Social Media Challenges to Peace-making and What Can Be Done About Them

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Abstract

Social media has changed the way how wars are fought, organised and ended. During peace negotiations, social media can serve as confidence-building platforms but also as a tool used to prolong the conflict by spreading disinformation and propaganda. Therefore, for a conflict to come to its end, it is necessary that the parties to peace negotiations refrain not only from physical hostilities but also from any forms of information warfare. Pursuing the objective of national reconciliation, modern peace agreements should contain rules on the regulation of social media content that may disrupt the peace. Special commissions should be established to review the content on social media and take adequate steps when a specific post, video or image spreads bellicose narrative or hate speech. We can imagine a whole range of measures that can be adopted by such commission ranging from labelling the content on its own social media channels as potentially dangerous to peace up to a removal request addressed to a concerned social media platform. Such mechanisms should be based on full respect for human rights in general and the right to freedom of opinion and expression in particular. Without such regulations, the goal of sustainable peace and successful national reconciliation seems almost unrealistic given the ever-increasing power of social media.

I.   Introduction

"I can do more damage on my laptop sitting in my pajamas before my first cup of Earl Grey than you can do in a year in the field."[1]

Q to James Bond, *Skyfall* (2012)

Societies worldwide are slowly but steadily heading to the fourth industrial revolution which will fundamentally alter the way we live, think and work. The main characteristic of this process is the fusion of our digital and physical worlds thanks to the massive advancement of technology, social media, artificial intelligence and science as a whole.

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[1]   Sam Mendes, *Skyfall* (Eon Productions, MGM 2012), DVD.

Such an enormous transformation will undoubtedly affect the nature of political and military conflicts throughout the world. There are two main challenges to peace negotiations coming from a cyber domain: disinformation campaigns waged on social media by the parties to the conflict with the aim to fuel the conflict or disrupt the peace that has been established and the increased possibility for different actors benefiting from the conflict to influence or even halt the peace negotiations. Admittedly, these challenges seem to be difficult and sometimes almost impossible to overcome, however, we must always keep in mind that a task of an intellectual is not to fight the problem but to shape the solutions. Therefore, the primary objective of this article is not only to explain a conflict side of social media and its impacts on peace negotiations, but also to explore the possible ways to find legally-sound and politically-acceptable solutions to these issues.

In the first section, we look at the current transformation of military conflicts and hybrid warfare that combines a set of political, military and cyber means with the aim of gradual destabilisation of the enemy. Notably, we examine the methods offered by social media to achieve this objective. The second section is concerned with the impact of the above-mentioned transformation of military conflicts on peacemaking efforts shedding more light on disinformation campaigns spread on social media platforms. First of all, we describe the role that social media can play in facilitating or obscuring peace negotiations. Secondly, we draw upon potential mechanisms that can be established by national reconciliation provisions of the peace agreements to counter the conflict narrative on social media. In this regard, we pay particular attention to human rights implications of such mechanisms since there is a risk of interference with the right to freedom of expression.

In the end, the concluding remarks are offered with the summary of the essential findings and recommendations for peace negotiations and national reconciliation process.

I.   Transformation of Military Conflicts and Social Media

A. Developments Paving the Way to Information Warfare

Carl von Clausewitz, a general of the Prussian army and a famous military theorist of the 19th century, defined three main pillars within a State in times of war as follows: the government defining overall political and military strategy, the army obeying the government and waging war on a tactical level and civilians contributing by their day to-day work to military objectives but otherwise separated from war efforts. [2] Such a description matches well with the wars of the 19th century and, to some extent, also those of the first half of the 20th century.

After World War II, in the polarised world of the Cold War, we saw a decrease in State-to-State violence marked by a proliferation of civil wars and wars of national liberation against then-colonial powers. The tactics employed by various non-State actors included mostly guerrilla operations but also traditional military techniques depending on the level of training and equipment. From a geopolitical perspective, civil wars of this period had a significant proxy war taste since usually it was the United States and the Soviet Union settling their accounts through their allies and clients far away.

The end of the Cold War was a huge watershed in the history of the world. After the collapse of the Soviet Union, many nations of Central and Eastern Europe solidified their regained freedom by joining European and transatlantic organisations. Many scholars and authors such as Francis Fukuyama predicted a bright future with liberal democracy and capitalism spreading throughout the world. Nonetheless, not all developments in the

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[2]   Carl von Clausewitz, Michael Howard, Peter Paret, and Bernard Brodie, *On war* (Princeton University Press 1984), 89.

post-Cold War era were happy or positive. Although State-to-State violence was still in a decrease, we saw several bloody and ferocious civil wars and internal military conflicts based on ethical motivations with brutal crimes, such as genocides in Srebrenica, Rwanda or Darfur. These changes were well-depicted by a Dutch-Israeli military theoretician Martin van-Creveld. In his book entitled *Transformation of War*, he emphasizes the fact that the traditional three pillars of warfare developed by von Clausewitz cannot be applied to modern military conflicts.[3] This transformation stems mainly from a widespread engagement of civilians in war efforts, decline in organised State violence and use of more primitive techniques and weapons rather than sophisticated heavy weapon systems. Nonetheless, the main point of van Creveld's analysis of new conflicts lies in the change in the nature of conflict itself. In the period of von Clausewitz, war was merely a 'continuation of politics', however, in the post-Cold War world, war can easily become politics itself. In practice, this means that it might be useful for a State or a non-State actor to pursue a low-intensity armed conflict based on an asymmetrical relation between the warring parties. The goal is not to reach an overwhelming military victory but to continuously destabilise and exhaust the enemy.

B. Cyber and Information Warfare

In the recent decade, this transformation of warfare has been accelerated by new technological developments such as innovations in cyber technology and social media. Social media offers a whole new platform for conflicting parties to wage the war aiming to win 'the hearts and minds' of 'enemy' populations by spreading information, propaganda, and disinformation online. On this note, in 2013, General Valery Gerasimov, the chief of General Staff of Russian Armed Forces wrote the following words: 'The very rules of war have changed. The role of non-military means of achieving political and strategic goals has grown, and, in many cases, they have exceeded the power of force of weapons in their effectiveness.'[4] There is some truth in what Gerasimov puts forward. If we look at current military conflicts and expressions of public discontent, we find that each of them has important social media and cyber components. In 2011, sharing videos and images on Facebook, Twitter and YouTube played a crucial role in spreading the wave of anti-government protests throughout the North Africa and Middle East known as the Arab Spring.[5] In 2012, we saw a massive cyber and social media war between Israel and Hamas that continues to a lesser extent until these days.[6] In 2014, Russia started a military campaign against Ukraine heavily relying on cyberattacks against Ukrainian infrastructure and spread of disinformation and propaganda on social media.[7]

The first widely-reported military confrontation with a large role played by social media in fuelling the conflict was the Gaza war of 2012 between Hamas and Israeli Defense Forces (IDF). In parallel to military operations, there was a war on Twitter where the two parties where exchanging threats and sharing their military successes and failures of the

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[3] Creveld, M, *Transformation of War* (The Free Press 1991) 58.

[4] Gerasimov, V, "The Value of Science Is in the Foresight" 96(1) *Military Review* (2016), *at* <armyupress.army.mil/Portals/7/military-review/Archives/English/MilitaryReview_20160228_art 008.pdf> *quoted in* Politico Magazine, McKew, MK, *The Gerasimov Doctrine* September/October 2017, *at* <politico.com/magazine/story/2017/09/05/gerasimov-doctrine-russia-foreign-policy-215538> (accessed 20 November 2018).

[5] Wilson, Ch and Tufekci, Z "Social Media and Decision to Participate in Political Protest: Observations from Tahrir Square" 62(2) *Journal of Communication* (2012) 375.

[6] Zeitzoff, T "Does Social Media Influence Conflict? Evidence from the 2012 Gaza Conflict" 62(1) *Journal of Conflict Resolution* (2018) 31.

[7] Helmus, T C, Bodine-Baron, E, *et al.*, *Russian Social Media Influence*, (RAND Corporation 2018) 2.

other party. Moreover, ordinary civilians joined the war on social media by tweets and Facebook posts with bellicose content catalysed by the involvement of radicals and extremists on both sides.[8] In fact, social media allowed for greater civilian participation in the war since ordinary citizens did not only share the content made by the military but also proactively fabricated their own militant posts, tweets, and images.

The example of Arab Spring shows how powerful social media are in inciting peaceful protests but also large-scale violent demonstrations resulting in lengthy military conflicts such as the war in Syria. The whole popular movement started in Tunisia in 2010 when a street vendor Mohamed Bouazizi set himself on fire in protest against his ill-treatment and harassment by Tunisian authorities. The word of his act with disturbing images started to circulate on Facebook and Twitter sparking nationwide protests against then Tunisian president, Ben Ali, which later spilled over to other Arab countries such as Egypt, Libya, Yemen or Syria. In the first days of Arab Spring, many commentators and scholars praised social media as a new technology of liberalisation and democratisation. However, after a short period, we started to look more critically on their role in political discourse since the events in the Arab world led neither to democracy nor to liberalisation.

Today, we treat social media more as a technology undermining democracy rather than supporting it. The most recent trend that has been pointed to by many security policy experts is the so-called weaponisation of social media to achieve certain political goals. In practice, this means that the conflicting parties try to manipulate public opinion on the opposite side in order to undermine the trust of the people in their government. In theory, using information campaigns for war purposes is nothing new. We have seen propaganda in multiple cases before the era of social media. For instance, Radio Cairo was a valuable propaganda asset of Egyptian president Gamal Abdel Nasser in his war efforts against Israel. However, it lost credibility after the Six Day War of 1967 when it reported an overwhelming victory of Arab forces, whereas the opposite was true.[9]

Social media campaigns are different from 'traditional' media campaigns. First of all, unlike radio or TV, they allow their users not only to consume but also to create and spread their own information. [10] On the one hand, this makes social media more democratic since everyone can produce their own content, on the other hand, there is a high risk to society coming from anonymity and non-transparency as everyone can create a fake account or pretend to be someone else with the objective to manipulate public opinion. Also, recently, we have seen organised disinformation campaigns waged by Russia using botnets - automated systems (or robot computers) designed to post disinformation content in a targeted manner throughout all relevant social media platforms. In this regard, GLOBSEC, Slovak security policy think-thank, claims in its Megatrends 2018 report that: *'[m]illions of automated botnets and fake accounts on social media create an assumption that the popularity of a political candidate, an idea or a narrative is much higher than it actually is. In doing so, they create an information and impression bubble and stir public debate or public perception.'[11]* In addition to botnets, these campaigns often include armies of internet trolls - individuals whose main task is to design particular disinformation content based on current needs of political leadership. A famous example is the Russian Internet

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[8]   Kuntsman, A and Stein, RL, *Digital militarism: Israel's occupation in the social media age* (Stanford University Press 2015) 34.

[9]   Noueihed, L and Warren, A, *The Battle for the Arab Spring* (Yale University Press 2012) 47.

[10] Zeitzoff, T "How Social Media Is Changing Conflict" 61(9) *Journal of Conflict Resolution* (2017) 1980.

[11] Globsec Policy Institute, REPORT: *GLOBSEC Megatrends 2018*, April 2018, *at* <globsec.org/wp-content/uploads/2018/05/Globsec_Megatrends_2018.pdf> (accessed 20 November 2018) 31.

Research Agency which organises and trains these individuals to wage disinformation campaigns against the EU and NATO.[12]

In the context of the war in Ukraine, Russia resorts to hybrid warfare - a combination of traditional military means such as arming, financing, and training of pro-Russian separatists as well as disinformation campaign trying to influence Russian-speaking minority in Ukraine and undermine the trust of citizens of EU and NATO States in these institutions.[13] The method used is not only a 'simple' spread of pro-Russian content on social media, which is also done by numerous Russian news outlets such as RT, but it is a much more sophisticated process. The main feature of Russian information warfare is the so-called *maskirovka* which is dissemination of conflicting news. The primary objective of this strategy is not to persuade the target audience to accept the arguments of the adversary but to create an environment of uncertainty and insecurity leading to a loss of trust in the government and mainstream media.[14] This strategy is not limited only to Russia since other countries or non-State actors can find inspiration in these tactics and use it for their own needs.

Nowadays, there are four billion active Internet users worldwide, and this number is expected to grow in the future.[15] In addition, two billion of them are also active Facebook users.[16] Thus, quantitatively, we see that social media have immense power in reaching large groups of people allowing for the spread of non-political but also highly controversial and political content. Moreover, it is important to highlight that social media does not always serve as a neutral platform for creation and sharing of content. The debate about the neutrality of social media gained prominence in March 2018 when major newspapers such as *The New York Times* and *The Guardian* brought disconcerting information about the abuse of Facebook users' data by the company Cambridge Analytica. The company had been collecting data about millions of Facebook users and subsequently used them in targeted micro-campaigns to support the Donald Trump candidacy and pro-Brexit vote in the United Kingdom.[17] Both of these developments, the election of Donald Trump and British decision to leave the EU, have a significant impact on current international order. Therefore, there is a hypothetical possibility that a similar company like Cambridge Analytica (which has already ceased to exist) could do the same to undermine peace and security in a particular country by fuelling internal tensions online, to perpetuate an ongoing military conflict or to obstruct peace negotiations. Therefore, in the following section, we look more closely at the implications of "weaponised" social media for peacemaking.

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[12] Prier, J "Commanding the Trend Social Media as Information Warfare" 11(4) *Strategic Studies Quarterly* (2017) 67.

[13] European Values, Kremlin Watch REPORT: *Prague Manual*, 30 April 2018, *at* <europeanvalues.net/wp-content/uploads/2018/04/Prague-Manual_b.pdf> (accessed 20 November 2018) 6.

[14] Wither, JK "Making Sense of Hybrid Warfare" 15(2) *Connections: The Quarterly Journal* (2016) 82.

[15] We are Social, Kemp, S REPORT: *Digital in 2018: World's Internet Users Pass the 4 Billion Mark*, 30 January 2018, *at* <wearesocial.com/blog/2018/01/global-digital-report-2018> (accessed 20 November 2018).

[16] Statista, *Number of monthly active Facebook users worldwide*, May 2018, *at* <statista.com/statistics/264810/number-of-monthly-active-facebook-users-worldwide/> (accessed 20 November 2018).

[17] Brookings – Robert Bosch Foundation, Polyakova, A and Boyer, SP, REPORT: *The Future of Political Warfare: Russia, the West and the Coming Age of Global Digital Competition*, March 2018, *at* <brookings.edu/wp-content/uploads/2018/03/fp_20180316_future_political_warfare.pdf> (accessed 20 November 2018) 11.

II.   Peacemaking and Social Media

Peacemaking is a complex process aiming to end the conflict between two or more warring parties. According to Article 33 of the United Nations Charter, '[t]he parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.'[18] In light of this provision, we see that parties to the conflict have a wide range of possible ways to arrive at a mutually acceptable solution to their disputes. This section deals with peacemaking in two subsequent parts. First of all, we examine potential impact of social media campaigns on peace negotiations. Secondly, we discuss threats to national reconciliation coming from militant rhetoric spread through social media platforms.

A. Peace Negotiations and Social Media

Peace negotiations are a very difficult political and diplomatic exercise with multiple stakeholders directly or indirectly involved. Before the negotiations even start, the main question that needs to be resolved is who gets a seat at the table. In case of an international armed conflict, the answer is quite straightforward since usually it is the highest representatives of States or governments that participate in such negotiations. The situation is different in non-international armed conflicts where, on one side, we have the government and militant rebels and various opposition groups on the other. Although there is rarely a problem with defining who gets to represent the government, when it comes to armed opposition and other stakeholders, the choice of representatives is much more difficult. Firstly, to persuade the government to enter into talks with a particular actor or set of actors is often problematic due to political disagreements and ongoing confrontation. Secondly, there is a problem of legitimacy as some actors may have been involved in war crimes. In this regard, UN Guidelines on Contacts with Persons Subject of Arrest Warrants of ICC limit contacts between such persons and UN officials to necessary minimum.[19] Thirdly, with contemporary peace negotiations getting more inclusive, more and more representatives of civil society, trade unions and marginalised groups demand not only to play a role in these processes but to have a seat at the table.

From the above, we see that it is not easy for parties to decide who will participate directly in peace talks and who will stay out. Social media can have a significant impact on this choice as it gives every group a possibility to project its influence over the population, and other stakeholders, by means of information and propaganda campaigns. In addition to local actors, opposition groups can use social media to reach out to foreign governments and their citizens. This was the case during the first upheavals of the Arab Spring when international media outlets such as CNN or BBC were broadcasting videos and images posted on Facebook, YouTube and Twitter by protesters. Similarly, we can imagine a marginalised group fighting in a civil war that seeks to extend its influence over the population by a massive online information campaign. Although the influence of this group on the ground may be small, it can become a key player in the conflict and even get a place at peace talks thanks to the targeted use of social media. Furthermore, this group does not have to do it on its own, but it can hire a company with necessary skills and

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[18]   United Nations, *Charter of the United Nations*, 24 October 1945, Article 33.

[19]   United Nations General Assembly Security Council, *Guidance on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court*, 8 April 2013, A/67/828–S/2013/210, *at* <digitallibrary.un.org/record/747189/files/A_67_828_S_2013_210-EN.pdf> (accessed 20 November 2018).

capabilities like Cambridge Analytica to design such a campaign. For example, in proxy war settings, a foreign power can support its 'allies' on the ground by developing or financing such operations on social media.

Another important aspect of peace negotiations, besides who gets a seat at the table, is the choice of issues to be discussed. Every group has its own priorities and red lines. Therefore, the final choice of agenda items is often a carefully crafted diplomatic compromise. After getting their place in peace talks, the parties would undoubtedly try to weigh in with their priorities as much as possible. In this process, they can put forward their suggestions and ideas in a formal way but also through informal channels of background talks reaching out to other parties bilaterally. However, social media offers another space for the parties to promote their agenda. For instance, one of the parties pushing for the protection of indigenous groups may orchestrate a broad social media campaign with emotionally-charged images of hard living conditions of members of these groups. By doing so, it is possible to attract the attention of local population and the international community to this issue and thus create an external pressure on all negotiating parties. Mass media has also a role to play in drawing attention to a particular topic. It has been proved by Jessica T. Feezell that information campaigns related to political agenda setting are more successful when combined with social media.[20] There is also a risk that the conflict spills over into a cyber arena with different counter-narratives circling on social media. Therefore, campaigns on social media must be carefully designed with special consideration given not only to their content and form but also their potential effects on the public debate.

Social media offers an unprecedented space to civil society and ordinary citizens to support peace efforts, or to catalyse the conflict even more as we saw in the Gaza war of 2012. As to the first case scenario, a little-known initiative, Caucasus Conflict Voices, organised by a group of NGOs focusing on a cross-border dialogue between citizens of Armenia and Azerbaijan in the context of the Nagorno-Karabakh conflict, is a good example. Besides organising 'physical' meetings between people living in the border regions, local NGOs have also launched an online campaign on Facebook showing examples of peaceful coexistence of Armenians and Azerbaijanis in Georgia.[21] Besides awareness-raising, this project allowed also for online exchange between the two groups. Even though the initiative has not resulted in the end of the war, it showed a possibility of coexistence in peace. Such an alternative social narrative calling for peace instead of war can play an essential role in putting external pressure on negotiating parties to end the hostilities and come to a final agreement. Our analysis would be incomplete without the assessment of risks to the success of peace negotiations coming from social media campaigns organised by domestic or foreign actors that are interested in prolongation of the conflict. There are multiple methods how these can actors can manipulate the peace process in their favor. For instance, they can launch a social media campaign in support of negotiation spoilers (parties unwilling to end the conflict) or draw the attention of the public to the most controversial topics for the parties to make the negotiations more difficult. There is also a possibility of discrediting the parties that are supportive of peace so that they lose their standing in the eyes of the public and international community.

Sometimes even well-intentioned social media campaigns may end up having an opposite effect as it was originally desired. This has been well illustrated by oversaturation

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[20] Feezell, JT "Agenda Setting through Social Media: The Importance of Incidental News Exposure and Social Filtering in the Digital Era" 71(2) *Political Research Quarterly* (2018) 485.

[21] Organisation for Security and Co-operation in Europe, *Preparing for peace - Communications in conflict resolution*, December 2012, *at* <osce.org/networks/98116?download=true> (accessed 20 November 2018) 44.

of information and news from the Syrian civil war on social media platforms. The social media boom related to this conflict started during the first days of the Arab Spring with a large number of Facebook users worldwide clicking likes on the news from anti-government protests and sharing the content posted by various local opposition groups. However, the situation on the ground in some of the countries concerned by this movement did not have a happy ending. The initial demonstrations of public discontent did not bring democracy and the rule of law but have turned into violent military conflicts. Syria has been at war for seven years, and we still do not see an end coming. Thanks to social media, we are confronted on a daily basis with the immense human suffering of Syrian people on our Facebook walls, and Twitter feeds. However, due to this massive and constant flow of information via social media we, as citizens of our countries, have become somehow indifferent to what is happening in this unhappy country that is facing such heinous crimes. Thus, there is no substantial pressure from ordinary citizens and civil society on the warring parties or other stakeholders in the region to end the bloodshed and come to an agreement either in Geneva or Astana. Staffan de Mistura, chief UN mediator for Syria, in his lecture given at the Graduate Institute, described this situation as a 'lack of constructive outrage'[22] with respect to what is happening in Syria. In this example, we see how social media can downgrade the importance of an issue if it is over-reported, over-shared and sometimes even over-liked.

Another example of a social media campaign with good intent but an ambiguous result is that the film *Kony 2012* spread through social media platforms depicting terrible crimes committed by Joseph Kony, the leader of the Lord's Resistance Army (LRA), in Uganda and other countries in East Africa. The main objective of the movie was to compel the US government to get involved militarily in an international effort to arrest Kony and hand him to the International Criminal Court (ICC) that had issued an arrest warrant against him. Although, we cannot dispute the relevance of the objective of the movie, Kamari Maxine Clarke, a professor at Carleton University, is of a different opinion. According to her assessment, Kony 2012 has skewed the reality of peacemaking in Uganda as it suggests that criminal justice and foreign intervention in the form of US engagement is a silver bullet solution to end the conflict between LRA and local governments, which is an oversimplification of a somewhat complicated peace negotiation process.[23] Therefore, the calls of people worldwide for US involvement in Kony's arrest seem to be built on superficial grounds since it is the ICC warrant that is one of the most significant obstacles in achieving a peace agreement as naturally Kony does not want to end up on a trial in the Hague as a war criminal.

We have demonstrated how significant the impact of social media can be in supporting or obstructing peace negotiations. In the following, sub-section, we examine the possible threats to national reconciliation after a peace agreement is signed.

B. National Reconciliation and Social Media

In peace agreements, we often find provisions establishing specific mechanisms of national reconciliation to uncover the truth about the conflict and prevent its future repetition. Such reconciliation can have different forms. Undoubtedly, the most rigorous one is transitional justice punishing those responsible for violations of rules of war as well as national laws. Transitional justice can be pursued in a formal way by national or international courts, or

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22   de Mistura, S "Creativity - A New Tool For International Diplomacy?" Lecture, Graduate Institute of International and Development Studies, Geneva, 19 March 2018.

23   Clarke, KM "Kony 2012, the ICC, and the Problem with the Peace-and-Justice Divide" 106 *Proceedings of the Annual Meeting (American Society of International Law)* (2012) 310.

it can be done employing means of traditional justice that are typical for a given geographical region such as reconciliation rituals.[24] There are also mechanisms focused more on reconciliation by discovering the truth for the benefit of future coexistence than on punishment of war criminals. Among these, we find truth commissions, history lessons, reparations or guarantees of non-repetition.[25] These mechanisms have higher legitimacy when combined with media reporting on their work due to greater transparency and openness to the public. As it has been suggested by Annelies Verdoolaege, a member of the board of the Africa Association of Ghent University, a TV series called *Special Report* has contributed to the success of the Truth and Reconciliation Commission (TRC) in South Africa. The TV series contributed to this success by nationwide broadcasting of the proceedings before the TRC, which gave an equal media space to both victims and perpetrators of apartheid crimes. The creators of *Special Report* achieved this in an objective but also slightly emotionally-biased manner since many journalists were victims of the previous regime themselves.[26]

Social media can play an equally important role in national reconciliation as mass media did in the case of South Africa. For instance, a truth commission can have its own public relations team running a pro-peace campaign on multiple social media platforms. There can be live broadcasting of proceedings via Facebook or Youtube combined with a Twitter feed with quotes of the most interesting parts of the deliberations before the commission. In case of history lessons, a ministry of education or any other entity can use its own specialised Youtube channel or Instagram account to spread videos and photos with reconciliation content that would be easily accessible and comprehensive to school children.

Nonetheless, there are important threats to national reconciliation coming from entities and actors that are not satisfied with the outcome of peace negotiations and would rather disrupt the peace and return to war. These actors may resort to an overt counter-peace campaign by disseminating their political and social narrative throughout social media under their own name. Also, they can use covert social media tactics such as engaging internet trolls and botnets, as we have seen with the case of Russia in Ukraine. These trolls can be tasked with designing specific disinformation content attacking the message of national reconciliation. Subsequently, the texts, videos and images produced by these trolls could be disseminated by the use of botnets and fake accounts.[27] Also, this content can be used by the trolls and their 'sympathizers' among ordinary citizens to incite conflictual exchanges on social media in comment sections under articles published by traditional media and national reconciliation mechanisms.

Such manipulation of public opinion is not limited only to social media but it can be communicated also by traditional media such as radio, as we saw in the Rwandan genocide of 1994. In this case, the government-supported radio station *Radio Télévision Libre des Mille Collines* (RTLM) broadcasted incredibly hateful propaganda against the Tutsi population, presence of the United Nations peacekeeping force in Rwanda (UNAMIR) and called for Hutu domination of the country. According to the research by David

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[24] Afako, B "Reconciliation and Justice: 'Mato Oput' and the Amnesty Act" in Lucima, O (ed.), *Protracted Conflict, Elusive Peace* (Accord, Conciliation Resources 2002) 67.

[25] United Nations, *Report of the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, (2004) paras 17, 38, 50, 54.

[26] Verdoolaege, A "Media Representations of the South African Truth and Reconciliation Commission and Their Commitment to Reconciliation" 17(2) *Journal of African Cultural Studies* (2005) 196.

[27] Biały, B "Social Media—From Social Exchange to Battlefield" 2(2) *The Cyber Defense Review* (2017) 83.

Yanagizawa-Drott, a professor at the University of Zurich, the broadcasting of RTLM accounted for 50,715 cases of killing and 9.9% of the total participation rate in genocide.[28]

The example of Rwanda is even more striking if we look at it from today's perspective when information is not processed and transmitted solely by centrally-regulated media such as radio or TV. Nowadays, it is quite common for people to rely on information coming from questionable sources on social media platforms. Additionally, as has been already emphasised, social media allow for direct creation of content by their users. This gives any individual or an interest group a possibility to spread any informational or disinformation just by using a smartphone, without the necessity to own a sophisticated radio or TV equipment. Therefore, a fragile peace in a country that is going through an arduous process of national reconciliation can be easily destroyed by the increasing role that social media play in today's politics. In light of this new reality, in the following section, we offer a series of solutions aiming at containment and prevention of the adverse use of social media to obstruct the peace negotiations or disrupt the achieved peace settlement.

III.   Disarmament of Social Media

When we talk about countering social media abuse, the word that instantly appears in the discussion is regulation. However, any attempt to regulate social media provokes significant disagreements and political fights since it is often viewed as an interference with fundamental human rights, especially with the right to freedom of expression. Moreover, the origin of many conflicts stems from human rights violations and abuses by dictatorial regimes or brutal non-State actors.[29] Therefore, modern peace agreements contain provisions guaranteeing respect for human rights of individuals and various minority groups forming the population.[30] In this regard, it is essential to find a right balance between the legitimate interest of peacemaking and human rights protection. Following the structure of the debate above, in the first sub-section, we discuss potential solutions to fight against the use of social media to undermine the peace negotiations. Secondly, we propose legal mechanisms to counter propaganda and disinformation aimed to disrupt the national reconciliation process.

A. Countering Social Media Threats to Peace Negotiations

Before entering the peace talks, usually, the parties to the conflict lay down their arms in a ceasefire. Most of the times, 'physical' ceasefire is not difficult to verify since flying bullets and explosions are quite noticeable. However, the behavior of the parties and actors interested in prolongation of the conflict on social media is not easy to control. We can say that if there is a genuine willingness to end the war the on all sides, the parties will naturally refrain from any harmful acts on social media. Nonetheless, if a party wants to wage a covert information war against other parties, there are no means to prevent it from doing so. This difficulty is primarily due to a problematic attribution of such campaigns to their genuine authors. Furthermore, even with a credible attribution, we cannot say that spreading disinformation online is illegal *per se*. There are States where certain types of statements such as hate speech or public support for fascist or Nazi ideology are

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[28]   Yanagizawa-Drott, D "Propaganda and Conflict: Evidence from the Rwandan Genocide" 129(4) *The Quarterly Journal of Economics* (2012), Table VI.

[29]   Thoms, O and Ron, J "Do Human Rights Violations Cause Internal Conflict?" 29(3) *Human Rights Quarterly* (2007) 683, 695.

[30]   Bell, C, *Peace Agreements and Human Rights* (Oxford University Press 2000) 294.

criminalised.[31] However, practically speaking, it is difficult to imagine such rules to be enforced in a war-torn country. Therefore, when dealing with social media in a negotiation context, we are left with two simple but rather weak solutions. Firstly, there might be a provisional code of conduct on social media agreed by the parties that would define the basic rules of external communication related to the peace talks. Secondly, parties can decide to set up a joint communication channel on social media that would provide information consensually agreed by the parties themselves. These two solutions would not help in countering anti-peace campaigns such as false accusations of other parties or spread of militant rhetoric, but would create a meaningful and credible flow of information, on which local population and the international community could rely on.

B. Pacification of Social Media as National Reconciliation

As we said earlier, social media campaigns based on militant rhetoric or disinformation content can endanger the process of national reconciliation. Therefore, it is necessary to examine the possible ways to counter and prevent such adverse operations.

Before we deal with the concrete proposals to tackle these threats, we have to emphasise that certain regulation of traditional media has already made its way into a number of peace agreements. For instance, the Arusha Agreement of 1992 ending Rwandan civil war states that cessation of hostilities 'shall mean the end of all military operations, all harmful civil operations and denigrating and unfounded propaganda through the mass media.'[32] Although this agreement comes from the 1990s, it is quite progressive as it deals with information warfare as a form of hostility. Another example can be found in the Dayton Agreement of 1995 putting an end to the war in Bosnia. With respect to media, the Agreement obliges the parties to take the following measures: 'the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred'[33] and 'the dissemination, through the media, of warnings against, and the prompt suppression of, acts of retribution by military, paramilitary, and police services, and by other public officials or private individuals.'[34]

Reading the previously-cited examples, one may argue that we can add the word 'social' before the word 'media' and our problem would be solved. However, regulating social media by provisions of peace agreements could be more difficult since their content is usually created by individual users, therefore, such regulations must be based on serious human rights considerations. The right that can be infringed upon is undoubtedly the right to freedom of expression which is proclaimed in the Universal Declaration of Human Rights of 1948 and guaranteed by the International Covenant on Civil and Political Rights (ICCPR) of 1966. Article 19 of ICCPR gives everyone the right 'to hold opinions without interference'[35] and further defines that the right to freedom of expression 'shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.'[36] Since ICCPR was adopted in the 1960s, thus long before the era of Internet and social media, it does not explicitly entitle an individual to the freedom of expression

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[31] Lobba, P. "Holocaust Denial before the European Court of Human Rights: Evolution of an Exceptional Regime" 26(1) *The European Journal of International Law* (2015) 238.

[32] Article VII, *Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front*, 4 August 1993.

[33] Article 30(b), *General Framework Agreement for Peace in Bosnia and Herzegovina*, 14 December 1995.

[34] Article 30(c), *General Framework Agreement for Peace in Bosnia and Herzegovina*, 14 December 1995.

[35] Article 19(1), *United Nations General Assembly, International Covenant on Civil and Political Rights* (1973) 999 UNTS 71 (ICCPR).

[36] Article 19(2), ICCPR.

online. This gap was filled in 2012 by the United Nations Human Rights Council when it adopted a consensus resolution affirming that 'the same rights that people have offline must also be protected online, in particular, freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.'[37]

As we have seen, international law provides the right to freedom of expression with a relatively high level of protection. Therefore, peacemakers find themselves in a difficult position if they want to fight against information warfare on social media that is aimed to undermine the fragile peace that has been established. However, the right to freedom of expression is not absolute since even Article 19 of ICCPR says that it may be 'subject to certain restrictions.'[38] This article contains the so-called three-part test to justify the restriction of the right to freedom of expression. First of all, the restriction in question has to be 'provided by law'[39] which is 'clear and accessible to everyone'[40] and not 'arbitrary or unreasonable'[41] and which includes 'adequate safeguards and effective remedies'[42]. Secondly, the restriction must protect a legitimate interest. In this respect, Article 19 allows the government to restrict the freedom of expression only to ensure 'respect of the rights or reputations of others'[43] or to protect 'national security or […] public order (ordre public), or […] public health or morals'[44]. In a national reconciliation scenario, we can imagine the resort to the objective of national security or public order. However, the threshold to justify any restriction of the right to freedom of expression by one of these two objectives is quite high. For instance, the protection of national security can be invoked only 'to protect the existence of the nation or its territorial integrity or political independence against force or threat of force'[45]. Public order is not an 'easier' option for the regulator since it is defined rather vaguely as 'the sum of rules which ensure the functioning of society or the set of fundamental principles on which society is founded'[46].

Thirdly and lastly, the restriction must be 'necessary'[47] to achieve the protection of the legitimate interest. Put simply, there must be a clear link between the restriction and achieving the desired aim in the least restrictive manner, which is sometimes called also as the requirement of proportionality.[48]

Having the above-presented legal toolkit in mind, we can imagine having a provision in the peace agreement defining main features of social media content that may be considered a form of information warfare and thus a threat to national security or public order. However, such definition should fulfill the high threshold that has been described earlier.

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[37] Para 1, United Nations Human Rights Council, The Promotion, *Protection and Enjoyment of Human Rights on the Internet* (2012) A/HRC/20/L.13 (UNHRC Rights on the Internet).
[38] Article 19(3), ICCPR.
[39] Article 19(3), ICCPR.
[40] Para 17, United Nations Commission on Human Rights, *The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* (1984) (The Siracusa Principles).
[41] Para 16, The Siracusa Principles.
[42] Para 18, The Siracusa Principles.
[43] Article 19(3)(a), ICCPR.
[44] Article 19(3)(b), ICCPR.
[45] Para 29, The Siracusa Principles.
[46] Para 22, The Siracusa Principles.
[47] Article 19(3), ICCPR.
[48] PoKempner, D "Cyberspace and State Obligations in the Area of Human Rights" *in* Ziolkowski, K, ed, *Peacetime Regime for State Activities in Cyberspace* (NATO CCD COE Publications 2013) 244.

Also, there can be a commission established by the peace agreement composed of independent experts delegated by the parties to the peace agreement that would be tasked with controlling the content on social media platforms. Such commission would have the authority to decide that specific content violates the provision on information warfare and to issue a notification to the author with a request for modification of the content or its removal. In case of a non-compliance on the side of the author, the commission, as a State organ, could issue a request for removal of the content to a relevant social media platform. However, before taking such action, the commission shall conduct the earlier-described three-part test to avoid any possible violation of the right of an individual to freedom of expression. In addition, before such request is addressed to a relevant social media platform, the author of the content shall be given a possibility to defend his or her position. Nonetheless, the final decision would be still in the hands of a concerned social media platform since governments have no means to remove the content from social media on their own. In general, social media platforms have their own internal policies regarding unauthorised content such as child abuse or hate speech, which can be reported by any user of the platform. In case of content that does not violate these internal policies but is illegal under the domestic law of a country and its removal has been requested by a State organ, a social media platform usually proceeds with restricting the access to the content only in this particular country. Thus, the content would still be accessible in other States, but the local population of a State in question would be restricted from viewing it.

Practically speaking, this process seems quite complicated and expensive, and indeed it would not lead to the removal of all peace-unfriendly content. Nonetheless, some measures can be adopted to make the system more efficient. For instance, there shall be a nationwide awareness-raising campaign about disinformation, fake news and hate speech so that ordinary users of social media would be able to identify such adverse content and report it. In 2017, in Slovakia, a large number of such reports coming from ordinary citizens made Facebook block (until this day) the fanpage of a parliamentary far-right party and the account of its leader who was posting fascist and anti-Semitic material.[49]

As to the actions available to the commission established by the peace agreement, issuing a request for access restriction should not not be the only option. The commission could be authorised to proceed also in a softer manner by designating a specific profile or content as disinformation on its own social media page. An excellent example of such practice can be found in the Czech Republic by its recently-created Centre Against Terrorism and Hybrid Threats tasked to search for and depict adverse disinformation material on social media.[50]

Furthermore, the safeguard requirement by allowing the author of the content to present its defense can be fast-tracked by an online process similar to Online Dispute Resolution system (ODR) used by eBay.[51] In this process, a specially designed software reviews the main features of the dispute between the client and seller and proposes several solutions. If a mutually acceptable resolution is not achieved than a process of an online facilitated mediation follows. Such a sophisticated process would inevitably generate

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[49] The Slovak Spectator, *Facebook Blocks Main Fanpage of the Kotleba's Far-right ĽSNS Party*, 10 April 2017, *at* <spectator.sme.sk/c/20505651/facebook-blocks-main-fanpage-of-the-kotlebas-far-right-lsns-party.html> (accessed 20 November 2018).

[50] Ministry of Interior of the Czech Republic, *Center Against Terrorism and Hybrid Threats*, May 2016, *at* <mvcr.cz/cthh/clanek/centre-against-terrorism-and-hybrid-threats.aspx> (accessed 21 November 2018).

[51] Civil Justice Council, *Online Dispute Resolution*, February 2015, *at* <https://www.judiciary.uk/wp-content/uploads/2015/02/Online-Dispute-Resolution-Final-Web-Version1.pdf> (accessed 7 January 2019) 12.

significant financial costs. Therefore, representatives of social media platforms and IT sector should be consulted or directly engaged during the preparation of such mechanisms so that a way of combining an interest of peace with a financial and technological efficiency could be found.

IV.   Conclusion

We have demonstrated that social media can be used by the warring parties as a part of information warfare which has become an indispensable part of modern military conflicts. However, social media have their role also during peace negotiations as well as the subsequent process of national reconciliation. Since there is no regulation on how social media may be used in military conflicts or in its ending, the parties may resort to overt or covert propaganda or disinformation campaigns to undermine the peace talks or to obstruct national reconciliation. For this reason, our main conclusion is that to come to a successful end of a military conflict, it is not enough to cease 'physical' hostilities, but it is equally important to refrain from adverse social media campaigns.

During peace negotiations, mutual trust is not yet well established. Therefore, the mechanisms that can be used to turn down the rhetoric on social media are more of a soft law character. In this respect, we propose a provisional code of conduct on social media or a joint communication channel on social media reporting on ongoing peace talks with content agreed upon by the parties themselves.

As to the process of national reconciliation, there is a whole range of solutions how to 'disarm' social media. The reached peace agreement should include a provision defining social media content that may be considered a form of information warfare aimed to destabilise the country and disrupt the peace. Also, on the enforcement side, there should be a commission charged with controlling the content on social media and issuing requests for access restrictions if the content violates the principles defined by the peace agreement. Nonetheless, this whole process shall be in line with the so-called three-part test principles laid down by Article 19 of ICCPR on the freedom of expression. Furthermore, the local population should be educated to recognise hate speech and distinguish between credible information and fake news and disinformation campaigns. Such media education would also allow ordinary citizens to fight against these issues themselves since many social media platforms provide an option for their users to report the content that is in violation of local law or internal policies of a social media platform.

In the end, it is essential to emphasise that the influence of social media in wartime and in peacetime to manipulate public opinion will increase in the future due to rapid development of technology, even in the least developed countries of the world. When I was doing my research the phrase that struck me the most was by a former guerrilla fighter of Revolutionary Armed Forces of Colombia who said that the Samsung S7 is their 'new weapon'[52]. We cannot allow this progress to be ahead of our political and legal thinking about peace, otherwise, we will be unable to respond adequately to these new challenges providing 20th-century solutions to 21st-century problems.

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[52] Mobilisation Lab, Iriarte, RC, *The revolution will be whatsapped*, 15 August 2017, *at* <mobilisationlab.org/colombia-path-revolution-whatsapp> (accessed 21 November 2018).