of new threats, even end-up as another North-South divide or double standard prevailing between "the West and the Rest".

Brief history of "terrorism" in modern times

The terrorist attacks of the last 20 years are perceived and presented as a singularity in the history of political violence, and therefore their exceptionality has found a parallel in the treatment and the detainment of terrorists. However, this is not the first time in modern history that nation-states are threatened by a terrorist form of violence. First, it is important to remember that terrorism may be practiced by state actors. The first use of Terror in modern times to achieve political objectives – through laws or state of exception, arbitrary arrests, summary, and massive executions – was the fact of the French state (1793-1794) during its revolutionary process which exported in Europe and beyond both its violence and its universal values of human and citizen rights. In the case of France, its

[3] Security Council resolution 1566 (2004) call all States to cooperate in the fight against terrorism by preventing and punishing acts having the three cumulative characteristics: "(a) acts committed with the intention of causing death or serious bodily injury, or the taking of hostages; (b) for the purpose of provoking a state of terror, intimidating a population, or compelling a Government or international organization to do or abstain from doing any act; and (c) constituting offences within the scope of and as defined in the international conventions and protocols relating to terrorism." Ibid, p. 11.

revolution was the cradle of both state violent terror and the Enlightenment, the civilization project of free market, parliament democracy and equality for all citizens. This project was progressively adopted with its inherent violence in most of the European countries. In the mid-19th century, terrorism started to designate the non-state actors that were using violence against the state in an ideological reconstruction. Anarchists, nihilists, nationalists spread violence in Europe until the 20th century, and their acts – bombings, assassinations, mass shootings – were largely reported and commented in the press. The list of assassinations includes monarchs, heads of state, prime ministers, and numerous statesmen [4]. This historical background could be pursued all along the 20th century with the eruption of nationalism in Europe and struggles for national liberation in colonized countries, and later with the left-wing armed groups in post-war Europe, and Marxist guerrillas in Latin America, Africa, and Asia. It is heuristically important to put today's terrorism in a historical perspective with its specificities but also its continuities. It appears that today's jihadists express a form of nihilism that was dominant in Europe's 19th century. A brief history of violence and terrorism in modern times shows common patterns and ideological differentiation based on race, ethnicity, nationalism, and religion.

From the social sciences perspective, the expression "terrorist" does not present any heuristic value and does not bring a particular light to the view of the violent phenomenology associated to "armed groups", "armed dissidents", "violent rebels" or "insurgents". It does not help either to apprehend the perceptions of the communities and their own description of armed conflicts and war occurring in the territories where they live. The use of the term "terrorism" has a value from a political standpoint and is to a certain extent tactically operational in the sense that what is designated as such is immediately denigrated and denied from any legitimacy or right associated to an armed struggle and, more problematic, even a civil political life.

"Terrorist or freedom fighter" is a perspectivist proposition that is also based on historical evidence. Further, yesterday's terrorists may be tomorrow's politicians. This rule was valid in the case of the Israeli Irgoun (1931- 1948), the Algerian FLN (1954-1962), the PLO (1964-1974), the South African ANC (1960-1990), the IRA (1916- 2006), the Lebanese Hezbollah (1982-1991) and the Palestinian Hamas (1987-1991). However, since the events of September 11 and the "war on terror", this is no more validated in the case of the Algerian GIA, the International Al Qaida and ISIS in Iraq, Syria, and West Africa. Nevertheless, the recent negotiated return to power of the Taliban in Afghanistan, 20 years after 11 September 2001, should nuance the observation on these exceptions.

It is important to notice that some prominent Western scholars, mainly specialists of political Islam, endorse the conventional terminology on "terrorism" and integrate it even in the general frame of political scientist Samuel Huntington's theory of "civilizational clash" between the West and Islam, China, and the demographic peril of mass immigration

[4] Among the prominent victims of anarchist terrorism, there are the Russian Tsar Alexander II in 1881, the Empress of Austria and Queen of Hungary Sisi in 1896, the Italian King Umberto in 1901, the French President Sadi Carnot in 1894, the US President William McKinley in 1901, the Spanish Prime Ministers Antonio Cánovas del Castillo in 1897 and Eduardo Dato in 1920… Nationalist violence has also been responsible for countless attacks, the most famous being the political event that started the First World War, that is the assassination in 1914 of Archduke Franz Ferdinand of Austria in Sarajevo by a clandestine group of Serbian nationalists. This kind of highly symbolic and traumatic violence – killings of crowned heads and presidents by ordinary citizens in the name of an ideology – is out of reach of current globalized terrorist groups.

in "senescent" Europe and North America. Although very controversial, the proposed theory of cultural and civilizational confrontation [5] has been very influential in the governing sphere since the unprecedented terrorist attacks of Nine-eleven. More recently, on the ideological influence of ISIS, a polemic debate was engaged by French "Islamologists" to determine whether we are witnessing a 'radicalization of Islam-ism" or an "Islamization of radicalism." From this perspective, in the aftermath of terrorist attacks in many cities of the world, some authors [6] have even tried to conceptualize a 'sociology of rage and anger' to describe what may encourage young people to engage with terrorist groups under the franchise of Al Qaeda or ISIS/Daesh. This trend in the literature which puts the emphasis on "rage", "anger" to explain contemporary violence, extremism and hatred is best represented with the magisterial thesis developed by Indian writer Pankaj Mishra [7]. What is proposed is a unified vision on these phenomena that is the absolute opposite of the dominant theory of clash of civilizations. On the contrary, what is often perceived as a violence against the Enlightenment, modernity, the Western cultural values, etc., is a reaction by its children affected by a Rousseauist-Nietzschean resentment who feel excluded from the Enlightenment promise of free markets, universal suffrage, educational and personal advancement. Since the French revolution, the age of Enlightenment was also an age of anger and terror. New political expressions have emerged from nationalism to terrorism, led by individuals living on the margins of the great narrative on progress, modernity, and globalization, moved by an appropriative and mimetic rivalry [8].

In the long historical run, history of mass violence and terrorism is the hidden and "unthought" facet of the "sanitized" history of modernization. Today's violence and terrorism correspond to another series of "shocks of modernity", in the 19th century, this nihilist violence made of "negative solidarity" (Hannah Arendt) spread to all European countries; in the 20th century, it produced world wars, genocides, colonial carnages; in the 21st century, it affects nowadays billions of individuals in Africa and Asia. The latter shocks lack the immemorial cultural, social, and economic structures as well as the welfare state able to absorb them.

Conflictual terminology, semantic warfare

The issue of the terminology associated with terrorism and VE has been studied and is still

[5] Samuel Huntington's theory was first introduced in his article "The Clash of Civilizations?", *Foreign Affairs*, vol. 72, no. 3, Summer 1993, pp. 22–49, before being exposed as a bestseller book, *The Clash of Civilizations and the Remaking of World Order*, New York, Simon & Schuster, 1996.

[6] On the violent "movements of rage", see Glenn E. Robinson, Global Jihad: A Brief History, Stanford, Stanford University Press, 2020. For a critical review and a more nuanced appreciation on the fact that "rage does not explain everything", see Farhad Khosrokhavar, "De la rage au jihad", *La Vie des idées*, 17 February 2021.

[7] Pankaj Mishra, *The Age of Anger. A History of the Present*, London, Allen Lane, 2017.

[8] "We must return to the convulsions of that [resentment, nihilist and anarchist] period in order to understand our own age of anger. For the Frenchmen who bombed music halls, cafés and the Paris stock exchange in the late nineteenth century, and the French anarchist newspaper that issued the call to 'destroy' the 'den' (a music hall in Lyon) where 'the fine flower of the bourgeoisie and of commerce' gather after midnight, have more in common than we realize with the ISIS-inspired young EU citizens who massacred nearly two hundred people at a rock concert, bars and restaurants in Paris in November 2015. Much in our experience resonates with that of people in the nineteenth century. German and then Italian nationalists called for a 'holy war' more than a century before the word 'jihad' entered common parlance, and young Europeans all through the nineteenth century joined political crusades in remote places, resolved on liberty or death." Ibid., p. 11.

debated in the academic world. Most social scientists, who do empirical work, field survey, and research on the ground, avoid using terms associated with terrorism. The work on legal and illegitimate violence does not acquire more meaning by using the terms terrorism/terrorist. On the contrary, what research reports often show is that it is preferable to refer neutrally to the denomination of the armed groups and/or also indicate the name given by the populations. For example, in the case of the Nigerian armed group Boko Haram, one of the most extreme and violent terrorist groups currently fought by four African armies, it is instructive to know that its usual name was given by the population of Maiduguri (northeast of Nigeria) in 2009 after hearing a speech from one of its leaders preaching and sermonizing educated but unemployed youth about the uselessness of "western education and diploma". "Boko Haram" is a contraction of Hausa ("Boko" referring to "book", "education") and Arabic terms ("haram" meaning "forbidden") meanwhile the organization's original Arabic name is Jama'at Ahl al-Sunnah li Da'wa wa-l-Jihad, which means "Association of the People of the Sunna for Preaching and Jihad". [9].

Part of terrorism's strategy not only relies but depends essentially on information and communication. Terrorism in modern age without relays of transmission and diffusion is inconceivable. More than anything else, it needs mass communication to show the violent and staggering acts perpetrated. A terrorist act denied of any form of communication, not covered by mainstream media and social networks completely misses its main target of creating fear and awe not only within affected communities but far beyond their surrounding socio-political environment. In today's globalized world, with ubiquitous communication, internet, and smartphones, more than ever semantic and semiotic conflicts precede and accompany terrorist acts and military operations. The most patent and tragic example of these conflicts of images, signs and languages is the case of the caricatures published in 2006 with the headline "The Face of Mohammed" by the Danish conservative newspaper Jyllands-Posten, which resulted into violence and anger across the Muslim world in February 2006. These caricatures were reprinted in 2012 by the French satirical weekly Charlie Hebdo where 12 people were killed in 2015. The battlefields are now on the cyberspace around symbols, icons, signs of all sorts, and CT and VE or extreme violence should take into consideration the catalytic role of mass media and social networks in the diffusion of hate speech, in the ideological sway of terrorist groups, in the designation and targeting of cultural and religious minorities as "scapegoats" of violence. The fight against terrorism is also an endless battle of interpretations (what is terrorism? Jihad?), a clash over words ("Axis of evil", "Crusade", "War on terror", "Allah akbar"), concepts (secularization, laïcity, East and West, North,and South), symbols (Bamiyan Buddhas, Palmyryan ruins) and images (Danish cartoons).

---

[9] All observers and experts of Boko Haram recognize that from the creation of the group until 2009, the Nigerian association was a pietistic and non-violent one. It is only after the arrest and the death of Boko Haram's leader, Muhammad Yusuf, and many of his followers, that the group entered the cycle of armed violence. Regarding the name "Association of the People of the Sunna for Preaching and Jihad", here again the use of the word "jihad" may be misleading for experts and researchers who are not familiar with the Islamic faith. The Arabic word "jihad" is one of the most searched word in Google and it means literarily "effort", "force". It has no intrinsic martial connotation, even in the Quran, the sacred book of Muslims, the mention of jihad refers in most occurrences to the "effort" of spiritual, introspective, meditative nature. So asking Muslim leaders and clerics to "condemn jihad" is a complete misunderstanding (but an ideological victory for those groups who promote it in the form of "holy war") since it would be equivalent to remove one fundamental aspect of the Islamic faith. We may say that jihadism is a modern ideological and bellicose interpretation of the religious notion of "jihad" like Islamism is a socio-political interpretation of Islam.
Jihadism emerged gradually as an extremist ideology in Afghanistan during the nine-year guerrilla (1980-1989) against the Soviet occupation of Afghanistan.

Semantic and semiotic wars are real-time and low intensity conflicts fed by social and mass media with hate, fear, and anxiety as structural emotions. Semantic and semiotics are profound and powerful stockpiles for both terrorism and CT rhetoric artilleries. Using the appropriate terminology, designing meaningful, solid, and operative concepts based on vernacular realities can contribute to a therapeutic arsenal for the prevention of terrorism and extreme violence. In order to neutralize the dangers of terminology, an alternative strategy would be to use preferably the original appellations of VE groups (to not underestimate or despise the enemy), to de-penalize and de-remilitarize the polysemous (multiple meanings) religious notion of jihad (so that a civil and peaceful jihad ("spiritual effort") against extreme violence can be legitimized), to control and if needed sanction hate speech and racist demagogic expressions in mainstream television news channels, to promote mass digital literacy – as an alternative to digital surveillance and other heavy security-oriented measures – on the responsible use of social networks, etc. In an age of universal access to information and communication, the strategic dimension of meaning and symbolism can be no more underestimated in any convincing analysis of 21st century conflict-ridden climate.

From the "War on Terror" to the "Fight against Terrorism and Violent Extremism"

The bellicose trend of the "war on terror," which was the dominant paradigm characterizing the military operations conducted mainly in Afghanistan and Iraq in early 2000s, was a decade later openly criticized within the international cooperation sphere. The launching of the Global Counter-Terrorism Forum (New York, 2011)[10] and other international institutions such as Hedayah (Abu Dhabi, 2012)[11], the International Institute of Justice and the Rule of Law (Valetta, 2014)[12] and the Global Community Engagement and Resilience Fund (Geneva, 2014 8, were additional (p)layers in the international effort initiated by the UNGCTS in 2006. It is in this decade that progressively the terminology of "countering/preventing violent extremism" (CVE/PVE) was adopted to focus more on the root causes of terrorism than on its symptomatic phenomenology. In 2015, President Barack Obama chaired in Washington the White House Summit on Countering Violent Extremism with representatives of more than 60 countries, leaders of the EU and the UN. This summit represents a sort of symbolic turning point since it established for the first time and at the highest level of the international community a recognition that the "war on terror" has generated abuse of power from security forces, repression of dissenting voices

[10] "The GCTF is an informal, apolitical, multilateral counterterrorism (CT) platform that contributes to the international architecture for addressing terrorism. The GCTF's mission is to diminish terrorist recruitment and increase countries' civilian capabilities for dealing with terrorist threats within their borders and regions. (…) A main objective of the Forum is to support and catalyze implementation of the United Nations (UN) Global Counter-Terrorism Strategy, reviewed in June 2021, and the UN CT Framework more broadly, including for instance the UN Secretary-General's Plan of Action to Prevent Violent Extremism presented to the UN General Assembly in January 2016. The GCTF works closely with UN bodies to pursue this goal." https://www.thegctf.org/Who-we-are/Background-and-Mission

[11] "Hedayah is the premier international organization dedicated to using its expertise and experiences to countering violent extremism (CVE) in all of its forms and manifestations through dialogue, communications, capacity building programs, research and analysis". https://www.hedayahcenter.org/about/

[12] "The International Institute for Justice and the Rule of Law (IIJ) provides rule of law-based training to lawmakers, police, prosecutors, judges, corrections officials, and other justice sector stakeholders on how to address terrorism and related transnational criminal activities within a rule of law framework." https://www.theiij.org/about-us/

that may have encouraged more terror and extremism. The official statement of the summit acknowledges:

> "that intelligence gathering, military force, and law enforcement alone will not solve – and when misused can in fact exacerbate – the problem of violent extremism and reiterated that comprehensive rule of law and community-based strategies are an essential part of the global effort to counter violent extremism and, like all measures aimed at addressing the terrorist threat, should be developed and implemented in full compliance with international law, in particular international human rights law, international refugee law, and international humanitarian law, as well as with the principles and purposes of the UN Charter" [13].

In this same CVE summit statement, it was also:

> "reaffirmed the central role of the UN in efforts to address violent extremism and the comprehensive framework that the UN Global Counter-Terrorism Strategy offers for addressing the conditions conducive to the spread of terrorism".

This clear and unambiguous acknowledgement of "misused intelligence gathering, military force and law enforcement" signals a new approach of terrorism and CT that is taking place and implemented in various countries and regions around countless projects and programmes of radicalization and deradicalization, rehabilitation and reintegration of former violent extremists since then. But how can this "misuse" be identified without an evaluation or a monitoring process? The diplomatic dialog and the international encounters of the past decade have tacitly recognized that it is not possible to eradicate terrorism, it can't be defeated by war and more generally by military, security and intelligence means, but it can be considerably diminished and finally resorbed by an engagement in a larger civil/civic fight on multiple fronts corresponding to its political, economic, social root causes. The logical outcome of this turning point unveiled in the White House CVE Summit nowadays will consist in the evaluation of how to improve, and if necessary, revise or reform the CVE strategies adopted by the international community. In the current decade, it seems almost inevitable that the international community would seek to develop mechanisms and tools of assessment in order to identify possible "misused" and "abusive" security and CT policies and operations. The next diplomatic activity on terrorism should be on the assessment of the strategies put in place to fight it and on the long-term impact of the projects and programmes implemented for this end. And it is in this context of ideological shift (expressed by a change in the terminology) adopted by the international community (from the "war on terror" to the "fight against terrorism and violent extremism") that this synthesis apprehends some basic elements for a future potential evaluation of a CT strategy.

Constantly increasing in demand and influence in private companies, international and governmental institutions, public programmes, the field of evaluation with its methodology, procedures, tools, guidelines, and recommendation could enrich considerably the CT expertise for which there should be a thorough risk assessment directly correlated with human rights and gender compliance. So, there might be an emerging new field of evaluation, the CT evaluation, which would be designed by experts on CT and by representatives from the civil society. It is not in the framework of the

[13] The White House Summit to Counter Violent Extremism Ministerial Meeting Statement, 19 February 2015, https://2009-2017.state.gov/j/ct/cvesummit/releases/237673.htm

metasynthesis to apprehend this whole new emerging field, but the present document can at least indicate certain limitations and gaps in the evaluation studies and why is necessary to deepen critical issues, lessons learned, open questions and gaps beyond and beneath the levels of managerial, programmatic, and technical expertise.

Monitoring of Counter-Terrorism and International Humanitarian Law

If we consider the role of the international community in the assessment of asymmetrical conflicts and extreme violence, it is also instructive to consider how one of the oldest, most respected, and prestigious internationals institutions like the International Committee of the Red Cross (ICRC) – founded in 1863 and at the origin of the first Geneva convention on humanitarian right in times of war – considers terrorism and CT. On the issues of violence, armed conflicts and wars, ICRC has a kind of precedence within the international community because this organization was created long before the League of Nations (1920-1946) and the United Nations (1945) and it has been closely associated with the formulation of the Geneva Conventions (four treaties and three protocols international containing "the most important rules limiting the barbarity of war" 200) and the International Humanitarian Law (IHL). The baseline that it articulates as international humanitarian law is the establishment of a fundamental distinction between civilians and combatants in an armed conflict:

> "When a situation of violence amounts to an armed conflict, there is little added value in calling such acts "terrorism", because they already constitute war crimes under international humanitarian law (…) A crucial difference between IHL and the legal regime governing terrorism is that IHL is based on a premise that certain acts of violence in war – against military objectives and personnel – are not prohibited. Any act of "terrorism", however, is prohibited and criminal. The two legal regimes should not be blurred given the different logic and rules that apply." [14]

ICRC has 100'000 employees present in 100 countries that guarantee neutrality and impartiality of humanitarian work in armed conflicts. This organization is in position to and has the legitimacy to evaluate if and when CT activities are transgressing IHL. On several occasions, ICRC has alerted on "the potential adverse effects on humanitarian action of certain counter-terrorism measures taken by States, both internationally and domestically."[15] It is part of the general mission of the ICRC to assess if the humanitarian right is applied when individuals suspected of terrorism are detained.

> "Independent and neutral monitoring mechanisms, such as the International Committee of the Red Cross, should be granted access to these individuals, so that they can assist detaining authorities in ensuring that detainees are treated humanely and in conformity with applicable international law and standards." [16]

---

[14] Challenges for IHL - terrorism: overview, 29 October 2010. https://www.icrc.org/en/document/challenges-ihl-terrorism

[15] Counter-terrorism activities must respect protections afforded by international humanitarian law. Statement to UN General Assembly Sixth Committee Meeting on "Measures to Eliminate International Terrorism", 10 October 2019. https://www.icrc.org/en/document/counter-terrorism-activities-must-respect-protections-afforded-international-humanitarian

[16] Ibid.

ICRC do not hesitate to signal to the international community when "unintended consequences of counterterrorism measures" are "limiting humanitarian assistance" and "jeopardizing the neutral, impartial and independent humanitarian action"[17]. Since humanitarian work is based on neutrality and impartiality, ICRC remains extremely vigilant about the use and misuse of the humanitarian right in risky geopolitical and conflictual contexts. ICRC is aware that the credibility associated to IHL can be lost in the eyes of civil populations when military-humanitarian interventions are blurred – like in the case of a "right" to interfere militarily on humanitarian grounds or in the ideological context of the global "war on terror" that has generalized the use of drones and other lethal weaponry in Central Asia and the Middle East. On the military side, new forms of CT and counter insurgency tactics are developed increasingly relying on artificial intelligence and unmanned systems ("flying, high-resolution video cameras armed with missiles."). The question of their compliance with humanitarian and human rights is completely open and "unthought", since the new warfare opposes on one side lethal algorithms (that assures "combatant immunity" while limiting "collateral damage") to both combatants and non-combatants on the other side (with the omnipresent risk, in front of a faceless and ubiquitous adversary, of driving civilians into the arms of the terrorist enemy). Fighting militarily terrorism has imposed a new kind of nonconventional wars and asymmetrical conflicts. The new wars from afar that guarantee "surgical strikes" while "projecting power without projecting vulnerability" require new amendments in humanitarian and human rights. The combination of humanitarian and military operations in the perception of populations caught in the middle contributes to a combined "humilitarian" action that at the same time kills and saves civilians near the areas of intervention, simultaneously produce targeted assassinations, and provide care.205 It appears that nowadays not only new – AI-based – forms and of both terrorism and CT[18] may undermine the application of IHL and challenge the universality of human rights in the 21st century.

Imbalance between security and human rights and gender issues

The UN have long integrated in their evaluation process the human rights and gender equality compliance. In 2011, a handbook was released which details step-by-step how these issues can be integrated into evaluation practice. [19] These guidelines have been since promoted and adapted in other UN agencies' evaluation handbooks. Despite that "all UN interventions have a mandate to address HR & GE issues", the necessity to provide a manual

[17] "In recent months the ICRC has faced several challenging situations which have delayed or blocked our ability to protect and assist people affected by conflict and violence. These have come in diverse forms, including domestic counter-terrorism legislation, criminal laws, sanctions regimes and measures, clauses in grant contracts, de-risking measures, or simply politically-motivated or security-based restrictions, or economic activities in theatres of conflict in which we operate." Combatting terrorism should not come at the expense of humanitarian action or principles.
Remarks to UN General Assembly High-Level Side Event on "Counter-terrorism Frameworks and Sanctions Regimes: Safeguarding Humanitarian Space", 26 September 2019. https://www.icrc.org/en/document/combatting-terrorism-should-not-come-expense-humanitarian-action-or-principles

[18] On AI and counter terrorism, cf. the joint UNICRI-UNOCCT recent reports Algorithms and Terrorism: The Malicious Use of Artificial Intelligence for Terrorist Purposes, 2021, (https://unicri.it/News/Algorithms-Terrorism-Malicious-Use-Artificial-Intelligence-Terrorist-Purposes) and Countering Terrorism Online with Artificial Intelligence. An Overview for Law Enforcement and Counter-Terrorism Agencies in South Asia and South-East Asia, 2021 (https://unicri.it/Publications/Countering-Terrorism-Online-with-Artificial-Intelligence-%20SouthAsia-South-EastAsia).

[19] Integrating Human Rights and Gender Equality in Evaluation. Towards UNEG Guidance, UNEG/G(201 1)2, http://www.uneval.org/document/detail/980

was a means to change real situations where "interventions do not always mainstream HR & GE" as it is stated in the UNEG handbook. Evaluation criteria to assess human rights and gender equality for the capacity of "duty-bearers" (state and non-state actors) and the benefit of "rights holders" (grassroots communities, women, youth) have been adapted from the use of the well-known evaluation criteria of the Organization for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC): relevance, effectiveness, efficiency, impact, and sustainability.

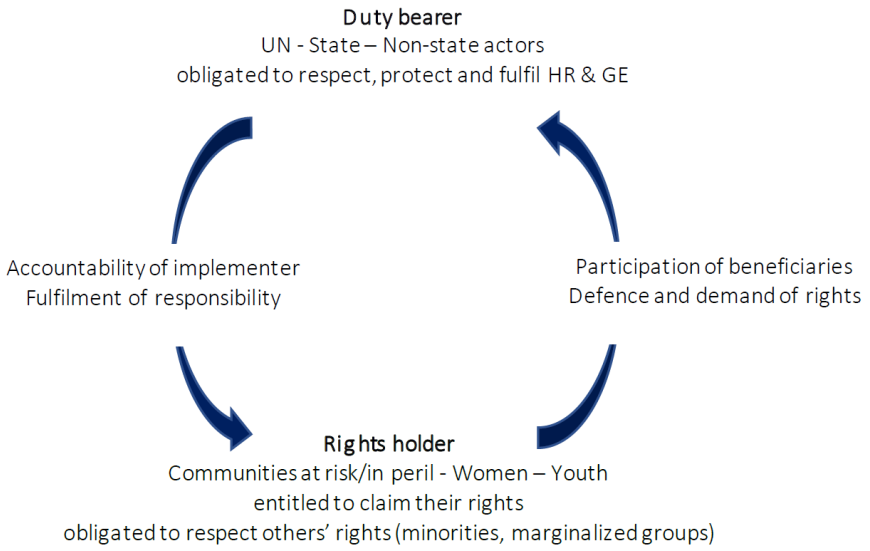
During the 2010s, most of evaluation/audit/assessment reports not only took into consideration HR and Gender issues but developed detailed sections in their final report to better quantify and qualify their integration in the monitoring and evaluation process. It is nowadays a prerequisite condition of any evaluation study to mainstream human rights and gender equality. Most, if not all, recent evaluation reports related to CT – as well as to all other UN activities – are sensitizing on these issues of global concern. "All UN evaluations address HR & GE issues", but from the perspective of future improvement of evaluation studies, the question remains to determine if CT interventions do always mainstream HR & GE, and consequently their direct and concrete impact on the rights holders is. Beyond the HR & GE evaluation criteria and training curriculum, and considering the highly sensitive geopolitical, security military and judiciary issues at stake, the evaluation of the impact of human rights and gender mainstreaming is an extremely difficult task that requires far more robust long-term data than those studied and coded in evaluation/audit/assessment reports. It is beyond the current CT evaluation reports that focus on projects designed, programmed, and implemented in a very limited time (2-3 years). However, on the other hand, there exist actors, within the UN, that have the capacity to assess in a systematic monitoring and a long-term perspective the "evaluability" of the respect of human rights and gender issue: UN specialized agencies, independent international institutions, NGOs, and grassroots associations can establish a monitoring based on the depth of their engagement. Their presence and their influence in the UN Global Compact entities might guarantee that CT interventions may resolve conflictual problems and diminish VE while improving the situation of human rights and gender issue. Mainstreaming human rights and gender issue in projects and programmes does not necessarily traduce or imply real changes on the ground. For an expert working from an international observatory of human rights and gender condition who is not familiar with the evaluation approach, the systematic mentions and verification of the "prerequisite" in CT projects may appear essentially like an inescapable "quality certification" but it is not enough to establish that the said projects promote social conditions, individual freedom, and equality in treatment in risky geopolitical contexts. One of the best practices of evaluation process developed by a Compact entity is the one systematically applied by the UN Department of Political and Peacebuilding Affairs for all its projects. Instead of having a centralized and homogenized evaluation procedure systematically applied to different projects, contexts and countries, the Peacebuilding Fund requires that every financed PVE project must be evaluated by the recipients. Consequently, all evaluations are done with different actors on the field, organizations, methodological approaches. In this decentralized evaluation strategy, recipients are both participants and evaluators of the projects implemented. Furthermore, their evaluation is budgeted in the project itself. This innovative approach of evaluation allows more flexibility, adaptability, autonomy, and participation from the recipients. The evaluation architecture – the Peacebuilding Fund's recipients being the ones in charge of assessment – is evolutive and has the capacity to gain evaluation skills and knowledge on an empirical basis, by exploring different methods and

allowing multiple ways of understanding the evaluation results[20]. It also concretely traduces in real and risky geographies the behavior and institutional changes promoted by the Peacebuilding Fund. This best practice reflects the didactic aspect involved in an evaluation process, where negotiation and power are in the hands of different stakeholders. In the handbook Integrating Human Rights and Gender Equality in Evaluation a meaningful quotation from Joachim Theis, specialist of child protection and expert on evaluation and monitoring, is particularly highlighted:

> "A rights-based evaluation is not just a technical exercise in data collection and analysis. It is a dialogue and a democratic process to learn from each other, to strengthen accountability and to change power relations between stakeholders." [21]

For all aspects related to fragilized communities, human rights, women, and youth in contexts of conflict and violence, the evaluation cannot be reduced at a top-down verification process that reports on "good or very good" scores and results, it involves a complex relation of mutual dependency and trust, a negotiation and delegation of power between truly participating stakeholders.

Evaluation, Stakeholders, Human Righs and Gender Equality[22]



Mainstreaming human rights and gender issue in CT evaluation reports somehow assesses the importance of these issues according to the specialization and areas of expertise of the UN Global Compact entities. It also reflects the priorities of decision-makers and donors, the actual balance between "hard" security, military, judiciary treatments of CT and "soft" human rights, gender, socioeconomic empowerment, and development approaches. Entities working on the "soft" and no less strong and demanding methodologies may find a gap between statements, formal indications and the effective situation prevailing among fragilized communities or within oppressive regimes fully engaged in the CT mobilization.

---

[20] For an overview of the Peacebuilding Fund's evaluations, consult the thematic and country reviews available online: https://www.un.org/peacebuilding/fund/documents/evaluations

[21] Joachim Theis, "Rights-based Monitoring and Evaluation. A Discussion Paper", Save the Children, April 2003. https://archive.crin.org/en/docs/resources/publications/hrbap/RBA_monitoring_evaluation.pdf

[22] Schematic table after and inspired from Joachim Theis' illustration, Ibid.

Since there is no consequent funding on human rights issues within the UN Global Compact entities (that might holds the comparison with the funding of "harder" and "over-securitized" issues), mainstreaming human rights and gender issue appear to the UN human rights community more as a "rhetorical" and "talismanic" practice (recurrent keywords appropriately disseminated in security-oriented reports allow them to be ranked among "HR & GE" ones) than a dedicated and in-situ engagement in the fight against terrorism and VE. MS have expressed on many occasion the importance to include the global civil society in their fight against terrorism, but its absence in the UN Global Compact entities remains problematic, especially when discourses call on inclusiveness. If the civil society and NGOs are excluded, the risk is to develop human rights and gender mainstreaming in an intellectually closed and poor space where no critical assessment is made possible.

What has been confirmed in the interviews is that the most outstanding asset of the Global Compact entities consists in the richness of approaches and expertise, the diversity of communities that constitute it. But these communities objectively don't have the same weight and influence in the access to funding, decision-making mechanism, design of projects and programmes within the UN Global Compact entities. The human rights compliance after all remains rather weak when at the same time, security measures are in a certain manner believed to be the priority ones that can stop terrorist threats. This significant imbalance is a reality beyond the large UN CT community. Security policies are the top priorities in the international affairs since 11 September 2001, and behind large-scale military interventions conducted (in Iraq, Afghanistan, and Libya) with the support of the international community, the working hypothesis is that is possible to simultaneously defeat terrorism, export and implement democracy in "fragilized" and/or "rogue" states. The assessment of the empirical evidence of this hypothetical assumption (security and democracy can be imposed by legal force, exported, and therefore overcome de facto an illegitimate violence) is not attested and never required by any international terrorism monitoring centre. The research community, including the one that is working with many UN agencies (members and non-members of the UN Global Compact entities), has considerably contributed to our understanding of some fundamental concepts such as the human rights and gender equality development: it has the scientific ability to critically review our understanding of violence - be it (il)legal, (il)legitimate, (inter)national, extreme - and its intricate links to state, security and power relations. It is probable that our understanding of violence will considerably evolve during the 21st century as well as our shared views on development considerably progressed over time. What is important to notice here is that we assume without robust data and empirical evidence:

> "First that all forms of violence are commensurate, such that it makes sense to say that 'violence' is on the increase or alternatively on the decline, globally and nationally. Second, that it can be measured and fitted into causal models, on the one hand of its causes or determinants; and on the other hand of its developmental and other impacts. Third, that violence by its nature unsettles established political and social orders and is thus inseparable from state failure or fragility and also from wider international insecurity. Fourth, that violence is the polar opposite of security, just as war is the absence of peace. And fifth, that violence and insecurity can be portrayed as 'development in reverse', or to put it the other way around, security is an essential prerequisite of development. All of these assumptions are open to question and debate" [23].

[23] Robin Luckham, "Whose violence, whose security? Can violence reduction and security work for poor, excluded and vulnerable people?", Peacebuilding, Volume 5, 2017 - Issue 2: Security in the Vernacular.

A certain number of hidden assumptions and premises are guiding our perception of violence as a process that is linear (more security will lead to a state of violence diminishing returns) and homogenous despite the variety of its manifestations (organized crime, jihadism, pastoral conflicts, urban riots, vigilantism, paramilitary violence, law enforcement and traditional authorities violence, electoral and political violence, ethnic cleansing, forced migration, human trafficking, domestic violence, sexual violence, etc.). The phenomenology of 21st violence is multifaceted, multicausal and eminently complex and the lack of knowledge on these dimensions within the UN Global Compact entities can be solved only by a significant investment of the international scientific research community – especially within the UN, notably through its dedicated institutes – and the inclusion of the global civil society through its planetary network of NGOs and grassroots associations. The historical moment is particularly appropriate to engage an intellectual debate on these issues of global concern. Our perception of violence must evolve since its manifestations differ radically from 20th century (two world wars, a mass genocide, and dozens of millions of deaths) to 21st century (with a myriad of nonlinear, asymmetrical, and low-intensity conflicts at the horizon). If we were to compare with our apprehension of the notion of development – which is part of the core mission of the UN -, we may observe that it has changed from the linear and universal stages of economic development [24], a dominant paradigm in the 1960s to the human development index adopted by the UN in the 1990s. Research centres and institute of development studies on their side have contributed to criticize the conventional understandings of determined and linear development and their premises, they have encouraged the knowledge production of different schools of thought from North and South that have considerably enriched the debate which has been later shared with the civil society and the grassroots organizations. Those who elaborated the socioeconomic visions that became global shared views on development were above all scholars: from the classical works done by American economist (and former national security adviser to the US presidency) Walt Whitman Rostow to those elaborated by the Pakistani economist (and former finance minister) Mahbub ul Haq, we see how in a time frame of thirty years, development has meant and expressed different quests - from material prosperity to human wellbeing and ecological sustainability – as well as different focus and needs. Similarly, with a critical distance of twenty years of CT mobilization, it is timely appropriate to engage in a global intellectual debate, to stimulate research and to explore new paradigms for security, peace, and violence studies. New understandings of the contemporary violence might consequently better integrate human rights and gender issue if the Global Compact entities could fully integrate the vast UN human rights community and progressively shift from the viewpoints of the MS actors – for whom security is a prior step conducive to peace, development, democracy – to more empirical and vernacular viewpoints reflected by the perceptions and representations of the populations concerned – whose sense of safety doesn't necessarily coincide with MS' concern but is no less essential.

Reda Benkirane

https://www.tandfonline.com/doi/full/10.1080/21647259.2016.1277009

[24] Namely 1) traditional society, 2) precondition s to take-off, 3) take-off, 4) drive to maturity, and 5) age of high mass consumption. Cf. Walt Whitman Rostow, *The Stages of Economic Growth: A Non-Communist Manifesto*. Cambridge University Press, 1960.