

Chapter 65

Human Rights, the Global War on Transnational Terror, and the Mixed Roles of ICT: A Meta-Analysis

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ABSTRACT

An international human rights regime is a major motivator of nation-states and peoples in the global war on transnational terror. It sets normative understandings for how citizens are treated—by their own governments, by each other, and by terrorist groups. A human rights regime also serves as a restraint on governments against brutal repressions in response to terrorism because terrorists are considered dissidents in extremis, and in all cases, the rules of law apply to them (and legal findings by governments are necessary before certain police or military actions may be taken). The contested roles of Information and Communication Technologies (ICT) in this dynamic context vary, but these technologies are used by all sides for their own objectives. This chapter explores the mixed roles of ICT in supporting a global human rights regime, which underpins the global war on transnational terror.

INTRODUCTION

The first rule of unrestricted warfare is that there are no rules; no measure is forbidden. It involves multidimensional, asymmetric attacks on almost every aspect of the adversary's social, economic, and political life. Unrestricted warfare employs surprise and deception and uses both civilian technology and military weapons to break the opponent's will. — "Unrestricted Warfare" Symposium (2006)

Cyber criminals, terrorists, and even nation states are currently preying on millions upon millions of computer systems (and their owners) and using the proceeds to underwrite further crime, economic espionage, warfare, and terror. —David Rice, in Geekonomics: The Real Cost of Insecure Software (2008)

“Human rights” are a contested set of global principles and values that protect the dignity of the individual; the definitions, meanings, and

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policy implications vary widely because of history, culture, and politics. Human rights concepts apply constraints to all political actors: state and non-state/sub-state, groups, and individuals. As a set of cultural norms, benevolent and benign human rights standards (codified into laws and cultures) apply in states of peace and war. The current context of asymmetrical warfare between transnational terrorist groups and the nation-states relies on a strong foundational understanding of human rights. These tensions play out in a global environment, and with the pervasiveness and centrality of Information and Communications Technologies (ICT). ICT is a new front and nexus between terrorist organizations and the political *status quo*. At present, more than half of the world's population has access to cell phones and the Internet, and the creation of virtual communities empower citizens "at the expense of governments" (Schmidt & Cohen, 2010, p. 75).

The broad and deep human engagement with ICT makes it a space used to share ideas. The Internet and Web reify concepts, and these technologies contribute to the sense of a global social order (vs. anarchy). An international system is informed by informal rules and formal institutions that define a "form of control" over the diverse political actors (Mundell & Swoboda, 1969, p. 343; as cited in Gilpin, 1985, p. 26). In this context, the proliferation of human rights concepts (often in linkage with democratic values and practices) promotes respect for the individual—as a hedge against abuses by any entity. Individual citizens are understood to have rights to "life, liberty, and the pursuit of happiness" in the US conceptualization; citizens have rights to freedom of speech; freedom of religion; the rights to gather with others; the rights to legal due process; and broadly speaking, freedom from intrusive government. People have rights to privacy (against intrusion), and to have a "private sphere protected against others" (Seigneur & Jensen, 2005, p. 66). This protection of even the weakest is a sign of higher culture. Without human rights, practices of brutality and power

abuses may be more widely accepted as in other periods of human history. Establishing a human rights regime (norms and laws) and institutionalized human rights organizational structures makes it more costly for nation-states that are considered autocratic to function without other nation-states' and international governmental organizations' monitoring, lobbying, condemnation, and political pressures from Non-Governmental Organizations (NGOs). Furthermore, supporting an international norm of global human rights militates against the use of violence to force binding decisions; rather, the focus is on the move to what is considered legitimate paths for resolving differences—through diplomacy and third-party negotiations. G.J. Ikenberry observes that "human rights agreements have facilitated the organization of pressure groups within the wider international community that operate to put their own pressure on governments to abide by the standards" (Ikenberry, 2001, p. 68). The insights of steps to war may apply to the asymmetrical warfare aspect of skirmishes between non-state or sub-state, transnational terrorists (insurgents) and nation-states. P.D. Senese and J.A. Vasquez suggest that a global institutional context reduces the probability of war and fighting because it provides an alternate way of making political decisions and thus reduces the need to resort to force (Senese & Vasquez, 2008).

The value of humans as individuals and as members of larger social orders is protected under human rights values. Broadly speaking, the current social order rewards nation-states that are transparent and pro-global-status quo; these states are accorded access to a global trade system and with international prestige. On the contrary, nations that amass weapons of mass destruction, that are aggressive and threatening, and that disrupt the current social order (headed by the one remaining hegemon or superpower, the US) are isolated diplomatically, cordoned in by trade sanctions, and vilified in the global media and by the diplomatic corps of the *status quo* countries. The benefits of free trade increase the interdependence between

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