

# Towards a Deeper Understanding of 21<sup>st</sup> Century Global Terrorism

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**Abstract**—This paper examines essential issues relating to the rise and nature of violent extremism involving non-state actors and groups in the early 21<sup>st</sup> century. The global trends in terrorism and violent extremism are examined in relation to Western governments' counter terror operations. The paper analyses the existing legal framework for fighting violent extremism and terrorism and highlights the inherent limitations of the current International Law of War in dealing with the growing challenges posed by terrorists and violent extremist groups. The paper discusses how terrorist groups use civilians, women and children as tools and weapon of war to fuel their campaign of terror and suggests ways in which the international community could deal with the challenge of fighting terrorist groups without putting civilians, women and children in harm way. The paper emphasises the need to uphold human rights values and respect for the law of war in our response to global terrorism. The paper poses the question as to whether the current legal framework for dealing with terrorist groups is sufficient without contravening the essential provisions and ethos of the International Law of War and Human Rights. While the paper explains how terrorist groups flagrantly disregard the rule of law and disrespect human rights in their campaign of terror, it also notes instances in which the current Western strategy in fighting terrorism may be viewed or considered as conflicting with human rights and international law.

**Keywords**—Terrorism, law of war, international law, violent extremism.

## I. INTRODUCTION

GLOBAL terrorism and the rise of violent extremism amongst non-state actors and groups, remain one of the greatest challenges facing the world's nations and society at large in the early 21<sup>st</sup> century. There is a general consensus that the violent activities of non-state armed groups such as Al Qaeda, Islamic State of Iraq and the Levant (ISIL), the Boko Haram, Al Shabaab, and other splinter organisations, commonly referred to as terrorist groups, constitute a significant threat to world peace and collective security of all nations. Their violent operations also undermine the societal human values and respect for human life that are shared by peoples of all nations and cultures.

It is important to note that terrorism has been and still remains a highly contested issue with over 100 definitions of what constitutes a terrorist act. Different countries have different views of a terrorist. According to the British view, terrorist activities involve the use or threat of action intended to (a) influence the government or to intimidate the public or a

section of the public, and (b) advance a political religious and ideological cause [1].

The aim of this paper is to discuss essential issues relating to the nature of 21<sup>st</sup> century global terrorism and to critically examine the success of Western governments' counter terror military operations in dealing with the challenge posed by violent extremist groups.

There is no consensus as to the appropriateness of the terminology 'war on terror' [2]. Since September 11 attack in New York, the term has gained popularity as a battle phrase used to describe or encapsulate what is really a varied, diverse and sometimes contradictory sets of responses by Western governments and the international community to the problem of violent extremism. While the linguistic accuracy of the term and its operational meaning remain contentious, what is less controversial is the increasingly daring and gruesome activities of non-state armed groups who use extreme violence and fear to advance their cause and the attempt of the international community to stop them [2].

Terrorism applies to a wide range of activities aimed at creating mass fear through the use of violence, torture, intimidation and other extreme means to create a state of panic and fear in society [3]. Terrorism is not altogether a new phenomenon and didn't just start or arise from the ashes of the twin tower attack in New York. Also, not all terrorist groups operate in the same ways. While most terrorist groups may be considered violent, there is however fundamental differences in the degree of violence they are prepared to deploy to achieve their aims or objectives [4]. Many pre-21<sup>st</sup> century terrorist groups aimed their activities at military only targets and often issue warning of their impending attacks to reduce civilian casualties. The current brand of non-state terrorist groups is essentially unconventional and seems to have no difficulty in using extreme violence and gruesome tactics in pursuance of their objectives [4].

Not only is it crucial to understand the nature of the war on terror but also the *modus operandi* of the 21<sup>st</sup> century terrorist armed groups that makes this war unconventional. Also, the question needs to be asked as to whether the way Western governments fight the war on terror is strictly in line with the existing framework of international law of war. To this end, and judged against the Western values of human rights and respect for international laws that govern armed conflicts, the paper poses the following questions:

- (1) Can all anti-terror operations and strategies for fighting terrorists armed groups be considered legal?

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- (2) Are there instances in which anti-terror operations may be viewed or considered to have breached or contravened the international law?
- (3) Should there be a re-think of the current international law of war to take account of the complex nature and unique methods of operation by armed groups such as ISIL, Boko Haram and Al Shabaab?
- (4) Is it always essential or important for states and security agents to respect and uphold the rule of law while faced with growing threat of terrorism, and extreme violence by non-state armed groups?

The Western governments' military strategy on war on terror provides a context in which to examine these four questions. As terrorism is a global phenomenon, it is important to understand the international legal framework within which this war is being fought and the extent to which the essential provisions and ethos of the current International Law of War and Human Rights are being compromised or contravened by both the non-state extremist terrorist groups and also Western governments' counter-terror operations.

## II. TERRORISM & VIOLENT EXTREMISM – A GLOBAL TREND

Since the beginning of the 21<sup>st</sup> century, there has been a rapid rise in the global trends in terrorist activities. Fig. 1 shows the growth in world-wide incidences of terrorism as recorded by the Global Terrorism Database of the University of Maryland [5] between 1970, the earliest year for which GTB provides data, and 2014. No data is available from this source for 1992.

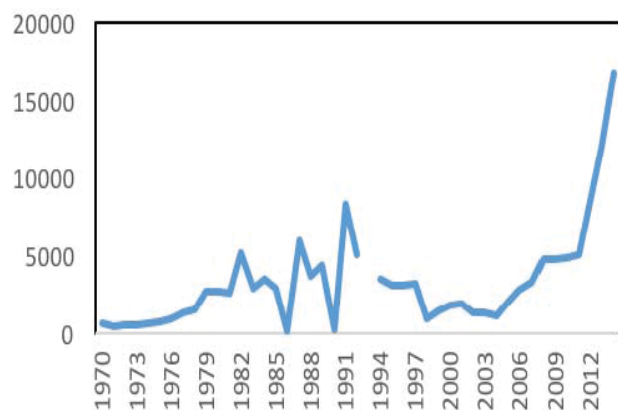


Fig. 1 Global incidences of terrorism, 1970-2014 (Source: Author, 2016. Data adapted from Global Terrorism Database, University of Maryland [5])

In spite of much annual variation in the data in the 1980s and 1990s, the trend shows a general rise in terrorism incidences to a peak in the early 1990s after which it fell to much lower levels until the turn of the century.

Although it is difficult to establish the main cause of the decline in terrorist incidences between 1990s and the beginning of the 21<sup>st</sup> century, the time period seems to coincide with major world events such as the collapse of communism and the disintegration of the Soviet Union. Coincidentally, it was also the time when the activities of

many revolutionary groups came to an end with the general euphoria that the world was coming together to work toward global peace and security.

During the 21<sup>st</sup> century and particularly in the second decade the data illustrate a huge increase in terrorism and data analysis of the 15 years between 2000 and 2014 show a 17 per cent annual growth rate over this time period. Again, the rapid rise in incidences of terrorism during this period occurred within the context of two main world events, first, is the attack on the twin towers in New York in 2001 and the invasion of Iraq in 2003. Since 2003, there has been an astronomical rise in terrorism.

It is generally believed that the invasion of Iraq in 2003 is a Western response to the September 9/11 attack in the United States. The intention of the invasion, albeit questionable, was partly to stop the spread of global terrorism and avert the use of weapons of mass destruction. What happens since the invasion seems to suggest a failure of military intervention strategy as global terrorism has not been abated nor stopped. On the contrary, it would appear from Fig. 1 that as the war on terror intensifies with greater militarisation of Western governments' response to extremist armed groups, and so is the increase in the number of terrorist attacks around the world.

Global Terrorism Index (GTI) is a quantitative measure of the impact of terrorism based on the number of lives lost, injuries sustained, property damaged and the psychological after-effects of terrorist activities in a country, designed by the Institute for Economics & Peace [6]. The composite score ranging from 0 to 10 provides an ordinal ranking of countries based on negative impact of terrorism. With 10 being the most severe impact.

Based on their GTI, Iraq, Afghanistan, Pakistan, Nigeria and Syria remain the world's hot spots for terrorist activities. These five countries not only suffer a disproportionately high incidence of terrorism, they also harbour violent extremist groups that launch attacks on other locations around the world [6].

Although most terrorist activities take place in the developing world, according to GTI, Western interests abroad and at home remain the prime targets for extremist groups. Consequently, Western governments, led by the United States see global terrorism not only as an attack on their ways of live but also an affront on the values of a civilized society. The United States and its allies are therefore using all means possible to defeat extremist groups and end their campaign of terror. A key element of the Western anti-terror strategy is the use of military force involving air bombardments of violent extremist groups' locations and hideouts in countries such as Syria, Iraq, Afghanistan, Yemen, Somalia and others.

While the choice of sites and locations of Western military targets for counter-attacks on extremist groups are largely strategic and often led by intelligence, there have been instances in which such intelligence may not be as accurate or reliable as expected. The implication of this is the growing number of non-terrorists' civilian targets being hit by air

missiles in what could be considered or viewed as a violation of the law of war.

### III. EXPLAINING INTERNATIONAL LAW OF WAR & INTERNATIONAL HUMAN RIGHTS LAW

#### A. Key Features of International Law of War

International humanitarian law (IHL) commonly known as the "law of war" or the "law of armed conflict" is a set of rules which, for humanitarian reasons, seeks to limit the effects or human cost of war or armed conflict.

Essentially, the international law of war protects civilians, including women and children, who are not taking part in a war or armed conflict and, therefore, should not, under any circumstances, be a target of any military operations. The law also protects combatants who, for any reason, are no longer taking part or participating in hostilities. Combatant, in this context, means any member of the armed forces, member of an irregular armed groups that belong to a party in a conflict and member of any other para-military groups with a responsible command that separate themselves from civilians.

The principle of distinction between legitimate military targets and non-military interests is a fundamental feature of the IHL. Under this principle all parties in a conflict are required to differentiate between those participating in conflicts and those NOT involved in hostilities.

The law also restricts the means and methods of warfare that could be used by parties involved in armed conflict so as to prevent wanton and indiscriminate destruction of lives and properties and civilian infrastructures. Under this law, only legitimate military targets or targets that have specific military objectives could be lawfully attacked. Military targets are those that contribute effectively to specific military action of the enemy.

The IHL is broadly underpinned by the principle of proportionality in which all military attacks must relate to the level of threat posed by the enemy. Under the principle of proportionality, a 'disproportionate' attack is an attack, which may cause massive incidental damage that could be considered excessive in relation to the military advantage gained through the attack.

In essence, IHL sets out an international standard for acceptable rule of engagement in any conduct of hostilities and provides the framework for protecting innocent civilians and those who are no longer taking part in hostilities. A key feature of IHL is that it attempts a careful and sensible balance between measures required to achieved the purpose of war (military necessity) and the need to protect or limit collateral damage to civilians or persons affected by armed conflict (principle of humanity).

#### B. The United Nations Charter and the Use of Force

Article 2(4) of the UN Charter prohibits unnecessary, disproportionate use of force in any armed conflict. The spirit of the UN Charter suggests that diplomacy should always be considered as the preferred means of resolving conflicts. In reality, this is not always possible, as armed conflicts are

common features of inter-state relations. States, by their very nature, sometimes go to war with other states and the nature of modern states and international system has been influenced largely by historic wars and conflicts.

The goal of the IHL is to provide (a) the legal framework that sets out rules of international law on the legality of using force (Jus Ad Bellum) and (b) the humanitarian rules that must be obeyed or respected in any armed conflict or warfare (Jus in Bello).

#### C. IHL and Human Rights Law: Differences and Complimentary Provisions

For the purpose of this paper, it is necessary to differentiate between Human Rights Law (HRL) and IHL in order to discuss their applicability to the activities of extremist groups and the current global war on terror.

Fig. 2 shows the key features of HRL and IHL with regards to their goals and application while Fig. 3 highlights the essential differences and complimentary provisions between these two sets of international law.

While HRL focuses essentially on the protection of human rights in terms of freedom of expression, freedom of assembly etc., IHL seeks to protect civilians, the wounded, shipwrecked, internees etc. and regulate the conduct of war.

The common features of these two sets of international laws, as illustrated in the Venn diagram in Fig. 3, are their joint protection of people's right to life, right to physical and mental integrity, the prohibition of torture, ill-treatment and other degrading treatment of people.

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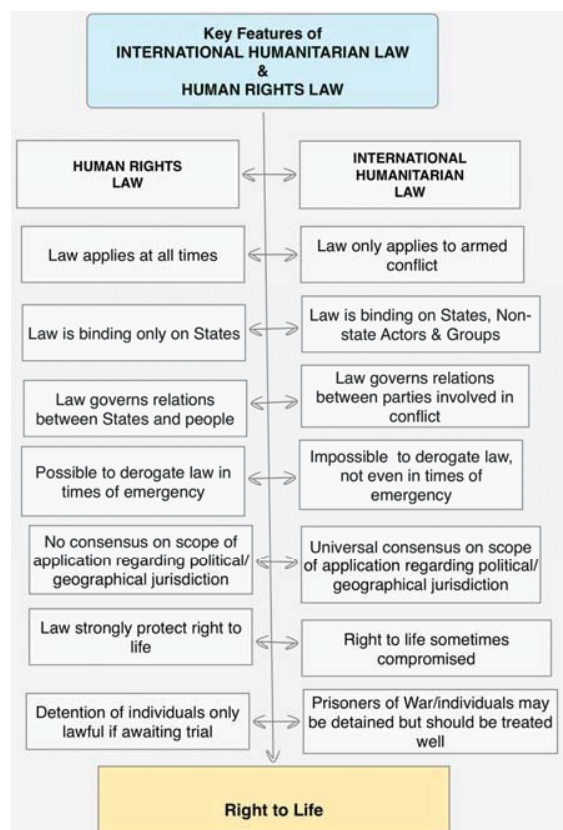


Fig. 2 Key features of IHL and HRL (Source: Author, 2016)

**HUMAN RIGHTS LAW (HRL) & INTERNATIONAL HUMANITARIAN LAW (IHL)  
 : ESSENTIAL DIFFERENCES & COMPLIMENTARY PROVISIONS**

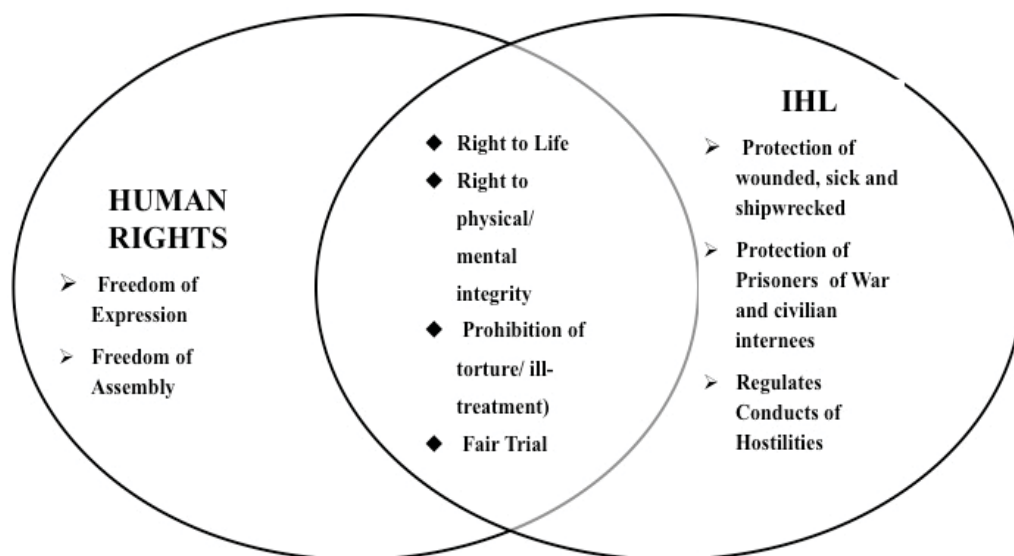


Fig. 3 Essential differences in and complimentary provisions of HRL and IHL (Source: Author, 2016)

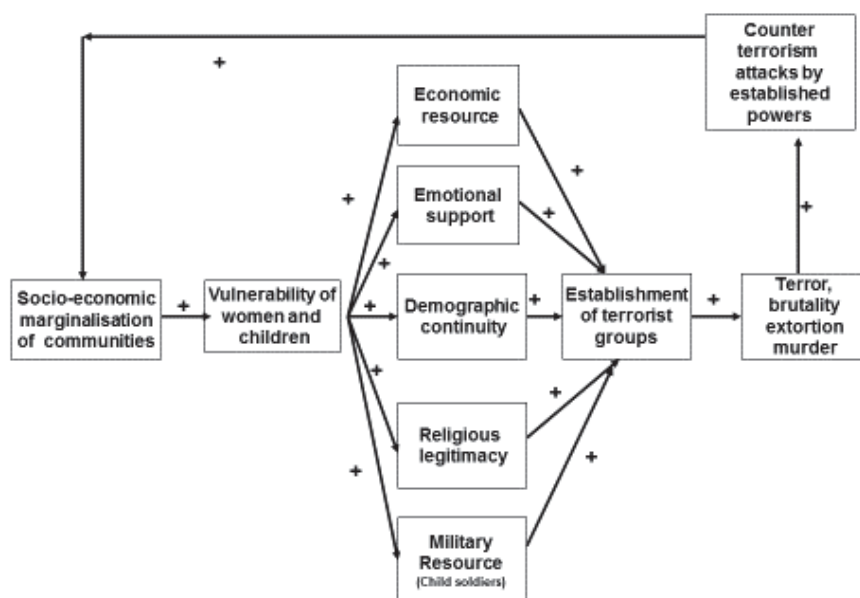


Fig. 4 Civilians, women and children: terrorists' tools and weapon of war (Source: Author, 2016)

**IV. VIOLENT EXTREMIST GROUPS, HRL & INTERNATIONAL LAW OF WAR**

Against the backdrop of both HRL and IHL, it is clear that extremist groups such as ISIL, Boko Haram, Al Shabaab and other similar groups are oblivious to or at least show no regard to the international law of war in their conduct of hostilities. They seem to break every rule and principle of both HRL and IHL by employing tactics that violate and contravene these laws.

Contrary to the rule of international law of war, extremist groups often use civilians and non-combatants in their war of

terror. Fig. 4 shows how extremist groups use civilians including women, children, young and vulnerable groups as icons and trophies of war in their campaign of terror. Non-combatants are often forced to join, take part and serve as suicide bombers or used as an economic resource to propagate and execute their violent activities.

For most extremist groups, women are invaluable source of emotional support and demographic continuity for their cause, supplying child soldiers that they use in front-line battles and terror operations. Through a sophisticated network of religious indoctrination and radicalisation, vulnerable people, including



dis-enfranchised young Muslims and converts in Western society are drawn into the web of extremism where there is little or no chance of escape. Once in the terrorist groups' camp, these terrorists 'captives' turned belligerent become schooled in the art of launching terror attacks with extreme brutality and violence.

The author's analysis of specific activities and modus operandi of the four main extremist groups - ISIL, Boko Haram, Al Shabaab and Al Qaeda, over the last 5 years shows a breach of all principles of HRL and IHL in terms of military necessity and humanity. By launching indiscriminate attacks on civilian targets, extremist groups seem to pay no respect to any distinction between military and non-military objectives in their campaign.

The counter terrorist response by nation states often, even if unintentionally, involves mass civilian casualties amongst the marginalised group from whom terrorists find their reason d'être. This response only then tends to fuel the fires of

terrorism still further resulting in a deadly positive feed-back loop as illustrated in Fig. 4. Indeed, it may be argued that one of the key challenges facing humanity in the 21<sup>st</sup> century is how this self-reinforcing vicious circle can be broken.

Fig. 5 shows specific activities of violent extremist armed groups and key areas where their campaign violates or breaches the international law of war.

The abduction of 200 school children by Boko Haram in Nigeria is a classic case of extremist groups targeting civilians and children with total disregard for or respect for human rights, right to life and right to physical and mental integrity. Ranging from mass abduction, kidnapping, rape, sexual violence, physical abuse, imprisonment, beheading, murder, execution etc. violent extremist groups unleash a considerable degree of fear and terror on civilians, women and children with a frightening degree of impunity and disregard for the rule international law of war.

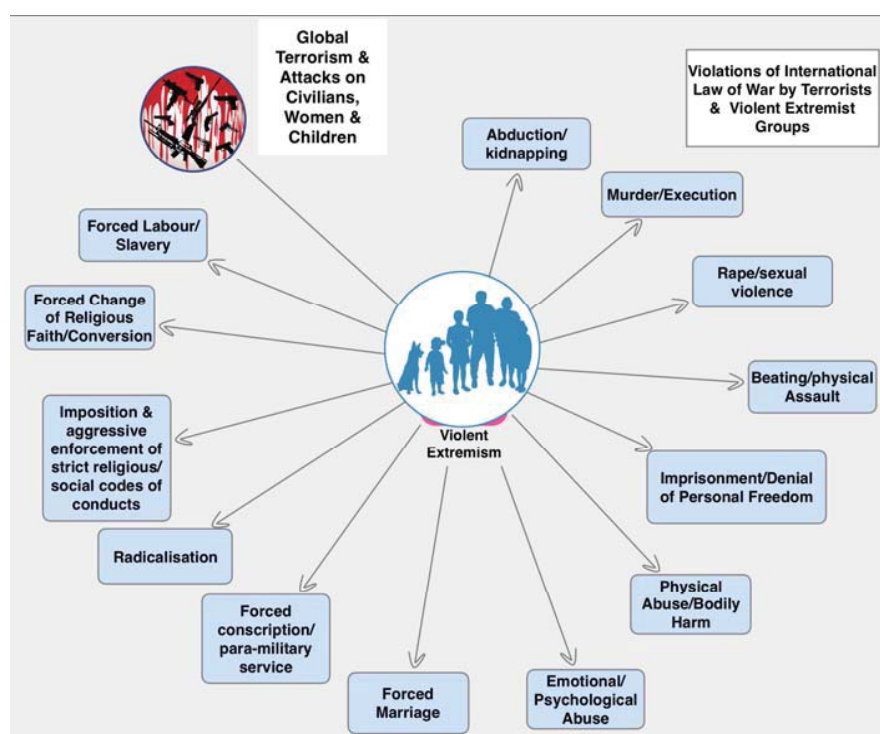


Fig. 5 Violent extremist groups and violations of International Law of War (Source: Author, 2016)

#### V. FIGHTING EXTREMIST GROUPS, WESTERN GOVERNMENTS' COUNTER TERROR OPERATIONS & THE INTERNATIONAL LAW OF WAR

Most governments within the international state system understand and broadly accept the legitimacy of international law and, albeit grudgingly, allowed themselves to be subjected to its influence. The fear and terror that the extremist terror groups unleash on society and their general disrespect for human values and dignity has resulted in anti-terror armed campaign against these groups. Led by Western governments' and their allies, anti-terror strategies now involving military

actions to dislodge and disrupt the activities of violent extremist groups.

A key feature of the strategies adopted mostly, but not exclusively, by Western governments in the fight against violent extremism is the use of military force in the form of air attack at terrorist targets. Unfortunately, these targets are often close to or embedded within civilian populations as extremist groups routinely operate close to or locate themselves within civilian populations that make it difficult for any air attack.

Western governments anti-terror military operations in Iraq, Syria, Yemen and Somalia, etc., to mention a few, have resulted in the death of many non-terrorists and have caused

considerable distress to local people and civilians who play no role in hostilities. Although the author cannot verify the accuracy of their figures, some analysts have suggested that about 4 million civilians have been killed since the beginning of Western governments' campaign of "War on Terror" [7].

According to the Washington D.C.-based Physicians for Social Responsibility (PSR), the U.S. interventions in Iraq, Afghanistan and Pakistan alone killed close to 2 million people, and that the figure was closer to 4 million when adding the deaths of civilians caused by the U.S. and its allies in other countries, such as Syria and Yemen [8]. If these statistics were correct, it seems the fight against violent extremist groups in the currently constructed war on terror is being fought on both sides at a considerable human costs and collateral damage to civilians. This high loss of lives by non-combatants in the global war on terror seems to suggest a fundamental breach of the 3 main principles of distinction, proportionality and precaution as enshrined in the international law of war.

Other non-military anti-terror strategies could also be considered as in breach of HRL and or IHL. According to Amnesty International (2016) report, freedom of expression is 'the early casualty of "anti-terror" campaign' in Turkey. Turkey has been a target and has suffered immensely from terrorist activities in recent years. This has resulted in the administration's broadening of the anti-terror laws in the country to curtail freedom of expression and civil liberties in what could be considered as a violation of HRL [9].

In what may be considered an 'irrational threat amplifications', the US spends more than \$500 million per victim on anti-terrorism efforts. However, cancer research spending is only \$10,000 per victim [10]. While this may not be in breach of any international law, some have suggested that far too many resources are committed by Western governments on anti-terror military operations against extremist groups than are spent on social programmes that could benefit the poor and the disadvantaged in society.

## VI. CONCLUSION

In conclusion, it seems reasonable to suggest that there seems to be a tension between the urgent need to defeat, and rightly so, terrorist groups such as ISIL, Boko Haram, Al-Qaeda and their affiliates and the necessity to respect and uphold the principles of international law of war. Given the horrific and barbaric ways extremist groups conduct their 'war' against their 'enemies', it is more poignant that 'civilised' nation states and the international community uphold human rights values through international law in their response to dealing with violent extremist groups.

While the current international law of war was intended for a conventional warfare between regular combatants involved in conflicts, the 21<sup>st</sup> century 'war on terror' is nothing but conventional. Not only has the extremist groups shown total disregard and contempt for the rule of and engagement in armed conflict as laid down in the international law of war, their methods of operation seems to suggest that they have no intention to obey or subject themselves to any civil or

international law. The lawlessness of their actions means there is no limit to their acts of barbarity, and hence they remain a potent 'force of terror' that could strike anywhere in the world with a frightening degree of impunity and randomness.

To counter the 'force of terror' the conventional armed forces, military commanders, Special Forces, intelligent agents, and security experts, etc., all seems to be engaging terrorist groups in a battle that seems long drawn and protracted. While these counter terror forces, claim to operate under the conventional legal framework of the international law and under the scrutiny of international media, it seems from the exceedingly high number of civilian casualties from anti-terror military operations, that key principles and ethos of the international law of war are being compromised in the fight against extremist groups.

What is perhaps rather troubling is the possibility that the current Western governments' military approach in dealing with violent extremist groups may be inflaming terrorism even further. If this suspicion were true, then more innocent people would be affected by the war on terror with higher number of civilians caught up in long drawn hostilities.

The use of massive air attack on targets close to civilian populated areas with high potential for mass casualty, such as those reported in Syria, Iraq and Yemen cannot be said to be entirely in line with international law of war. So, there is a need to either reconstruct the current 'War on Terror' or at least discuss and renegotiate the principles of international law of war to establish the limits of its applicability while fighting a non-conventional war.

Either the Western governments admit that certain provisions of the current international law of war would need to and are being compromised by their anti-terror military operations or reconfigure the 'War on Terror' in way that will not only comply fully with international law but limit the threshold of harm to which civilians are being exposed. As it stands, it seems that Western governments' military strategies involving air attack cannot win the 'war on terror' without breaking the international law of war. The author, therefore, suggests that the fight against violent extremism should, as a matter of necessity, involve winning over the minds of the people involved in violent extremism. The brutality of these non-state armed groups demand an urgent action to fashion a 'new weapon' to fight a war that in all intents and purpose is far from conventional. While there is an urgent need to defeat global terrorism, it is equally important to uphold the values of human lives by protecting non-combatant civilians in all anti-terror military operations, respect the rule of international law of war in our fights against extremist armed groups and invest more resources in non-military solutions to the problem of violent extremism.

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