



Impediments to International Cooperation Against Terrorism

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1. Introduction

The area in which the observer can clearly see the conflicting feelings that the issue of terrorism arouses is in the quest to find one definition of terrorism as the accepted standard in the international community. Although it may seem just a matter of semantics at first glance, the lack of definition actually affects in tangible, negative fashion the normative approach to counter the phenomenon. It creates diverse impediments to reach agreements on common actions by the international community; after all, coalitions cannot fight an enemy without first agreeing on who the enemy is. What is self-evident for some is not so clear for others, hindering possible avenues of cooperation. The subjectivity of the definition issue is still so intractable that, after decades trying to

achieve that goal, it has become a utopian quest whose ramifications pervade the etiology and ontology of terrorism as well as the choice of prophylactic measures in the domestic and international realms to tackle the terrorist paradigm.

The importance of mindset and perception is too often overlooked; we rarely take into consideration how much these two phenomena impact, constrain, and distort our views and patterns of behavior as well as the other side's - be it friend or foe. Since "perception is reality," the perceptions that individuals or nations hold actually mold the reality in which they operate as well as the methods and means developed to navigate in that reality¹ - and this reasoning is valid for our own perceptions as well. For example, there remains a clear difference in percep-

tion about the level of threat posed by jihadism, resulting in different policies and responses to confront the issue. Thus depending on the prism used to analyze e.g. radicalized religious views, terrorism-fostering ideologies or cultural traditions and differences, we will encounter important impediments for international cooperation in the effort to hamper the terrorist enterprise. Here is where diplomacy can play a very important role, deemphasizing the negative and accentuating the positive in eventual partnerships to defend national interests and as a motivator to increased cooperation.

In our pre-9/11 world, intelligence organizations and authority were based on distinctions of domestic versus foreign threats, law enforcement versus national security concerns, and peacetime versus wartime.² The September 11, 2001 attacks were a clarion call in many respects; terrorism unexpectedly turned into a transnational threat exploiting the vehement forces of globalization. These changed international realities have prompted a new level of cooperation and information exchange among intelligence and law-enforcement agencies within the United States and abroad, leading to a more expansive international role for law-enforcement agencies in particular.³

American politician Jesse Unruh savvily described money as the mother's milk of politics, and, paraphrasing Clausewitz, terrorism is a way to pursue politics by other

means, enlisting the bomb and the gun for indiscriminate use to replace the role that words have in society as appropriate tools of civilized political discourse. Although actual terrorist attacks may be cheap in comparison with the enormous returns they may render, terrorist organizations do require money funds for support infrastructure, such as training camps, traveling expenses, payment of operatives, housing, weapons, technology, and more; therefore, their urgent need of money and money transfer methods to support their organizations and conduct attacks makes tracking terrorist financing a crucial aspect in our constant struggle against terrorism.⁴ International cooperation regarding terrorist financing issues is an area in which there have been positive developments, particularly since 9/11. However, policymakers remain divided about the thorny issue of policy due to a variety of factors that ultimately hampers the efforts to counter terrorism.

2. Semantics

Definitions are statements that convey the fundamental character of something. Defining "terrorism" in a single sentence that elicits international consensus is evidently a chimerical endeavor in our days because there seems to be intended ambiguity to avoid pronouncing moral judgment. Terrorism is political and systematic, designed to create or consolidate political power;⁵ after all, terrorist acts seek to exploit people's emotions in order to achieve political goals. Terrorism

has routinely been linked to national liberation movements in an attempt to lend their violent deeds a patina of legitimacy where there is none, thus tainting its semantics, too. This dichotomy has complicated even further the chances to reach an international agreement on what constitutes terrorism because of the failure to understand that terrorism, besides being a tactic and a strategy, is a *method* rather than a set of adversaries or the causes they promote.⁶

With over a hundred definitions about what terrorism supposedly means, the semantic chaos is just a harbinger of more complicated issues regarding terrorism since definitions are fundamental to the process of establishing policy, delineating organizational structures, and allocating resources. A case in point: If tackled as a crime, the policy response to terrorism would be to treat it as a law enforcement problem; however if it is considered as warfare, the military would be the right call.⁷ Whichever position a nation chooses to adopt, it will have repercussions at the three definitional levels aforementioned. Thus, it is not a matter to be taken lightly; we are still trying to come to terms in regards to this contentious aspect while terrorists do not feel attached to any rules.

The semantic disarray is such that not even American agencies can boast a common definition. At the international level, it has actually become an objective impediment in many cases, giving way to unilateral

interpretations, strange outcomes, and hindering common initiatives. A practical example of how a lack of definition has direct influence in establishing policy is found in the international attempts to suppress terrorist financing. Though nations have agreed on certain standards to hamstring the flow of money reaching terrorist groups, according to Saudi Arabia, terrorism under sharia law is the act of "spreading evil on earth," therefore, measures for the freezing and seizure of terrorist funds can only be taken in accordance with specific statutory procedures due to the lack of a universal definition.⁸ Saudi Arabia and other nations do not believe that providing material support to some terrorist organizations constitutes "terrorist financing;" some Islamic banks also take advantage of the lack of a universal definition and turn a blind eye on activities that are egregiously terrorist in nature because they may be sympathetic to the Islamist cause and complicit in channeling funds to terrorist groups.⁹

The world has witnessed the increasing internationalization of terrorism, particularly after the terrible September 11, 2001 attacks and nations have engaged in proactive policies domestically and internationally to counter the threat. Nonetheless, there remains widespread support in various parts of the world for some groups that the United States considers terrorist¹⁰ because, ultimately, trying to define terrorism will always clash with the subjectivity the term entails and that

is best reflected in the relativistic aphorism “one man’s terrorist is another man’s freedom fighter.”

Overcoming the subjectivity issue in the quest of a universal definition at the present moment does not seem an attainable goal and the international community has been pragmatic in its approach by circumventing the definitional minefield and going after the outer manifestations of terrorism instead. It is a salutary approach that has produced tangible results such as more than a dozen international conventions and protocols prohibiting specific acts of terrorism. After 9/11, there has been an increase in the ratification rate of conventions such as the one for the Suppression of the Financing of Terrorism or the Convention for the Suppression of Terrorist Bombings. In other words, although we may not be making great inroads to surmount the semantic hurdle, there has been steady and significant progress achieved by practical deeds towards more international cooperation to counter terrorism.

3. Mindset and Perception

The collapse of the Soviet Union and the 9/11 terrorist attacks were two earth-shattering events with watershed repercussions. If we add the advent of Internet and the revolution in technology, mass telecommunications, and transportation, the world as we knew it is no more. Therefore, there is an urgent need to adapt to this new reality and we have been all too slow to accept the

new security challenges we are facing.

Understanding globalization is fundamental in areas such as governance, business, diplomacy, terrorism, intelligence, peacekeeping, finance, and more. Yet, in practical terms, the leader of the Free World, the United States, still straggles far behind in this endeavor. Most of America’s practically unchanged diplomatic structure was designed to fight a Cold War enemy that ceased to exist almost two decades ago. In the age of mass media, the United States boasts a track record in public diplomacy that leaves a lot to be desired. Osama bin Laden pulled off a horrific hat trick that none of the superpower’s intelligence agencies could prevent. Just as all bureaucracies usually behave, these agencies have been too slow and resistant to change, often obsessed with one sort of threat when there is a panoply of other pressing menaces. America’s military was fighting the last war in Iraq until the ideas of counterinsurgency and netwar were finally given a chance. Furthermore, there is a widespread feeling that political leaders and representatives are reactive and not proactive regarding the brave new world. Two presidents and several Congresses later, the U.S. government is still struggling with how exactly to wage the war on terrorism, all lost in idealistic visions of human nature. If the world is indeed engaged in a war on terrorism, it is a war not against tank divisions or infrastructure, but against a mindset.¹¹

Terrorism depends upon the presence of three primary ingredients: Indoctrination, recruitment and financing.¹² While international cooperation to strangle terrorist financing has gradually been improving, there is much left to do about the two other ingredients. Our enemies and rivals have been one step ahead exploiting the benefits of globalization: free movement of capital, easily accessible information, modern technology, instant telecommunications, the power of mass media, etc., and the United States – the country in which most of these new technologies have been created – has been left awkwardly behind. Terrorists use these modern tools for indoctrination and recruitment; bin Laden can spin a story faster and more PR-savvily than the mastodonic bureaucracy at the State Department can issue a press statement. It is here where it became painfully evident that America moves at glacial pace while the enemy, with far less resources, maximizes its strengths, exploits and fuels misperceptions with tailor-made PR-campaigns directed to different audiences in the effort to win the hearts-and-minds battle and to keep recruits closing ranks with the leader. This warped perception ultimately produces a gradual loss in strategic influence and can mean the difference between failure and success. Not mastering this crucial element of the asymmetric warfare simply precludes cooperation with other nations. We need to learn how to defuse the enemy's propaganda machine.

The greatest threats to today's security are the problems of mindset and perception.¹³ U.S. planning and analysis often tends to react to an emotive and generic approach to terrorism, making generalizations from patterns and incidents that simply do not justify such generalizations.¹⁴ And analysts rarely consider how mindset and perception constrain and distort views and premises on which operational planning is based and terrorists develop their thinking.¹⁵ We are still at odds answering what drives people to terrorism. Policymakers usually get entangled in etiological conundrums and/or use their own perceptual lenses colored by culture, history, personal experience, and bureaucracy to only distort an already flawed or incomplete picture when the priority in order to defeat the adversary is to understand his "reality:" how he adapts to it and operates in it as well as how he views us; in other words, we must put ourselves in the terrorist's shoes to better understand how he operates because his perceptions will drive his strategy, tactics, and planning.¹⁶ Be it accurate or inaccurate, the enemy's perception is his "reality."

The way allies and the international community perceive policies and the image a country portrays is paramount to building successful coalitions. In the American case, after 9/11, the sea of goodwill shown by the international community to counter terrorism was a positive development marking the difference from the days when many

nations condoned terrorism in favor of so-called “national liberation movements.” Although the terrorist threat is real, goodwill can often-times be an ephemeral occurrence and failing to share the perception of a common enemy can turn international cooperation into a fragile, fleeting event. Public support in general is fickle and difficult to sustain over long periods of time and this premise is valid for individuals and nations. Thus, the spirit of cooperation necessary for any strategy against terrorism will test the political will of governments to fulfill their commitments – starting at home. Differences in ideological values can lead to policy disagreements and become real impediments to international cooperation. For example, when the enemy has been al-Qaeda, agreeing to cooperate on counterterrorism measures has been an easier task than asking the same in order to deal with other terrorist groups such as Hamas or Hezbollah. However, in politics, nothing is final; some incentives, new developments, or the level of threat for national interests perceived by potential allies can make them abandon their reluctance to cooperate.

It can be safely assumed that America’s “strategic influence” has not been used to its full potential yet – a term that covers the entire spectrum of influence campaigns, from highly coercive or enticing efforts to public diplomacy. In general, the purpose of these campaigns is to affect the beliefs, opinions, attitudes, and actions of potential adversaries,¹⁷ but

also of friends and allies. In the case of the enemy, the development of an exceedingly robust deception, disinformation, and covert action capability to distort the “reality” terrorists have can lead them down a path to ultimate destruction.¹⁸ In the case of public opinion at home and abroad, the seductive powers of public diplomacy to promote national security must be used to the fullest extent, explaining to the domestic public who the enemy is and how he operates, the magnitude of the threat, what the policy is about, but also what it is *not* about in order to correct misperceptions.¹⁹ Citizens must be well informed so they know what to expect and feel they are funding and backing a worthy cause aimed at their security. Otherwise, asking for international cooperation to support policies that the domestic public rejects does not spell success. At the international level; foreign publics must have good information about the reasons behind anti-terrorism policies; their attitudes are important, even in undemocratic countries²⁰ because it all goes to the heart of the perceptions and misperceptions that create friends and foes.

4. Procedures

Globalization has helped aggrandize the threat of terrorism. The terrorist enemy is old but its impressive ruthlessness and global reach are just too new. Changed international realities have led to a growing international role for law-enforcement agencies in conjunction with the employment of intelligence agencies – and the operational arms

of the U.S. State and Defense Departments – in efforts to counter the terrorist threat.²¹ The effectiveness of authorities at both detecting and investigating terrorist activity is significantly enhanced when counter-terrorist intelligence and financial information are used together.²²

American anti-terrorism legislation enacted in October 2001 included provisions facilitating information sharing between law enforcement and intelligence agencies.²³ Although coordination may seem ideal to coalesce efforts against terrorism and crime, former CIA official Jonathan Fredman points out that, due to constitutional limits, “the American law enforcement and intelligence communities remain designed and operated in fundamentally dissimilar manners, retaining different legal authorities, internal modes of organization, and governing paradigms.”²⁴ This can be seen as an impediment for closer international cooperation because, in some countries, this rigid separation between intelligence and law enforcement agencies does not exist; thus U.S. officials must carefully tailor their relationships with foreign counterparts.²⁵ Nonetheless, the security services of friendly nations are important sources of information for U.S. intelligence; they know their neighborhoods and have access that U.S. agencies do not; these efforts among agencies and allies on all intelligence matters should be coordinated, clarified and strictly enforced.²⁶

While intelligence works *ex ante facto*, i.e. to prevent things from happening, law enforcement does it *ex post facto*, i.e. to arrest and try suspects of criminal activity via due process. FBI Director Robert Mueller has declared that, in order to counter terror threats, we must first understand them through intelligence; once we gain an understanding, law-enforcement authorities allow us to move against individuals and networks. Intelligence agencies collect and analyze information in order to forewarn the government before an act occurs while law enforcement focuses on collecting evidence after a crime is committed in order to support prosecution in a court of law.²⁷ These American constitutional distinctions are paramount and changing that structure in favor of coordination involves challenging constitutional limits on domestic law-enforcement activity while drawing intelligence officers ever closer to proceedings that could compromise sources and methods of intelligence collection.²⁸ The PATRIOT Act eased restrictions on law-enforcement agencies established in the Foreign Intelligence Surveillance Act (FISA) of 1978²⁹ and some new agencies have spawned with greater but cautious cooperation in mind. The premise of the PATRIOT Act is that information about foreign terrorists acquired by law-enforcement agencies, including grand jury information, should be available to intelligence agencies. The PATRIOT Act has been maligned from some quarters as the end of American civil liberties; however, what worries others

much more is the potential use in judicial proceedings of information originated by, or shared with, intelligence agencies, that a defense attorney might seek access to intelligence documents whose release could seriously compromise sources and methods.³⁰ This can be very discouraging when trying to elicit international cooperation in the intelligence arena where nations jealously protect their sources and methods for national security reasons.

Intelligence and anti-terrorism are two sides of the same coin: We cannot have effective anti-terrorism without effective intelligence collection and analysis.³¹ Conducting the global war against terrorism effectively requires to work closer with friends and allies to erase existing legal impediments internationally because the lack of legal cooperation, particularly in areas such as intelligence, financing, and anti-terrorism, just strengthens the terrorist hand, facilitating the development of lethal capabilities. Efforts to enforce international law and the extraterritorial provisions of domestic laws are increasingly important in the response to transnational threats³² as well as the need to strengthen national and international intelligence agencies specialized in terrorist groups. The brutality of terrorism after the 9/11 attacks has become so patently evident that has stirred the desire of reaching higher standards of international cooperation and information exchange at all levels, prompting governments to bypass petty

domestic concerns in order to focus on new international commitments to improve capabilities to counter terrorism. In a globalized world, cooperation is tantamount to survival.

5. Money

Money is not only a medium that can be exchanged for goods and services, it is also the lifeblood of terrorism. As such, disrupting the flow of money to terrorists is critical to any anti-terrorism campaign. Experts agree that the costs of terrorist attacks are usually low and terrorist organizations often get enormous returns on their modest operational investments.³³ However, the expenses go beyond the funds needed for actual attacks. Financing is required to meet the broader organizational costs of developing and maintaining a terrorist organization as well as to create an enabling environment necessary to sustain their activities.³⁴

Terrorists are adroit at meeting their financial requirements. They conduct their fundraising activities in places and ways that are either legal, easily concealed or find sympathetic audiences.³⁵ However, terrorist organizations also obtain funding from a repertoire of criminal activities such as drug trafficking, money laundering, kidnapping, extortion, credit card theft and fraud, document fraud, and robbery.³⁶ Although there has been cooperation between the terrorist and the criminal world, groups like al-Qaeda actually benefit from a network of

charities, mosques, banks and other financial institutions that have served Islamic causes since the Soviet invasion of Afghanistan.³⁷ The movement of terrorist funds, using the formal financial system and informal funds transfer systems such as the *hawala*, cash couriers, trade, and charities, plays a crucial role in the terrorist financial structure.

After 9/11, progress has been made in the quest of stemming terrorist money through international cooperation. Terrorist organizations have seen their assets frozen and new terrorist financing laws and standards to hamper money laundering and terrorist transactions have seen the light in more than one-hundred countries. Along with anti-money laundering laws, the criminalization of material support for terrorist organizations has become decisive for thwarting the terrorist financing scheme by providing effective tools for prosecutors bringing charges against those who subsidize the terrorist venture.³⁸ Nevertheless, without enforcement and implementation, law is meaningless, as it is the case of Saudi Arabia where there is effective counterterrorist financing and anti-money laundering legislation, but the government prefers not enforce its own laws as a way to appease radical clerics and al-Qaeda.³⁹

In addition to the important fact that different nations have different capabilities, resources and interests in the struggle against terrorism, a series of cultural, religious, and political factors can also become big im-

pediments to better international cooperation. Terrorist organizations exploit difficult political situations or use cultural and religious factors to their financial advantage. For example, "pocketbook jihad" is a part of Islamic tradition that commands a Muslim to fight jihad with his soul, tongue, or money, making the financial support of jihad a politically-correct affair and, although there have been attempts to bring Muslim clerics to denounce acts of terrorism, hardly any voice has been heard condemning the donation of money for jihad.⁴⁰ Al-Qaeda knows well how to exploit *zakat* or "tax on profit," one of the five pillars of Islam through charities. While not all Islamic charities are involved in terrorist operations, some givers knowingly contribute to charities that funnel funds to terrorists and others divert their *zakat* via charities funding legitimate humanitarian operations *and* a militant wing.⁴¹

Some observers consider the cooperative regime to combat terrorist financing ineffective and fundamentally flawed since, they say, it elevates form over substance.⁴² Although cutting off the flow of money to terrorists is simply unattainable, disrupting or hindering their financial activities is good counterterrorism policy since it pushes terrorists to find new ways to raise and move their money. Contrary to the freeze and seize strategy against terrorist funds that could end up making terrorist networks just hide their money better, seeking for intelligence indicators through the study and analysis of how these

terrorist networks move their money can actually improve our capabilities to follow the money trail and prevent terrorist attacks from coming to completion. This usually requires a concerted international effort that not all nations are prepared or willing to make since many of these reluctant states do not share our concept of "terrorist financing." Islamic banking has been described as "the lifeline of Islamist insurgency"⁴³ and some of these banks are suspected of being complacent and complicit in facilitating ways to move and divert terrorist funds.⁴⁴

International cooperation is fundamental in order to disrupt future terrorist attacks. Although diverse factors stand in the way of cooperation, the international community has made inroads towards hindering the flow of money to fund terrorist activities. Financial transactions can provide useful indicators of planned terrorist attacks as one important part of the broader picture in the difficult struggle against terrorism.⁴⁵ We must also fight against indoctrination and recruitment with education campaigns against terrorism and hate ideologies to convince people that terrorism is not the answer to their hopes and dreams. That will help curtail the funding of terrorist activities in the long run – more than all our laws could ever do.

6. Conclusion

In a world that does not share a universal set of values and that perceives things through alternative

lenses, garnering support for a cause is not as easy as it may seem. Allies, old and new, who may not agree on the level of urgency regarding terrorism, are nonetheless aware that the murderous terrorist enterprise – particularly the jihadist strain – is not confined to national borders anymore and that they cannot remain idle in the face of this global challenge – they could be the next victims in line. That is a strong motivator for nations to join coalitions because they see their national interests and security threatened. Nevertheless, there are always more sorrows than joys in the grueling struggle against terrorism and sustaining commitments is a difficult task for the public and policymakers alike. Whichever approach the West takes to address terrorism, it cannot disregard the religious factors that fuel it because our venture is then doomed to fail.⁴⁶

The irruption of non-negotiable terrorism has translated in a surge of lethal barbarism in the high-tech, advanced, and modern twenty-first century and unfortunately shows once more that the perfectibility of human nature is far from attainable. Therefore, our policymakers need to understand that terrorism is here to stay. Mankind may never eradicate terrorism because it is just "Exhibit A" of our most primitive instincts; yet we must indefatigably go on striving to render terrorism unacceptable, thus useless, as a means to gain political power. Trying to overcome the impediments to international cooperation against terrorism is one step in the right direction.

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Notes

- ¹ Peter Probst. "Intelligence and Force Protection vs. Terrorism." *The Terrorism Threat and U.S. Government Response: Operational and Organizational Factors*. Ed. James M. Smith and William C. Thomas. USAF Institute for National Security Studies (2001), p. 4.
- ² John Deutch and Jeffrey H. Smith, "Smarter Intelligence." *Foreign Policy*, Vol. 128, (2002), p. 65.
- ³ Richard A. Best, "Intelligence and Law Enforcement: Countering Transnational Threats to the U.S." *Congressional Research Service*, 3 Dec. 2001, p. 2, 32.
- ⁴ John D. G. Waszak, "The Obstacles to Suppressing Radical Islamic Terrorist Financing." *Case Western Reserve Journal of International Law*, Vol. 36, (2004), p. 673-74.
- ⁵ Bruce Hoffman, *Inside Terrorism*. (New York: Columbia UP, 2006), p. 41.
- ⁶ Paul R. Pillar, *Terrorism and U.S. Foreign Policy*. (Brookings Institution Press, 2003), p. 18.
- ⁷ *Ibid*, p. 13.
- ⁸ Waszak, p. 692.
- ⁹ *Ibid*, p. 700.
- ¹⁰ Best, p. 7.
- ¹¹ Michael J. Mazarr, "The Psychological Sources of Islamic Terrorism." *Policy Review*, Vol. 125, (2004), p. 48.
- ¹² Steven Emerson and Jonathan Levin, "Terrorism Financing: Origination, Organization, and Prevention: Saudi Arabia, Terrorist Financing and the War on Terror." *United States Senate Committee on Governmental Affairs*, 31 July 2003. <<http://hsgac.senate.gov/073103emerson.pdf>>.
- ¹³ Probst, p. 4.
- ¹⁴ Anthony H. Cordesman, *Terrorism, Asymmetric Warfare, and Weapons of Mass Destruction: Defending the U.S. Homeland*. (Greenwood Publishing Group, 2001), p. 11.
- ¹⁵ Probst, p. 4.
- ¹⁶ *Ibid*, p. 4.
- ¹⁷ Kim Cragin and Scott Gerwehr, "Dissuading Terror: Strategic Influence and the Struggle against Terrorism." (2005). RAND Corporation, p. 7. <<http://www.rand.org/publications/MG/MG184/>>.
- ¹⁸ Probst, p. 5.
- ¹⁹ Pillar, p. 198.
- ²⁰ *Ibid*, p. 197.
- ²¹ Best, p. 2.
- ²² FATF, "Terrorist Financing." (2008), p. 4.
- ²³ Best, p. 4.
- ²⁴ As quoted in Best, p. 2,
- ²⁵ *Ibid*, p. 13.
- ²⁶ Deutch and Smith, p. 65.
- ²⁷ *Ibid*, p. 64.
- ²⁸ Best, p. 4.
- ²⁹ *Ibid*, p. 30.
- ³⁰ *Ibid*, p. 31.
- ³¹ Probst, p. 1.
- ³² Best, p. 31.

³³ Waszak, p. 673.

³⁴ FATF, p. 4.

³⁵ Waszak, p. 676.

³⁶ Phil Williams. "Warning Indicators: Terrorist Finances and Terrorist Adaptation." *Strategic Insights* (2005), p. 6.

³⁷ Waszak, p. 676.

³⁸ *Ibid*, p. 683.

³⁹ *Ibid*, p. 693, 706.

⁴⁰ Shmuel Bar, "The Religious Sources of Islamic Terrorism." *Policy Review*, Vol. 125 (2004), p. 33-34.

⁴¹ Waszak, p. 698.

⁴² Williams, p. 4.

⁴³ Loretta Napoleoni as quoted in Waszak, p. 701.

⁴⁴ Waszak, p. 700.

⁴⁵ Williams, p. 6.

⁴⁶ Bar, p. 36.