Constructions of Terrorism: *Reconciling Human Rights, Human Security in Countering Terrorism*

6-7 December 2016, ICSR, King's College, London, UK

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Organised by TRENDS Research & Advisory, International Centre for the Study of Radicalisation and Political Violence (ICSR), King's College, and the Orfalea Centre for Global and International Studies, University of California, Santa Barbara

Overview

In the Constructions of Terrorism project we have explored key issues in understanding terrorism. Experts have provided research and discussion on issues of methodology, definitions, the understanding of context, and the diverse range of factors involved in compelling individuals to engage in terrorism (information on our past events can be found here http://trendsinstitution.org/?p=1724 and http://trendsinstitution.org/?p=1379).

It is clear that there is no single model or frame through which we can attempt to explain or understand terrorism and the violence being used. This has created difficulties for governments in how to respond to the threats posed by terrorism; requiring action directed at, *inter alia* - intelligence/information gathering, monitoring potential threats, creating safer infrastructure in society, and attempting to foster programmes designed at preventing extremism that leads to violence. In efforts to counter terrorism governments must act in order to ensure security, while at the same time, chosen measures often further fear and feelings of insecurity both at home and abroad. The balance is difficult and governments have to have a clear policy guiding behaviour that is created through coherent measures.

For this event we will be exploring the challenges in meeting the demands of human security through the respect of human rights while putting forth effective counter terrorism programmes. It is important to further security through effective human rights promotion while also recognising the limitations upon human rights that are sometimes necessary for providing security. Recognising the limitations is not to create an obstacle to progress, rather it is about identifying how the human rights project can be furthered by looking at the actual lived experiences on the ground in a society and providing a secure environment for all.

Conference Schedule

Day 1 - 6 December
9:00-10:00 Arrival and Registration

10:00 -11:00 Welcome and Keynote

Welcome: Chaired by Richard Burchill, TRENDS

Welcome Statements from Dr. Ahmed Al Al Hamli, TRENDS

Professor Michael Stohl, Orfalea

Opening Keynote: Professor Peter Neumann, Director of ICSR

11:00 – 11:30 Coffee

11:30 – 13:00 Panel 1: Framing the Issues

Counter-terrorism vs human security: Parallels logics that do not intersect, Harmonie Toros, Senior Lecturer in Conflict Analysis, School of Politics and International Relations, University of Kent

Between radicalisation and polarisation – a critical appraisal of counter-radicalisation policies, Daniela Pisoiu, Senior Researcher at The Austrian Institute for International Affairs

The international framework on countering-terrorism and human rights standards, Arturo Laurent, Programme Officer, Terrorism Prevention Branch, United Nations Office on Drugs and Crime, TRENDS Non-Resident Fellow in Transnational Organised Crime and International Criminal Law

13:00 – 14:00 Lunch

14:00 – 15:00 Panel 2: Determining who is or is not a terrorist

'A tough but necessary power': Debating proscription in Parliament, Lee Jarvis, Reader in International Security, School of Politics, Philosophy, Language and Communication, University of East Anglia

Examining Means and Objectives in Assessing the Threat Posed by Political Organisations, Richard Burchill, Director of Research and Engagement, TRENDS Research & Advisory

15:00-15:30 coffee

15:30 – 16:30 Panel 3: Messaging and Propaganda

Breaking the ISIS Brand: Fighting and Winning Against ISIS in the Digital Battlefield, Anne Speckhard, Director, International Center for the Study of Violent Extremism, Washington, DC

In-Theatre Engagement with the Islamic State's Propaganda Machine, Charlie Winter, Senior Research Fellow, ICSR

Day Two - 7 December

9:00 – 9:30 Arrival/Coffee

9:30 – 10:30 Panel 4: Foreign Policy, Human Rights and Security

Human Rights and Syria: Humanitarian Intervention and the Old World Order? Leah Sherwood, Deputy Director of Research, TRENDS Research & Advisory

Reaching for the Remote: Drones in the U.S. Counter-terror Operations, Scott Englund, TRENDS Non Resident Fellow in Counter Terrorism, Post Doctoral Research Fellow, Orfalea Center for Global and International Studies, University of California, Santa Barbara

11:00 – 11:30 Coffee

11:30 – 13:00 Panel 5 Social Constructions of Understanding Terrorism

Countering Violent Extremism: Construction of the Threat and Implications for Counterterrorism Policy, Benjamin K. Smith, Graduate Research Assistant, and Michael Stohl, Director, Orfalea Center for Global and International Studies, University of California, Santa Barbara

Confronting common challenges at a time of "existential crisis.", Geoffrey Harris, Distinguished Teaching Fellow, Vesalius College, Brussels, TRENDS Non-Resident Fellow in EU Politics and International Relations

Preventing terrorism together – Empowering credible community voices to counter extreme narratives, Andrew Staniforth, Detective Inspector, West Yorkshire Police, TRENDS Non-Resident Fellow in Counter Terrorism and National Security

13:00 14:00 Lunch

14:00 – 15:30 Panel 6: National Studies

The persistent failure to reconcile Human Rights and Human Security in Counter-terrorism: The case of Greece, George Kassimeris, Professor of Security Studies, School of Social, Historical and Political Studies University of Wolverhampton

Extreme measures against extremism? A view from Belgium, Thomas Renard, Senior Research Fellow, Egmont-Royal Institute for International Relations, Brussels

Jihadists of the Caribbean, Simon Cottee, Senior Lecturer in Criminology, School of Social Policy, Sociology and Social Research, University of Kent

15:30 – 15:45 Coffee

15:45: - 16:45 – Final Session/Close

Abstracts

Panel 1: Framing the Issues

Counter-terrorism vs human security: Parallels logics that do not intersect, Harmonie Toros, Senior Lecturer in Conflict Analysis, School of Politics and International Relations, University of Kent

The paper argues that attempts to "reconcile" counter-terrorism with human rights and human security are bound to fail, as counter-terrorism is conceptually impervious to notions of human rights and human security. By isolating "terrorist violence" from other forms of direct and structural violence, counter-terrorism succeeds in creating a logic – reflected and operationalized in legislation, policies, administrative units, research agendas, etc – that runs parallel but does not intersect with social logics of human security and human rights. This forces policymakers, law enforcement officials and researchers alike, into the unsavoury choice of establishing a hierarchy amongst these two competing logics since there is no intersect to be found. The paper argues that a potential solution to this is to move away from a focus on terrorism in favour of a focus on conflict which allows both direct and structural violence – including terrorist violence but also human insecurity – to be analysed and engaged with through a unified conflict management, resolution or transformation lens.

Between radicalisation and polarisation – a critical appraisal of counter-radicalisation policies, Daniela Pisoiu, Senior Researcher at The Austrian Institute for International Affairs

Counter-radicalisation, deradicalisation and prevention programs and initiatives have flourished all over Europe. In particular, confronted with the phenomenon of foreign fighters, European governments have set out to combat the extremist threat in the midst of their societies. This paper critically discusses some of these initiatives among several dimensions: assumptions about the radicalisation process and how it occurs; side effects such as polarisation, co-radicalisation and spirals of violence; broader political, social and cultural implications.

The international framework on countering-terrorism and human rights standards, Arturo Laurent, Programme Officer, Terrorism Prevention Branch, United Nations Office on Drugs and Crime, TRENDS Non-Resident Fellow in Transnational Organised Crime and International Criminal Law

In developing the international legal framework on countering terrorism (e.g. conventions, UNSC and GA resolutions), Member States have clearly emphasised that "effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing". As acts of terrorism have adverse consequences on democracy and rule of law, in complying

with their duties to protect individuals under their jurisdiction, States strengthen such core values. The obligation to prevent terrorist acts and to bring those responsible to justice must not be compromised by the infringement of human rights, including those concerning criminal procedures, Otherwise the achievement of one of the terrorists objectives would be facilitated. In this context, the criminalization of terrorist acts prescribed by international law is a mechanism to strengthen fair trial guarantees.

Panel 2: Determining Who is or is not a Terrorist

'A tough but necessary power': Debating proscription in Parliament, Lee Jarvis, Reader in International Security, School of Politics, Philosophy, Language and Communication, University of East Anglia

In common with many other countries, and several other international actors, the United Kingdom maintains a list of banned organisations as part of its counter-terrorism framework. As of August 2016, 80 organisations were included on this list – compared with 60 Foreign Terrorist Organisations listed within the United States, 54 in Canada, and 20 in Australia. This paper focuses on the process of proscription within the UK, asking how the power through which organisations are outlawed is debated by Parliamentarians. The paper begins by identifying core strategic and ideological effects claimed for proscription by its advocates in Parliament, before contrasting these with long-standing fears around the power's effectiveness, necessity, and implications for citizenship and human rights. The paper argues that exploring these debates sheds further light upon the role of legislators as security actors, and problematizes restrictively statist models of counter-terrorism.

Examining Means and Objectives in Assessing the Threat Posed by Political Organisations, Richard Burchill, Director of Research and Engagement, TRENDS Research & Advisory

As part of the global counter-terrorism efforts there is the process of naming or proscribing organisations as "extremist" or "terrorists". Proscription results in legal measures being applied to that organization preventing establishment or participation in a state along with limits on financial support. In assessing what organisations are a sufficient threat to state or global security there is a tendency in the current context to look at the means being used as a primary determination. If an organisation is non-violent then, it is often claimed, they cannot be extremists. This overlooks the objectives being pursued which can have a damaging impact on the security of the state. This paper will examine the extent to which overlooking the objectives being pursued by organisations has a damaging impact on security. It will examine the experience under the ECHR where limits on political participation have been justified as legitimate when an organisation pursues an extremist objective. It will use this framework to address the current practice of

proscribing organisations seeking to politicise Islam assessing the extent to which objectives are given sufficient weight in proscribing an organisation.

Panel 3: Messaging and Propaganda

Breaking the ISIS Brand: Fighting and Winning Against ISIS in the Digital Battlefield, Anne Speckhard, Director, International Center for the Study of Violent Extremism, Washington, DC

ISIS is currently suffering a military defeat in Syria and Iraq. They are however winning in the digital space. Every day ISIS uses its prolific social media presence consisting of thousands of videos, memes, photos, testimonials, etc. to cast a huge net and ensnare vulnerable potential recruits. When an individual responds to ISIS by retweeting, liking or otherwise endorsing them, ISIS recruiters swarm in and try to entice that person into joining their cult of death and destruction. to effectively fight back in the digital space, we need to be as clever as ISIS—using video, emotionally compelling material and raising the voices of actual insiders who have seen first hand the corruption, brutality, rapes and totally unIslamic nature of ISIS—defectors who can destroy the ISIS web of deceit and their claim of creating a utopian "Caliphate". We need to break the ISIS brand.

In-Theatre Engagement with the Islamic State's Propaganda Machine, Charlie Winter, Senior Research Fellow, ICSR

Most efforts to counter the Islamic State's online strategic communications are prominent fixtures in today's mainstream media. However, less well-known are the attempts made by the international coalition and its allies to undercut the group's information offensive on the battlefield in Syria and Iraq. Filling a significant gap in the research by studying ongoing coalition and coalition partner efforts in Iraq and Syria, this presentation explores and evaluates three separate in-theatre communications strategies against the Islamic State.

Panel 4: Foreign Policy, Human Rights and Security

Human Rights and Syria: Humanitarian Intervention and the Old World Order? Leah Sherwood, Deputy Director of Research, TRENDS Research & Advisory

This paper will explore the complex challenges of humanitarian intervention in three ways. Firstly, a brief review of Kosovo's 1999 crisis and NATO's consequent intervention illuminates the challenges of an unauthorized humanitarian intervention. The war in Kosovo embodies all the ambiguities of a "right to intervene" exercised in the name of the international community by a coalition of the world's biggest military powers. Secondly, international law, as it pertains to authorized and unauthorized humanitarian intervention, will be reviewed to provide a context for the Kosovo's experience and analyse the Syrian case. Lastly, Syria will be presented as a justified unauthorized humanitarian intervention. In

conclusion, the doctrine of humanitarian intervention will be critically assessed by highlighting cases of selectivity in US humanitarian missions and exploring motivations for action, which may be less than wholly humanitarian in nature. The final thoughts highlight the implications this has for international security and the integrity of the post-WWII world order, which is increasingly under theat.

Reaching for the Remote: Drones in the U.S. Counter-terror Operations, Scott Englund, TRENDS Non Resident Fellow in Counter Terrorism, Post Doctoral Research Fellow, Orfalea Center for Global and International Studies, University of California, Santa Barbara

The use of Remotely Piloted Aircraft (RPAs or "Drones") by the United States' as an element within its "targeted killing" counter-terrorism effort has been both applauded as a low-cost and low-risk means of disrupting terror group operations and strongly condemned as illegal, immoral, and establishing a dangerous precedent. This paper will focus on two dimensions of lethal RPA operations: 1.) the existence and nature of an on-going armed conflict waged by the United States; 2.) assuming the existence of such an armed conflict, the military objective of that armed conflict. These two dimensions raise questions about the status of enemy forces encountered, the shape and size of the battle-space, and the costs and benefits derived from specific actions. Studying RPA use in the United States' counter-terror mission may be then used to consider the broader ramifications of the United States and its allies conducting a long, borderless war against al-Qaeda and associated groups, per the still-in-use U.S. Congressional Authorization for the Use of Military Force (AUMF).

Panel 5 Social Constructions of Understanding Terrorism

Countering Violent Extremism: Construction of the Threat and Implications for Counterterrorism Policy, Benjamin K. Smith, Graduate Research Assistant, and Michael Stohl, Director, Orfalea Center for Global and International Studies, University of California, Santa Barbara

This study examines how the last two U.S. administrations have represented the threat from violent extremism, and the source of these threats through an examination of official statements from the Department of Defense, Department of Homeland Security, Department of Justice, Department State (including the Bureau of Counterterrorism and Countering Violent Extremism), and the Whitehouse which refer to "violent extremism," made between 2006 and 2016. Using qualitative discourse analysis, we identify shifts in the discourse based definition of 'violent extremism,' and assess intra/inter-organizational consistency. We then use semantic network analysis to assess the use of 'violent extremism' in newspaper articles published over the same period to determine the extent to which the U.S. administration has effectively driven the discourse surrounding this term and with what effects for understanding the threat. The study concludes by examining the

implications for constructing an effective counter terrorism policy which responds to the expectations of the American public, which have been shaped by the interplay of Administration policy and media representations of the policy and the threat.

Confronting common challenges at a time of "existential crisis.", Geoffrey Harris, Distinguished Teaching Fellow, Vesalius College, Brussels, TRENDS Non-Resident Fellow in EU Politics and International Relations

The European Union and its member states face considerable challenges in response to the deadly reality of terrorism. For some countries such as Spain, Italy and the U.K. terrorism is nothing new even if the context, in each case, was quite distinct. The EU is, however, based on a very advanced set of human rights elaborated in the Treaty of Lisbon as well as in the European Convention on Human Rights. As many terrorist attacks have been carried out in Europe by Europeans terrorism is as much a social as a political problem. EU policies and structures are less relevant than the need for coordination of national strategies and EU policies such as free movement pose a particular challenge, especially as in the US the Schengen system of passport-free travel is seen as an "Achilles heel." Issues of privacy divide institutions and allies. A common challenge is to be faced by countries with quite different social, political and geographical realities at a time of deep division inside the EU, with the issue of immigration one of the primary sources of controversy.

Preventing terrorism together – Empowering credible community voices to counter extreme narratives, Andrew Staniforth, Detective Inspector, West Yorkshire Police, TRENDS Non-Resident Fellow in Counter Terrorism and National Security

The discovery of the home-grown terrorist threat has challenged the traditional pursuit of terrorists, serving to introduce important new trends, including palpable moves towards terrorist prevention and localism. Security forces now seek to ensure that mechanisms are in place to be able to draw upon the valuable information and goodwill of communities from which those vulnerable to terrorist propaganda are radicalised and recruited. This major shift in counter-terrorism policy has proved controversial and divisive. But lessons are being learned and a new era of countering violent extremism policy now seeks to actively encourage and empower 'credible voices' within local communities to counter harmful narratives through a holistic, safeguarding approach. This paper examines the development of preventative policy and recommends a new and increasingly collaborative approach to harness the power of credible voices embedded within local communities to counter extremist narratives.

Panel 6: National Studies

The persistent failure to reconcile Human Rights and Human Security in Counter-terrorism: The case of Greece, George Kassimeris, Professor of Security Studies, School of Social, Historical and Political Studies University of Wolverhampton

Central to this paper is the view that people in liberal democratic societies rarely choose to commit political violence without discourse. Political choices are rooted in beliefs that are fundamental to society and a belief in the utility and necessity of violence suggests systemic collective grievances as well as institutional weaknesses and blockages. One does not have to be an apologist for terrorism to recognise that many of the grievances of terrorist organisations – abuse of authority, political corruption, police brutality- are legitimate, concrete and far from slight. Having one of the most sustained problems of political terrorism anywhere in Europe, Greece stands as an excellent case-study of the how responses to terrorism can be more dangerous for a democratic society than terrorism itself.

Extreme measures against extremism? A view from Belgium, Thomas Renard, Senior Research Fellow, Egmont-Royal Institute for International Relations, Brussels

Starting from a critical perspective on the current terrorist threat, this presentation will review some of the main legal and policy changes that have been developed in Belgium over the past few months, questioning their coherence, effectiveness and efficiency. Is a repressive and judiciary-led response most appropriate, in light of radicalization trends? How visible should the counterterrorism response be? Similarly, what political narrative should be developed in current context, vis-à-vis media and population?

Jihadists of the Caribbean, Simon Cottee, Senior Lecturer in Criminology, School of Social Policy, Sociology and Social Research, University of Kent

There are reportedly 400 Trinidadians in Syria, living under the so-called caliphate. The official number given by the government of T&T is 120. This is well below the 1,800 from France and the 760 from Britain. Yet T&T, with a population of 1.3 million, including 104,000 Muslims, is top of the list of Western countries with the highest rates of foreign-fighter radicalization. This paper offers an explanatory overview of this striking, but largely unexplored, issue, drawing on two fieldwork trips to Trinidad in February and June this year. A number of themes will be addressed, including the history and growth of radical Islamic activism in Trinidad, the Islamization of criminal gangs and the role of the state in permitting migrations to ISIS-controlled territory in Syria and Iraq.