MULTILATERAL COUNTERTERRORISM: THE RHETORIC AND REALITY OF INTERNATIONAL COOPERATION

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To my parents and brother for their patience and selfless care,

To Simon for his endless love and support,

To my New York friends for the much-needed distractions,

To my Tel Aviv family for the inspiration.
Introduction

In the wake of the 21st century, the world has been marked by the emergence of a renewed attention on global terrorist threats. The attacks of September 11, 2001 represented a pivotal shift in how the international community perceived the dangers of international terrorist networks, and presented both the opportunity and the necessity for countries to formulate new tools to counter the menace and design appropriate frameworks to contain it. As new networks evolved and distanced themselves from the logics of territoriality and national political grievances, their goals expanded across borders and their reach throughout the world became unprecedented, stemming from an increasingly interconnected international system. As of 2017, the four deadliest terrorist organizations – the Islamic State (ISIL), Al-Qaeda, Boko Haram and the Taliban – all operate and are responsible for violent attacks across state borders with unparalleled potential to hit virtually any country in the world. What aggravates the issue is the outreach some of these groups have in the West, where they have been able to inspire individuals to carry out strikes in their name by developing an ideology capable to flourish and radicalize disenchanted citizens in a number of western cities. A threat with such disruptive global impact understandably requires a comprehensive and concerted effort by the international community in order to counter it.

Surely multilateral institutions such as the United Nations would be capable to live up to the challenge and find ways to address it by creating an adequate international framework and tools to counter the growing threat, right? Surely, strong regional organizations such as NATO would be able to find tune and tackle those threats from a regional security perspective?
Surely, building strong bilateral partnerships with developing countries where terrorist groups are planted and grow their networks would aid these governments to counter the growing violence?
And last but not least, surely international instrument built to counter terrorist financing, such as the Financial Action Task Force (FAFT), would provide
effective guidelines that countries will follow and adhere to in the spirit of progress towards the universal struggle against terrorism?

After decades of advancing strategies to counter developing terrorist threats clearly the international community must have found a way to set aside the underlying diverging interests that prevent countries to collaborate. Unfortunately, these assumptions couldn’t be further from the truth, and the reality paints a very different picture of international cooperation on counterterrorism.

This research provides an overview of multilateral efforts against terrorism and analyzes the imbalance between the rhetoric behind said cooperation and the realities that drive government actions. The first chapter will be dedicated to the difficulties in formulating a consensus definition of terrorism itself, and the political interests that motivate countries when addressing the normative framework of counterterrorism. The second chapter provides a review of institutionalized cooperation on the field, by describing achievements produced by both international institutions such as the United Nations and regional organizations such as NATO: as we will see, despite potentially representing the strongest platforms for progress, both international and regional organizations suffer from profound shortcomings that further hinder prospects towards effective multilateral achievements. The third chapter of this research will focus on the challenges and risks in developing bilateral partnerships with state actors, particularly in the developing world, that represent both strategic allies in the war against terrorism and unsavory friends pursuing their own agenda. In the fourth and last chapter, this research will analyze multilateral cooperation on the field of counter terrorist financing and the outcome of developing strong international instruments to address the issue.
Chapter 1

Terrorism: a politically contested concept

The first obstacle that comes to mind when reflecting upon international cooperation in counter terrorism is the lack of a consensus definition of the concept itself. The failure to reach a binding agreement on what constitutes terrorism and acts of terror casts a dark shadow on the past and present effort of the international community to build multilateral and effective strategies to counter the phenomenon.

UN conventions and protocols, UNSC resolutions, as well as regional institutions that followed the waves of terrorist activities in history, will be extensively discussed in Chapter 2 of this dissertation. For the purpose of this first chapter, which focuses on the politicization of the concept of terrorism, it is sufficient to say that the present and past global counterterrorism framework always relied on operational and sectorial definitions that “aimed at identifying offences seen as belonging to the activities of terrorists and working out treaties in order to deal with specific categories thereof”\textsuperscript{1} \textsuperscript{1b}.

The reason behind this choice is that any attempt to formulate a comprehensive understanding on the term itself, one that is universally recognized and legally binding, has failed. It is not surprising to witness this deadlock: the overwhelmingly abused notion that “one man’s terrorist is


\textsuperscript{1b} For the text of the conventions (both universal and regional), other details and their status, reference can be made to the UN web page http://untreaty.un.org/English/Terrorism.asp.
another man’s freedom fighter”\textsuperscript{2} has served the purpose of justifying the politicization the term has suffered throughout history. Terrorism is a concept charged with a deeply emotional characterization, and the implications of this charge are dangerous in the sense that they serve national interests – and are therefore detrimental to the cause of international cooperation in counter terrorism. As Bruce Hoffman describes it, “terrorism is a pejorative term. It is a word with intrinsically negative connotations that is generally applied to one's enemies and opponents, or to those with whom one disagrees and would otherwise prefer to ignore. (...) Hence the decision to call someone or label some organization 'terrorist' becomes almost unavoidably subjective, depending largely on whether one sympathizes with or opposes the person/group/cause concerned.”\textsuperscript{3}

This impasse is exceptionally relevant when nations clash over the question of legitimacy in the use of violence when it comes to conflicts over national liberation or self-determination. Militant and resistance groups such as Hamas in the Gaza Strip and Islamist party Hezbollah in South Lebanon have been designated in different ways by foreign governments, often mirroring their stance on the State of Israel and alliances in the region. But countries' opinions on who is classified as a terrorist organization also change according to dangerous lobbying efforts. The People’s Mujahidin Organization of Iran (MEK), a militant organization that advocates for the violent overthrown of the present Iranian regime\textsuperscript{5}, is considered a terrorist organization by governments of Iran and Iraq. And until recently, so did the EU, UK, USA and

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\textsuperscript{2} The phrase appears in “The Annals of the American Academy of Political and Social Science”, Volume 463 (1890), p.12. It is already referred to as a cliché in the book, which makes its origins unknown.


Canada. Western states dropped the terror label on MEK in 2008 (EU and UK) and 2012 (US and Canada). If western officials justify their decision in light of MEK’s nonviolent record after 2001, the Iranian government condemns the action, as they believe the group still carries out attacks against the state’s facilities and scientific personnel.

These are only a few recent examples that demonstrate the politically motivated classifications of different terrorist groups. One-sided understandings of the concept of terrorism often prevail in state legislations, and the lack of a legally binding definition ratified by the international community advances the political value of the term over its legal one. The risk, as Lebanese diplomat Sami Zeidan explains, is that “left to its political meaning, terrorism easily falls prey to change that suits the interests of particular states at particular times”.

Therefore, the stratified approach undertaken by international legislators – which focuses on specific offenses rather than the crime of terrorism per se - seems like a reasonable solution to overcome the difficulties of a definition that produces political conflict, and most importantly allows written agreements to be reached.

However, this model presents important limitations, especially considering the recent shift in empirical manifestations of terrorist threats. Terrorism has evolved from being a phenomenon limited to political questions and certain

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territories to assume the characteristics of a globalized criminal activity with the power to spread and hit any country and population (Di Filippo, 2008). These new circumstances require a renewed conceptualization of terrorism as a means to expand cooperation among the international community, hence abandoning its political connotation and advancing a core definition that can unite rather than divide.

**International and State definitions of Terrorism**

When reviewing the past and present attempts to outline terrorism, one realizes the incredibly high number of different definitions that were produced by scholars, state legislator and international and regional bodies. Listed below is a sample of the most relevant terms for the sake of this research.

The United Nation General Assembly (UNGA) “Comprehensive Convention on International Terrorism” has been negotiating since 2002 – and has yet to ratify – the following definition of the crime of terrorism:

“Any person commits an offence within the meaning of this Convention if that person, by any means, unlawfully and intentionally, causes:

(a) Death or serious bodily injury to any person; or
(b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or
(c) Damage to property, places, facilities, or systems referred to in paragraph 1 (b) of this article, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act.”

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In the 2004 UNSC resolution 1566, the United Nations Security Council describes terrorist acts as:

“criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.” ¹⁰

As for national laws, the United Kingdom Terrorist Act 2000 – here in its 2006 amended version, states as follows:¹¹

(1) In this Act "terrorism" means the use or threat of action where:
(a) the action falls within subsection (2),
(b) the use or threat is designed to influence the government or international governmental organizations or to intimidate the public or a section of the public and
(c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.
(2) Action falls within this subsection if it:
(a) involves serious violence against a person,
(b) involves serious damage to property,


(c) endangers a person's life, other than that of the person committing the action,
(d) creates a serious risk to the health or safety of the public or a section of the public or
(e) is designed seriously to interfere with or seriously to disrupt an electronic system

The United States Code (USC), Title 18 reads as follows:

“(1) the term "international terrorism" means activities that—
(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;
(B) appear to be intended—
(i) to intimidate or coerce a civilian population;
(ii) to influence the policy of a government by intimidation or coercion; or
(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum”\textsuperscript{12}

Furthermore, when reviewing academic literature on the terrorism based on the work of scholars such as, among others, Laqueur (1987), Hoffman (2006), Jackson, Breen Smyth, Jarvis & Gunning (2011) and Sjoberg & Gentry (2008), we come to the realization that certain common characteristics exist among all these definitions, and the most relevant commonality is the

\textsuperscript{12}18 USC, Ch. 113B: Terrorism, Section 2331, full text available at http://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter113B&edition=prelim
Retrieved 11/12/2017
emphasis they put on the *motivations* for a terrorist act. In every example mentioned, terrorism is understood as a means to advance a certain “political agenda”. The risk involved in this political connotation is a potential further division in the efforts of international counterterrorism strategies. National governments continue to maintain the misguided belief that terrorism can be understood as part of the traditional international political system. But when dealing with non-state actors acting with no regards for borders, this belief is especially dangerous. In fact, it prevents larger forms of cooperation between states.

In an international community which obviously lacks one single political ideology, the accent on the “political agenda” of terrorism prevents groups of states with different ideologies from working together. It ultimately only leaves room for states with similar values to collaborate, and often exclusively with their military and intelligence agencies. Nonetheless, if an effective global effort in countering terrorist activities is to be achieved, cooperation must go beyond its selectivity and ultimately expand in the realm of the judiciary.

To outlaw terrorism, we must first agree on what it is. In order to do so, a number of scholars in recent years have developed an original strategy that could help the world governments agree on a legally binding definition within its institutions. The difference lies in the rejection of characterizing terrorism based on the *motives* of the perpetrator, which, as we’ve seen, creates further conflict and prevents multilateral coordination.

**A proposed Definition**

As an example of this new trend in the legal framework we will accept the definition proposed by Professor Di Filippo, which, as he puts it “is able to receive a wide consensus from the international community, is already present in the mass of international practice and only needs to be extracted with more
This definition postulates that a terrorist crime entails a “…serious violent action against essential rights of civilians…”, such as the right to life, physical integrity, personal freedom, and basic dignity. Furthermore, the crucial goal of the act must involve the intention of spreading terror, which means engaging in doings that lead individuals to feel insecure about their lives and basic rights.\textsuperscript{14}

The proposal does not add new features to the extensively discussed definitions of the past, but instead deprives them of inefficient ones. Note that there is no reference here to the infamous political objectives of a terrorist organization by means of influencing, coercing, and intimidating a government to pursue their goals. Instead the focus of the crime is the attack on basic rights of a civilian population, as this is the one aspect that breaks all rules of conflict and which different nations may be willing to agree upon. Di Filippo further explains in other words: “According to the core meaning here advocated, terrorism becomes an absolute notion that is no longer linked with the preservation of a state system (and its governing bodies), but focuses on safeguarding the protection of innocent individuals and the interests of victims, and on the human values that these subjects embody”\textsuperscript{15}.

By re-defining terrorism as threatening human rights preservation (as opposed to political intent) at the level of international institutions, it would become easier for countries to ratify treaties and put an end to uncertainty in the realm of the legal framework. Improvements in legislation are significant not only to bolster state cooperation regarding terrorist groups and cross-border cells that constitute a threat to citizens of various countries. They may also represent a


\textsuperscript{14} Ibid., p. 562

\textsuperscript{15} Ibid., p. 547
step forward in changing the attitude of violent groups operating under the claims of self-determination and territorial sovereignty.

This is of particular importance when reflecting on the behavior of militant organizations such as Hamas and Hezbollah, often referred to as both terrorist organizations and guerrilla movements at the same time.

Guerrilla is however a different type of non-conventional warfare, predominantly due to differences in means of attack. The original target of a terrorist act is the civilian population, whereas guerrilla warfare focuses on military targets, security forces, and the political leadership\textsuperscript{16}. Despite the obvious moral disparity of these two activities, the lack of an accepted international definition for terrorist acts (one that distinguishes them for those of guerrilla warfare), has enabled some organizations to rely on both techniques according to operative limitations or circumstances. Now, a legal distinction between the two actions - which also encompasses different counter measures and punishments – is vital for reassessing the cost-benefit perception of these groups. As the founder of the International Institute for Counterterrorism (ICT) Boaz Ganor puts it: “When the damage incurred by organizations due to their engagement in terrorism is greater than the damage they incur due to their involvement in guerrilla activities, it is plausible to assume that some organizations will choose to focus on guerrilla activities rather than on terrorism”\textsuperscript{17}.

The reasons why an effective step forward in international legislation is needed are all too clear. The reality of accomplishing this goal is, however, a greater challenge.


\textsuperscript{17} Ibid., p. 297
State’s involvement in terrorism

Although the recourse to an apolitical definition might be beneficial, obstacles remain regarding whether national governments will put aside their realist approach when dealing with foreign politics. In other words, rival countries with competitive geopolitical interests might benefit from a situation where the legality of their actions is blurred and unclear. The recurrent employ of proxies to influence, destabilize and attack an enemy country is not a novelty in history. This legacy of supporting violent actions by a group or organization to the detriment of one’s opponents is often characterized as state-sponsored terrorism. This further complicates the narrative of countering terrorist activities and weakens hopes for cooperation. The involvement of governments in terrorist activities occur for many different reasons which may often overlap. Motivations comprise political, religious and ideological aspects.

The case of Iran

Iran’s close ties to the Shiite political and militant party Hezbollah – considered a terrorist organization by many western states as well as by the Arab League – are a good example of all three. Following the 1979 Iranian Revolution, the newly formed Khomeini regime needed to expand its influence and establish itself as the preeminent Shiite leader of the region. The 1982 war and consequent occupation of south Lebanon by the state of Israel provided the perfect scenario. The ultimate result was in fact the galvanization of a marginalized Shiite population against Israel and the creation of an armed resistance movement that received critical financial, operational and training support from Iran’s Revolutionary Guards (IRGC), the branch of the Iranian army constitutionally entrusted with protecting its “Islamic System”.

The relationship between Iran and Hezbollah has evolved and expanded during the years. If the main purpose was originally the fight against the Jewish state, the scope of Hezbollah’s involvement in the Middle East has reached a whole
new level. What follows is a quote from a report published in the New York Times in August 2017 that helps illustrate this recent development:

“Months of interviews with officials, fighters, commanders and analysts from nine countries, and with members of Hezbollah itself, bring to light an organization with new power and reach that has not been widely recognized. Increasingly, Iranian leaders rely on it to pursue their goals. Iran and Hezbollah complement each other. Both are Shiite powers in a part of the world that is predominantly Sunni. For Iran, a Persian nation in a mostly Arab region, Hezbollah lends not just military prowess but also Arabic-speaking leaders and operatives who can work more easily in the Arab world. And for Hezbollah, the alliance means money for running an extensive social services network in Lebanon, with schools, hospitals and scout troops — as well as for weapons, technology and salaries for its tens of thousands of fighters. The network Hezbollah helped build has changed conflicts across the region. In Syria, the militias have played a major role in propping up President Bashar al-Assad, an important Iranian ally. In Iraq, they are battling the Islamic State and promoting Iranian interests. In Yemen, they have taken over the capital city and dragged Saudi Arabia, an Iranian foe, into a costly quagmire. In Lebanon, they broadcast pro-Iranian news and build forces to fight Israel”

The implications of such a deep connection between Iran and Hezbollah pose obvious obstacles for any attempt towards bringing together nations with such polarized interests. Hezbollah and its affiliates still carry out terrorist activities, latest of which was the reported bombing of an Israeli tour bus in Bulgaria in the summer of 2012 (which the group denies), yet Iran would not risk

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decrying those terrorist actions as any rift in relations with Hezbollah would be
detrimental to their own regional security..

Notably, one of the key repercussions on Iran has been their inclusion on the
U.S. Department of State (DOS) list of *State Sponsors of Terrorism* since
1984\(^\text{20}\). In the *Annual Report on Assistance Related to International
Terrorism*, the DOS provides yearly motivations for the decision. This year’s
report, issued in February 2017, reads as follows:

“Iran’s terrorist proxies and partners continued to play a destabilizing role in
Iraq, Lebanon, Syria, Bahrain, and Yemen. While Iran and its partners, allies,
and proxies actively fought against ISIL in Iraq and Syria, they also incited
sectarian tensions within the Iraqi Security Forces, Popular Mobilization
Forces, and population at large. To counter Iranian influence, State
Department officials continued to lead an international initiative focusing on
Hizballah’s terrorist and illicit activities, working closely with other USG
partners, including DOJ, FBI, Treasury, DHS, and the NCTC.”\(^\text{21}\)

The importance of the DOS State Sponsors list lays not only in the severity of
its economic sanctions – which include restrictions on U.S. foreign assistance,
an embargo on defense sales and exports, financial transactions limitations and
controls over dual-use technology – but also to the strong political message it
sends. Yet to understand the political significance of the DOS list it is perhaps
more important to point out the countries that have been omitted.

**Saudi Arabia connection with terrorist activities**

Saudi Arabia’s link to terrorism is different but arguably more important to
understand. Iran’s involvement with terrorist groups is public and widespread,
whereas the Saudi connection to the terrorist threat is more visible in the
ideological realm. As we will see with the statistics below, the latter is

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\(^{20}\) U.S. State Sponsors of Terrorism list can be found at [https://www.state.gov/j/ct/list/c14151.htm](https://www.state.gov/j/ct/list/c14151.htm)

\(^{21}\) For the full report of Fiscal Year 2016: [https://www.state.gov/j/ct/rls/crt/267763.htm](https://www.state.gov/j/ct/rls/crt/267763.htm)
arguably even more dangerous. The link between the Saudi Kingdom and terrorism must necessarily pass through what has been the official faith of the country for more than two centuries.

In the 18th century, a strategic alliance between religious leader Muhammad ibn Abd al-Wahhab and a regional governor, Muhammad bin Saud, provided the ideological impetus to justify the ruler’s expansion throughout the Arab Peninsula. This ideology, commonly known as “Wahhabism”, was based on a fiercely conservative branch of Sunni Islam, and later became the interpretation of Islam embraced by bin Saud and his family, who eventually founded the modern kingdom of Saudi Arabia in 1932. More than a mere religion, it became a political instrument for expansion of Saudi’s reach throughout the Muslim world. Revenues from petroleum exports have allowed the Saudi ruling family to disseminate its version of Islam by funding schools and mosques around the world, publishing books and sponsoring international Islamic organizations and charities.22

If the royal family historically depends on Wahhabi clerics for its legitimacy, so do jihadi terrorist groups. These religious leaders, as reported by the Brookings Institute, “propagate views on the Satanic nature of Jews, the apostasy of Shiites, or the heretical nature of the Ahmadiyyas, as well as the legitimacy of using violence to fight foreign occupiers of Muslim lands—be it Indian forces in Kashmir, U.S. forces in Iraq, or Israeli forces in historic Palestine”23. For terrorist groups this narrative is priceless, as it offers ideological and theological validity for their actions, and most importantly allows them to attract funding and support.


Reports of Saudi Arabia providing financial and logistical support to terrorist organizations such as the Al Nusra Front in Syria, the Taliban in Afghanistan and ISIL are well-known and widespread\(^\text{24}\). In 2010, a leaked email written by former U.S. Ambassador to Saudi Arabia James B. Smith confirmed the information: “Available intelligence reflects that the Kingdom remains an important fundraising locale—especially during the Hajj and Ramadan for the Taliban, LeT [Lashkar-e-Taiba E.D.], and other terrorist groups based in Afghanistan and Pakistan.”\(^\text{25}\) Adding to these concerns, Saudi nationals represent the second-largest group of foreign fighters in ISIL\(^\text{26}\).

Having reflected on the connection between the Saudi government and these jihadi groups, it is easy to understand the (ir)rationality behind the aforementioned DOS State Sponsors list. Saudi Arabia is a precious and strategic U.S. partner in the Middle East, Iran is not. And however destabilizing Iranian policies might be, it is wildly inaccurate to describe them as the source of jihadist terror. The four deadliest terrorist organizations in 2016 – ISIL, Boko Haram, the Taliban and Al Qaida – were responsible for over 59% of all terror-related deaths in the world. Moreover, when accounting exclusively for deaths occurring in OECD countries in recent years (2014-2015), virtually no attack had ties to Iran, while almost each one had been perpetrated in the name of Sunni radical ideology\(^\text{27}\).

What these figures show is another example of how biased and inefficient the fight against terrorism is. The DOS list might have been a good instrument for punishing countries supporting violent groups, but a “cherry picking” approach in selecting who does or does not faces repercussions further diminishes any prospects that western states might have in future cooperation.


\(^{25}\) Full text available at [https://wikileaks.org/plusd/cables/10RIYADH182_a.html](https://wikileaks.org/plusd/cables/10RIYADH182_a.html)

\(^{26}\) GTI 2017, p. 67

\(^{27}\) GTI 2017, p.5 and p.54
Conclusions

To summarize, international counterterrorism cooperation is seriously damaged by the politicization of the concept of terrorism. National governments respond differently to violent groups according to strategic political, economic and ideological motivations. Progress in international legislation against terrorist activities is impaired by countries’ unwillingness to prioritize violent threats over strategic interests. Poor performances in global governance of terrorism translate into insecurity and danger for citizens all over the world: 94 per cent of all terrorist deaths are located in the Middle-East and North Africa, sub-Saharan Africa and South Asia (Muslim majority countries); However, terrorist-related deaths in the OECD countries have dramatically increased since 2014 due to ISIL and ISIL-inspired attacks. Between 2014 and 2016, there was a 67 per cent increase in attacks and a nearly 600 per cent increase in deaths from terrorism in the aforementioned countries (GTI, 2017). But what is being done to counter this trend? In the next chapter, we will analyze current state policies against the threat and multilateral attempts at cooperation.
Chapter 2

Synchronizing Counterterrorism strategies

Following the considerations of the previous chapter, it is easy to comprehend how, if the concept of terrorism itself is so ideologically and politically charged and as such a source of international discord, it must be difficult to agree on the ways to counter it. This chapter will analyze the record of multilateral counterterrorism efforts under international and regional institutions as well as more informal cooperation between countries. It will assess the effectiveness of these efforts and point out potential setbacks that stem from diverging national interests and old and new alliances. The introductory paragraph of this chapter, however, will be dedicated to clarifying what we mean by counterterrorism strategies, and to provide an overview of the policy options countries can implement and prioritize depending on their national security approach.

Understanding Counterterrorism strategies

Counterterrorism refers to the activities and operations undertaken in order to neutralize terrorists, their networks and organizations, and prevent them from perpetrating violence and fear amongst civilians. As for strategy, we will borrow the definition provided by Harry Yarger in his Strategic Theory for the 21st century: Strategy is understood as the process of accomplishing objectives (ends) through the purposeful use (ways) of available resources (means) while accounting for risk. “The focus of strategy is on how the ends, ways, and means interact synergistically with the strategic environment to produce the desired effect” (Yarger 2006)²⁸.

By combining the two concepts, we understand that, if the ultimate goal of counterterrorism is the one of limiting and, if possible, eliminating the threat, 

the ways to achieve that goal transform and adjust according to a country’s “strategic environment”, which includes their resources, political situation, and national priorities. Counterterrorism Strategies can be additionally described as a concert of measures that a government can choose to adopt in order to combat the danger of terrorist attacks. We can attempt to classify the measures available to a government according to the focus of their action: the most common approaches are Defensive or Proactive.

The difference between Defensive and Proactive counterterrorism lies in the ultimate target of that policy: the former case indicates a policy that aims at making it more challenging and costly for terrorists to strike, by hardening the targets of attacks. For example, these may include, but are not limited to, metal detectors and airport screening, no-fly lists, fortifications of embassies and consulates (Sandler, 2011). Proactive counterterrorism, on the other hand, refers to policy choices that encompass an offensive approach – one whose goal is to constrain terrorists’ means to take part in such attacks. These include actions against terrorists’ funding, assets, resources, safe havens, shelters, and obviously they can target specific personalities within an organization (i.e. the killing of Osama bin Laden is a proactive CT measure). Proactive counterterrorism, moreover, can also be intended to tackle the root causes of terrorism (Sandler, 2011) by addressing societal grievances, building state capacity, or granting counterterrorism-related foreign aid. Naturally a government response to the threat of terrorism requires a combination of both paths, and balancing policy choices might be difficult for more than one reason. Both defensive and proactive measures can involve risks:

An unbalanced strategy focused mostly on defensive actions is of little use in an era of transnational terrorism, where violent actors can simply shift their targets to easier locations, such as less prepared and less equipped countries. Moreover, defensive measures may be useful to deter sophisticated attacks but do not necessarily prevent terrorists or their affiliates from employing simpler means to attack, ones requiring less operational due diligence. This is the case with the so-called “vehicular terrorism”, a tactic which, according to the FBI,
has gained momentum because “Vehicle ramming offers terrorists with limited access to explosives or weapons an opportunity to conduct a homeland attack with minimal prior training or experience”.

Further complicating the prevention of these types of attacks is that they can be carried out by any individual inspired by a violent ideology (the so-called “lone wolf terrorist”), with little or no need for operational support by a group or organization, making it virtually impossible to detect.

Proactive measures also entail risks in the paradigm of transnational terrorism, which mainly revolve around the problem of burden sharing between countries. This means that, because proactive responses benefit all potentially targeted countries, nations with less resources or capabilities (or less will to commit them) have the tendency to “sit back and let the other do the work”. This burden sharing issue has proven itself particularly relevant in the case of NATO, as we will analyze further on in this chapter.

Balancing proactive and defensive measures and building an effective counterterrorism strategy is not a simple task for nations. As Ganor puts it: “Every counter-terrorism strategy must address two variables—motivation and operational capability. An effective counterterrorism strategy must be built on the desire to reduce the motivations underlying the phenomenon of terrorism, as well as reduce the operational capabilities of the terrorists. Only the correct combination of these two variables and a parallel, coordinated struggle can bring the phenomenon of terrorism to its knees or at least reduce its scale.”

This balancing act is not easy; reflecting on these two parallel measures leads one to understand their intrinsic conflict: when successfully countering terrorists’ operational capabilities – by means of strikes, military

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operations, arrests and prosecution etc. – we ultimately raise their incentive and drive for revenge and retaliation. Ganor refers to this phenomenon as the “boomerang effect” in counterterrorism. The challenge is widely understood among world leaders, but rarely advanced successfully, mostly for political reasons.

**United Nations Counterterrorism efforts**

Global Governance institutions and organizations often arise in the immediate aftermaths of international crises. This was true for the establishment of the United Nations as a mean to maintain international peace and security in the wake of the Second World War, and remained valid following the dramatic aftermath of the attacks of September 11, 2001. The events of 9/11 functioned as a paradigm shift in the international governance of counterterrorism efforts, as we witnessed a more prominent and authoritative role of the United Nations Security Council (UNSC) and a renewed impetus in combating a threat that has become a crucial focus in national and international discourse. In other words, the perception of the threat changed radically after 9/11, leading countries to a new awareness of this *transboundary* issue, a characteristic that was lacking in pre-9/11 narratives on terrorism.

Prior to the events of September 11, global counterterrorism norms developed incrementally as a response to different waves of violent threats. The 12 Conventions were established by the UN between 1963 and 1999 as an answer to specific offenses. As the 1960s witnessed an incremental rise in the number of plane hijackings, for example, multilateral treaties to prevent and punish actions against civil aircrafts were signed in 1963 and 1970; International measures to protect diplomats were negotiated in 1973 after the assassination of the Yugoslav ambassador to Sweden (1971) and conventions related to terrorist acts perpetrated at sea were born in the 1980s, as a reaction to a number of high-profile attacks against ships - most notably the 1985 Palestinian Liberation Front (PLF) hijacking of the MS Achille Lauro, a passenger liner based in Naples.
   a. Applies to acts affecting in-flight safety
   b. Authorizes the aircraft commander to impose reasonable measures, including restraint, on any person he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft; and
   c. Requires contracting States to take custody of offenders and to return control of the aircraft to the lawful commander

   a. Makes it an offence for any person on board an aircraft in flight to "unlawfully, by force or threat thereof, or any other form of intimidation, [to] seize or exercise control of that aircraft" or to attempt to do so
   b. Requires parties to the convention to make hijackings punishable by "severe penalties"
   c. Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution; and
   d. Requires parties to assist each other in connection with criminal proceedings brought under the Convention

3. 1971 *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*:
   a. Makes it an offence for any person unlawfully and intentionally to perform an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of the aircraft; to place an explosive device on an
aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts;
b. Requires parties to the Convention to make offences punishable by "severe penalties"; and
c. Requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution.

a. Defines an "internationally protected person" as a Head of State, Minister for Foreign Affairs, representative or official of a State or international organization who is entitled to special protection in a foreign State, and his/her family; and
b. Requires parties to criminalize and make punishable "by appropriate penalties which take into account their grave nature," the intentional murder, kidnapping or other attack upon the person or liberty of an internationally protected person, a violent attack upon the official premises, the private accommodations, or the means of transport of such person; a threat or attempt to commit such an attack; and an act "constituting participation as an accomplice."

a. Provides that "any person who seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage within the meaning of this Convention."
   a. Criminalizes the unlawful possession, use, transfer or theft of nuclear material and threats to use nuclear material to cause death, serious injury or substantial property damage.

   **Amendments to the Convention on the Physical Protection of Nuclear Material**
   b. Makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport; and
   c. Provides for expanded cooperation between and among States regarding measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences or sabotage, and prevent and combat related offences.

   a. Extends the provisions of the Montreal Convention (see No. 3 above) to encompass terrorist acts at airports serving international civil aviation.

   a. Establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation; and
   b. Makes it an offence for a person unlawfully and intentionally to seize or exercise control over a ship by force, threat, or intimidation; to perform an act of violence against a person on board a ship if that act is likely to endanger the
safe navigation of the ship; to place a destructive device or substance aboard a ship; and other acts against the safety of ships.

   a. Establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.

    a. Designed to control and limit the use of unmarked and undetectable plastic explosives (negotiated in the aftermath of the 1988 Pan Am flight 103 bombing);
    b. Parties are obligated in their respective territories to ensure effective control over "unmarked" and undetectable plastic explosives;
    c. Generally speaking, each party must, inter alia, take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives; prevent the movement of unmarked plastic explosives into or out of its territory; exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention; ensure that all stocks of unmarked explosives not held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years; take necessary measures to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked or rendered permanently ineffective within fifteen years; and, ensure the destruction, as soon as possible, of any unmarked explosives manufactured after the date of entry into force of the Convention for that State.

a. Creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.

12. 1999 International Convention for the Suppression of the Financing of Terrorism

a. Requires parties to take steps to prevent and counteract the financing of terrorists, whether direct or indirect, though groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running;

b. Commits States to hold those who finance terrorism criminally, civilly or administratively liable for such acts; and

c. Provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate.

Although the UN body of legislation on counterterrorism might seem extensive, in the years before September 11 the consensus that the international community reached on paper was very lacking when it came to actual implementation. Ratification of the above-listed 12 Conventions was low and uneven among member states, and the few resolutions issued by the Security Council in the 1990s addressing the growing threat of terrorism were left without a mandate for implementation\(^{31}\). Moreover, there was no mechanism to monitor compliance to such agreements, and most countries

lacked the capacity and/or the will to cooperate with each other\textsuperscript{32}. The events that unfolded during and after the attacks of September 11 functioned as a wake-up call for the international community as a whole, given that there was, up until then, “no comprehensive international legal instrument in place, no country in the world had appropriate legal tools to deal with and suppress terrorist acts” (Ward, 2003, p. 292). As the attacks were carried out operationally across borders, and their effect had tremendous impact on a global scale, it is easy to understand how international terrorism was finally treated as a global threat to peace and security, and as such international institutions began to act accordingly in their response.

A renewed Security Council

The role of the Security Council, as previously mentioned, changed abruptly, adopting a more powerful position that was described as the one of a “global legislator”\textsuperscript{33}. In the immediate aftermath of the attack, SC resolution 1373 (2001) was unanimously passed under Chapter VII of the UN Charter, thus making it legally binding for all member states\textsuperscript{34}. Resolution 1373 was a comprehensive and broad piece of legislation which aimed to hinder terrorist organizations in multiple ways. Provisions included, but were not limited to, prohibiting all kinds of financing for terrorist acts, providing safe havens for individuals involved with terrorist activities, enhancing cooperation and assistance between states by means of sharing intelligence, and adjusting national laws to comply with and ratify all existing conventions against terrorism. Perhaps the most important decision was the establishment of a “Committee of the Council (CTC) to monitor the resolution’s implementation and [call] on all States to report on actions they had taken to that end no later than 90 days from today”\textsuperscript{35}. The CTC was later strengthened by the creation

\textsuperscript{32} Ibid
\textsuperscript{35} Ibid
of an auxiliary committee, the CTC Executive Directorate, as a means to increase cooperation between UN bodies and other regional organizations. Both these committees, although seemingly meaningful, were not as consequential as expected, mainly because they lacked the capacity to sanction non-complying countries. Moreover, as mentioned in the first chapter of this research, an important element in the fight against terrorism was — and remained — omitted, as the resolution failed to address the problem of a definition. A second important resolution was passed by the Security Council under Chapter VII shortly thereafter, and represented another testimony of the SC’s renewed role in the early years post-9/11. Resolution 1540 (2004) compelled all UN members to preclude non-state actors from obtaining weapons of mass destruction (WMD), and to continue to enforce domestic controls to prevent the proliferation of such weapons.

As the core of international counterterrorism legislation, resolutions 1373 and 1540 are significant for a number of factors. First, as stated before, they represent a shift in the role taken on by the Security Council, which was operating under Chapter VII for the first time without a specific, time-based situation. This drew substantial criticism from a number of countries, unexpectedly concerned about alleged interference in their national interests and internal legislation; during the negotiations leading to the adoption of resolution 1540, representative of Pakistan Munir Akram claimed that, “The Council could not assume the stewardship of global non-proliferation and disarmament issues. Composed of 15 States, it was not a representative body. It could not enforce the obligations assumed by five of its members which retained nuclear weapons since they also possessed the right of veto.” Understandably, the concern was more driven by a will to maintain control over Pakistan’s national nuclear arsenal than by a will to ensure better representation for other members without veto powers. Nonetheless, notwithstanding the interests behind the criticism, the issue remains a problem in the structure of the council. In the immediate years after 9/11, the Security

36 Ward C. A., op. cit.
Council functioned as a successful “crisis body”, able to implement effectively binding legislations, while increasingly concerned countries rallied behind it as the Global War on Terror (GWOT) unfolded. A powerful tool in this first phase of a much more uncertain world, the popularity and accomplishments of the Security Council declined during the following years.

In a way, the qualities that ensured the success of this body were also part of the reasons for its decline. As stated before, the value of Global Governance institutions and organizations often rise and fall in the immediate aftermaths of international crises. The events of September 11 unfolded in an unprecedented manner and echoed across the entire world; if anything, countries realized their impotence to prevent and respond to transnational attacks, having witnessed the most powerful country in the world brought to its knees in such a devastating way. Thus, the crisis underlined the need to strengthen international cooperation and urgently promote joint measures in order to respond to the threat of terrorism: in short, there was the immediate necessity for a strong global governance institution. The Security Council was the perfect platform, able to operate under the binding mandate of Chapter VII of the UN Charter with an unprecedented rapid response. But this rapidity and decisiveness of action is not a comprehensive counterterrorism strategy, and the Council fell short of building the much-needed willingness toward cooperation between member states.

Most nations felt excluded from the decision-making process, and loathed the assertiveness with which these new obligations were mandated from above. As quoted before, “Every counter-terrorism strategy must address two variables—motivation and operational capability”38; if on one hand the Council’s actions were a good step forward towards combating the operational capability of terrorist groups, on the other hand they provided little or no help against their motivation. Resolutions adopted under Chapter VII completely failed to address the root causes behind the spread of extremism and the economic and political grounds that facilitated the escalation of violence, and as such

38 Ganor B., op. cit.
ultimately failed to devote an appropriate focus towards the protection of human rights while countering terrorism. If terrorists’ capabilities were hindered, their impetus and narrative only grew.

The Global Counterterrorism Strategy (GCT) adopted by the General Assembly in 2006 can be understood as a bandage to rectify past deficiencies. The GCT, adopted by consensus and reviewed every two years, is in fact a more broad and comprehensive document, composed of four “pillars”, each of one tackling a specific aspect of counterterrorism39:

1. Addressing the conditions conducive to the spread of terrorism
2. Preventing and combatting terrorism
3. Building States’ capacity and strengthening the role of the United Nations
4. Ensuring Human Rights and the rule of law

The Global Counterterrorism Strategy was certainly a step forward towards inclusion and representativeness of member states, as its adoption represented the first time when all countries established a common approach to fight the threat of terrorism. Nonetheless, the persistent failure to formulate a collective definition of terrorism continues to undermine all efforts to build an efficient normative framework. One significant example is the failure in unblocking the negotiations within the Comprehensive Convention on International Terrorism, which started in 1996, despite a long list of declarations that called for its finalization40. The complexity in solving disagreements between 193 countries is coupled with the perception of their unwillingness to do so, as we’ve seen in the first chapter of this dissertation. The sentiment is further explained by Anthony H. Cordesman, Chief Strategist of the Center for Strategic and International Studies (CSIS): “This is why sweeping agreements and broad statements of good intentions are sometimes possible, but only

because no one takes them seriously. Like many exercises in diplomatic rhetoric, they survive the meeting that produces them and the public relations office that publicizes them, but die upon engagement with reality.\textsuperscript{41}

**Regional cooperation on Counterterrorism**

Lessons learned from the obstacles of reaching agreements at the international level have sparked a new and more dynamic role to be played by regional and sub-regional organizations. A number of these bodies have proven to be effective in the years after 9/11; the Organizations of American States (OAS) was among the first to develop solid common norms against terrorism, by implementing the Inter-American Committee against Terrorism\textsuperscript{42} (CICTE) and adopting a strong counterterrorism agreement, the Inter-American Convention Against Terrorism in 2002\textsuperscript{43}. The normative framework against terrorism is also solid in Europe, where the EU adopted in 2005 its own Counterterrorism Strategy\textsuperscript{44}, a four-point plan that aims at preventing radicalization and recruitment; protecting vulnerable targets; pursuing terrorists across borders; and responding rapidly to acts of terrorism.

Nevertheless, not all regional bodies performed equally well, and unsurprisingly so poor performance occurs in those areas where it’s most required. Without a common perception of the threat, limited capacity and competing interests, larger organizations such as the African Union (AU) or the Association of Southeast Asian Nations (ASEAN) struggled to implement similarly valuable norms.

The potential benefits of cooperating at a more local level are certainly numerous. Regional bodies serve as a means to build partnerships between countries that have much more in common than a wider UN membership, and

\begin{footnotes}
\footnote{Cordesman A. H., (2015), Cooperation in Counter Terrorism: rhetoric vs. reality, CSIS \url{https://www.csis.org/analysis/cooperation-counterterrorism-rhetoric-vs-reality}}
\footnote{http://www.oas.org/en/sms/cicte/default.asp}
\footnote{http://www.oas.org/xxxiiga/english/docs_en/docs_items/AGres1840_02.htm}
\footnote{http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l33275}
\end{footnotes}
this commonality of interests and values ensures a much deeper level of collaboration, from shared knowledge and intelligence to implementing solutions that take into account local cultural sensitivities and threat perceptions\textsuperscript{45}. Moreover, regional institutions can also play an active role in building trust among contentious neighbor countries. A wish more than a reality in the current state of affairs, but the potential transparency that could arise from a regional partnership of nations sitting at the same table would do much to hinder the strategy of terrorist organizations. To cite Cordesman: “For all of the talk about clashes between civilizations, terrorists often do a superb job of exploiting national differences and tensions at the local level. They exploit them to find tolerance and sanctuary, or simply the kind of indifference, that allows them to move and operate across borders. They use them to find media they can exploit, and to hide their true nature in manipulating structures like those over Kashmir or the Arab-Israeli conflict”\textsuperscript{46}.

Benefits are often coupled with drawbacks, and in the case of regional cooperation the risks are particularly evident if these local efforts are not mirrored by the international community. The risk is to generate a divided response to a divisive issue. If terrorism profits from narratives of “otherness”, dividing counterterrorism efforts by culture, religion and political systems can produce counterproductive results of separation and seclusion, or at least fabricate that perception. But the forces that build, mold, recruit and support old and – mostly – new forms of terrorism arise from across national and regional lines, and the arbitrary means by which we refer to “regions” of the world does not help the cause of counterterrorism. Lastly, one of the biggest problems in crafting counterterrorism cooperation at the regional and local


\textsuperscript{46} Cordersman A. H. (2006), The Lessons of International Cooperation in Counterterrorism, CSIS (PDF) Available at \url{http://www.comw.org/tct/fulltext/0601cordesman.pdf}
level is that this often leads to a mere symbolic association of countries, often devoid of real meaning and effective action. Counterterrorism efforts become associated with pre-existing regional structures and logics, diminishing the chances for authentic accomplishments.

Even strong partnerships like NATO suffer from increasingly uncertain geopolitical environments, and the impact of its members’ effort in synchronizing their response to global challenges like terrorism is considerably decreased. NATO is a good example in demonstrating the erosion of regional and sub regional institutions in recent years, and a testimony to shifting national interests that will require countries to redefine their alliances in the fight against terrorism.

NATO: an “out-of-sync” alliance

The Transatlantic Partnership was predicated upon a single unifying cause which dominated both economic and political discourse for much of the second half of the 20th century. However, the downfall of that cause, the Cold War with the Soviet Union, inadvertently culminated in a fragmentation of that unifying factor into a multitude of economic, geopolitical and environmental considerations. There have been a number of various factors over the previous 20 years that have led to this schism in relations. These include, but are not limited to, the varying economic sensitivities to global oil prices, the regional economic dependence on gas resources, the differences in demographic diversities and immigration policies, as well as a growing rebalancing of U.S. interests towards the Asian-Pacific axis. By expanding upon these situations that have led to a breakdown of the transatlantic partnership, it appears easy to understand that without a significant and imminently threatening geopolitical crisis that endangers both Europe and the United States in the same way, it is highly unlikely that we will again witness a similarly synchronized level of transatlantic relations, and new strategic partnerships will have to be created to effectively face the threat of violent extremism.
Before the fall of the Soviet Union in 1990, the United States and Europe had relatively similar crude oil production levels\(^{47}\). However, as a result of technological innovation within the energy sector of the United States, and coupled with the relaxation of environmental restrictions begun during the years of the Bush administration – and more so with today’s administration – the United States was able to significantly increase its output of oil production with the advent of shale drilling technology. In the meantime, while the U.S. has almost doubled oil production over the past 10 years as a result of that\(^{48}\), Europe has been burdened by varying levels of environmental regulations that have prevented the experimentation with and use of shale oil and gas drilling technology. The result of these two divergent approaches has been the reason behind an increasing disparity in the motivations driving the influence of global oil prices. Whereas European countries (besides Norway and Romania) are heavily dependent on the imports of foreign crude oil, the U.S. is reliant upon a higher oil price to justify the economic viability of its shale oil production. Hence the majority of European countries benefit from a lower oil price environment, whereas the U.S. (which recently lifted its 40 years oil export ban in 2014) is instead more competitive globally under a higher oil price environment. The disparity of interests in oil production implies a very different threat perception of the escalation of violence in the Persian Gulf sparked by Iranian-Saudi rivalry; the US and Europe are lacking common economic interests that ultimately reflect diverging foreign policies towards the Arab states and Iran.

Moreover, the proximity of Europe to the Middle East has led to a heightened sensitivity towards the outcome of regional conflict and their impact on


\(^{48}\) Source EIA 2017. Available at https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=MCRFPUS2&f=A
refugees flows into European borders. Given that as a percentage of its total, Europe’s Muslim population is 5th times greater than that of the United States\(^4^9\), this disparity significantly influences the practical support from EU member countries in light of the underlying xenophobia against Muslim members within each society. The American election of a president who rode a wave of populism predicated upon a xenophobia against Muslims and Muslim immigrants clearly clashes with the increasingly vital electoral base that Muslims constitute in European politics (up to 8.8% in France\(^5^0\)). As a result, European countries have begun to pursue a more calculated and benign rhetoric with regards to Islamic extremism, in direct contrast to the rhetoric currently being espoused by the Trump Administration.

Lastly, China’s growing economy and military power has been met with differing reactions by the United States and European countries. Rivalry between the U.S. and China has emerged as a consequence of numerous factors, such as (but not limited to) Chinese military modernization programs (which include upgrades to their nuclear arsenals), clearly posing a renewed threat on U.S. allies in the region, as well as China’s major investments in cyber technologies and cyber weapons, which the U.S. believes to be responsible for an increased systematic hacking of government and corporate sites. In general, Sino-American tensions are growing stronger just as Beijing pursues a revisionist strategy that mirrors its increased influence and wealth in the global geopolitical order. Whereas the United States sees China as a hostile and unpredictable strategic adversary, Europe is most likely to profit from this Chinese rise by deepening its economic and commercial ties with the country. More so in years of a Trump Administration, under which the US has walked away from the Paris Climate Accord and allowed NATO members to question


\(^{5^0}\)Ibid.
its commitment to the Alliance, the European countries will have to look for other partnership options for their counterterrorism strategies.
Geopolitical strategic threats to individual national states have also significantly limited the ability to implement multilateral counterterrorism strategies. In the interest of self-preservation, nascent regimes that have emerged within a hostile and insecure geopolitical region have often found it in their interest to safeguard and hedge their security through covert partnerships with otherwise unsavory non-state actors. The willingness to support multilateral counterterrorism activities also hinges greatly upon the perceived economic and political benefit outcome for each country. Thus, multilateral counterterrorism cooperation is effected by how countries perceive the terrorist threat, as well as the cost-benefit analysis that lies behind working with partners with dubious track records. This represents a challenge for Western states, which often find themselves in the problematic position of having the necessity of collaborating with countries – especially in the developing world – that find themselves in conflict with certain terrorist groups, while actively supporting others. As we discussed in the first chapter of this research, some countries’ vested interests in maintaining relationships with terrorist groups is straightforward – such is the case for Iran’s support for Hezbollah – but for others this position is more complicated. Many governments in the developing world – mostly autocratic in nature – simultaneously fight and encourage terrorist activities on their soil, a two-faced approach that is driven by geopolitical considerations prioritizing regime preservation rather than a sustained counterterrorism strategy aimed at the protection of their citizens.

What further complicates the matter is the fact that most of these countries represent strategic and indispensable allies of the West in the fight against terrorism. Multilateral cooperation, as stated previously, is a vital factor in the struggle against international terrorist groups; but however impactful institutionalized efforts may be – from the creation of *ad hoc* international bodies to the implementation of a universal normative framework – the
importance of bilateral partnerships remains prominent. This is because the most valuable element in counterterrorism continues to be the sharing of information between intelligence agencies of different countries, a form of international cooperation that self-evidently remains under-the-radar, due to security concerns and diplomatic sensitivities. Hence, the need for cooperating with local security agencies of developing countries – mostly in North Africa and South Asia – results in a dilemma where these same states have vested interests in maintaining simultaneous hidden ties with violent actors, or profit from counterterrorism cooperation to pursue other unofficial goals. The dynamics of multilateral counterterrorism are therefore further complicated by the distinctive national interests of these states, and the outcome of this approach sees international cooperation as a mere tool for promoting a country’s political and economic agenda.

Pakistan and the Global War on Terror, a failed cooperation

Pakistan’s stance on counterterrorism collaboration with its allies provides a timely example for this issue. The country’s complicated relationship with foreign powers on security issues derives from decades of border instability with neighboring Afghanistan and the perceived threat of an Indian invasion. The outcome of the country’s geopolitical instability has declined in a dangerous balancing game played by Islamabad’s government, in which official support to the U.S. led Global War on Terror (GWOT) is coupled with covert assistance to the Taliban regime in Afghanistan and the al-Qaeda-linked Haqqani network. Pakistan assumed a crucial position as a strategic U.S.


partner in the GWOT following the attacks of September 11th. From an American perspective, Pakistan’s territorial significance mirrored by its ties to Islamic militant group in the region prompted Washington to seek a renewed relationship with the South Asian country, by means of entering a partnership that would encompass military aid, security assistance, arm sales and U.S. military presence on the field, especially along the border with Afghanistan.

Bilateral cooperation on counterterrorism spiked during the years of G.W. Bush Administration; the 2005 State Department’s Country Reports on Terrorism described Pakistan as “one of the United States' most important partners in the war on terrorism” and praised the joint efforts of the partnership “Pakistani security services are cooperating closely with the United States and other nations in a successful campaign to eliminate terrorism both within Pakistan and abroad. Over 600 suspected operatives of al-Qaida and other groups have been killed or captured by Pakistani authorities since September 2001. Individuals detained in 2004 have provided leads that aided investigations by security agencies around the world.” Islamabad welcomed U.S. assistance with mixed feelings: on one hand, this renewed relationship in the post 9/11 scenario secured Pakistan with substantial sums of direct U.S. aid – more than $2.6 billion in direct US assistance for FY 2002-FY 2005, including $1.1 billion in security-related aid – on the other hand, however, testimonies provided by Pakistani officials (including former president Pervez Musharraf) described how this alliance was based on coercion rather than voluntary multilateral cooperation. In his memoir “In the Line of Fire”,


54 Ibid.

published in 2006, Musharraf claimed that former United States Deputy Secretary of State, Richard Armitage, threatened Islamabad as to be “prepared to be bombed back to the Stone Age” if it did not cooperate with the US. Whether the claim is legitimate or not, it exemplifies the limits of U.S. foreign policy and counterterrorism strategy in the long term. The seemingly irrelevant anecdote epitomizes the shortcomings of an approach that failed to build trust between the two countries, reveling the unsavory symptoms of a cooperation which was linked to immediate military gains rather than being strategically tailored to take into consideration Pakistani national interests, and in doing so preventing its government to continue its covert operations in support of the Taliban and the Haqqani network.

Multilateral cooperation only functions when governments take each other’s perspective and understand the national security concern of their peers: in the case of U.S. Pakistan relations, American officials failed to act upon the rationale that lies beneath Islamabad’s support for terrorist groups in the region, and shifted their calculus in favor of ceasing that assistance. But what are the origins of Pakistan’s support to militant groups and why has it been so challenging for the government to dismantle such connection? As we mentioned earlier in the chapter, its actions reflect deep geopolitical security concerns and bitter relations with neighboring Afghanistan. The animosity originates from land disputes around the so-called “Durant Line” border, a


57 The Durant line was established in 1896 by Sir Mortimer Durand, a diplomat serving in British India, and the Afghan Amir Abdur Khan to settle respective spheres of influence and improve diplomatic relations between the two territories. The negotiation was a product of the “Great Game” – the name given to the political and diplomatic dispute between the British and Russian Empires in Central Asia – and represented an attempt to create a “buffer zone” in Afghanistan between Russia and British India. The agreement, written in English and thus incomprehensible for the Amir, resulted in the loss of Afghan historic access to the Arabian Sea and of half of its rural Pashtun territories, politically dividing traditional ethnic groups across the border. Pakistan inherited the Durand line divisions after its independence in 1947, although the frontier was never recognized by any Afghani government as a legitimate international border between the two countries.
classic example of chaotic territorial inheritance of the colonial period. The arbitrarily drawn frontier has continued to represent a constant source of tension between the two countries, as the territories in question are of existential importance for the Islamabad government – making up 60% of its present sovereign territory. The Soviet invasion of Afghanistan in 1979 represented a milestone in what will then become an extensive Pakistani control and influence of its neighbor’s internal affairs. Under the CIA-funded “Operation Cyclone”, Pakistan’s Inter-Services Intelligence Agency (ISI) trained and organized mujahidin militant groups from its rural areas to fight the Soviets and the newly formed communist Afghan government. By the time of the Soviet withdrawal in 1989, annual American aid to the mujahidin reportedly reached $630 million. Operation Cyclone provided a significant model of action to the ISI in the following years: in the 1990s Afghanistan was suffering from continuous factional warfare, and the Pakistani Intelligence Agency seized the opportunity to support the rise of the Taliban, the “students”, who under the ISI’s financing, training and assistance seized power in the country in 1996. In return, Pakistan could now count on a friendly government controlling most of the Afghan land and ensure stability over the border issue. But the Taliban regime developed strong ties with Al-Qaida leadership, and in the months following the 9/11 attacks a U.S.-led military campaign overthrew their rule and forced Taliban and Al-Qaida operatives to relocate and regroup in rural Pakistan (in the so-called Federally Administered Tribal Areas, or FATA). A classified NATO Report leaked in 2012, built on over 27,000 interrogations of more than 4000 captured Taliban and Al Qaida militants during the War in Afghanistan concluded that Pakistan’s ISI was essential to the survival of the network after 2001 and that it continues to assert its influence over militant groups activities and strategy. The goal is to ensure that the establishment of a stable Afghan government is not a concrete possibility, and this logic derives from two main reasons: first, the fear of a

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hostile Afghanistan politically aligned with India that could potentially encircle Pakistan (both former Afghan president Karzai and his successor Ghani fit the criteria, as they align themselves with Mumbai and engage in detrimental trade wars against Pakistan); secondly, what makes Islamabad reluctant in disengaging with the Taliban is the concern of retaliation and escalation of violence within its own borders, a legitimate worry considering the growing disillusionment and lack of trust that is alienating the group and the Pakistani government. Pakistani Taliban, a natural extension of their Afghan counterparts, are predominantly of Pashto ethnicity – unlike Punjabi-dominated national army – and are de facto ruling the FATA in the North-West of the country. As the government was forced into the GWOT, and covertly allowed the United States to conduct drone strikes against Pakistani Taliban targets, relations between the group and the state deteriorated.

The current scenario reveals the enormous challenge of both enduring and discontinuing the bilateral partnership that exists between the United States and Pakistan. As frustration grew in Washington over the double game played by its ally, suspending or cutting foreign aid to Pakistan appeared to be the most immediate coercive solution. However, although U.S. military aid decreased by 60% between 2010 and 2017 and the Trump administration threatened to add further punitive actions if the country doesn’t change its policy towards its Taliban proxies (measures could encompass intensification of drone strikes, economic sanctions and even the designation of Pakistan as a State sponsor of terrorism), there seems to be no change in Islamabad’s behavior.

This reflects the imbalance of interests that characterizes the relationship between the two countries. The U.S. has a much greater interest in supporting

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60 Felbab-Brown W., “Why Pakistan supports terrorist groups, and why the US finds it so hard to induce change”, Brookings Institution, 01/05/2018.

61 Data available at [https://www.foreignassistance.gov/explore/country/Pakistan](https://www.foreignassistance.gov/explore/country/Pakistan)
a long-term strategic alliance with Pakistan – both as a counterweight to potential regional nuclear threats as well as a means by which to placate Pakistan’s own animosity and aggression towards India. In the meantime, Pakistan has been hedging their relationship with the US through a closer cooperation with China through the One Belt One Road initiative as well as the China Pakistan Economic Corridor. With the U.S. slowly losing their historic influence in the region in light of China’s expansionary economic initiatives across South and Central Asia, it has become increasingly paramount for the U.S. to maintain a strong political alliance with Pakistan, despite their own inability to mediate the activities of Taliban both within their borders, as well as in neighboring Afghanistan.

A strategic threat: when terrorism becomes valuable

Further shortcomings to multilateral cooperation on counterterrorism appear when regimes profit from pervasive violence within their own borders. Whereas Iran, Saudi Arabia and Pakistan have reportedly employed militant groups as proxies to expand their influence abroad, in some cases governments adapt internal violent threats to their needs, shaping the narrative of terrorism accordingly. These regimes exploit attacks on their citizens in the interest of self-preservation, and in doing so they tighten their grip on power.

President El-Sisi’s rule in Egypt began with a military coup in 2013 that allowed him to seize power in the country and implement draconian policies under the guise of waging war against terrorist activities in the Sinai Peninsula, where the jihadi militant group Ansar Bayt al-Maqdis (“Supporters of Jerusalem”) – who in 2014 pledged allegiance to the Islamic State – is based. The group’s increasing number of deadly attacks62, including high

62 As reported by the Tahrir Institute for Middle East Policy, the number of attacks in North Sinai jumped from 143 attacks in 2014 to 681 in 2016. Full data is available at https://timep.org/wp-content/uploads/2017/04/ESW-Report_Q42016_web.pdf.
profile bombings of Coptic churches, allowed El-Sisi’s government to enforce a nation-wide state of emergency that further expanded the regime’s autocratic tendencies. The president’s crusade lies in associating the attacks with the Muslim Brotherhood and other Islamic political opposition parties, a strategy that has allowed him to prosecute, jail, or kill not only jihadists but Brotherhood leaders, activists, human rights groups, and peaceful protesters. With respect to international cooperation in facing the terrorist threat, the Egyptian government has long lamented a lack of assistance from the international community. “When we have seen terror operations in other areas, there was a rush to solidarity. You would have thought that similar solidarity would have been shown to Egypt, especially as it goes through a very difficult stage.”, Egyptian Foreign Minister Sameh Shoukry stated in a recent interview with Foreign Policy Magazine.

However, as the Director of the Cairo Institute for Human Rights Studies Bahey eldin Hassan describes, this constitutes a serious misrepresentation: “A senior European Union official recently told me that Mr. Sisi’s government objected to the appointment of a counterterrorism attaché to the European Union’s mission in Cairo, presumably fearing that it is part of a Western conspiracy. Tom Malinowski, the assistant secretary of state for democracy,


63 At the time of writing, the state of emergency is still enforced in Egypt. El-Sisi first imposed the state of emergency throughout the nation in April 2017 following the Coptic church bombing in the state’s mainland. The rule was extended in July 2017, October 2017 and lastly in January 2018 for an additional three months period. News available at http://www.aljazeera.com/news/2018/01/egypt-extends-state-emergency-months-180102184217232.html

64 Full article available at http://foreignpolicy.com/2016/02/08/egyps-top-diplomat-denies-cairo-is-cracking-down-on-dissidents/
human rights and labor under President Barack Obama, said at an event in Washington last month that Egypt does not heed the Pentagon’s advice on the campaign against the Islamic State in Sinai. According to sources familiar with the issue, Mr. Sisi’s government even threatened to expel the International Red Cross from Egypt because of an internal memo that recommended classifying the situation in Sinai as a ‘non-international armed conflict’.

The imbalance between the rhetoric of the Egyptian government and its actions towards multilateral efforts against the threat is staggering. The reality is that the only international support El-Sisi’s regime is seeking is the denomination of the Muslim Brotherhood as a terrorist organization, despite the lack of evidence to support the claim. Michele Dunne and Nathan J. Brown, senior fellows of the Middle East Program at the Carnegie Endowment for International Peace, explain:

There is no “evidence that senior Muslim Brotherhood leaders have ordered or condoned [recent violent acts], or that the Brotherhood has carried out any of the major terrorist attacks that have wracked [Egypt].” Designating the Brotherhood as a Foreign Terrorist Organization would, in effect, “[force] its leaders in that direction [of terror] because all other political and legal avenues will be closed to them.” Indeed, El-Sisi’s measures against political opponents and activists is ultimately playing in favor of jihadi groups and ISIL recruiters alike: the country’s prisons offer fertile ground for radicalization of

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inmates, who can turn to extremism and violence as a consequence of the reported undignified treatment they have to face\textsuperscript{67}.

The status quo in Egypt reflects another example of how international cooperation on counterterrorism faces seemingly intractable limitations. Multilateral efforts are politicized and exploited for regime security – not for those of its citizens; progress on the international legal framework is halted by disagreements and institutionalized initiatives suffer from the unwillingness of rogue leaders to deviate from their own agenda. But as these countries remain strategic partners in any concerted effort to counter the growing terrorist threat – within their own border and abroad – bilateral relations will have to continue despite the frustration of having to deal with unsavory partners.

\textsuperscript{67} Retrieving official numbers of prison population in Egypt is difficult. The Egyptian Center for Economic and Social Rights, an NGO that independently monitors political arrests, estimates that between the summer of 2013 and May 2014, the number of people arrested was over 40,000. More on this available at https://www.hrw.org/news/2015/03/06/egypts-political-prisoners
Chapter 4

The Risks of International Cooperation on Counterterrorism

Countering Terrorism Financing (CTF): International response and its limits

Moving from the consideration that globalization has led to an exponential increase in the possibility of obtaining substantial financial resources from terrorist organizations, the resulting challenge of blocking funding flows has become one of the most important directives in effectively curbing terrorist groups. Globalization, here understood in its economic declination, refers in fact to “an historical process, the result of human innovation and technological progress. It refers to the increasing integration of economies around the world, particularly through trade and financial flows. The term sometimes also refers to the movement of people (labor) and knowledge (technology) across international borders.” (IMF, 2000). Today’s economic systems transcend their national boundaries and reach world-wide extension through the trade and transfer of capital, services and technology in real time. In such a scenario, it is possible to understand the progressive formation of a context that makes economic, financial and commercial transactions easier, faster and safer, through which it is possible to conceal the origin of capital goods or other utilities. This process is determining the fusion of local economic and financial systems into a single large integrated market, characterized by a significant expansion in liquidity, mainly due to an extraordinary growth of financial assets: the number of participants in the international markets, the number of new debt securities issued, and the conversion of traditionally non-liquid assets into tradable securities. To this must be added a series of further factors, such as the gradual removal of trade barriers, the advance in telematics.

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70 Ibid.
and the liberalization of the circulation of financial services. These trends, accelerated by the digital revolution in communications and coupled with the increasing reliability of so-called “tax havens”, provided the perfect financial environment for terrorist organizations to maximize their funding opportunities. The perfect example of an organization that has profited from this increasingly interconnected financial system is Al Qaeda, particularly in its early history.

Al Qaeda’s sources of income initially originated from founder Osama bin Laden personal wealth combined with conspicuous individual donations from members and sympathizers, most of whom were based in Saudi Arabia and other Gulf States\(^{71}\). As the organization grew, it evolved into a decentralized structure of power composed of hierarchical entities, from the original unit established by its founders to smaller local cells that operate independently, with no others link to the base but ideological ones. The evolution in structure mirrored a diversification of funding systems, and by September 2001 Al Qaeda could count on capital diverted from charitable organizations, as well as profits made by front companies (such as bin Laden’s infamous chain of honey retail stores operating throughout Pakistan and the Middle East, as reported by the New York Times in October 2001\(^{72}\)) and offshore entities. Charities and donations in particular used to be Al Qaida’s main source of income\(^{73}\), often exploiting one of the five pillars of Islam, Zakat, the religious obligation to donate a set portion of someone’s wealth to charity. By infiltrating legitimate charitable organizations, and in some cases by setting up its own network of nonprofit institutions as a cover, Al Qaeda was thus able to fund its activities.

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In the wake of 9/11, countering terrorism financing (CTF) became a renewed priority for the international community. Days after the attacks, President G. W. Bush signed Executive Order 13224 (2001), which provided “a means by which to disrupt the financial support network for terrorists and terrorist organizations by authorizing the U.S. government to designate and block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism”\textsuperscript{74}. “Money is the lifeblood of terrorist operations,” Bush said at the time. “We’re asking the world to stop payment.”\textsuperscript{75} Days later the United Nations Security Council followed suit, signing Resolution 1373, as mentioned in Chapter II of this dissertation. In this sense, the strengthening of international cooperation, at a bilateral and multilateral level, between specialized state bodies, had proven to be the preferred channel to promote multilateral counterterrorism action. In particular, international cooperation had to be substantiated in a “preventive strategy” aimed at interrupting the funding channels that feed terrorist groups. Such action has crystallized, at the universal level, mainly in the 1999 New York Convention, at European level, in the EC Regulations 467/2001, 2580/2001, 881/2002, 370/2003, 561/2003, and finally in individual national contexts, by means of "anti-terrorism" provisions for the implementation of the legislation adopted in the European Union, including, in Italy, Laws 415, 431 and 438 of 2001 and Law 7/2003; in France, the law 1062/2001; in Germany, the "anti-terrorism package" of 1 January 2002; in Great Britain, the "Antiterrorism Law" of December 13, 2001; in Spain, the law 24/2001.

Predictably, the attacks of September 11\textsuperscript{th} have transfixed the threat perception to an international level, and as such countering terrorism financing has become a priority for governments around the world. The renewed attention to terrorism financing has brought some positive impact to international

\textsuperscript{74} Executive Order 13224 (2001) Office of the coordinator for Counterterrorism. Full text available at https://www.state.gov/j/ct/rls/other/des/122570.htm

\textsuperscript{75} A full transcript of President Bush comments on Executive Order 13224 can be found at http://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bush092401.html
cooperation on the matter, and the financial intelligence generated from CTF legislations has delivered meaningful consequences to other areas of counterterrorism strategy such as law enforcement. An important example is mentioned in the Council for Foreign Relations updated report on terrorist financing, which describes how the work of a U.S.-Saudi “Joint Terrorist Financing Task Force” managed to identify and later dissolve a Saudi charitable organization, the al-Haramain Foundation, believed to have direct links to Al Qaeda.

From an international perspective, a decisive role is also played by the Financial Action Task Force (FATF), which today represents the only worldwide reference body dedicated to international cooperation and the fight against money laundering (AML), a tool also used by terrorist organizations to reinvest wealth of illegal origin in legal circuits for self-financing purposes. FATF was created by a G7 Summit in 1989, but gained new momentum and relevance after the September 2001 attacks and subsequently expanded its scope of action.

By focusing its strategy on three key aspects, such as the improvement of national legislation on money recycling - by monitoring the development of anti-money laundering systems by member countries - strengthening financial system collaboration - by examining emerging trends in recycling techniques - and, finally, strengthening international cooperation - by promoting the implementation of the 40 Recommendations elaborated and updated by the Task Force itself. Through such Recommendations - complemented by the eight Special Recommendations for the fight against terrorism financing (CTF) (issued in October 2001) - the aim was to spread the anti-money

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77 For a list of the 40+9 FAFT Recommendation see Appendix A.
laundering and anti-terrorism financing culture on a global scale, by promoting initiatives to be implemented in the fields of criminal law, financial market law, as well as through international cooperation. To this extent, FAFT contribution to the diffusion of technologies and AML/CTF best practices has been significant, and its mechanisms for monitoring implementation of Recommendations – based on a “mutual evaluation process” by member countries, and the yearly issue of a list of “Non-Cooperative Countries or Territories” (NCCTs) – also proved to be effective.  

FAFT contributions to the international AML/CTF regime notwithstanding, it is safe to say that that the war against terrorism financing advocated by the Bush Administration has ultimately failed. As of 2015, for example, ISIL’s estimated budget amounted to $1.8 billion, whereas in that same year the total amount of frozen terrorist assets was as low as $60 million globally. The reason for this failure is that the approach undertaken by governments has always focused on preventing terrorists’ access to the global financial system, by means of blacklisting and asset freezing. The policy is necessary but grossly insufficient, as terrorist groups constantly diversify their cash flow and increasingly rely on a de-centralized structure. Regardless of whether governments understand the numerous sources of terrorist financing, they often depend on the financial system to counter them. Finance ministries of most nations are entrusted with the responsibility of cutting funds, but these actions taken are often detached from a more extensive Counterterrorism strategy. Thus, in the wake of attacks, governments commonly react by further engaging in asset freezing, with banks blocking risky investments and cutting

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off clients potentially linked to terrorist financing. Additionally, enforcement of new financial regulations has proven costly and difficult; for example, according to the British Bankers’ Association, UK banks spend about $430 million each year to comply with AML and CTF regulations. Implementation of the same practices in poorer countries is irregular due to the lack of state capacity and limited resources to deliver effective execution.\textsuperscript{80}

Moreover, CTF efforts have included heavy restrictions on short term financial flows – namely, money transfer through companies such as Western Union – which ultimately resulted in the exclusion of the poorest countries on earth from the international financial system. Somalia is a particularly consequential example, where almost no Western bank offers cash transfers, although up to 60\% of individual income comes from remittances from abroad.

Consequently, the use of so-called informal value transfer system (IVTS) – known in Arabic as Hawala – increased and spread globally as a means for expatriates to send remittances to their country of origin, and is often preferred to formal bank transfers due to its cheaper, easier and faster nature. Hawala procedures also guarantee a higher level of anonymity due to the lack of records maintained, and function entirely on an honor based system, where money transfer relies not on legal instruments like promissory notes, but on the clients’ trust on the Hawala broker to deliver payment. Hawala – which in fact also means trust in Arabic – differs from other remittance systems for its strong reliance on personal connections, such as family relations and regional and community affiliations.\textsuperscript{81}

\textsuperscript{80} Heng, Y-K. & McDonagh, K., op. cit., p. 568


Retrieved 14/01/18
Therefore, CTF efforts might have successfully restricted access to financial systems, but on the other hand this approach has delivered a boon of informal – and thus more dangerous – ways to transfer money internationally, which of course facilitates the movement of capital intended for illegitimate use.

Another significant issue that hinders current CTF efforts is the changing nature with which terrorist organizations obtain their wealth. The seizure of territory by self-proclaimed Islamic State – or ISIL – has translated into immense financial gains. Territorial conquests in eastern Syria and northern Iraq in 2013 and 2014 allowed ISIL to increase their total budget from an estimate of $500 million in 2013 to up to $1.9 billion the next year, according to a study by Ernst & Young. Sources of income include confiscation of property and bank capital, collection of taxes from the population living under their rule, and most importantly, exploitation of natural resources – namely oil fields. The seizure of territory by terrorist organizations constitutes a severe problem for international CTF, as their income cannot longer be intercepted and seized by financial mechanisms. The group’s finances have indeed declined in the next years, but the deterioration of its wealth is largely due to military action rather than financial regulation. The U.S. led campaign has targeted, starting from October 2015, ISIL cash depositories and its oil infrastructure, and successfully diminished portions of land in the hands of the “Caliphate”, as shown in Figure 1 below. According to IHS Markit Conflict Monitor, the loss of territory translates in a dramatic fall in ISIL monthly revenue from $81 million in the second quarter of 2015 to $16 million in the second quarter of 2017, a reduction of 80 percent. The analysis concludes that over the course of 2018, the Islamic State remaining lands will be retaken completely.

82 Neumann P. R., op. cit., p. 99
This military defeat will not necessarily translate in a complete stop of terrorist attacks abroad, however. On the contrary, it is projected that territorial losses will translate into an increased campaign of violence overseas, carried out with an increasingly dangerous strategy. More than any other jihadi group, the Islamic State has understood the lethal potential of violent attacks, most of which do not require money or skills. Abu Mohammad al-Adnani, ISIL former spokesperson – pronounced dead in September 2016 – gave a sadly relevant speech that contained specific instructions for ISIL supporters in Western countries:

“If you can kill a disbelieving American or European – especially the spiteful and filthy French – or an Australian, or a Canadian, or any other disbeliever from the disbelievers waging war, including the citizens of the countries that entered into a coalition against the Islamic State, then rely upon Allah, and kill him in any manner or way however it may be. Smash his head with a rock, or slaughter him with a knife, or run him over with your car, or throw him down from a high place, or choke him, or poison him.”84

84 Bayoumy, Y., (22 September 2014) “Isis urges more attacks on Western 'disbelievers'”.
This represents the last, and perhaps most important, challenge for international efforts in CTF. Terrorist attacks are cheap, and costs are coming down to zero with this change in tactics. According to a 2015 study by the Norwegian Defense Research Establishment, over 90 percent of the jihadist cells in Europe between 1994 and 2013 were “self-funded,” mostly through legal activities or petty crimes. The same report finds that over ¼ of the totality of attacks from 1994 to 2013 costed less than $10,000 to be carried out. What’s more preoccupying is that ISIL leaders’ instructions have inspired the most devastating attacks in the past few years, which ultimately costed nothing at all. When a truck ran over a crowd on July 2016 in Nice, France, killing 86 people, the total cost was a mere $300, that is the renting price of the vehicle.

International cooperation on Countering Terrorist Financing (CTF) has been beneficial for a number of factors, namely through the dissemination of best practices, the sharing of financial intelligence and the issuing of NCCTs list by the FAFT. But the approach undertaken by the international community is limited and sometimes, as we have analyzed, counterproductive. The most important lesson to be learned is that the overall achievements of CTF internationally depend on the ability to implement the same regulations on a global scale, not limiting their application to countries capable to do so. This is because international terrorist organizations naturally lean towards states with poorer capacity to limit their actions for acquiring resources. Money gained through criminal activities and successfully laundered in weaker jurisdictions can easily be transferred abroad. Therefore, the entire system is endangered and exposed to a high level of risk, if AML/CTF directives are not carried out

Available at https://www.independent.co.uk/news/world/middle-east/isis-urges-more-attacks-on-western-disbelievers-9749512.html

equally around the world. Lastly, the shifting nature of terrorist attacks represents the principal limitation to any relevance of CTF regimes in the future. The increase of acts of violence that require little or no operational organization and resources will become the main challenge faced by governments in building a comprehensive Counterterrorism Strategy. This should not be merely focused on the financial system, but must involve building a coherent and concerted international response to counter terrorists’ motivations, together with their capacities.

The “Democratic Deficit” of a consolidated international security regime

Insecurity has been the most pervasive and characterizing element of the geopolitical environment, following the attacks of September 11, and this feeling of danger and instability serves as a legitimizing basis for governments’ reactions towards the fight against terrorism. In this regard, it is important to highlight how in the face of danger, the common conscience moves towards a demand for protection and prevention that is normally addressed to the institutional powers. The direct consequence of this attitude is found by observing the impact that the terrorist emergency exerts on the hierarchical scale of priorities and shared values in a state of law: public security rises to primary value, and as it becomes a fundamental right in itself, it sets the basis for a tendency to compress the guarantees of individual rights. The most worrying factor, years after the triggering event, is represented by the attitude of inurement assumed by citizens of a number of Western democracies, who do not always seem to find the lucidity necessary to evaluate the adequacy of the measures undertaken by the respective governments to react to risk.

Too often the introduction of restrictive measures on the individual rights regime, as well as the tightening of legislation in certain policies – namely, the regulation of financial transactions, immigration and individual liberties – is justified, as it is considered an essential instrument in the fight against terrorism. In the wake of September 11, in the main constitutional orders directly affected or threatened by terrorism, extraordinary measures were
adopted which tightened security measures, resulting in a compression of fundamental freedom rights. The repercussions of the anti-terrorism rules are recorded with reference to different types of rights. For example, restrictions on personal freedom are detected, with arrests and permanent preventive measures carried out indefinitely on the basis of mere suspicions, as occurred at a widespread level in the United States following the adoption of the “USA PATRIOT Act (2001)”86, and partly in the United Kingdom, after the implementation of the “Anti-terrorism, Crime and Security Act 2001”87.

What aggravates the problem is the fact that this narrative isn’t confined within a country’s borders. Terrorism is a concept that is progressively being understood as a global public problem, and not simply as a national concern88. As a result, counterterrorism efforts are framed as a common good, achievable through the management of the threat by all sectors of the international community. The indicators of this new approach to the global governance of terrorism are to be found in an increased independence and operational autonomy of the international institutions involved. This trend is problematic, as the openness of the governance framework results in a loss of accountability, transparency and the dissemination of legal responsibility. Moreover, the openness of governance does not similarly profit all parts of the international community. As the regulatory regime of counterterrorism involves an increasing number of actors, not limited to nation-states, but including – for example – financial organizations and businesses, the governance process will be directed by actors with stronger institutions, i.e. the Global North.

87 Full text available at https://www.legislation.gov.uk/ukpga/2001/24/contents
FAFT Recommendations for example, as mention before in this chapter, allow institutions and businesses operating under the financial system to behave as parallel enforcers of international counterterrorism financing practices. These actors are permitted to perform their own evaluation of risk, and terminate their services to a client when deemed necessary. International governance of counter-terrorism financing, therefore, involves treaties and various decisions of international organizations, national, intergovernmental and self-regulatory bodies drawn from the issue-areas of banking, securities, insurance, and other businesses. These various normative instruments and actors are not interlinked by a legal framework that regulates their relationship, but function as a complementary, if at times overlapping, constellation. The international institutions which develop the bulk of counter-terrorism financing standards have limited and varied membership. The two most important governance institutions in counter-terrorism financing, the UN Security Council and the FATF, are composed of fifteen and thirty-six member states respectively.\(^9\)

The institutions mentioned above, however limited their membership is, are responsible for setting universal standards in the governance of CTF, and implementations of these standards is required from members and non-members of said organizations indistinctively. Standardization, as we’ve seen before in this chapter, entails substantial investment and institutional capacity far more available to certain actors than it is to others, especially coming from countries of the Global South, underrepresented in those same bodies that dictate best practices. A disenfranchised South, where financial informality is regarded as potential criminality, and where citizens and business actors thus became deprived of international financial services is self-evidently counterproductive.

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\(^9\) The FATF also consists of two regional organizations: the European Commission and the Gulf Cooperation Council. Although the United Nations, which the Security Council is an organ of, has a wide global membership, the decisions of the Security Council involve only its fifteen member states, five of whom are permanent members with veto powers.
This approach, however, derives from the narrative that terrorism is everyone’s problem, and in this light the traditional notion of legal international obligations is disregarded in favor of universal policy objectives\(^\text{90}\). Part of the misrepresentation arises from the tendency to look at counter-terrorism in terms of collective problem management - a problem that affects many, and thus required collective solutions. Rights and obligations, when understood from this managerial viewpoint, may appear too obsolete - hence the tendency to re-frame them in the more cooperative jargon of “objectives”. Once embedded in policy objectives, they are no longer enforced as standards of scrutiny, but benchmarks for performance assessment. Consequently, retrospective monitoring of the compliance with such rights and obligations, as well as measures for their coercive enforcement, are hardly ever implemented; states and non-state actors are expected to cooperate with one another, while contestation is largely avoided and regarded as an obstacle to cooperation between states.

In other words, while enabling a larger autonomy to international institutions dedicated to developing best practices and standards in the fight against terrorism, traditional legal frameworks – and the legal protection that derives from them – are often overlooked in favor of a politicized discourse of cooperation, sometimes bypassing the downsides of these practices. International cooperation on counterterrorism almost seems to become a goal by itself, a political exercise that is more effective in theory than in practice, as it is often skewed towards the interests of one group of countries, rather than favoring the international community as a whole.

Conclusions

This research has attempted to portray an overview of the current state of affairs in the field of international cooperation on counterterrorism. The outcome of the analysis is that, although multilateral counterterrorism has benefited from a renewed urgency following the devastating attacks of September 11 on American soil, international concerted efforts to address the threat remain inadequate. 9/11 represents a pivotal moment in the history of the global regime of terrorism, a paradigm shift in how the international community perceived the terrorist threat. As terrorist networks evolved from being merely linked to national and territorial issues, they now operate as nonstate actors who profit from the growing opportunities stemming from an increasingly interconnected world. The danger of this international terrorism also derives from the ability of these networks to influence and inspire individuals across the world to commit violent attacks in their name, a job facilitated by their extensive use of social media as a form of incitement and communication. The mutated nature of terrorism and its unprecedented reach throughout the world has prompted the international community to generate a universal and comprehensive response and accelerate unified efforts to face the challenge. But despite the promising momentum, being able to deliver real progress on counterterrorism cooperation has been difficult.

International cooperation on counterterrorism suffers a series of shortcomings that dangerously hinder chances of advancing its global framework in the future. First, the normative impasse on the definition of terrorism reflects the high degree of politicization of the concept. Any attempt to generate a universal and legally binding definition of the “crime of terrorism” is prevented by diverging interests and political will of countries – some of which profit from this legislative uncertainty in order to continue to rely on nonstate actors and employ them as proxies and tools to advance their agenda. Secondly, institutionalized efforts have also proven limited: within the United Nations, the willingness to address counterterrorism issues is both hampered and superseded by the security concerns and priorities of the permanent
members of the Security Council. These five countries have an unbridled ability to dictate and shape the narrative of counterterrorism efforts in line with their own geostrategic calculus. The response and attempt to mollify these imbalances produced the UNGA sponsored Global Counterterrorism Strategy (GCT), which as of yet remains a rhetorical exercise as opposed to a concrete directive. Meanwhile, regional organizations such as NATO are gradually splintering as a result of the partisan and diverging interests of its members, which furthermore complicates international cooperation. As a result, the residual alternative that has been chosen by countries such as the United States are bilateral partnerships aimed at tackling terrorist threats. However, as we have discussed, such partnerships have been greatly complicated by the fractures that have surfaced as a result of the covert imperatives of the political forces defining those countries’ policies. Lastly, surmounting these issues, firewalls safeguarding terrorist financing such as the Financial Action Task Force (FAFT) that were effective during the early years of Al-Qaida have clearly shown to be inadequate when dealing with contemporary threats posed by organizations such as the Islamic State and its affiliates.

These limitations are proof of the need for a new multilateral counterterrorism directive challenging present-day threats from terrorist networks. The safety of our societies hinges upon the development of a new framework to address the aforementioned shortcomings and in shaping a new directive to face contemporary terrorist actors.
Appendix

Appendix 1 – List of FAFT Recommendations © 2010 FATF/OECD

The 40 Recommendations

A. Legal Systems
   - Scope of the criminal offence of money laundering (Recommendations 1, 2)
   - Provisional measures and confiscation (Recommendation 3)
B. Measures to be taken by Financial Institutions and Non-Financial Businesses and Professions to prevent Money Laundering and Terrorist Financing (Recommendation 4)
   - Customer due diligence and record-keeping (Recommendations 5 - 12)
   - Reporting of suspicious transactions and compliance (Recommendations 13-16)
   - Other measures to deter money laundering and terrorist financing (Recommendations 17-20)
   - Measures to be taken with respect to countries that do not or insufficiently comply with the FATF Recommendations (Recommendations 21, 22)
   - Regulation and supervision (Recommendations 23-25)
C. Institutional and other measures necessary in systems for combating Money Laundering and Terrorist Financing
   - Competent authorities, their powers and resources (Recommendations 26-32)
   - Transparency of legal persons and arrangements (Recommendations 33, 34)
D. International Co-operation (Recommendation 35)
   - Mutual legal assistance and extradition (Recommendations 36-39)
   - Other forms of co-operation (Recommendation 40)


I. Ratification and implementation of UN instruments
Each country should take immediate steps to ratify and to implement fully the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism. Countries should also immediately implement the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts, particularly United Nations Security Council Resolution 1373.

II. Criminalizing the financing of terrorism and associated money laundering
Each country should criminalize the financing of terrorism, terrorist acts and terrorist organizations. Countries should ensure that such offences are designated as money laundering predicate offences.

III. Freezing and confiscating terrorist assets
Each country should implement measures to freeze without delay funds or other assets of terrorists, those who finance terrorism and terrorist organizations in accordance with the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts. Each country should also adopt and implement measures, including legislative ones, which would enable the competent authorities to seize and confiscate property that is the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organizations.

IV. Reporting suspicious transactions related to terrorism
If financial institutions, or other businesses or entities subject to anti-money laundering obligations, suspect or have reasonable grounds to suspect that funds are linked or related to, or are to be used for terrorism, terrorist acts or
by terrorist organizations, they should be required to report promptly their suspicions to the competent authorities.

V. International Co-operation

Each country should afford another country, on the basis of a treaty, arrangement or other mechanism for mutual legal assistance or information exchange, the greatest possible measure of assistance in connection with criminal, civil enforcement, and administrative investigations, inquiries and proceedings relating to the financing of terrorism, terrorist acts and terrorist organizations. Countries should also take all possible measures to ensure that they do not provide safe havens for individuals charged with the financing of terrorism, terrorist acts or terrorist organizations, and should have procedures in place to extradite, where possible, such individuals.

VI. Alternative Remittance

Each country should take measures to ensure that persons or legal entities, including agents, that provide a service for the transmission of money or value, including transmission through an informal money or value transfer system or network, should be licensed or registered and subject to all the FATF Recommendations that apply to banks and non-bank financial institutions. Each country should ensure that persons or legal entities that carry out this service illegally are subject to administrative, civil or criminal sanctions.

VII. Wire transfers

Countries should take measures to require financial institutions, including money remitters, to include accurate and meaningful originator information (name, address and account number) on funds transfers and related messages that are sent, and the information should remain with the transfer or related message through the payment chain. Countries should take measures to ensure that financial institutions, including money remitters, conduct enhanced scrutiny of and monitor for suspicious activity funds transfers which do not contain complete originator information (name, address and account number).
VIII. Non-profit organizations
Countries should review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism. Non-profit organizations are particularly vulnerable, and countries should ensure that they cannot be misused:

(i) by terrorist organizations posing as legitimate entities;
(ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; and
(iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes to terrorist organizations.

IX. Cash Couriers
Countries should have measures in place to detect the physical cross-border transportation of currency and bearer negotiable instruments, including a declaration system or other disclosure obligation. Countries should ensure that their competent authorities have the legal authority to stop or restrain currency or bearer negotiable instruments that are suspected to be related to terrorist financing or money laundering, or that are falsely declared or disclosed. Countries should ensure that effective, proportionate and dissuasive sanctions are available to deal with persons who make false declaration(s) or disclosure(s). In cases where the currency or bearer negotiable instruments are related to terrorist financing or money laundering, countries should also adopt measures, including legislative ones consistent with Recommendation 3 and Special Recommendation III, which would enable the confiscation of such currency or instruments.
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Multilateral Counterterrorism: The Rhetoric and Reality of International Cooperation

Summary

This research provides an overview of multilateral efforts against terrorism and analyzes the imbalance between the rhetoric behind said cooperation and the realities that drive government actions. The urgency of international cooperation on counterterrorism became evident in the wake of the attacks of September 11, 2001, which represented a pivotal shift in how the international community perceived the dangers of international terrorist networks, and presented both the opportunity and the necessity for countries to formulate new tools to counter the menace and design appropriate frameworks to contain it. As new networks evolved and distanced themselves from the logics of territoriality and national political grievances, their goals expanded across borders and their reach throughout the world became unprecedented, stemming from an increasingly interconnected international system. As of 2017, the four deadliest terrorist organizations – the Islamic State (ISIL), Al-Qaida, Boko Haram and the Taliban – all operate and are responsible for violent attacks across state borders with unparalleled potential to hit virtually any country in the world. What aggravates the issue is the outreach some of these groups have in the West, where they have been able to inspire individuals to carry out strikes in their name by developing an ideology capable to flourish and radicalize disenchanted citizens in a number of western cities. A threat with such disruptive global impact understandably requires a comprehensive and concerted effort by the international community in order to counter it. However, the illusion of international cooperation assumes that countries have a level of commonality of interests that simply does not exist. This thesis wants to be an overview of the limits, shortcoming and risks associated with multilateral efforts on counterterrorism.
The first chapter will be dedicated to the difficulties in formulating a consensus definition of terrorism itself, and the political interests that motivate countries when addressing the normative framework of counterterrorism. The second chapter provides a review of institutionalized cooperation on the field, by describing achievements produced by both international institutions such as the United Nations and regional organizations such as NATO: as we will see, despite potentially representing the strongest platforms for progress, both international and regional organizations suffer from profound shortcomings that further hinder prospects towards effective multilateral achievements. The third chapter of this research will focus on the challenges and risks in developing bilateral partnerships with state actors, particularly in the developing world, that represent both strategic allies in the war against terrorism and unsavory friends pursuing their own agenda. In the fourth and last chapter, this research will analyze multilateral cooperation on the field of counter terrorist financing and the outcome of developing strong international instruments to address the issue.

Chapter 1 – Terrorism: A politically contested concept

To this day, there is no universally accepted definition of what “Terrorism” constitutes. The failure to reach an agreement within multilateral institutions and develop a consensus normative framework on the definition of the concept severely hinders chances of progress in the field of international cooperation in the future. It is not surprising to witness this deadlock: the overwhelmingly abused notion that “one man’s terrorist is another man’s freedom fighter” has served the purpose of justifying the politicization the term has suffered throughout history.

One-sided understandings of the concept of terrorism often prevail in state legislations, and the lack of a legally binding definition ratified by the international community advances the political value of the term over its legal one. Thus, the designation of a group or organization as “terrorist” by a
country remains ultimately subjective, and hinges upon the alignment of interests between said groups and governments. What further complicates the prospects of multilateral cooperation is that rival countries with competitive geopolitical interests might benefit from a situation where the legality of their actions is blurred and unclear. The recurrent employ of proxies to influence, destabilize and attack an enemy country is not a novelty in history. Case studies analyzing Iran’s and Saudi Arabia’s connection to such networks are employed in this research as poignant examples of this scenario. This legacy of supporting violent actions by a group or organization to the detriment of one’s opponents is often characterized as state-sponsored terrorism. This further complicates the narrative of countering terrorist activities and weakens hopes for cooperation.

Chapter 2 – Synchronizing Counterterrorism Strategies

The chapter begins by describing what an effective Counterterrorism Strategy should involve. Starting from the assumption that the ultimate goal of counterterrorism is the one of limiting and, if possible, eliminating the threat, the ways to achieve that goal transform and adjust according to a country’s “strategic environment”, which includes their resources, political situation, and national priorities. The measures involved can be classified according to the focus of their action: defensive counterterrorism activities are employed to harden the target of an attack, thus making it costlier for terrorist groups to strike; proactive measures involve refers to policy choices that encompass an offensive approach – one whose goal is to constrain terrorists’ means to take part in such attacks. The challenge for the development of a comprehensive Counterterrorism Strategy is to balance these two approaches as to effectively target the two underlying variables of terrorism – motivation and operational capability. This balancing act is not easy; reflecting on these two parallel measures leads one to understand their intrinsic conflict: when successfully countering terrorists’ operational capabilities – by means of strikes, military operations, arrests and prosecution etc. – we ultimately raise their incentive and drive for revenge and retaliation. Dr. Boaz Ganor – head of the
International Counterterrorism Institute (ICT) – refers to this phenomenon as the “boomerang effect” in counterterrorism.

After having analyzed what we mean by Counterterrorism Strategy, this chapter provides a review of institutionalized efforts on the field. The United Nations body of legislation on counterterrorism prior to 9/11 might seem extensive when considering the 12 Conventions on Terrorism, elaborated by the international community since 1963. But the consensus reached on paper was very lacking when it came to actual implementation. Ratification of the above-listed 12 Conventions was low and uneven among member states, and the few resolutions issued by the Security Council in the 1990s addressing the growing threat of terrorism were left without a mandate for implementation\(^{31}\). Moreover, there was no mechanism to monitor compliance to such agreements, and most countries lacked the capacity and/or the will to cooperate with each other\(^ {32}\). The events that unfolded during and after the attacks of September 11 functioned as a wake-up call for the international community as a whole. As the attacks were carried out operationally across borders, and their effect had tremendous impact on a global scale, it is easy to understand how international terrorism was finally treated as a global threat to peace and security, and as such international institutions began to act accordingly in their response. The role of the Security Council increased in scope and mandate, as it functioned as an effective “crisis committee” and produced a number of defining resolutions in the immediate aftermaths of the attacks. Able to operate under the binding mandate of Chapter VII of the UN Charter with an unprecedented rapid response, the SC seemed like a perfect platform. But this rapidity and decisiveness of action is not a comprehensive counterterrorism strategy, and the Council fell short of building the much-needed willingness toward cooperation between member states.


\(^{32}\) Ibid
Most nations felt excluded from the decision-making process, and loathed the assertiveness with which these new obligations were mandated from above. The creation of the UN General Assembly-sponsored Global Counterterrorism Strategy (GCT) may be understood as an attempt to mollify these imbalances, but as the GA lacks binding powers, the GCT remains a rhetorical exercise as opposed to a concrete directive. Meanwhile, regional organizations such as NATO are gradually splintering as a result of the partisan and diverging interests of its members, which furthermore complicates international cooperation.

Chapter 3 – Friends or Foes: Managing Allies

Geopolitical strategic threats to individual national states have also significantly limited the ability to implement multilateral counterterrorism strategies. In the interest of self-preservation, nascent regimes that have emerged within a hostile and insecure geopolitical region have often found it in their interest to safeguard and hedge their security through covert partnerships with otherwise unsavory non-state actors. The willingness to support multilateral counterterrorism activities also hinges greatly upon the perceived economic and political benefit outcome for each country. Thus, multilateral counterterrorism cooperation is effected by how countries perceive the terrorist threat, as well as the cost-benefit analysis that lies behind working with partners with dubious track records. This represents a challenge for Western states, which often find themselves in the problematic position of having the necessity of collaborating with countries – especially in the developing world – that find themselves in conflict with certain terrorist groups, while actively supporting others. As we discussed in the first chapter of this research, some countries’ vested interests in maintaining relationships with terrorist groups is straightforward – such is the case for Iran’s support for Hezbollah – but for others this position is more complicated. Many governments in the developing world – mostly autocratic in nature – simultaneously fight and encourage terrorist activities on their soil, a two-faced approach that is driven by geopolitical considerations prioritizing regime
preservation rather than a sustained counterterrorism strategy aimed at the protection of their citizens. What further complicates the matter is the fact that most of these countries represent strategic and indispensable allies of the West in the fight against terrorism. Bilateral partnerships play an important role in the so-called Global War on Terror, especially by means of shared intelligence and military support to conduct operations. Hence, the need for cooperating with local security agencies of developing countries – mostly in North Africa and South Asia – results in a dilemma where these same states have vested interests in maintaining simultaneous hidden ties with violent actors, or profit from counterterrorism cooperation to pursue other unofficial goals.

**Chapter 4 – The Risks of International Cooperation on Counterterrorism**

The last chapter of this research analyzes multilateral cooperation on the field of counter terrorist financing (CTF) and the outcome of developing strong international instruments to address the issue. From an international perspective, a decisive role is played by the Financial Action Task Force (FATF), which today represents the only worldwide reference body dedicated to international cooperation and the fight against money laundering (AML), a tool also used by terrorist organizations to reinvest wealth of illegal origin in legal circuits for self-financing purposes. FAFT was created by a G7 Summit in 1989, but gained new momentum and relevance after the September 2001 attacks and subsequently expanded its scope of action. FAFT contributions to the international AML/CTF regime notwithstanding, it is safe to say that that the war against terrorism financing has ultimately failed. As of 2015, for example, ISIL’s estimated budget amounted to $1.8 billion, whereas in that same year the total amount of frozen terrorist assets was as low as $60 million globally.\(^93\) The reason for this failure is that the approach undertaken by

governments has always focused on preventing terrorists’ access to the global financial system, by means of blacklisting and asset freezing. The policy is necessary but grossly insufficient, as terrorist groups constantly diversify their cash flow and increasingly rely on a de-centralized structure. The most important lesson to be learned is that the overall achievements of CTF internationally depend on the ability to implement the same regulations on a global scale, not limiting their application to countries capable to do so. This is because international terrorist organizations naturally lean towards states with poorer capacity to limit their actions for acquiring resources. Money gained through criminal activities and successfully laundered in weaker jurisdictions can easily be transferred abroad. Therefore, the entire system is endangered and exposed to a high level of risk, if AML/CTF directives are not carried out equally around the world. Lastly, the shifting nature of terrorist attacks represents the principal limitation to any relevance of CTF regimes in the future. The increase of acts of violence that require little or no operational organization and resources will become the main challenge faced by governments in building a comprehensive Counterterrorism Strategy. This should not be merely focused on the financial system, but must involve building a coherent and concerted international response to counter terrorists’ motivations, together with their capacities.

Conclusions

International cooperation on counterterrorism suffers a series of shortcomings that dangerously hinders chances of advancing its global framework in the future. First, the normative impasse on the definition of terrorism reflects the high degree of politicization of the concept. Any attempt to generate a universal and legally binding definition of the “crime of terrorism” is prevented by diverging interests and political will of countries – some of which profit from this legislative uncertainty in order to continue to rely on nonstate actors and employ them as proxies and tools to advance their agenda. Secondly, institutionalized efforts have also proven limited: within the United Nations, the willingness to address counterterrorism issues is both hampered
and superseded by the security concerns and priorities of the permanent members of the Security Council. These five countries have an unbridled ability to dictate and shape the narrative of counterterrorism efforts in line with their own geostrategic calculus. The response and attempt to mollify these imbalances produced the UNGA sponsored Global Counterterrorism Strategy (GCT), which as of yet remains a rhetorical exercise as opposed to a concrete directive. Meanwhile, regional organizations such as NATO are gradually splintering as a result of the partisan and diverging interests of its members, which furthermore complicates international cooperation. As a result, the residual alternative that has been chosen by countries such as the United States are bilateral partnerships aimed at tackling terrorist threats. However, as we have discussed, such partnerships have been greatly complicated by the fractures that have surfaced as a result of the covert imperatives of the political forces defining those countries’ policies. Lastly, surmounting these issues, firewalls safeguarding terrorist financing such as the Financial Action Task Force (FAFT) that were effective during the early years of Al-Qaida have clearly shown to be inadequate when dealing with contemporary threats posed by organizations such as the Islamic State and its affiliates.

These limitations are proof of the need for a new multilateral counterterrorism directive challenging present-day threats from terrorist networks. The safety of our societies hinges upon the development of a new framework to address the aforementioned shortcomings and in shaping a new directive to face contemporary terrorist actors.