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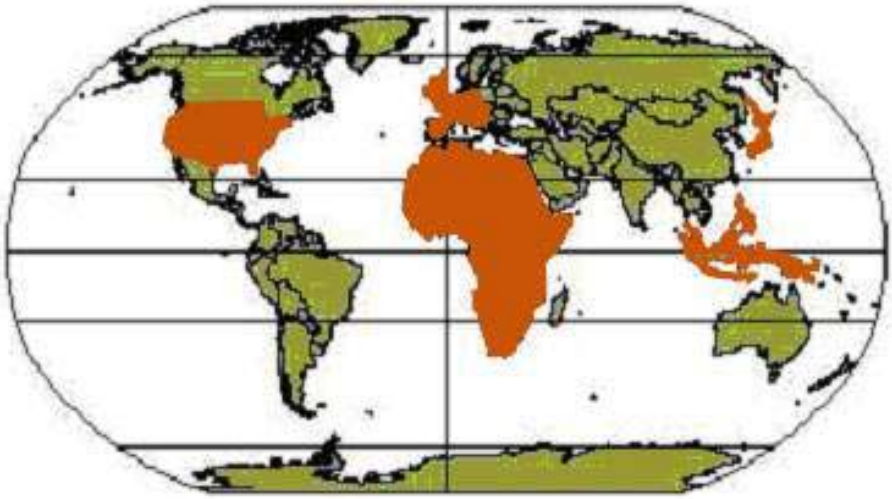
Intelligence and the 'War against Terrorism': Multilateral Counter-Terrorism Policies Implemented post-September 11

An examination of counter-terrorism policy responses adopted on an international level post-September 11



by

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Preface

Without hearts and minds one cannot obtain intelligence, and without intelligence terrorists can never be defeated.[1]

The issue of transnational terrorism, accentuated by the events of September 11 2001, is still a relatively 'unexplored' phenomenon within the realms of the International Relations academia. To this end, much deliberation and search for credibility was required before deciding to embark on this research.

It is on this point that I wish to thank the Department of International Relations at the University of Witwatersrand for affording me the opportunity to proceed with this research. In particular, I would like to extend my appreciation to my supervisor, Dr. Gary Burford, for his academic insight and guidance. My appreciation is extended to Dr. Ely Karmon,[2] firstly, for affording the time to meet me in Tel Aviv, Israel on such short notice, and secondly, his invaluable insight into terrorism on an international level. In addition, I would like to thank Anneli Botha[3] for our extended discussion in Pretoria on terrorism on the African continent. In conclusion, I hope that this research can provide some form of academic contribution, not only to security studies (terrorism) in International Relations, but also to actively promote the standard of post-graduate education offered by the Department of International Relations.

I declare that all research undertaken is my own and that this thesis has not been previously submitted towards an academic qualification.

Wayne Fulton
November 2004

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[1] Sir Michael Howard. "War against Terror". http://www.preparingforpeace.org/howard.htm

[2] Senior Researcher: The International Policy Institute for Counter-Terrorism: The Interdisciplinary Centre: Herzliya, Israel.

[3] Head: Africa Terrorism Research Programme: Institute for Security Studies: Pretoria.

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Abstract

Our joint inquiry found that one of the major gaps in our intelligence, which contributed to 9/11, was the failure to have effective co-ordination among the various components of the intelligence community.[4]

The events of September 11 (9/11)[5] have proved to be the catalyst for the evolution of 'traditional' terrorism methodologies into those of a transnational dimension. As a consequence, 9/11 has reshaped the international security community's perceptions regarding the transnational threat of terrorism. Security analysts have called for a 'networked' response as the most effective strategy of defence against global terrorist networks. Hence, efforts to contain the threat of transnational terrorism will be more effective if implemented in conjunction with policies and mechanisms designed to facilitate international counter-terrorism co-operation. Therefore, taking into account the 'perceived'[6] intelligence failure of 9/11, intelligence and anti-terrorism law enforcement agencies of governments committed to the 'war against terrorism' will need to integrate their intelligence capabilities and establish operational co-ordination on a multilateral level as an effective counter-terrorism mechanism. This research will focus on the multilateral intelligence sharing and counter-terrorism co-ordination mechanisms implemented post-9/11 by governments and International Organisations, such as the UN's Counter Terrorism Committee and NATO's invoking of Article 5, to contain and confront transnational terrorism. It is not within the scope of this study to analyse the reasons and ideologies behind 9/11 and modern-day terrorism.

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[4] Former US Senate Intelligence Chairman Bob Graham. In Waller, D. "The CIA's Secret Army." Time Magazine. vol. 161, no. 5. February 3, 2003, p.33.

[5] Henceforth, the events of September 11, 2001 will be commonly referred to as **9/11**.

[6] Analysts acknowledge that a lack of intelligence co-ordination between the FBI and CIA was a contributing factor regarding 9/11. See Garfield. A. "Did September 11 Represent a Failure of the United States Intelligence Services? http://www.kcl.ac.uk/ip/andrewsteele/sept11/papers/intel4.html, and Hough, L. "September 11: Was it an Intelligence Failure?" http://www.ksg.harvard.edu/ksgpress/ksg_news/

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Glossary

9/11	September 11, 2001
ASEAN	Association of Southeast Asian Nations
AU	African Union
CIA	Central Intelligence Agency
CFSP	Common Foreign and Security Policy
DHS	Department of Homeland Security
EUROPOL	European Police
FATF	Financial Action Task Force on Money Laundering
FBI	Federal Bureau of Investigation
INTERPOL	International Police
IOs	International Organisations
ISS	Institute for Security Studies (Pretoria)
IISS	International Institute of Strategic Studies (London)
NATO	North Atlantic Treaty Organisation
NIA	National Intelligence Agency
NICOC	National Intelligence Coordinating Committee
OAU	Organization of African Unity
OSCE	Organization for Security and Co-operation in Europe
SADC	South African Development Community
SASS	South African Secret Service
UN	United Nations
WMD	Weapons of Mass Destruction

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Chapter 1

Introduction

The hypothesis of this paper is that emphasis must be placed on enhanced international security co-operation, multilateral intelligence sharing mechanisms and definitive counter-terrorism policies to effectively contain transnational terrorism in the wake of the September 11 2001 terrorist attacks.[7]

Terrorism has been an international phenomenon since the advent of war and conflict. However, it has only become a subject of serious academic analysis during the last three decades, with the emergence of various militant organisations advocating their respective political, religious and ethnic ideologies. In the 1970's and 80's fundamentalist terrorist groups gained notoriety for numerous aircraft hijackings and bombings. These two decades laid the foundation for academic studies regarding terrorism. In the 1990's and since the turn of the millennium, although the nature of terrorism has not changed, the modus operandi and root causes have seen a fundamental paradigm shift.

Therefore, as international security has redefined itself post-Cold War, with the Realist vs. Idealist debate as the catalyst, academic studies on terrorism have required deeper insight. The 9/11 attacks opened a new schism in the understandings of terrorism. To this end, much has been written regarding the phenomenon of terrorism.

[7] It must be noted that it is not within the scope of this study to analyse the reasons and ideologies behind 9/11 and modern-day terrorism.

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Rationale

I have selected this topic as I have a profound interest in this sphere of International Relations and hope that this research paper will provide a significant contribution to the understanding of intelligence as a means of countering terrorism in the international security environment. In addition, I hope to emphasise the importance the events of 9/11 had, and will continue to have, in terms of redefining the realms of international security co-operation, in particular regarding the threat of transnational terrorism.

From an academic standpoint I hope that an association can be drawn with International Regime theory and Co-operative Security theory, pertinent to this research, and new insight can be made concerning the realism vs. idealism debate in the context of the 'War against Terrorism'.

Lastly, I am confident that this paper will act as a catalyst, to not only lay the foundation for future PhD research, but to facilitate a new academic perspective regarding terrorism and intelligence studies within the International Relations Department at the University of the Witwatersrand, by stimulating further academic enquiry.

Chapter Outline

The research report is divided into the following chapters:

Chapter Two

This chapter provides a summary of the events of 9/11, and outline the characteristics of modern day terrorism and the problems associated with formulating a global definition of terrorism. In addition, an overview is given

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regarding the role of intelligence as an effective counter-terrorism mechanism post 9/11.

Chapter Three

This chapter examines the theories applicable to this research report. International Regime theory and Co-operative Security theory is used to determine how the "War against Terrorism" has redefined the international security environment. In addition, the Realism vs. Idealism debate post Cold War will be examined in terms of the impact on multilateral co-operation.

Chapter Four

This chapter examines the post-9/11 counter-terrorism responses adopted by the US, Southeast Asia, Africa, UN, NATO and the EU, in terms of the legislation, policy and co-ordination mechanisms developed and employed.[8] In addition, economic warfare is examined as one of the more effective counter-terrorism strategies.

Chapter Five

The conclusion outlines the main argument, providing a summary of responses examined and the effectiveness of enhanced intelligence sharing and counter-terrorism policies. A forecast is made on intelligence and counter-terrorism co-operation in the future. In addition, the critical questions identified earlier in this research, will be answered to corroborate the hypothesis of this research. Lastly, final conclusions will be provided.

[8] US co-operation with Arab states, such as Saudi Arabia, will not be examined.

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Methodology

A post-Behaviourist approach was selected, as to effectively conduct research in an area that is as sensitive and emotive as transnational terrorism, a subjective approach is the best method used to extract and analyse the information pertinent to this research. Therefore, the objective in using post-behaviouralism is to bypass certain scientific insensitivities and to focus more on the humane aspects of this study. This methodology originated out of a reaction against "*what was felt to be an unduly historical-descriptive, legal-formal, or normative orientation in the study of government and politics*."[9]

However, to understand the significance of the post-Behaviouralist methodology, it is necessary to draw contrast to the central tenets of Behaviouralism. While there certainly has been ample debate regarding the political and social sciences definition of Behaviouralism, early Behaviouralists generally focused on "*observable behaviour of human beings and disregarded both formal institutions and the subjective aspects of human activity, such as consciousness, feelings, and intentions.*"[10] As such, the approach adopted by early Behaviouralists was for students to "study what people do, not what they say" and focus on the stimuli that elicited observable political behaviours.[11]

The Behaviouralism-dominanted 1950s and 1960s certainly led to the widespread acceptance of quantitative methods in the 20th Century. However, as a counter-balance there has most definitely been considerable challenge to the Behaviouralism methodology, with the two most prominent arguments being from those questioning just how possible and desirable it would be to construct a "true science" of politics and from those attempting to make

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[9] De Volo, L. "Politics and Science: A Feminist Critique of the Discipline." http://www.ku.edu/~wsku/PolSci-AFemCrit.htm

[10] De Volo, L. Ibid. http://www.ku.edu/~wsku/PolSci-AFemCrit.htm

[11] De Volo, L. Ibid. http://www.ku.edu/~wsku/PolSci-AFemCrit.htm

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political science even more scientific and rational – hence the emergence of post-Behaviouralism or post-Positivism.

Thus, taking into consideration the aforementioned, post-Behaviouralism is a rather unstructured category, drawing its basis for argument from the unity of the proponents and criticisms of Behaviouralism, rather than any specific research agenda or methodology. These criticisms developed in the late 1960s in response to what was can be termed the 'over-professionalization' of certain disciplines and ultimately the unnatural identification with the status quo. As such, post-Behaviouralists argued that more concern should be given to normative issues and that it is irresponsible to strive for academic detachment, particularly in times of conflict and discord.

Furthermore, post-Behaviouralists put forward the argument that emphasising a methodology that has inherently been borrowed from the natural sciences leads to research that is often trivial and insignificant. Post-Behaviouralists called for a political science which is more imaginative, creative, and critical of the established order. Behaviouralism assumes the neutrality of its methods, emphasised in the often-used method of survey research, and that questions have the same meaning to all respondents and the answers given have the same meaning coming from different respondents.

Post-Behaviouralists consider this an unrealistic assumption, and question the adequacy or objectivity of findings based on this assumption. This is a fundamental divergence as it is doubtful whether those conducting the research are neutral. Post-Behaviouralists propose theoretical or "subjective" understandings to strengthen causal explanation and prediction, with the argument being that in the political and social sciences, there has to be an alternative to explain issues such government processes through an unbiased collection of data on and analysis of observable human behaviour.

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Thus post-Behaviouralism seeks to counter the belief that research develops out of precisely stated hypotheses and a rigorous ordering of evidence that allows for the identification of behavioural uniformities, the validation of findings through repeated research, and the accumulation knowledge through the development of concepts of increasing power and generality.[12] With this in mind, the post-Behaviouralist approach aims at 'humanising' the emphasis placed on "scientific" methods, which operate with a mechanical and unfeeling conception of the actor--seeing the human actor as a passive, machine-like entity, incapable of free will and originality. As such post-Behaviouralism clarifies the reductionist tendencies that leave certain things unexplained, such as norms and values. Post-Behaviouralists acknowledge the interdependence of theory and observation, recognise that normative questions are important and not easy to separate from empirical questions, and accept that other traditions have a key role to play in political and social analysis.

In terms of this research, considering the emotive aspects of the topic and that a purely qualitative approach was adopted, a post-Behaviouralist methodology is the logical and most assumptive option. Given the complexity of the issues surrounding transnational terrorism, such as religion, ethnicity, morality, motivational aspects, national and international security, emotional sensitivities and public debate, there is a definitive need for the research framework to be subjective so as to not 'trivialise' the outcome of the research. Therefore, a post-Behaviouralist approach will not only set out a methodology that can take into consideration the 'human' aspects of this topic, but attempt to encapsulate the aforementioned factors within the academic parameters by associating the tangible 'facts' with the theories of this research. As such, the methodology adopted by this research report falls within the parameters defined by post-behaviouralism.

[12] De Volo, L. Ibid. http://www.ku.edu/~wsku/PolSci-AFemCrit.htm.

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Primary Sources

To qualify the research and substantiate the forecasting and opinion, primary source information was gathered from media articles, press statements scrutinised and interviews conducted with recognized academics and 'experts'[13] on the issues of international security, terrorism, and intelligence. Although a provisional list of primary sources was drawn up identifying individuals to be interviewed, the following interviews were conducted:

Interviews

Dr. Ely Karmon*: Senior Researcher: The International Policy Institute for Counter-Terrorism: The Interdisciplinary Centre: Herzliya, Israel.* The interview was conducted in a semi-official capacity at Dr. Karmon's office in Tel Aviv, Israel, on the 22nd June 2003. Although, the nature of the questioning did not delve into detailed specifics, a generalised discussion was held pertaining to aspects of transnational terrorism pre- and post-9/11. Dr. Karmon made it clear that his area of expertise is not al-Qaeda or international co-operative security, however, his knowledge of counter-terrorism mechanisms and academic insight regarding the effectiveness of intelligence in countering terrorism served to authenticate aspects of the research and provided a degree of authority.

Anneli Botha*: Head: Africa Terrorism Research Programme: Institute for Security Studies: Pretoria*. The interview was conducted at the ISS offices in Pretoria, on 08th January 2004. Ms. Botha heads the terrorism desk at the ISS and is currently researching the phenomenon of terrorism in Africa, with particular interest in activities pertaining to the Horn of Africa. Issues discussed encompassed the response of AU member states to the 'war against terrorism' in terms of the ratification of the **Algiers Convention –**

[13] *"A person who is very knowledgeable about or skilful in a particular area".* Oxford Compact English Dictionary. Second Edition. I use this term as a literal definition.

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1999 and subsequently the adoption of the **Plan of Action on the Prevention and Combating of Terrorism – 2002**. The basis for the discussion was to obtain informed opinion on Africa's role regarding counter-terrorism strategies, and what measures have been/need to be implemented. In addition, issues such as human rights, legislation, and regional co-operation were discussed. The need for greater academic research within Africa on the subject of terrorism was highlighted. The need for Africa to find its own unique counter-terrorism solutions and strategies were furthermore analysed.

I requested, to no avail, interviews with relevant personnel from the South African Secret Service and National Intelligence Agency for official commentary on the South African government's intelligence sharing and counter-terrorism policies/mechanisms.

Conferences and Seminars

Title: Seminar: Terrorism in Southern Africa.
Date: 18-19 September 2003.
Host: Institute for Security Studies (ISS)
Venue: Colosseum Hotel, Pretoria.

The seminar proved extremely useful as it brought together respective representatives from South African government agencies, such as South African Secret Service (SASS), National Intelligence Agency (NIA), Defence Intelligence (DI), Foreign Affairs, and delegates from other African countries, providing a forum for both the private sector and public sector to discuss and debate issues such as the legal implications, human rights, counter-terrorism policies, and intelligence co-operation. In addition, in terms of research material, copious amounts of academic literature were available in the form of the papers presented by the speakers. Furthermore, I was able to engage in a series of informal discussions with certain high profile participants from the SADC.

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Title: Analysing the Scorpions.
Date: 27 May 2004.
Host: Institute for Security Studies (ISS)
Venue: ISS Offices, Pretoria.

The main speakers were Advocate Leonard McCarthy, Head of the Directorate of Special Operations (DSO/Scorpions), and Jean Redpath, an ISS contract researcher. The purpose of the seminar was as a follow up to a research project on the DSO undertaken by Redpath. Advocate McCarthy provided an overview of the role of the Scorpions, while Redpath provided an analysis of the study. Some of the focal points highlighted were the importance of intelligence-driven investigations and inter-agency co-operation.

Secondary Sources

As 9/11 proved to be a totally unexpected and daunting act of terrorism, it is natural that much has been speculated upon, debated and written surrounding the issues of intelligence, terrorism, and international security and counter-terrorism measures. It is perceived that the international security environment was unprepared[14] and unsuspecting of the events leading up to 9/11. Therefore, much strategic planning, thinking and debate is occurring on how to confront this 'new' terrorism post-9/11. There exists a multitude of literature available as international security experts, and International Relations scholars are being put to the test regarding their respective expertises. In conducting this research, resource material such as books, journal articles, papers and Internet documents provided sufficient evidence to conduct a purely qualitative approach, as the paper required academic research to formulate/contest the argument. As such, to qualify the merits of qualitative research, copious amounts of academic literature, reports from various Government Security Agencies, published material from think tanks such as the Rand Corporation, and media articles were read and analysed.

[14] Although US and Foreign Intelligence Agencies had been receiving 'bursts' of information of a large-scale attack on US soil.

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Theoretical Framework

I have selected Co-operative Security theory and International Regime theory as the focal academic theories of my research. In addition, I will examine the Realism vs. Idealism debate to determine what theoretical basis lies beneath the justification of the "War against Terrorism" and the impact on the global order and International Relations sphere.

Co-operative Security[15]

Co-operative Security Theory is applicable to this research as its main premise is a type of 'inward and outward' security arrangement where participants have a common goal that "*on the one hand should be broad enough and strong enough to be relevant, but on the other hand it should be narrow enough to endure that these goals are constrained by a clear appreciation of the limits of its capabilities*." [16]

A key characteristic of Co-operative Security is that the security arrangement must be "based on a solid framework of common interests which will not be torn apart by internal disagreement."[17] The following description incorporates these features. "*Co-operative Security is a strategic framework which forms around a group of democratic states linked together in a network of formal or informal alliances characterised by shared values and practical and transparent economic, political and defence co-operation".* [18] However, certain conditions need to be met if the Co-operative Security framework is to be achieved. These include the following:

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[15] See Chapter 3 – Theoretical Application for detailed information on how Co-operative Security theory is relevant to this study.

[16] Cohen, R. "Co-operative Security: Framework for a Better Future, p. 70.

[17] Ibid. p. 70.

[18] Ibid. p.73.

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- Participants must be Democratic States
- The Basis is Multifaceted Co-operation
- Alliances must share Common Goals
- Concerned with Maintaining Internal Peace
- Concerned with Mutual Protection
- Concerned with Promoting Stability

The EU is a prime example of the application of Co-operative Security theory.[19] With a co-operative security framework being the foundation for collective security and defence in Europe, Member States define their individual policies at the domestic level, however, ultimately work towards a collective interest being the stability and security of Europe in accordance with the guidelines of the Common Security and Foreign Policy (CSFP). Another example is the transatlantic relationship of NATO countries. Although, when established in 1949 to contain the Soviet threat at the beginning of the Cold War, its initial concept was based on a collective security theory-type model, it has had to adapt to more of a Co-operative Security framework as the international security climate has changed as a result of the ending of the Cold War. In a Co-operative Security system, individual states' national security objectives are directed toward the common goals of maintaining peace and stability within their common space; mutual protection against outside aggression; actively promoting stability in other areas which could threaten their shared security, using diplomatic, economic and if necessary, military means. These factors exemplify the need for the US to bring participating actors into a global alliance to create a co-operative security framework for the war against terrorism. (**Chapter 3** will provide more detailed information)

[19] See Chapter 4 – EU Response.

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International Regime Theory[20]

International Regime theory was selected as its main premise is defined as "*redefining state interests to yield the notion of 'common interests' which, it is claimed, has sustained international co-operation and the growth of international regimes in the post-war era*." [21] Regime theory focuses on binding international co-operation in narrow functional areas, or 'low politics'; with little potential for spill-over to vital state concerns, or 'high politics'. Regimes facilitate the making of agreements by providing a framework of rules, norms, principles, and procedures for negotiation. Hence, it can be said that regimes are established on the basis of 'supply and demand'. In terms of this research report, NATO and the UN fill this role. Furthermore, optimal conditions need to be created for a regime to exist, such as a legal framework establishing liability for actions that are supported by governmental authority, perfect information, and zero transaction costs.[22]

Coase argues that it is virtually impossible that all of these conditions can be met in world politics, and if they could be regimes would be redundant. "*At least one of them must not be fulfilled if international regimes are to be of value, as facilitators of agreement, to independent utility-maximizing actors in world politics*."[23] For example, perfect information is never totally achievable as the large part of the 'war on terrorism' is reliant on intelligence co-operation and sharing, and leeway has to be made for a certain proportion of intelligence failure and miscommunication. Therefore, regimes cannot establish and enforce legal liability and are much more important in providing negotiating frameworks and facilitating the co-ordination of actor expectations.

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[20] See Chapter 3 – Theoretical Application for detailed information on how Regime theory is relevant to this study.

[21] Humphreys, D. "The International Relations of Global Environmental Change", Chan, S. and Wiener, J. (eds.) Twentieth Century International History. I.B. Tauris Publishers. London. 1999. p. 212.

[22] Coase, R. "The Problem of Social Cost", Journal of Law and Economics. vol. 3. Oct. 1960. p.186.

[23] Ibid. p.186.

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As such, non-military institutions such as the UN and other International Institutions have to counter-balance the military aspects of the US-led 'war on terrorism' by providing 'fair and balanced' counter-terrorism policy guidelines.

Therefore, in relation to this study, Regime theory is applicable, as the US-led 'War against Terrorism' requires an international mandate,[24] and regimes such as the UN are an integral vehicle for the US-led alliance to establish negotiating frameworks to avoid transgressing International Law and sustaining and enhancing political and military support. This type of monitoring or 'enforcement'[25] is important, as an unstable equilibrium exist in the alliance, which could lead to actors deviating from their part in the agreement. As emphasized by Stein, "*each actor requires assurances that the other will also eschew its rational choice (and will not cheat), and such collaboration requires a degree of formalization. The regime must specify what constitutes co-operation and what constitutes cheating*."[26] (**Chapter 3** will provide more detailed information)

Realism vs Idealism post-9/11

In the International Relations sphere, Realism is considered as the most significant contemporary theory to assist us in our understanding of war and international conflict. Since the Treaty of Westphalia leading up to the events of the 21st century, particularly 9/11 and the political/military actions and international coalitions thereafter, much debate has been held regarding Realism and how it pertains to the future of International Relations. Idealism advocates the juxtaposition to Realism. Realists and Idealists differ in their assumptions about human nature, international order, and the potential for peace. Idealism's main focus is on peace and negotiation, and although Idealists would disagree, Realists do make provision for some degree of

[24] Although the US has indicated that it 'will go it alone in the fight against terrorism'.

[25] I use this term in the theoretical sense and not the practical application.

[26] Keohane, R.O. "The Demand for International Regimes", International Organisations. vol. 36. no. 2. Spring 1982 p.345.

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stability and peace. They refer to this as “balance of power”. This means that although power is central in international system, it can be “juggled” or “manipulated” to achieve international stability. This has been especially relevant with multilateralism and the emergence of coalitions regarding the ‘war on terrorism’ and the Iraqi war. The most common forms of “balance of power” are bi-polar (two powers) and multi-polar systems (more than two). Thus, a possible way for the future may be the emergence of alliances or bi/multipolar alliances. (**Chapter 3** will provide more detailed information)

Research Material

The literature reviewed for this research report is drawn from a wide body of documentation and academic research material that identifies and analyses the key issues. Of course, a sound thesis requires academic quantification and qualified argument if it is to achieve its main objective, of contributing to the respective field of academic study. Material pertinent to this research was obtained from academic journals, books, Internet articles and primary sources, such as the interview with Dr. Ely Karmon, a terrorism analyst and Senior Researcher at The International Policy Institute for Counter-Terrorism in Israel. In addition, information extracted from the US Congressional, FBI, CIA and NATO Reports pertaining to investigations into 9/11 were analysed. Numerous newspaper articles were scrutinised and relevant information extracted to substantiate this research. As such, to facilitate the dissecting, analysing and compiling all the academic material for the Literature Review, certain ‘domains of interest’ were identified:

- Intelligence Co-operation and Intelligence Sharing Mechanisms
- Counter-terrorism Policies
- Multilateralism and International Institutional Responses
- International Legislation

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For the purpose of this research report I will focus primarily on the post-9/11 scenario. Al-Qaeda has emerged as the single most virulent threat to international security regarding transnational terrorism. Hence, the academic material will outline the various national and international intelligence/counter-terrorism agencies and their roles, and the respective intelligence sharing mechanisms and strategies in place needed to assist in the "War against Terrorism".

In terms of literature pertaining to 9/11, books have been written, security reports conducted, risk assessments commissioned, and media analysis and documentaries completed, to mention but a few. My preliminary research began even before the events of 9/11. As I have been interested in transnational terrorism for some time, I had already read extensively on al-Qaeda and counter-terrorism issues when the general public was introduced to the name Osama bin Laden and al-Qaeda in 2001. Consequently, for those who have been following the evolution of bin Laden and al-Qaeda prior to the events of 9/11, it was a reaffirmation of the new paradigm posed by transnational terrorism.

In addition to literature on terrorism, another crucial focal point is obtaining policy information on counter-terrorism mechanisms and strategies from the designated intelligence and institutional organisations. The Central Intelligence Agency (CIA), Federal Bureau of Investigation (FBI), United Nations (UN), and North Atlantic Treaty Organisation (NATO) websites provided a volume of reports, statements and papers to facilitate the research. All of the above mentioned have their own intelligence units/departments specialising in counter-terrorism, such as the EU's Europol and the UN Counter-Terrorism Committee. As such a volume of reports, statements, policy briefs and articles are posted and published on these respective websites. Think-tanks and research organisations, such as Rand and the International Policy Institute for Counter Terrorism in Israel, make publicly available numerous comprehensive and well-qualified research publications written by industry experts and academics.

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Critical Questions

The following critical questions have been identified to corroborate the hypothesis.[27]

1. *Is the establishment of multilateral intelligence/counter-terrorism co-ordination mechanisms by Government security agencies and International Organisations the only effective means of containing the threat of transnational terrorism?*

2. *What obstacles exist regarding the establishment of an international regime to counter terrorism? Furthermore, will multilateralism and co-operative security, with their foundation of co-operation and co-ordination, prove to be the template for resolving international conflict in the future?*

3. *Considering the realist vs. idealist debate, what are the implications regarding a possible global split between those allied in the 'war on terror'[28] and the rest of the world, resulting in a 're-emergence' of a Cold-War type scenario?*

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[27] Responses to these questions are provided in Chapter 5.

[28] Reference is made to President Bush's 'Axis of Evil' speech to the Senate indicating that countries are "either with the US in the fight against terrorism, or against the US".

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Chapter 2

Terrorism, Intelligence and 9/11

> *Yet, what made 11 September 'super' was the terrorists' organisation, the ability to mount simultaneous attacks, commitment (in the acceptance of certain death) and choice of targets, picking in the World Trade Center and the Pentagon the economic and military faces of the world's only superpower.*[29]

Introduction

This chapter will provide a summary of the events of 9/11, and outline the characteristics of modern day terrorism and the problems associated with the formulation of a global definition of terrorism. In addition, an overview is given regarding the role of intelligence as an effective counter-terrorism mechanism post 9/11.

The date September 11 2001, or now commonly referred to as 9/11, has become synonymous with the phenomenon of terrorism. The events of 9/11 single-handedly shifted the world's attention to terrorism as the present and future threat to international stability. However, terrorism as a concept is not new, as history tells us, terrorism has been part and parcel of violent conflicts since the dawn of mankind. However, since the birth of the political system, scores of governments and nations alike have been plagued by terrorism-related conflicts. The origins of the word terrorism can be traced as far back as the eighteenth century, where the term "*regime de la terreur*"[30] was used to describe the spate of uprisings during the French Revolution. Since then, the evolution in the modus operandi of terrorism as a type of warfare has seen it become the preferred mode of conflict for numerous liberation struggles, state-sponsored conflicts, and insurrections to date.

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[29] Freedman, L. "Introduction", Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.1.

[30] French translation for reign of terror.

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Terrorism, as a modern form of conflict,[31] has been facilitated by globalisation to expand its sphere of influence and operational capacity on an international level. The advent of technology, air travel, acquisition of weaponry, and increasing West-Islamic confrontation has redefined the lines along which terrorist organisations operate.[32] To this end, certain analysts agree that 9/11, labelled the greatest single terrorist attack in human history, has set a new precedent in terrorism activities worldwide.[33] Others have argued that 9/11 was a build-up of Islamic militarism "*along an uninterrupted continuum that extended several years into the past*."[34] Apart from placing the organizational and financial ability of groups such as Al-Qaeda (the Base) on the international terrorist map, what has been highlighted is that the threat of terrorism is not just between nations, but within them as well. Terrorism post-9/11 has metamorphosized from a tactic into more of a strategy, and as such for this 'New Age of Terrorism' to be effectively understood and addressed, counter-terrorism strategies, policies, legislation and mechanisms have to be revisited and new measures implemented accordingly.

As such, the events of 9/11 not only signalled the arrival of 'superterrorism', but more importantly a *force majeure*[35]for the formulation of a new set of rules for the international system. The result - an international political, security and economic paradigm shift not seen since the Cuban nuclear missile crisis during the Cold War. It is ironic that the concept of terrorism - originally seen to be positively associated with righteousness and the freeing of the

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[31] Since the late 1960's with the emergence of groups such as the Abu Nidal Organization (ANO), PLO, 17 November, Red Brigade, Baader-Meinhof and the Carlos the Jackal era.

[32] Laqueur, W. The New Terrorism: Fanaticism and the Arms of Mass Destruction. 2002. London. Phoenix Press. p.282.

[33] In terms of co-operation amongst certain terrorist organizations (under the anti-US/West banner), the high number of casualties per incident, the ability to mount large scale and co-ordinated attacks, and the intent to use nuclear, chemical and biological weapons.

[34] Ajai Sahni, "South Asia: Extremist Islamist Terror and Subversion," K P S Gill and Ajai Sahni, (eds.) The Global Threat of Terror: Ideological, Material and Political Linkages. New Delhi: Bulwark Books – ICM, 2002, pp.181-83.

[35] Great force.

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oppressed – is today a phenomenon associated with the killing of innocents. As such, due to the complexity and history associated with the concept of 'terrorism' pre-9/11, this research focuses on the post-9/11 period.

Terrorism Defined

As previously discussed, the concept of terrorism carries with it an abundance of definitions, objectives, strategies and justifications. It is beyond the scope of this paper to attempt to identify and analyse all the associations with terrorism as a concept, such as the religious, fundamental, ethnic and political motivations. However, although a full analysis of the characteristics of terrorism is not feasible – motivated by the fact that the primary focus of this research is to determine counter-terrorism responses - it is necessary to provide a general explanation to attempt to understand and appreciate the complexities associated with the phenomenon of terrorism.

> *The statement, 'One man's terrorist is another man's freedom fighter,' has become not only a cliché, but also one of the most difficult obstacles in coping with terrorism. The matter of definition and conceptualization is usually a purely theoretical issue—a mechanism for scholars to work out the appropriate set of parameters for the research they intend to undertake. However, when dealing with terrorism and guerrilla warfare, implications of defining our terms tend to transcend the boundaries of theoretical discussions. In the struggle against terrorism, the problem of definition is a crucial element in the attempt to coordinate international collaboration, based on the currently accepted rules of traditional warfare.*[36]

Terrorism by its very nature is the intent to instil fear. To perpetuate this fear, terrorist activities are not confined to military/governments targets alone but are intentionally aimed at civilian populations, thereby maximising the vulnerabilities and sensitivities associated with the notion of non-combatants being unwillingly drawn into conflict. It is this purposeful targeting of civilians

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[36] Ganor, B. "Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?" The International Policy Institute for Counter Terrorism. http://www.terrorism.com

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that thus distinguishes terrorism from other types of political violence.[37] Furthermore, a distinction needs to be drawn between anti- and counter-terrorism terminologies. As a guideline, in the 'war against terrorism' the term anti-terrorism is associated with defensive measures,[38] while counter-terrorism describes offensive measures.[39]

The lack of a single definition of terrorism has proved to be highly problematic for all role players involved in 'war on terror' activities.[40] Definitions of terrorism are widespread, [41] and range from within the scope of an individual country's domestic legislation to a broad concept as defined by international institutions such as the UN. As such, the need for a common definition is vital if legitimacy in the counter-terrorism effort is to be achieved. However, the reality is that a common definition cannot and will not be universally endorsed, given the variety of disparate political, social, economic, and judicial ideologies.[42] Thus, the solution at present has been that individual countries and institutions/agencies apply their own definition of terrorism within their own particular context. An example to illustrate this is although the US Intelligence Community is guided by the definition of terrorism contained in Title 22 of the US Code, Section 2656f(d), the US agencies involved in the 'war against terrorism' do not share a definition. For instance, both the FBI (law enforcement) and CIA (intelligence), the major role players in the US counter-terrorism efforts, are mandated using different definitions of terrorism. The complexity in finding a common definition is evident, highlighted by the differences (and similarities) in the wording of the following definitions:

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[37] Such as guerrilla warfare and civil insurrection.

[38] Such as legislation and policies.

[39] Such as law enforcement measures.

[40] Such as countering, researching, legislating, and monitoring international terrorism.

[41] Alex Schmidt – Head of the UN Counter Terrorism Committee – estimated at least 109 definitions in a research report in 1984, and states that this number has probably doubled post-9/11.

[42] An example is the difficulties faced by UN members in formulating a definition.

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The Central Intelligence Agency (CIA) definition for terrorism is *"premeditated, **politically** motivated **violence** perpetrated against **non-combatant targets** by sub-national groups or clandestine agents, usually intended to influence an audience"*[43], while the Federal Bureau of Investigation (FBI) defines terrorism as *"the use of serious **violence** against persons or property, or the threat to use such **violence**, to intimidate or coerce a government, the **public**, or any section of the public in order to promote **political**, social or ideological objectives."*[44]

The differences in terminology regarding the definitions of terrorism by various agencies and institutions can be attributed to the different objectives, mandates and functions these role players undertake. Generally, definitions focus on a terrorist organizations' mode of operation, while others emphasize the motivations and characteristics of terrorism and the modus operandi of individual terrorists. As a result, a universal definition for the term 'terrorism' is problematic from the onset, given that countries, governments, organisations, and individuals alike all have their individual opinions and standpoints on who and what constitutes a terrorist.[45] As terrorism is an international phenomenon, counter-terrorism responses must be implemented at an international level. Developing an effective international counter-terrorism strategy requires agreement among all concerned on what is being dealt with and combated. Key to this is the need for a clear, unambiguous definition of terrorism. International mobilization against terrorism cannot lead to operational results as long as the participants differ over a common definition. Without answering the question of what terrorism is, responsibility cannot be

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[43] http://www.state-department.gov/terrorism

[44] http://www.fbi.gov/terrorism

[45] "*One man's terrorist is another man's freedom fighter."* Phrase highlighting the complexity of establishing a common definition for terrorism. Ironically, the 'US's most wanted terrorist' - Osama bin Laden - was categorized as a freedom fighter by the US during the Taliban's struggle against the Russians in Afghanistan during the 1980s.

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imposed on countries supporting terrorism, nor can steps be taken to combat terrorist organizations and their allies.[46]

> *A question raised by the definition debate and anti-terrorism legislation introduced by various governments is what, if anything, is legitimate dissent using violent means? When is being a freedom fighter acceptable? The parallel debate in the definition of terrorism has been whether the groups themselves are freedom fighters or terrorists. The weak argue that the strong always condemn them as terrorists, and such freedom fighters condemn the states they are fighting as terroristic in their suppression of the innocent and the defence of the status quo……*[47]

Therefore, the question remains whether it is possible to arrive at an exhaustive and objective definition of terrorism, which not only constitutes an accepted and agreed-upon foundation for academic research, but facilitates counter-terrorist legislation and mechanisms on an international level? Without a common definition for terrorism, it is impossible to legitimately formulate or enforce international agreements against terrorism. If a common definition of terrorism is found, it must be able to address loopholes in present international legislation and international conventions, in order to develop a fundamental tool for international co-operation against terrorism.[48]

> *An internationally accepted definition of terrorism is required to strengthen co-operation between countries in the struggle against terrorism, and to ensure its effectiveness. This need is particularly obvious in all that concerns the formulation and ratification of international conventions against terrorism—conventions forbidding the perpetration of terrorist acts, assistance to terrorism, transfer of funds to terrorist organizations, state support for terrorist organizations, commercial ties with states sponsoring terrorism–and conventions compelling the extradition of terrorists.*[49]

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[46] Ganor, B. Op Cit. http://www.terrorism.com

[47] Gearson, J. "The Nature of Modern Terrorism," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.10.

[48] Ganor, B. Op Cit. http://www.terrorism.com

[49] Ganor, B. Loc Cit. http://www.terrorism.com

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Intelligence as a Counter-terrorism Mechanism

The purpose of this section is to define intelligence and the role of intelligence in counter-terrorism post-9/11.

> *Democratic governments are perfectly entitled to take extraordinary measures if faced with a threat of atrocities on anything like the scale of those which occurred on 11 September. But since it is unarguable that counter-terrorist measures, such as detention without trial, are opposed to human rights norms treated as fundamental by liberal democracies, they should be subjected to the most rigorous tests for proportionality: an immediate and very serious threat should be evident, the measures adopted should be effective in combating it and should go not further than necessary to meet it (terrorism).*[50]

Intelligence is a word that can be easily misinterpreted. Too most, intelligence simply means information that is accurate and true. However, even this simplistic understanding is problematic. Firstly, information is not intelligence. Information can be true or false. *"Information is an assimilation of data that has been gathered, but not fully correlated, analysed, or interpreted."*[51] It is the interpretation or analysis of information that enables it to be used as intelligence. To emphasize this statement consider the following definitions*: "Intelligence is the product from the collection, exploitation, processing, integration, analysis, evaluation, and interpretation of available information"*[52] and *"Intelligence - the capacity to acquire and apply knowledge."*[53] The key words are capacity, acquire, and apply. All of these terms have a common single characteristic, namely, the reliance on individual entities to achieve a collective result. In other words, a co-ordinated effort. As such, the acquisition

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[50] Fenwick, H. "Responding to 11 September: Detention without Trial under the Anti-Terrorism, Crime and Security Act 2001," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.101.

[51] Boorda, J.M. (Admiral) and Mundy, C.E. (General). Naval Intelligence: Naval Doctrine Publication 2. Department of the Navy. Office of the Chief of Naval operations. Washington DC. p.4.

[52] Boorda, J.M. (Admiral) and Mundy, C.E. (General). Ibid. p.4.

[53] http://dictionary.reference.com/search?q=intelligence.

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of intelligence, as an end-result, has to be via a process of co-ordination, which in theory is quite simplistic, however, it is a highly complex process when applied to on-the-ground scenarios.

The first step in developing dependable measures and mechanism to combat terrorism is to develop (and continuously update) a thorough assessment of the terrorist threat. To be considered a threat, a terrorist group must not only exist, but have the intention and capability to launch attacks. Intelligence and law enforcement agencies continuously assess the foreign and domestic terrorist threats to their own countries, and assess and monitor terrorist activities across the entire globe. To effectively assess this threat reliable intelligence is a prerequisite. To understand how intelligence is used as an effective counter-terrorism tool, it is necessary outline the intelligence process and the different methods used.

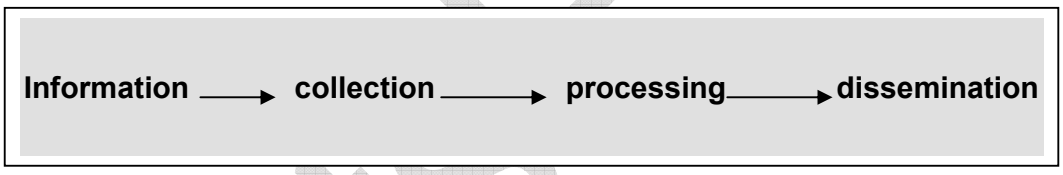

Figure 1 - The Intelligence Process

Firstly, preliminary or unconfirmed **information** is obtained via various sources, such as informants, open-source information (for example, the media; internet; research facilities; organizational think-tanks, and databases), inter-agency information sharing and tip-offs. This information is then evaluated, with initial attempts made to confirm it from a different source or set of sources, and then a decision is made whether to disregard or proceed. If the information is deemed potentially feasible, a number of operational scenarios, such as clandestine/covert operations, are proposed to facilitate the **collection** process. The 'pieces' of information' obtained are then sent for analysis/**processing**. The results are then **disseminated** to the relevant recipients. To facilitate the intelligence process various mechanisms are used to gather information by various agencies on both the civilian and military

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levels such as human intelligence (HUMINT); open-source intelligence; signal intelligence (SIGINT) and various other intelligence gathering agencies/units using technology as the primary tool. However, as previously mentioned the successful completion of the intelligence process is not dependent on the end product, but rather how the end product – intelligence - is utilised. For example, although there were snippets of intelligence available prior to 9/11, the intelligence was not effectively shared or analysed as being part of the bigger picture, resulting in an end product that had the potential to prevent 9/11, but was wasted.

Conclusion

> *It (9/11) was a failure at all phases of the intelligence cycle, from the setting of priorities and tasks through the gamut of collection activities, to the analytical, assessment and dissemination processes which should have provided some warning of the event – and it befell not only the traditional national security and military intelligence agencies but also the myriad of law enforcement and specialized agencies involved in counter-terrorist activities.*[54]

As demonstrated by 9/11, the role of the intelligence process[55] used by the various agencies is irrelevant as a counter-terrorism measure, if accurate and timely intelligence is not shared and the levels of co-operation are not fully implemented. As such, the post-9/11 debate has seen accusations levelled at the inherent lack of FBI/CIA co-operation, with some analysts even suggesting that both agencies had various snippets of 'hard' information. *"The most premonitory report was given to the FBI a month before September 11 when a flight instructor in Minnesota called several times to warn it of the possibility of terrorists using fuel-laden aircraft as flying bombs."*[56]

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[54] Ball, D. "Desperately Seeking Bin Laden: The Intelligence Dimension of the War Against Terrorism" Booth, K. and Dunne, T. (eds.) Worlds in Collision: Terror and the Future of Global Order. Palgrave Macmillan. New York. 2002. p.60.

[55] Collection/processing/dissemination

[56] Ball, D. Ibid. p.65.

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However, due to factors such as voids in co-ordination and the absence of an intelligence-clearing house, this information was never shared and a 'bigger picture' never obtained. "*The most commonly identified weakness, apart from an imbalance in the respective collection and analysis activities, relates to management, tasking and co-ordination."*[57] It is on this level that 9/11 represented a true intelligence failure – the failure to share information and co-operate towards common objectives. As such, the restructuring of the US Intelligence Community – and other agencies - post-9/11 has not been so much about the various roles and objectives of agencies such as the CIA and FBI, but rather a concerted examination and analysis of the internal processes and procedures, checks and balances, and forums in place, that should have enabled the then intelligence-sharing mechanisms to pre-empt 9/11.

> *….the superterrorism debate of the 1990s was shown to have diverted counterterrorist thinking to some extent away from the core tasks of understanding the motives and likely objectives of terror organisations towards a preoccupation with technology, weapons systems and high end risks. This tendency has often been displayed by terrorism analysts, and as the world contemplates the likely evolution of terrorism after 11 September, the focus is on technology, weapons of mass destruction and mass casualties. Once again, the dangers of being diverted from other core tasks of counterterrorism are acute.*[58]

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[57] Ball, D. Ibid. p.69.

[58] Gearson, J. Op Cit. p.8.

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Chapter 3

Theoretical Application

Introduction

This chapter will examine the theories applicable to this research report. International Regime theory and Co-operative Security theory have been used to determine how the "War against Terrorism" has redefined the international security environment. In addition, the Realism vs. Idealism debate post Cold War will be examined in terms of the impact on multilateral co-operation.

Co-operative Security

Co-operative security has become the catchphrase of global multilateral security arrangements post 9/11. Terrorism has evolved into a transnational threat and cannot be combated by a single state alone.[59] As states live in an essentially interactive system there is a greater need to co-operate on security issues. This 'co-operation' has been accentuated by the ability/willingness of terrorist organizations, such as al-Qaeda, to initiate large-scale attacks on both soft and hard targets,[60] with little or no concern for civilian casualties, on a transcontinental level. Initially, the United States was deemed the primary target for al-Qaeda reflected in the 9/11 attacks. However, with events such as the situation in Iraq requiring support from other nations, all nations and institutions assisting the US are now potential targets. With this rationale, all governments and international institutions aligning themselves with the US have been categorized as potential targets by al-Qaeda,[61] hence, the

[59] Such as the US.

[60] Phrase used to distinguish between attacks on civilians (soft) and security forces (hard).

[61] For example the Madrid bombings, which was intended as a message to the EU and those nations aligned with the US that they too will be targeted.

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implementation of measures and mechanisms to facilitate enhanced security co-operation on a multilateral level. As such, it is imperative that the United States works with other powers to address the threat of transnational terrorism, on a co-operative basis.[62]

Co-operative security theory stems from the concept of '*collective security,*'[63] a security arrangement brought about by the creation of the United Nations (UN)[64] in the aftermath of World War II, as nations vowed never to allow such events to be repeated. With the trauma of World War II still fresh in the minds of world leaders, very clear provisions for collective security were made in Article 51 of the UN Charter: ***"requiring member states to renounce the use of force among themselves and come collectively to the aid of any one of them attacked."***[65] However, as a result of the UN Security Council's veto system, collective security was never properly tested in the post-World War II and Cold War period.[66]

Furthermore, in the immediate post-Cold War period, collective security in practice mostly involved the imposition of sanctions[67] and the enforcing of arms embargoes. This can be attributed to the reluctance of certain UN members to use force to solve political problems. As such, the use of force has been far more selective and problematic, exemplified by the political rift between the UN, EU and US pre-Operation Iraqi Freedom.[68]

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[62] Guoliang, G. "Redefine Co-operative Security, Not Pre-emption", The Washington Quarterly. Spring 2002. vol. 26, no.2, p.144.

[63] An evolution of security arrangements between countries with similar threats

[64] In 1948.

[65] http://www.un.org/aboutun/charter/chapter7.htm

[66] The exception was the Korean War, resulting in the creation of North and South Korea, and more recently Operation Desert Storm.

[67] An example is the UN decision to impose sanctions on Iraq post-Desert Storm in 1991 until the US military action of Operation Iraqi Freedom in 2003.

[68] The US invasion of Iraq in March 2003.

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A central difficulty of the United States's European partners, in responding to the current re-establishment of American military and economic dominance, is that the rhetorical justification for this dominant position is more often couched in realist than in liberal terms: with reference to US national interests rather than to shared global values and concerns, with self-conscious unilateralism rather than US-orchestrated multilateralism.[69]

Over the course of the last decade[70] the concept of *common security* evolved, focusing on more of a preventative approach – as opposed to deterrence – resulting in the objective of achieving security with others, and not against them. *Common security* - in turn saw a further shift with the development of *comprehensive security*. What this means is *"that security is multi-dimensional in character, demanding attention not only to political and diplomatic disputes but also to such factors as economic underdevelopment, trade disputes, and human rights abuses."*[71] Although, collective, common, and comprehensive security, all display similar traits, the terminology used to emphasize these concepts has its shortcomings. In International Relations especially, the language and terminology have their own conceptual significance. The choice of particular words or phrases often convey particular mindsets, some more open or closed than others. As such, co-operative security, as a single conceptual theme, effectively captures all three concepts.

Therefore, as the global political/security situation changes in the international system, precipitated by the 'war against terrorism', it is necessary that theoretical concepts are adapted accordingly. Thus, just as the previous collective security arrangements have been replaced by present-day international co-operative security arrangements, the need will exist for alternative security arrangements in the future.

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[69] Wallace, W. "American Hegemony: European Dilemmas," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.111.

[70] Post-Cold War period until 9/11

[71] Guoliang, G. Op Cit. p.138.

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> *The virtue, and utility, of the expression "co-operative security" is that the language itself encourages an open and constructive mindset, one less likely to be inhibited by familiar disciplinary boundaries and traditional state-centred security thinking. The term tends to connote consultation rather than confrontation, reassurance rather than deterrence, transparency rather than secrecy, prevention rather than correction, and interdependence rather than unilateralism.*[72]

Co-operative Security theory is applicable to this research report as its main premise is an 'inward and outward' security arrangement[73] where participants have a common goal that "*on the one hand should be broad enough and strong enough to be relevant, but on the other hand it should be narrow enough to endure that these goals are constrained by a clear appreciation of the limits of its capabilities*."[74] Thus, a key characteristic of Co-operative Security is that the security arrangement must be "based on a solid framework of common interests which will not be torn apart by internal disagreement."[75] The following description incorporates these features:

> *Co-operative Security is a strategic framework which forms around a group of democratic states linked together in a network of formal or informal alliances characterised by shared values and practical and transparent economic, political and defence co-operation.*[76]

In a Co-operative Security system, individual states' national security objectives are directed toward the common goals of:

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[72] Guoliang, G. Op Cit. p.139.

[73] This is evident in the NATO Alliance arrangement and the transatlantic co-operation between the US and EU. 'Inwardly' both the EU and NATO regard their collective defence mechanisms as a priority to ensure their own territorial security, while 'outwardly' co-operation is undertaken by the usage of multilateral arrangements to cast a wider security umbrella. This is also reflected in Strategic/Defence policy. These aspects are provided for in the British Defence Policy, particularly with regard to the UK's co-operative doctrine with NATO.

[74] Cohen, R. "Co-operative Security: Framework for a Better Future, World Defence Systems 2000: A Royal United Services Institute for Defence Studies Publication. November 2002. p.70

[75] Ibid. p.70

[76] Ibid. p.73

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- Maintaining peace and stability within their common space;
- Mutual protection against outside aggression;
- Actively promoting stability in other areas which could threaten their shared security, using diplomatic, economic and if necessary, military means.[77]

Therefore, for Co-operative Security theory to be implemented at its optimum, all or most of the following elements must be present:

- Participants must be Democratic States
- The Basis is Multifaceted Co-operation
- Alliances must share Common Goals
- Concerned with Maintaining Internal Peace
- Concerned with Mutual Protection
- Concerned with Promoting Stability[78]

The EU is a prime example of the application of Co-operative Security theory.[79] With a Co-operative Security framework the foundation for collective security and defence of Europe, Member States define their own individual policies at the domestic level. However, ultimately, they must work towards a collective interest, the stability and security of Europe, in accordance with the guidelines of the Common Security and Foreign Policy (CSFP). Another example is the transatlantic relationship of NATO countries. Although, when originally established in 1949 to contain the Soviet threat, it's initial concept was the Collective Security theory-type model.[80] It has adapted itself to reflect more of a co-operative security framework as the international security climate

[77] Ibid. p.75

[78] Ibid. p.75

[79] For a more detailed examination see Chapter 4 – EU Response.

[80] Known as NATO's Strategic Concept.

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has significantly changed since the 1990s.[81] Effectively, NATO functioned as a de facto Collective Security organization since its inception, however since the invoking of Article 5 of the Washington Treaty post-9/11, the function of Collective Security has in effect been replaced by Co-operative Security, which is an integral aspect of NATO's pursuit to 'Promote Stability' in the territories of the Alliance Member States. Therefore, Co-operative Security and Collective Security display many similarities, however, while Collective Security is designed to manage a joint response toward aggression, co-operative security is designed to prevent conflict in the long term.[82]

Therefore, the necessity for co-operative and multilateral security arrangements in the international system is the only way forward for alliance nations and international organisations, if global legitimacy or a mandate on the 'war on terror' is to be achieved. Therefore, Co-operative Security arrangements need to be enhanced and prioritised, as state and non-state co-operation have to achieve a 'balance of power',[83] if the international order is to be maintained post-9/11.

International Regime Theory

The 9/11 terrorist attacks on the United States demonstrated in stark, tragic terms the current weaknesses in the international counter-terrorism regime. International Regime theory is pertinent to this research as its main premise is defined as "*redefining state interests to yield the notion of 'common interests' which, it is claimed, has sustained international co-operation and the growth of*

[81] See Chapter 4 - NATO response.

[82] Johansson, E. "Co-operative Security in the 21st Century? NATO's Mediterranean Dialogue", a paper presented at the Conference of International Security on Europe. University of Granada, 5-9 November 2001.

[83] In terms of 'hegemonic stability'. See International Regime Theory section.

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international regimes in the post-war era." [84] Regime theory focuses on binding international co-operation to narrow functional areas, or 'low politics'; with little potential for spill-over to vital state concerns, or 'high politics'. Regimes facilitate the making of agreements by providing a framework of rules, norms, principles, and procedures for negotiation. Hence, regimes are established on the basis of 'supply and demand'. Thus, for a regime to exist the following optimal conditions are needed:

- A legal framework establishing liability for actions, presumably supported by governmental authority
- Perfect information
- Zero transaction costs[85]

However, it is virtually impossible that all of these conditions can be met in world politics, and if they could be regimes would then be redundant. "*At least one of them must not be fulfilled if international regimes are to be of value, as facilitators of agreement, to independent utility-maximizing actors in world politics*."[86] For example, 'perfect' information is never totally achievable as the large part of the 'war on terrorism' is reliant on intelligence co-operation and sharing, and leeway has to be given to intelligence failures and miscommunication. Therefore, regimes cannot establish and enforce legal liability and are much more important in providing negotiating frameworks and facilitating the co-ordination of actor expectations. As such, non-military institutions such as the UN, AU and other International Organisations have to counter-balance the military aspects of the US-led 'war on terrorism' by providing 'fair and balanced' counter-terrorism policy guidelines. "*A major function of international regimes is to facilitate the making of mutually*

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[84] Humphreys, D. "The International Relations of Global Environmental Change" Chan, S. and Wiener, J. (eds.) Twentieth Century International History. I.B. Tauris Publishers. London. 1999. p.212.

[85] Coase, R. "The Problem of Social Cost", Journal of Law and Economics. vol. 3. Oct. 1960. p.186.

[86] Ibid. p.186.

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beneficial agreements among governments, so that the structural condition of anarchy does not lead to a complete 'war of all against all.'"[87]

Therefore, Regime theory is applicable to this study, as the US-led 'War against Terrorism' requires an international mandate,[88] and regimes such as the UN are an integral vehicle for the US-led alliance to establish negotiating frameworks to avoid transgressing International Law and sustain/enhance political and military support. This type of monitoring or 'enforcement'[89] is important, as there is naturally inequilibrium in the alliance that could lead to actors deviating from their part in the agreement. "*Each actor requires assurances that the other will also eschew its rational choice (and will not cheat), and such collaboration requires a degree of formalization. The regime must specify what constitutes co-operation and what constitutes cheating*."[90]

Regime theory emerged in the early 1980s as a decline in US hegemony (due to the rise of Russia as a contending superpower) brought about a level of international 'hegemonic stability'.[91] The term *regime* is derived from the Latin words *regimen (a rule)* and *regere (to rule).*[92] These definitions are highly appropriate in terms of the formalisation of international regimes. Krasner defines regimes as *"sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations."*[93] He further argues that regimes are examples of co-operative behaviour and facilitate co-operation. However, as regimes are subsets of co-operation they do not always have to be present for

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[87] Koehane, R.O. "The Demand for International Regimes", International Organization. Spring 1982. vol. 36, no. 2, p.332.

[88] Although the US has indicated it 'will go it alone in the fight against terrorism' if need be.

[89] I use this term in the theoretical sense and not in its practical application.

[90] Keohane, R.O. Ibid. p.345.

[91] Discussed later in this chapter in relation to the Realism vs Idealism debate.

[92] Arts, B. "Regimes, Non-State Actors and the State System: A 'Structurational' Regime Model", European Journal of International Relations. vol.6, no.4. December 2000, p.515.

[93] Krasner, S. "Structural causes and regime consequences: regimes as intervening variables", Krasner (ed.) International Regimes. Cornell University Press. 1983. p.2.

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co-operation to exist. "*As regimes prescribe roles and guide the behaviour of the participants, they increase predictability and security in international affairs. Consequently, regimes can be considered institutions."*[94] However, international institutions, organizations and regimes do differ, although in essence they perform the same function of 'balance of power'. Regimes facilitate institutionalisation by ensuring consistency in expectations according to set rules and rights (as defined by Krasner) while international institutions/organizations are not bound by rights and rules but rather by legislation and policy.[95]

Usually, all international institutions/organizations are characterized as regimes, but not all regimes are viewed as international organizations. In the past, international organizations implied an explicit and formal regime with a bureaucracy or at least a charter enunciating their norms, principles, rules and procedures.[96] In any institutionalised pattern of co-operation, there are numerous means of number co-operation available; and many of these may not be readily distinguishable from one another in terms of efficiency. "*International studies of international regimes argued that such co-ordination problems were easier to solve than collaboration problems, and that regimes had little to contribute to their resolution.*"[97]

Regime analysts, such as Krasner, ascertain that regimes are in essence extensions of state foreign policy, and that this norm-governed behaviour can be viewed as an "experiment in reconciling the idealist and realist traditions."[98] Regime theory is often equated with rationalist or utilitarian proponents,

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[94] Arts, B. Op Cit. p.516.

[95] Krasner, S. Op Cit. p.12.

[96] Milner, H. "International regimes and world politics", in UNESCO Working Paper Series. 2001, p.494.

[97] Martin, L. "An Institutionalist View: International Institutions and State Strategies", International Relations Theory in the Post Cold War. University of the Witwatersrand, Department of International Relations Study Pack. p.252.

[98] As discussed in the Realism vs Idealism debate further on in this chapter.

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notably Keohane's neo-liberalism,[99] for whom regimes are a form of decentralized co-operation.[100] The creation of such regimes can be explained as a response to asymmetries of power (neo-realism), asymmetries of information (neo-liberalism),[101] and asymmetries of knowledge.[102] This is demonstrated by US usage of regimes such as NATO and the EU to pursue its national interests in the 'war on terror'. As the key stakeholder in international security, the US has the ability to attempt to bypass the rules and rights governing regimes, however, this is difficult and unlikely in this situation given the fact that the ultimate role of international regimes is to facilitate a balance of power by ensuring 'hegemonic stability'.

Hegemonic stability[103] is needed for regimes to flourish, as *"the concentration of power in one dominant state facilitates the development of strong regimes."*[104] Thus, in the post-Cold War era, with the emergence of the US as the sole superpower (hegemon) and exacerbated by events such as the US-led 'war on terror', the need for strengthened international regimes to act as a 'balancer' is vital. It is here that the establishment of international regimes is emphasized as an important characteristic of regime theory, as regimes play an invaluable role in overseeing that consistency is obtained and maintained between the different expectations of governments. *"In other words, regimes are valuable to governments where, in their absence, certain mutually beneficial agreements would be impossible to consummate."*[105]

This holds true to the role that the UN, AU, EU and NATO regimes have in ensuring that a consistency in counter-terrorism policy is enforced to balance

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[99] Wolfe, R. "Rendering unto Caesar: How legal pluralism and regime theory help in understanding 'multiple centres of power'." Working paper presented at University of Victoria, Australia. 13 May 1999. http://www.qsilver.queensu.ca/wolfer/461/Approach.html

[100] See Realism vs Idealism post-9/11 section.

[101] See Realism vs Idealism post-9/11 section.

[102] Wolfe, R. Ibid. http://www.qsilver.queensu.ca/wolfer/461/Approach.html

[103] As discussed later in the examination of Realism.

[104] Koehane, R.O. Op Cit. p.325.

[105] Koehane, R.O. Op Cit. p.333.

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US unilateralism in favour of multilateralism and co-operation. Thus, the use of international institutions/regimes as a bargaining mechanism directly enhances the level of multilateral co-operation.

> *The most important source of instrumental change in a regime is change in the nature of interdependence, or 'dynamic density', which can bring countries close together or push them further apart, thereby increasing or decreasing the level of (potential) conflict, and altering the need for rules and procedures to help states manage their current interactions.*[106]

As such, the role of regimes in the 'war against terrorism' cannot be underplayed, as "global regimes are increasingly becoming the product of negotiations among states and non-state actors"[107] aimed at enhanced international co-operation and multilateralism. Whether through the use of institutions such as the UN, NATO, EU and other non-state actors, the achievement of a 'balance of power' is needed for the establishment of strong international regimes, and is a vital component if "international society is to be facilitated in setting the rules for legitimate intervention"[108] in the 'war against terrorism.'

Realism vs Idealism post-9/11

Although a critique of events during the pre-World War II era is crucial for a in-depth understanding of the origins of the Realism vs Idealism debate, for the purpose of this analysis I will focus on the debates post-9/11.

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[106] Wolfe, R. Op Cit. http://www.qsilver.queensu.ca/wolfer/461/Approach.html

[107] Zacher, M. "Uniting Nations: Global Regimes and the UN System." Working Paper No.23. Institute of International Relations, University of British Columbia. August 1998.

[108] Buzan, B. "From international system to international society: structural realism and regime theory meet the English school", International Organization. vol.47, no.3. Summer 1993, p.351.

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What we are witnessing is not just the end of the Cold War, or a passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government.[109]

Francis Fukuyama proclaimed the end of the Cold War as an 'unabashed victory of economic and political liberalism'.[110] However, in the study of International Relations, Realism is considered the most significant contemporary theory which assists one in understanding war and conflict in the international system. Since the Treaty of Westphalia, leading up to the events of the 21st century, particularly 9/11 and the political/military actions and international coalitions thereafter, much debate revolved around Realism and its future pertinence to International Relations. Realism explains International Relations in terms of power. It takes as its basic assumption that power is, or should be, the primary end of all political action. "Power for the Realist is the essence of politics."[111] In International Relations, and Realist theory, the primary actor is the nation state. The nation state ensures its own survival by securing its own needs and interests before it addresses the needs of others. Realism asserts that the end goal of all nations therefore is to maximise their power.

What we have witnessed thus far in the military dimension of the war against those presumed to be guilty for September 11, has been technically impressive indeed. What we have not witnessed in the war to date is any convincing evidence that the Realist (dis)order is either undergoing some transformation, or is revealed to be conceptually deficient in satisfactory explanatory power.[112]

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[109] Fukuyama, F. Extract from The End of History?" *The National Interest.* Summer 1989 issue. http://www.utm.edu/research/iep/p/polreal.htm.

[110] Fukuyama, F. Ibid. http://www.utm.edu/research/iep/p/polreal.htm.

[111] Couloumbis, T.A. and Wolfe, J. Introduction to International Relations: Power and Justice, Fourth Edition. NJ. Prentice Hall. p. 6.

[112] Booth, K. and Dunne, T. 2002. Worlds in Collision: Terror and the Future of Global Order. New York. Palgrave Macmillan. p. 227.

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Realist theory dates back to the writings of Thuycdides, in the Melian dialogues from the "Peloponnesian War". Accounting for the war between Athens and Sparta, Thucydides describes conflict as being unavoidable and equitable to human nature, as "*the standard of justice depends on the equality of power to compel and that in fact the strong do what they have the power to do and the weak accept what they have to accept*."[113] To this effect states inherently possess some offensive military capability or power, which makes them potentially dangerous to one other; and as states can never be sure about the intentions of other states; the basic motive driving states is survival, the maintenance of sovereignty, and the status quo ante. A key prerequisite of Realism is that nations need to 'compete for power bases'. This was evident during the Cold War with both Russia and the USA striving to maximise their respective power bases resulting in a 'balance of power' in a bi-polar system. Hence, with the demise of the Cold War, theorists 'envisaged' that the 'beginning of the end' was near for Realist paradigms, as the bi-polar nature or balance of power between Russia and the USA disappeared, paving the way for Idealism to root itself as the dominant theory in perpetuating peace. However, due to Russia's inability to remain a competitive 'nation' in terms of power, a 'power vacuum' or uni-polar system arose, resulting in the emergence of the USA as the single superpower[114] or hegemon - representing a new test for the Realist paradigm in the 21st century.

Realism maintains that nations have to be self-serving, that foreign policy is only formulated in terms of what the nation can gain, and that the nation cannot deviate from serving its own interests. Therefore in the Realist paradigm, whatever the actual state of international affairs, nations should pursue their own interests. An example of this is the US's current supreme autonomy in pursuing its own national interests on an international scale without substantial opposition. The lack of a power contender has enabled the US to maximise its own powers and interests on a global level. This

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[113] Thucydides. 1972. History of the Peloponnesian War. London. Penguin Classics. p.85.

[114] Or hyper power, as described by the French,

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'arrogance and self interest' has lead to arguments that US policies (along Realist lines) are immoral, and that the 'hegemon' is using any means possible to maintain its own national interest, even at the expense of UN international legislation. Whether or not this argument has legitimacy is irrelevant to Realists, as under these circumstances Realism justifies its own actions and interests as being superior to any moral, legal or ethical considerations. In other words, the ends justify the means. For example, the US invasion of Iraq has raised numerous legal and ethical questions from within the international community, however, from the Realist perspective these considerations are irrelevant as the ultimate objective of the nation state (US) is to "safeguard its own security interests".[115] Nicola Machiavelli in "The Prince" expanded on this aspect of Realism. He argues that morals and virtue should not stand in the way of the rule of government.

> *…the gulf between how one should live and how one does live is so wide that a man who neglects what is actually done for what should be done learns the way to self-destruction rather than self-preservation. The fact is that a man who wants to act virtuously in every way necessarily comes to grief among so many who are not virtuous. Therefore, if a prince wants to maintain his rule he must learn how not to be virtuous, and make use of this or not according to need.*[116]

Additionally, Realism maintains that the international community is characterised by anarchy, since there is no overriding world government that enforces a common code of rules. International anarchy - the absence of world government - means that each state is a sovereign and autonomous actor pursuing its own national interests. Additionally, a nation can only advance its interests against the interests of other nations. Whatever order exists will ultimately break down as nations compete for resources, and war may follow. Therefore, Realists argue that a nation has only itself to depend on. As Carl von Clausewitz argued, this state-centric dependency more often than not ultimately leads to war as a 'means to an end'. In "On War" he argues

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[115] Booth, K and Smith, S. 1995. International Relations Theory Today. Oxford. Blackwell Publishers. p.113.

[116] Machiavelli, N. 1998. The Prince. Cambridge. Cambridge University Press. p.75.

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that war should be a controlled, political act, "*a true political instrument, a continuation of political activity by other means*."[117] The international system traditionally places great emphasis on the sovereignty of states, their right to control affairs within their own territory, and their responsibility to respect internationally recognized borders. Realism assumes that interests are maintained through the exercise of power, and that the world is characterised by competing power bases. Power can be conceptualised as influence or as capabilities that can create influence. Post Second World War Realist Hans Morgenthau defined power as "*anything that establishes and maintains control of man*."[118] As such, Realists consider military force the most important power capability. The supreme importance of the military instrument lies in the fact that the *ultima ratio* of power in International Relations is war. *"Every act of the state, in its power aspect, is directed to war, not as a desirable weapon, but as a weapon which it may require in the last resort to use*."[119] Morgenthau outlined the following points regarding Realism in the international system:

- International Relations is governed by objective laws that have their roots in human nature.
- The key consideration is the concept of interest defined in terms of power.
- Interest defined as power is an objective category that is universally valid.
- The moral aspirations of a particular nation are not moral laws that govern the universe. [120]

17th Century Realist Thomas Hobbes stated that states as players in International Relations always struggle for power. It is through this possession

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[117] Von Clausewitz, C.M. 1968. On War. Harmondsworth. Penguin. p.87.

[118] Morgenthau, H. 1973. Politics Among Nations: The struggle for Peace and Power. New York. Knopf, A.A. p.9.

[119] Carr, E.H. 1946. The Twenty Year's Crisis: 1919-1939: An Introduction to the Study of International Relations. London. Macmillan. p.139.

[120] Morgenthau. H. Op Cit. p.13.

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of power that a nation can protect its interests from, and oppose, its enemies. Hobbes added that without a presiding government to legislate codes of conduct, no morality or justice could exist. "*Where there is no common power, there is no law, where there is no law, no injustice…..if there be no power erected, or not great enough for our security; every man will lawfully rely on his own strength and art, for caution against all other men*".[121] Without a supreme international power or tribunal in the international system, states view each other with fear and hostility, and conflict, or a threat thereof, is a by-product of the system.[122] As a consequence, within the realm of power the potential arises for the emergence of a "hegemon". Hegemony - the predominance of one state in the international system – as argued by Realists can help provide stability and peace in International Relations, as is argued by the US in its actions over Iraq. Antonio Gramsci used the term hegemony to explain the complex manner in which a dominant power maintains control over the less powerful. *"Hegemony is not a static power relationship, but a constant process of struggle between those with and without power."*[123] Hence, as the US is the current global hegemon, many nations have raised concern regarding the abuse of power in its 'war against terrorism.

> *The United States……the manner in which the world's sole superpower tends always to get its way; its sometimes brutal foreign policy and profitable project of globalisation; its support for tyrants while mouthing the language of democracy and human rights; and the way it uses local proxies to dominate the global order. However benign the US hegemon, it will be feared because it is drawn as not other power into the daily business of running the world, and it will get its way.*[124]

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[121] Hobbes, T. 1991. Leviathan. Cambridge. Cambridge University Press. Part 1, chapter 13. p.116.

[122] Although there is an International Court of Justice, many nations, including the US consider it lacking 'real' authority and power.

[123] Martin, J.1998. Gramsci's Political Analysis – A Critical Introduction. New York St. Martin's Press. p.9.

[124] Booth, K. and Dunne, T. 2002. Worlds in Collision: Terror and the Future of Global Order. New York. Palgrave Macmillan. p.2.

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Realism Revisited?

The juxtaposition of Realism is Idealism. Whereas conflicts and war are synonymous with Realism, Idealism advocates peace and negotiation. Realists and Idealists therefore differ in their assumptions about human nature, international order, and the potential for peace. However, although Idealists would dispute this, Realists do make provision for some degree of stability and peace, by referring to "balance of power". This means that although power is central in international system, it can be "juggled" or "manipulated" to achieve international stability. This is relevant with multilateralism and the emergence of coalitions regarding the 'war on terrorism' and the Iraqi war. The most common forms of "balance of power" are bi-polar (two powers) and multi-polar systems (more than two). Thus, to attain a 'balance of power' alliances are necessary, as is currently being witnessed in Iraq and the 'war on terror', as conflicts often are a result of shifts in relative power distribution in the international system. "*In a bi-polar system power management is easier as two parties can negotiate their way to stability more easily than is the case with any large number."*[125]

Realist E.H. Carr vehemently criticised the Idealist principles or "utopianism" which surfaced during the interwar period. Carr argued that Realism was needed to provide stability in an unstable world.

> *It appears to follow that the attempt to make a moral distinction between wars of 'aggression' and wars of 'defence' is misguided. If a change is necessary and desirable, the use or threatened use of force to maintain the status quo may be morally more culpable than the use or threatened use of force to alter it.*[126]

Carr argued that to prevent war international affairs can be seen as a series of bargaining interactions in which states use power capabilities as leverage to

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[125] Brown, C. 1997. Understanding International Relations. London. Macmillan Press. p.106.

[126] Carr, E.H. 1946. The Twenty Year's Crisis: 1919-1939: An Introduction to the Study of International Relations. London. Macmillan and Co. p.264.

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influence the outcomes. Therefore, states form alliances to increase their effective power relative to another state or alliance. Alliances can shift rapidly, with major effects on power relations. A recent example of this can be seen with the Anglo-American alliance and regime change in Iraq. As such, although this shift has resulted in a strengthened 'bi-polar' alliance in Iraq, it has seriously undermined certain institutions and traditional alliances, such as NATO and the UN.

Another modern alternative to Realism is neo-Realism.[127] In neo-Realism, as in Realism, states remain the primary actors, however, it is in the distribution of their capabilities that they differ.

> *When faced with the possibility of cooperating for mutual gain, states that feel insecure must ask how the gain will be divided……Even the prospect of large absolute gains for both parties does not elicit their co-operation as each fears how the other will use its increased capabilities.* [128]

The distribution of capabilities defines the structure of the system and shapes the way the different players interact with each other. This enables the deviation from power as the central factor, concentrating more on states and their interaction. Kenneth Waltz emerged as the leading thinker on neo-Realism attempting to apply a more systematic approach to Realism. Waltz argued that by applying a systems approach, power as the primary motivator took second priority to state interaction, with the distribution of power becoming the primary determinant of the international system. "*The idea that international politics can be thought of as a system with a precisely defined structure is neo-Realism's fundamental departure from traditional Realism*." [129] Therefore, by concentrating on the nature of the system-level, power can be

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[127] Dubbed 'Magic Realism' by Thomas Carotheres of the Carnegie Endowment for International Peace.

[128] Waltz. 1979. Kegley, C.W. and Wittkopf, E.R. World Politics: Trend and Transformation: Eighth Edition. 2001. New York. St. Martin's Press. p.37.

[129] Waltz, K. Theory of International Politics. 1979. New York. Random House. p.88.

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viewed in a different way, as assumptions about human nature, morality, power and interests are avoided.

Neo-liberalism

Since the 1960s, however, the importance of economics in international relations has grown and the study of the international political economy has received increased attention. This brought about the introduction of neo-liberalism as an alternative to both realism and idealism. Neo-liberalists, argue that the primary force driving the interaction between nations is not only security, but rather a combination of security, economics and the need for mutual co-operation and interdependence. They argue that economics and trade directly affect a nation's security. Robert Keohane, for instance, incorporates some central realist concepts into his version of liberal theory, which has been termed 'neo-liberal institutionalism'.[130] Instead of international 'relations,' Keohane preferred international 'interactions.' Keohane challenges the realist assumption that anarchy and the security dilemma inevitably lead states into conflict, first with the concept of 'transnational relations', which undermines the centrality of the state as the unit of analysis, then with 'neo-liberal institutionalism', which argues that even if the state is a unitary actor, institutions can overcome the obstacles to co-operation that arise from anarchy. Keohane introduced the field of international political economy as an issue in world politics, arguing that it could be an influence on state behaviour (the impact of economic interests within and between states).[131]

In challenging Waltz, Keohane accepted the importance of the system in shaping state behaviour. Where Waltz sees conflict, Keohane saw the possibility of co-operation. He stressed that co-operation produces benefits

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[130] For Robert Keohane, see his 'Institutional theory and the realist challenge: After the Cold War', in David A. Baldwin, (ed.), Neorealism and neoliberalism: The contemporary debate. New York. Columbia University Press. 1993. pp.269–300.

[131] Keohane, R.O. and Nye, J. (eds) Transnational Relations and World Politics. 1972.Cambridge. Harvard University Press. p.16.

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superior to conflict and the collective gains from co-ordination outweigh the solo benefits of conflict.[132] Therefore, Keohane argued that institutions can ease problems of conflict by sharing information, reducing transaction costs, providing incentives to trade concessions, providing mechanisms for dispute resolution, and supplying processes for decision-making. Idealistically he maintained that institutions can increase co-operation even when no coercive power exists.[133]

Neo-realism emphasizes ideas such as the individual actions of sovereign states, the anarchy of international relations, the importance of national power and the pursuit of national interests. Neo-liberalism emphasizes ideas such as the necessity for states to engage in international co-operation, the harmony of interests, the importance of international economic exchanges and the influence of morals and values in international relations. In reality, though, the post-Cold War era has brought with it a new breed of international relations and interactions, marked by conflicts that fit both categories of neo-liberalism and neo-realism. Conflicts between nations in the 21st Century are not as predictable and clear cut as they were during the Cold War. This has been especially relevant with multilateralism and emergence of coalitions regarding the 'fight on terrorism' and the Iraqi war. Thus, a possible way for the future may be the emergence of alliances or bi/multipolar alliances. Kenneth Waltz argues, "*In a bi-polar system power management is easier as two parties can negotiate their way to stability more easily than is the case with any large number.*"[134]

In contemporary International Relations in the 21st Century, we have already witnessed at least three major military campaigns (in which the US hegemon played a central part) to both prove and disprove both neo-realism and neo-liberalism as the 'relevant and prominent' theory in the New World Order. Both the 1991 Gulf War and the conflict in Afghanistan saw 'co-operative'

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[132] Keohane, R.O. and Nye, J. Ibid. p.18.

[133] Keohane, R.O. and Nye, J. Ibid. p.19.

[134] Brown, C. 1997. Understanding International Relations. London. Macmillan Press. p.106.

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arrangements of nations, NGOs, and international institutions participate in a 'systematic' campaign to secure greater international interests. However, on the converse, the current invasion and until recently occupation of Iraq saw the US (and UK as a result of pressure) fail to reunite the previous 'coalition', and they ironically have been condemned by the same nations that assisted them in 1991. Additionally, the US bypassed the UN and violated international law[135] (one of the main concepts of neo-liberalism) and sidelined international institutions and NGOs in pursuit of its own 'national interests'.[136] How this will reshape the global order post Iraq is yet to be seen?

The main differences between the two theories can be summed up as the following:

- **Nature and Consequences of Anarchy**: Neo-realists argue that anarchy is irrelevant and in fact is preferable to the restraints imposed by world government. Neo-liberalists argue that anarchy is a cause for concern regarding world stability, however, it can be subdued through strong global institutions.
- **International Co-operation**: Although both agree that international co-operation is possible, neo-realist maintain that it is not sustainable, while neo-liberalists argue that co-operation is inevitable as it reduces selfish competition.
- **Relative and absolute Gains**: Both are concerned with relative and absolute gains. Neo-realists focus on staying ahead of their competitor as the primary motive of relative gains, while neo-liberalists believe that absolute gains are a reward for all parties involved in co-operation.
- **Priority of State Goals**: Both stress the importance of security and economics as priorities, however, neo-realist place greater emphasis on security, while neo-liberalists believe states need to place priority on economic welfare.

[135] The UN Ceasefire agreement of 1991.

[136] Indications of realism.

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- **Intentions vs Capabilities**: Neo-realists concentrate more on capabilities than intentions, while neo-liberalists look more to intentions and perceptions, ideals, interests than capabilities.
- **Institutions and Regimes**: Both recognize the existence of international institutions in international relations, however, neo-realists de-prioritize institutions as they believe them to be regulatory and arenas where states can inherently exert their political influence, whilst neo-liberalists believe institutions can mitigate international anarchy and bind states to international guidelines. [137]

Conclusion

Since the end of the Cold War and particularly in the aftermath of 9/11, which has lead to the creation of a new type of 'global coalition against the 'axis of evil', the shifting from a 'pure' realist international system and the emergence of prioritised inter-state political-economic relations as a potential future model, has placed renewed emphasis on both neo-realism and neo-liberalism as theoretical frameworks for the 'New World Order'. Evidence of this is found in the 1991 Gulf War, the 'anti-terrorism' campaign in Afghanistan, and more recently, the second Iraqi conflict, where the US has opted to create 'global alliances' – financially and military support from states and international institutions – to pursue its own national interests on behalf of the international community. This shift from 'pure' realism to a 'neo-realism' paradigm has highlighted the fact that no longer are we witnessing the maximisation of power solely based on national interest or security issues, but rather a host of factors are involved, such as economic variables, public opinion, international co-operation, collective security and a deviation of a central power as the driving force.

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[137] Baldwin, D. Neorealism and neoliberalism: The Contemporary Debate. 1993. New York. Columbia University Press. pp.4-8, Kegley, C.W. and Wittkopf, E.R. World Politics: Trend and Transformation: Eighth Edition. 2001. New York. St. Martin's Press. p.40.

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What we have witnessed thus far in the military dimension of the war against those presumed to be guilty for September 11, has been technically impressive indeed. What we have not witnessed in the war to date is any convincing evidence that the Realist (dis)order is either undergoing some transformation, or is revealed to be conceptually deficient in satisfactory explanatory power.[138]

Realism is and will remain central to the struggle for power in International Relations, and the 21st century is likely to provide a significant test of the Realist paradigm.[139] The future or relevance of Realism in the 21st century will be severely tested by the 'war against terrorism'. Although, the international community has made substantial progress in establishing multilateral security arrangements, this cannot ultimately eliminate the inevitability of conflict. What is being seen though is the deviation from 'pure' unilateral Realist paradigms as the 'hegemon', the US, is displaying intentions of reducing its self-serving interests and seeking 'moral' and 'legal' support from other nations to undertake the responsibilities as the 'World's Sheriff', particularly regarding the 'global terrorism threat'.

Therefore, with regards to Realism and its role in the 21st century, it can be argued that the post-Cold War international security environment, with 9/11 as a catalyst, is being reshaped by a 'new' approach by 'powerful' nations to the Realist paradigm, and this will ultimately result in increased security co-operation concerning the 'shared interests' of nations on issues that are deemed tantamount to international security. This chapter has emphasised the importance of increased international co-operation within the theoretical paradigms discussed. Chapter 4 will link these theoretical parameters to their practical application by examining the various counter-terrorism responses adopted by the international community.

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[138] Booth, K. and Dunne, T. Op Cit. p.227.

[139] See also Gray, C. "World Politics as Usual after September 11: Realism Vindicated" in Booth, K. and Dunne, T. (eds.) Worlds in Collision: Terror and the Future of Global Order. Palgrave Macmillan. New York. 2002.

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Chapter 4

International Counter-terrorism Responses: Post-9/11

> *How will we fight and win this war? We will direct every resource at our command – every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war – to the disruption and to the defeat of the global terror network.*[140]

Introduction

This chapter will examine the post-9/11 counter-terrorism responses adopted by the US, Southeast Asia, Africa, UN, NATO and the EU, in terms of the legislative, policy and co-ordination mechanisms developed and employed.[141] In addition, economic warfare is examined as a counter-terrorism strategy.[142]

International counter-terrorism responses to 9/11 have been adopted on both a unilateral and multilateral level via mechanisms such as policy changes, the passing of legislative measures, creation of agencies, committees and units, and the revisiting of domestic bills and resolutions. In the initial post-9/11 period, the US government adopted a "go-it-alone" policy on the grounds of its right to self-defence, and was undeterred in its willingness to enforce unilateral military and political action. However, as the 'war against terrorism' gained momentum, assistance from international institutions and 'allied' governments was necessitated, resulting in the creation of common mechanisms for co-operation to facilitate a multilateral counter-terrorism

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[140] Wong, M. "Counterterrorism Efforts and the Organization for Security and Co-operation." 8 May 2002. Statement before the Commission on Security and Co-operation in Europe. http://www.state.gov/s/ct/rs/rm/10029.htm

[141] US co-operation with Arab states, such as Saudi Arabia, will not be examined.

[142] Analysts have estimated that the 9/11 attacks cost as little as $2 million to plan and execute. This precipitated legislation designed to target the appropriation of funds used for the financing of terrorist activities.

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approach. "*Many of the inquiries recommended some form of consolidation as well as improved co-ordination mechanisms."*[143]

Finance Warfare/Economic Warfare[144]

> *Finance Warfare as it has emerged in the context of counter-terrorist operations after 11 September is a form of economic warfare whose context is the global financial markets and whose aim is to constrain the enemy's capability both to generate funds and to shift monies across borders for the purposes of supporting and sustaining international operations.*[145]

Attacks on an enemy's economic infrastructure and assets are vital elements of warfare strategy. *"Economic targeting is a form of indirect approach whose object is to undermine the opposition's capacity for conducting operations by assaulting one of the key pillars of fighting power and political will."*[146] As such, finance warfare has emerged to date as one of the more successful anti-terrorist strategies post-9/11. The main premise of this strategy has been to draw on existing legislative, regulatory, and policing instruments – originally designed for combating traditional financial crimes[147] - and refine and develop them to counter the financial mechanisms[148] used to fund international terrorism.

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[143] Ball, D. "Desperately Seeking Bin Laden: The Intelligence Dimension of the War Against Terrorism" Booth, K. and Dunne, T. (eds.) Worlds in Collision: Terror and the Future of Global Order. Palgrave Macmillan. New York. 2002. p.69.

[144] A strategy used in warfare to target an enemy's economic infrastructure, making it impossible to generate finances needed to execute their operations.

[145] Navias, M. "Finance Warfare as a Response to International Terrorism," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.57.

[146] Navias, M. Ibid. p.57.

[147] Such as laundering money obtained from the drug trade.

[148] Monies used to sponsor and fund terrorist activities.

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US Executive Order 13224

Recognizing the substantial financial resources available to Bin Laden's al-Qaeda network,[149] President George Bush initiated the first counter-terrorism strike on the financial front by issuing Executive Order 13224 on 23 September 2001, which enabled federal agencies to target the finances of organizations listed on the State Departments Terrorist Watch List.

> *Because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists.*[150]

As a result, the US Treasury Department established the Foreign Terrorist Asset Tracking Centre as a "new, proactive, preventative strategy for waging financial war."[151]

> *The Treasury Department is now waging a multilateral battle to break the financial backbone of terrorist groups and their financiers……and is playing a key role in this new and unconventional war with respect to dismantling the maze of money that makes these atrocious acts possible.*[152]

In firing the first salvo of this financial warfare strategy, the US government set the precedent for the international community to follow. *"The need exists for further consultation and co-operation with, and sharing of information by the United States and foreign financial institutions as an additional tool to enable*

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[149] Al-Qaeda uses the 'Hawala system', which are essentially large, global networks, operating as unlicensed banks. Hawala networks are particulary effective as they are highly informal, operate on a system of trust, and leave no paper trail.

[150] Extract of Bush's speech to the Senate upon the issuing of the executive order on 24 September 2001.

[151] Jimmy Gurule, Treasury Under Secretary for Enforcement. Extract from 'Strategy to Fight Money Laundering', US Department of State: International Information Programs, 22 October 2001.

[152] Jimmy Gurule. Ibid. 'Strategy to Fight Money Laundering'

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the United States to combat the financing of terrorism."[153] The strategy of using financial warfare as an anti-terrorism initiative was greatly facilitated through the international community[154] having adopted and implemented a range of mechanisms and polices to deal with global money laundering syndicates in the 1980's and 1990's.

> *Terrorist financing is the lifeblood on which terrorists survive. Without money, terrorists can't train. They can't plan. They can't travel. And they can't attack. We must therefore take all necessary steps to deny terrorist groups access to the international financial system and incapacitate their financial networks.*[155]

EU Actions on Terrorist Funding

As a direct response to the US initiative, EU member states convened a special session in Brussels in October 2001, reaching an agreement to fast-track measures against terrorist funding.

> *The EU realised that what was needed was a globally coordinated campaign that addressed systematic vulnerabilities in the international financial system and specifically targeted the generation and accumulation of funding by terrorist organisations, as well as their ability to launder funds and otherwise transfer monies across borders.*[156]

The result, a mandate was given to the EU Council of Finance Ministers to take the necessary steps to combat any form of financing or terrorist activities. EU member states agreed to sign and ratify a UN convention on suppressing

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[153] Extract of Bush's speech to the Senate upon the issuing of the executive order on 24 September 2001.

[154] On a global, regional and national level. UN SCR1373 has outlined the international guidelines on the targeting of terrorist funds, however, currently only 38 states are members of the various agreements.

[155] Rammell, B. "The Financial War Against Terrorism: The Contribution of Islamic Banking", in RUSI Journal. June 2003, pp.73-74.

[156] Navias, M. Op Cit. p.59.

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terrorist financing,[157] and were tasked to implement a framework decision on the freezing of terrorist assets, with penalties to be imposed on countries with lax controls for not identifying and addressing irregularities and loopholes in their financial systems.[158]

Financial Action Task Force (FATF)

Primary to this effort is the Financial Action Task Force on Money Laundering (FATF)[159] set up by the G7[160] in 1986 to monitor global money laundering activities.[161] With the realisation that money laundering is one of the most common methods used to fund terrorist organisations, finance ministers of the EU and G8 recommended at a plenary session on the financing of terrorism in Washington on 29 and 30 October 2001, that the FATF take the lead in the global campaign against terrorist financing. *"It was now unequivocally stated that FATF has expanded its mission beyond money laundering. It will now focus its energy and expertise on the world-wide effort to specifically combat terrorist financing."*[162] The FATF introduced eight Special Recommendations on Terrorism Financing as a general guideline for all member and non-members to introduce a regulatory system for charities and non-profit organizations.[163]

In summary, the mandate given to FATF members was to expedite new financing legislation by targeting fund generation and transfer; initiate

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[157] UN Security Council Resolution 1373 (2001) called for member states to freeze or block terrorist funds or assets. See Appendix G.

[158] This recommendation holds particular merit for the EU given the problems experienced with border controls and the deregulation of financial clearinghouses since integration.

[159] It currently consists of 29 nations, which is still a relatively small percentage of states.

[160] Now G8.

[161] Initial efforts focused on money laundering via criminal activity, such as organised crime gangs and drug cartels, with little attention paid to terrorist financing.

[162] Navias, M. Op Cit. p.72.

[163] Refer to Appendix G.

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domestic legislation to criminalize terrorist financing; freeze[164] and confiscate terrorist assets and the assets of their supporters; investigate financial institutions within their jurisdictions with regard to reporting suspicious transactions potentially linked to terrorism; and enhance co-operation with states law enforcement agencies and financial institutions. However, although the FATF has received widespread international support,[165] it is imperative that co-operation is maximised and that there is enhanced information sharing on a multilateral level.[166] Hence, for effective global co-operation, it is necessary that compliance is given and reached by other role-playing regimes such as the UN, EU, IMF and the World Bank, and an overwhelming majority of states adhere to FATF guidelines to strengthen its mandate.[167] This will prove difficult given the traditional ideology held by the developing world that the developed nations are intent on controlling the economies of the Third World.[168] In addition, certain nations[169] argue that they are sovereign and as such so too are their financial mechanisms. What is certain though is that for finance warfare to be an effective counter-terrorism strategy, global co-operation throughout the banking and financial sectors are vital.

WiSETD

[164] At time of writing the international community has frozen terrorist assets worth over $100 million.

[165] Widespread in that most nations (mainly developed nations) have realised the importance and implemented the required measures accordingly. However, there still are certain nations, particularly in the developing world, that have resisted the recommendations, as they do not recognise the FATF mandate.

[166] This is emphasized by the fact that only twenty-nine nations are FATF members, which raises questions on the effectiveness of its mandate.

[167] Particularly given the distrust that the developing nations have towards the developed world regarding economic and financial policies.

[168] Another factor could be that certain countries – such as Nigeria - are well aware that by making their banking and financial sectors more transparent, they are in turn eliminating the shield afforded to them regarded corruption, money laundering and other illicit activities.

[169] For example Switzerland has traditionally stated that they hold utmost confidentiality with regards to their clientele's banking and financial records.

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The US Response

> *Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.*[170]

This section examines the responses to 9/11 adopted by the United States government[171] and its various security and intelligence agencies.[172]

It is the responsibility of the US intelligence community to predict and prevent terrorist threats and incidents such as 9/11. Intelligence successes by far outweigh failures. However, failures have devastating results while successes rarely make the headlines. In the past, intelligence failure has been synonymous with US military intelligence failure to predict[173] the Japanese attack on Pearl Harbour, which acted as the catalyst to the US entry into World War II. "*The terrorist attacks on the World Trade Centre and the Pentagon on September 11 involved the worst intelligence failure by the US intelligence community since Pearl Harbour in 1941."*[174] Sixty years later, it is the CIA and FBI[175] that have carried the blame for 9/11.

Given the priority the US government places on national security, with billions of dollars budgeted for intelligence,[176] the question is raised whether 9/11 could have been prevented and what measures are needed and have been

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[170] "Transcript of President Bush's address." CNN.com/U.S. 21 September 2001. http://edition.cnn.com/2001/US/09/20/gen.bush.transcript/

[171] In terms of policies and legislation.

[172] See Appendix A.

[173] Although intelligence was available the failure was in the forecasting (similar to 9/11).

[174] Ball, D. "Desperately Seeking Bin Laden: The Intelligence Dimension of the War Against Terrorism" Booth, K. and Dunne, T. (eds.) Worlds in Collision: Terror and the Future of Global Order. Palgrave Macmillan. New York. 2002. p.60.

[175] Two of the better-known agencies, although there are over a dozen. See Appendix A.

[176] $11.3 billion budgeted for in 2001 rising to $40 billion a year in 2004.

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implemented to prevent attacks of this enormity from happening in the future? To be reductionalist, for instance, 9/11 can be attributed to a lack of information sharing and intelligence co-ordination between the multitude[177] of intelligence units/agencies[178] tasked with providing for the defence of the United States.[179] *"Perhaps the single biggest problem is the sheer size, multiplicity and complexity of the United States Intelligence Community."*[180] The way forward is that emphasis must be placed on enhanced international security co-operation, multilateral intelligence sharing mechanisms, and definitive counter-terrorism policies to effectively contain transnational terrorism in the wake of the September 11 2001 terrorist attacks.

The first response for US intelligence and security representatives was to address the domestic intelligence void exemplified in the 9/11 attacks. As such, numerous reports and investigations have been commissioned[181] to analyse the events leading up to 9/11. It is not within the scope of this study to examine the entire spectrum of responses, as a common perception has been identified that serious intelligence flaws existed prior to 9/11. Yet, it is essential to provide an overview of prioritised US responses, such as the FBI and CIA Intelligence Overhaul, the establishment of the Department of Homeland Security, the passing of the Patriot Act, the Senate Committee Investigation into 9/11, and the National Commission on Terrorist Attacks Upon the United States.[182]

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[177] At least 40 US agencies are currently tasked with counter-terrorism objectives.

[178] A consolidation of intelligence agencies is one proposed solution.

[179] Similar to Pearl Harbour.

[180] Garfield. A. "Did September 11 Represent a Failure of the United States Intelligence Services?" Kings College, University of London. 10 September 2002. http://www.kcl.ac.uk/ip/andrewsteele/ sept11/papers/intel4.html

[181] By Congress, the Senate, respective Agencies and independent role players.

[182] At time of writing numerous policy recommendations were being made and that changes to how the US intelligence community operated were under review. I need to emphasise that the importance lies not in what mechanisms have been implemented and the recommendations made, but rather that the essential commonality to the overhaul is that there was an inherent lack of information co-ordination and intelligence sharing prior to 9/11.

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FBI/CIA Intelligence Overhaul

The US intelligence community[183] relies on the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the National Security Agency (NSA) and the State Department's Bureau of Intelligence and Research to monitor foreign terrorist threats. In addition, the Federal Bureau of Investigation (FBI) gathers intelligence and assesses the threat posed by domestic sources of terrorism. The current blueprint for US counter-terrorism policy dates back to the Clinton era. In the late 1990's, Clinton issued a number of Presidential Directives[184] in response to a series of bombings on US targets[185] outside the US. In the post-9/11 period, these Directives have been enhanced and developed upon by legislation that defines terrorism as a crime and establishes procedures to apprehend and punish perpetrators worldwide. In addition, the Bush Administration has lobbied Congress to make funds available to enhance the capabilities of federal agencies to prevent, counter, and manage the consequences of international terrorism. At US domestic level, the National Security Council co-ordinates policy on combating terrorism, and the Director of Central Intelligence (DCI) is responsible for co-ordinating Intelligence Community issues[186] and sharing information.[187]

> *In the immediate aftermath of the attacks on September 11, the United States Intelligence Community and the law enforcement agencies, most notably the Central Intelligence Agency (CIA) and the Federal Bureau of Investigations (FBI), were roundly criticised for their collective failure to act on the significant clues that were evident prior to September 11.*[188]

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[183] Comprising a total of 15 intelligence agencies. See Appendix A.

[184] In 1995, after the US Embassy bombings in Kenya andTanzania, and 1998, after the attacks on the USS Cole and Dhahran bombings.

[185] East African and USS Cole attacks.

[186] Via the Interagency Intelligence Committee on Terrorism (IICT).

[187] Central Intelligence Agency. "The War on Terrorism." DCI Counterterrorist Centre. http://www.odci.gov/terrorism/ctc.html

[188] Garfield. A. Op Cit. http://www.kcl.ac.uk/ip/andrewsteele/ sept11/papers/intel4.html

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Consequently, 9/11 has resulted in a series of shakedowns and restructuring within both the CIA and FBI. With public fury and the need for answers, blame has been shifted from one intelligence agency to the next, with the CIA ultimately being held accountable.[189] To this end, George Tenet, the CIA Director,[190] offered his resignation in July 2004 as a result of the CIA inability to predict and prevent the 9/11 attacks. [191] However, Tenet's resignation did little to address the intelligence failure of 9/11, as the core problem lies not in the administration of the intelligence agencies, but rather in the inherent lack of co-operation/co-ordination and distrust between the FBI and the CIA. The establishing of the DCI Counter-terrorist Centre (CTC) is one of the multitude of mechanisms initiated to address this problem, by taking up offensive actions against terrorist targets. The CTC's mission is to assist the Director of Central Intelligence (DCI) in co-ordinating the counter-terrorist efforts of the Intelligence Community by:

- Implementing a comprehensive counter-terrorist operations programme to collect intelligence on, and minimize the capabilities of, international terrorist groups and state sponsors.
- Exploiting all-source intelligence to produce in-depth analyses of the groups and states responsible for international terrorism.
- Coordinating the Intelligence Community's counter-terrorist activities.[192]

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[189] As the CIA is responsible for the gathering of foreign intelligence.

[190] During the period 1997-2004.

[191] Reference has been made to Tenet's poor judgment in eliminating the CIA's "senior review panel", which consisted of a retired diplomat, a retired general, and a retired scientist. It served much the same function at the CIA as an editorial board does at a newspaper: to ensure that all the material in the national intelligence estimates is well-sourced and therefore reliable. *"They would catch things that you hadn't thought about, and then when you do away with a safety catch like that, the chances of getting misinformation and misdirected ideas into [intelligence] estimates is just a greater risk."*
http://www.isn.ethz.ch/infoservice/secwatch/index.cfm?service=cwn&parent=detail&menu=8&sNewsID=8956

[192] Central Intelligence Agency. "The War on Terrorism." DCI Counterterrorist Centre.
http://www.odci.gov/terrorism/ctc.html

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Establishment of Department of Homeland Security

Acknowledging the need for a single agency to co-ordinate US government domestic activates, the Homeland Security Act of 2002 (H.R. 5005) was passed on 25 November 2002. On 1 March 2003, the Department of Homeland Security (DHS)[193]was officially inaugurated – completing the largest government reorganization since the beginning of the Cold War. *"The National Strategy for Homeland Security and the Homeland Security Act of 2002 served to mobilize and organize our nation to secure the homeland from terrorist attacks."*[194]

The main functions of the DHS are:

- Prevent terrorist attacks within the United States;
- Reduce the vulnerability of the United States to terrorism;
- Minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States;
- Ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;
- Monitor connections between illegal drug trafficking and terrorism, co-ordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.[195]

It is ironic that the creation of the DHS is to a large extent due to intelligence failures by both the CIA and FBI. The DHS in effect has been mandated with the responsibility that previously was a priority for both the CIA and FBI, namely ensuring US national security. In addition, the DHS will assume the role of 'clearinghouse', thus filling the intelligence void that existed before.

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[193]Comprising approximately 180,000 personnel from 22 different organizations.

[194]Department of Homeland Security. http://www.dhs.gov/dhspublic/theme_home1.jsp

[195]**"**INS Transition to the Department of Homeland Security."
http://uscis.gov/graphics/Title_I.pdf

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USA Patriot Act

The USA Patriot Act,[196] passed on 26 October 2001, is designed to increase the surveillance and investigative powers of law enforcement and intelligence agencies in the United States. [197] The Patriot Act was pushed through essentially to re-enforce the Anti-Terrorism Act of 2001 (ATA), which itself has a host of a far-reaching legislation designed to strengthen the US defence against terrorism. The Patriot Act in effect makes it easier for law enforcement and intelligence to access private information and monitor communications. It includes provisions on criminal laws, investigations and information sharing, money laundering and counterfeiting, transporting hazardous materials, immigration, and domestic security. However, it must be noted that the Act has been met with stern opposition from certain sectors of the public and various government watchdogs, who argue that it is draconian and the powers vested in the Act infringe on issues such as the right to privacy.

Senate Committee Investigation into 9/11

In February 2002, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence agreed to conduct a Joint Inquiry into the activities of the US Intelligence Community in connection with the 9/11 terrorist attacks – namely the 9/11 Commission Report. The report[198] presented the joint inquiry's findings and conclusions, which included the following recommendations:

- The creation of a national counterterrorism centre "unifying strategic intelligence and operational planning against Islamist terrorists across the foreign-domestic divide";

[196] Also called USPA -Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.

[197] The bill makes changes to over 15 different statutes.

[198] Released on 21 July 2004 and 832 pages in length.

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- The establishment of a new national intelligence director to unify the intelligence community;
- Creating a "network-based information sharing system that transcends traditional governmental boundaries";
- Strengthening congressional oversight; and
- Strengthening the FBI and homeland defenders.[199]

Considering the report's length (832 pages), it would be impossible to outline all its findings. The main conclusion was that the failure to predict and prevent the events of 9/11 had severe repercussions for the US Intelligence Community, resulting in its complete overhaul. The Senate Select Committee on Intelligence investigating 9/11 emphasised also the need for the appointment of a cabinet-level director of intelligence with control over the entire US Intelligence Community, particularly the CIA and FBI.[200]

> *Although relevant information that is significant in retrospect regarding the attacks was available to the Intelligence Community prior to September 11, 2001, the Community too often failed to focus on that information and consider and appreciate its collective significance in terms of a probable terrorist attack. Neither did the Intelligence Community demonstrate sufficient initiative in coming to grips with the new transnational threats. Some significant pieces of information in the vast stream of data being collected were overlooked, some were not recognized as potentially significant at the time and therefore not disseminated, and some required additional action on the part of foreign governments before a direct connection to the hijackers could have been established. For all those reasons, the Intelligence Community failed to fully capitalize on available, and potentially important, information.*[201]

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[199] "9/11 Commission Report." 21 July 2004. http://www.9-11commission.gov

[200] Which at time of writing was authorized by President Bush.

[201] "Joint Inquiry into Intelligence Community Activities before and after the Terrorist Attacks of September 11, 2001." Report of the U.S. Senate Select Committee on Intelligence and U.S. House Permanent Select Committee on Intelligence. 107th Congress. December 2002. http://www.gpoaccess.gov/serialset/creports/911.html

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Intelligence Authorization Act for Fiscal Year 2003

Signed by President Bush on 27 November 2002, this Act is more commonly known as the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), and is an independent, bipartisan commission created by congressional legislation to prepare a full and complete account of the circumstances surrounding the 9/11 terrorist attacks. This includes an investigation into the preparedness for and the immediate response to the attacks. The Commission is also mandated to provide recommendations designed to guard against future attacks. In addition, the Act authorizes appropriations to fund US intelligence activities essential to success in the 'war against terrorism.'[202]

US responses to 9/11 have involved the addressing of operational, legislative, policy, and administrative measures at all levels of government. In particular, drastic changes and restructuring has been initiated within the Intelligence Community, with operational and intelligence budgets being tripled by the Senate to bolster the 'war on terror'. However, the CIA and FBI have come in for the most scrutiny. Their failures have resulted in the creation of the DHS and a recommendation by the Senate Select Committee on Intelligence investigating 9/11 to appointment a cabinet-level director of intelligence with control over the entire US Intelligence Community, including the CIA and FBI.[203]

In addition, the US realizes that assistance from nations and international organizations is needed, paving the way for the creation and implementation of a host of multilateral agreements and co-operative measures (described in this paper). However, it must be noted that US security efforts have

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[202] "Report to the National Commission on Terrorist Attacks upon the United States: The FBI's Counterterrorist Program since September 11." 14 April 2004. US Department of Justice: Federal Bureau of Investigation. http://www.fbi.gov/publications/commission/9-11commissionrep.pdf

[203] At time of writing this recommendation is still to be considered by President Bush.

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exacerbated the entire global security paranoia. The danger exists of the international system being brought to the threshold of another Cold-War type scenario.[204] Therefore, it is imperative that-non-US role players enforce a balance of power via multilateral and co-operative mechanisms.[205]

NATO's Response

> *The US military retaliation against al-Qaeda was not a NATO action. Yet since 11 September, decision-makers have struggled to redefine NATO in a world that is absorbed by the phenomenon of global terrorism. Some predict NATO's demise, others its transformation. It may evolve as a defence and anti-terror alliance, as a regional security community, as both, or perhaps as neither.*[206]

This section will examine the North Atlantic Treaty Organization (NATO) policy responses to 9/11 in terms of its historic invocation of Article V (5), using NATO involvement in Operation Enduring Freedom in Afghanistan as a case study. In addition, it will analyse proposals that NATO redefine its mandate to become an alliance primarily focused on counter-terrorism, based on the argument that a strengthened NATO is needed to play an integral role in the US-lead 'war on terrorism'.

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[204] There is a danger that the global coalition on terrorism could be interpreted as a West vs. Islam type scenario. This could see Muslim nations rallying to oppose the US and its allies.

[205] This is to ensure that there is a level of legitimacy in the 'war on terror' and that there are certain checks and balances at regime level (UN, NATO, and EU) to counter US unilateralism.

[206] Deighton, A. "The Eleventh of September and beyond: NATO," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.119. See also Robertson, G. "A Future for NATO: Allies can fight terrorism." The Prague Post. November 20, 2002. http://www.praguepost.com/P03/2002/Art/1120/opin1.php and Lugar, R. (Senator). NATO's Role in the War on Terrorism. 18 January 2002. http://www.csis.org/features/020118lugar.htm

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On 12 September 2001, the day after the 9/11 attacks, NATO convened a special emergency meeting to discuss the merits of invoking Article 5 of the Washington Treaty. The session concluded that if it was determined that the attack against the United States was directed from abroad, it would be regarded as an action covered by Article 5 of the Washington Treaty. As such, this precondition was validated as sufficient, resulting in the historical decision. This fundamentally reshaped the international security dimension of NATO, as it was the first time in the Alliance's history that the Article had been invoked. (Refer to **Appendix B – Partnership Action Plan Against Terrorism**)

Article 5 of the Washington Treaty

> *The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.*[207]

NATO's Strategic Concept recognises the risks to the Alliance posed by terrorism, which is primarily encompassed in Article 5. It stipulates that if a NATO ally is the victim of an armed attack, it is interpreted as an attack on all and will take the actions it deems necessary to assist the ally attacked. This is based on the principle of collective defence. Hence, based on this guideline the US immediately consulted the other members of the Alliance, and it was agreed that the attack was directed from abroad, and subsequently regarded as covered by Article 5. NATO Secretary General, Lord George Robertson,[208]

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[207] "What is Article 5?" http://www.nato.int/terrorism/five.htm

[208] Replaced by Jaap de Hoop Scheffer in 2004.

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subsequently informed Kofi Annan, the Secretary-General of the United Nations, of the Alliance's decision. Despite this, doubts were raised on the evidence to support the determination that the attack was directed from abroad. Under NATO's theoretical guidelines, in terms of invoking Article 5, each ally must then consider what assistance it should and can provide. However, in practice, any collective action by NATO must be decided by the North Atlantic Council, although the US under the mandate was entitled to effectively carry out independent actions, consistent with its rights under Article 5 of the UN Charter.[209] In addition, NATO Allies were cleared to provide any form of assistance deemed necessary to respond to the situation, although this assistance does not necessarily have to be of a military nature and depends on the material resources of each country. Each individual member therefore determines it's contribution in consultation with other members,[210] bearing in mind the ultimate aim is to *"to restore and maintain the security of the North Atlantic area."*[211] Therefore, the invocation of Article 5 displayed NATO's solidarity with the US and condemned, in the strongest possible terms, the 9/11 terrorist attacks. (Refer to **Appendix C – Statement by North Atlantic Council**)

> *The events of Sept. 11, 2001, clearly invalidated the conventional wisdom that terrorists want a lot of people watching, not a lot of people dead. Once a largely domestic concern, terrorism has become a major threat to international security. This is why NATO will help tackle terrorism. The invocation of NATO's collective self-defense obligation on Sept. 12, 2001, was only the beginning. A new NATO military concept for defense against terrorism will now follow, supported by the development of specific counter-terrorism capabilities. We will further increase our co-operation in preventing the spread of weapons of mass destruction and in dealing with the consequences should prevention fail. In short, NATO will become the focus for coordinating and planning the multinational military contribution to our defense against terrorism and other new threats.*[212]

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[209] A country has the right to self-defence.

[210] 19 NATO member countries.

[211] Ibid. "What is Article 5?" http://www.nato.int/terrorism/five.htm

[212] Robertson, G. "A Future for NATO: Allies can fight terrorism." The Prague Post. November 20, 2002. http://www.praguepost.com/P03/2002/Art/1120/opin1.php

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Article 5's invocation meant that NATO embarked on the following practical measures to assist the United States.

- On 12 September 2001, all of NATO's 27 partner countries condemned the 9/11 attacks and offered their support to the United States;
- On 4 October 2001, in response to requests by the United States, the Allies agreed to take eight measures to expand the options available in the campaign against terrorism, including enhanced intelligence sharing and blanket overflight rights for United States and other Allied aircraft;
- "Active Endeavour": On 26 October 2001, elements of NATO's Standing Naval Forces were sent to patrol the eastern Mediterranean and monitor shipping.[213]
- "Eagle Assist": From mid-October 2001 to mid-May 2002, NATO Airborne Warning and Control Systems (AWACS) aircraft were sent to help protect the United States;[214]
- NATO-Russia: 9/11 and the common challenge of terrorism have led to a new quality in NATO-Russia co-operation. The new NATO-Russia Council, established in May 2002, identifies terrorism as one of several areas for consultation and co-operation;
- The Balkans: NATO forces in the Balkans have acted against terrorist groups with links to the Al-Qaeda network. They continue to contribute to the campaign against terrorism by focusing on the illegal movement of people, arms and drugs.[215]

[213] To date, more than 25,000 ships have been monitored.

[214] 830 crewmembers from 13 NATO countries flew over 360 sorties.

[215] "September 11 - One year on: NATO's contribution to the fight against terrorism." http://www.nato.int/terrorism/

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NATO in Afghanistan

Having identified Osama bin Laden and the al-Qaeda terrorist network as responsible for the 9/11 attacks, the emphasis shifted to Afghanistan, where US intelligence indicated that the Taliban were facilitating bin Laden and his al-Qaeda training camps. As a result of US domestic pressures, President Bush decided to take the war to those 'harbouring terrorist groups'. Hence, Operation Enduring Freedom, the US-led military operation against terrorist targets in Afghanistan was launched.

Although initial military operations were unilateral, most of the 19 NATO Allies have subsequently had forces directly involved in Operation Enduring Freedom. The International Security Assistance Force (ISAF) has been under the command of NATO members since its deployment to Afghanistan in January 2002.[216] NATO Allies currently provide 95 percent of the more than 5000 personnel in ISAF III.[217] NATO, as an organisation, provides essential operational planning, intelligence and other support to ISAF III, and may assume an even greater role in the future as the war on terror intensifies. As previously mentioned, the military operations in Afghanistan are not NATO-led operations, however, success depends on the participation of forces from NATO countries as well as partner countries. While NATO's contribution to the fight against terrorism has already been significant, efforts are underway to better equip the Alliance to allow it to play its full part in the long-term effort. At NATO's Prague Summit on 21-22 November 2002, Heads of State and Government of NATO member countries adopted a package of measures designed to strengthen NATO's preparedness and ability to take on the full spectrum of security challenges, including terrorism and the spread of weapons of mass destruction (WMD).[218]

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[216] Rotated between the United Kingdom, Turkey, Germany and the Netherlands.

[217] Op Cit. "September 11 - One year on: NATO's contribution to the fight against terrorism."

[218] Ibid. September 11 - One year on: NATO's contribution to the fight against terrorism."

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NATO and the EU

Since 9/11, NATO set about developing increasingly closer relations with the European Union (EU) to help address the terrorist threat. On 12 September 2001, the 46 members[219] of the Euro-Atlantic Partnership Council unconditionally condemned the attacks as "brutal and senseless atrocities and an attack on their common values."[220] On 24 September 2001, at a joint North Atlantic Council (NAC) and the European Union's Political and Security Committee meeting, the importance of close consultations and co-operation between the two organisations was emphasized. On 12 October 2001, Former NATO Secretary General Lord George Robertson[221] briefed EU defence ministers on steps NATO had taken in response to US requests or recommendations by NATO military authorities.[222] The campaign against terrorism was high on the agenda at the joint meeting of EU and NATO foreign ministers held in Brussels on 6 December 2001.

There are no guidelines in Article 5 to prevent NATO from accepting a global role in counter-terrorism/military operations,[223] but its first priority must be the provision of security within the NATO mandate. However, given the international dimension of the security threat, a global role for NATO in support of the US has been called for. In his speech to the German Bundestag in May 2002, Bush argued that 'America and Europe need each other to fight and win the war against global terror. "*NATO needs a new strategy and new capabilities' and to be able and willing to act whenever threats emerge*."[224]

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[219] 19 Allies and 27 Partners.

[220] Bennett, C. "Aiding America". http://www.nato.int/docu/review/2001/0104-01.htm

[221] Replaced by Jaap de Hoop Scheffer in 2004.

[222] Bennett, C. Op Cit.

[223] Although the Washington Treaty does provide guidelines defining the geographical limitations to NATO's operational area, this can be vetoed.

[224] Deighton, A. "The Eleventh of September and beyond: NATO," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.123.

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> *The ESDP (European Security and Defence policy) process has continued at its own pace since 11 September, although the question of whether ESDP should be confined to regional security operations, or be harnessed to the wider global operations that the United States appears to have in mind for NATO, is now exercising its decision-makers.*[225]

During his tenure Lord Robertson argued that the ESDP must not stall in the face of 9/11 and its consequences, and warned of a "*return to the 1950s, when the Americans under President Eisenhower threatened an 'agonising reappraisal' if the Europeans did not sort out their military security problems*."[226] Recognizing the significant capability gap, Robertson was pushing for NATO to spend more money and to upgrade its military capabilities to standards acceptable to the US. This ultimately would be regarded as the first steps to a 'potential' merging of NATO/EU security and military capabilities, not only with the aim of countering US unilateralism but for the EU to assume military control of European security issues, freeing up NATO to take more of a global role.

> *The events of 11 September were a catalyst for a trend which had been developing in Europe after the end of bipolarity. Europe's dichotomy, embodied in EU-NATO 'cohabitation', had been supportable in Cold War times because of Europe's dependence on the USA in the security field. However, European integration and the Euro-Atlantic partnership became contradictory after the collapse of communism, which removed the very threat of global conflict. Trends such as growing insecurity in Europe, and US unilateralism and its very responses to Europe's security needs, cannot but exacerbate this divergence.*[227]

However, given the complexities within NATO itself and the European component in terms of linkage to the EU, transition to a global counter-terrorism force will not be easy. Already, the US and European nations have

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[225] Ibid. p.126.

[226] Ibid. p.127.

[227] Arbatova, N. "Russian-Western Relations after 11 September: Selective Co-operation versus Partnership (a Russian View)," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.163.

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clashed within NATO over ambitions to build a separate EU military structure. An example is disagreement at a meeting of NATO envoys in October 2003 after Washington increased pressure on its closest European ally, the UK, to block efforts by EU states for closer defence co-operation. The US has indicated that a EU military force could undermine NATO's role as guarantor of European security. France, Belgium, Luxembourg, and Germany have indicated plans to establish a military headquarters in Brussels for EU crisis management operations. The US criticized this as duplicating NATO capabilities.[228] It believes the EU should use NATO's military headquarters for operations supported by the alliance - such as its current peacekeeping mission in Macedonia - and national headquarters in Britain, France, and Germany for independent operations.

The UK also rejected plans in the draft EU constitution for a mutual defence clause, arguing that European collective security is served by NATO's founding Article V. It has softened its resistance to plans in the draft for closer co-operation between the most militarily capable members of the EU, but insists that this must not be an exclusive club. The US has often called on Europeans to share more defence burdens in the past, but it has been commonly understood that any European defence initiative would have to be under NATO's umbrella.

Although the counter-terrorism effort has led to significant debate surrounding the role of NATO within Europe and the proposed segregation of EU military capability, the result has been a shift in NATO priorities. On 15 October 2003, a new NATO Response Force (NRF) force of 9000 troops was announced to reflect NATO's transformation in the wake of 9/11 and the invasion of Iraq. NATO supreme commander, US Marines General James Jones, commented that the NRF was one of the most important changes since the organization was founded. The NRF allows NATO to "*insert military forces into a*

[228] US ambassador Nicholas Burns lambasted the Franco-German initiative as the 'most serious threat to the future of NATO'.

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deteriorating situation earlier in a crisis, with more speed, at greater ranges, and with more sustainability than ever before."[229] The NRF can be deployed within five days; and is expected to grow to some 20 000 troops and become fully operational by October 2006. Certain NATO member states require parliamentary authorization for military action abroad, such as Germany, Hungary, the Netherlands and Turkey, while others[230] are considering making exceptions for the NRF.[231]

Of the 14 participating nations, Spain will make the biggest contribution with 2200 troops as well as warships and aircraft, followed by 1700 French personnel.[232] Spain will command the maritime component and Turkey the land forces. To date, the US has only supplied/earmarked 300 troops, as many troops are tied up in Iraq. However, the US has contributed key technology and will commit more troops at a later stage. NATO has already begun streamlining its command structure and is urging members to raise defence spending. The establishment of the NRF has ended years of debate over 'out-of-area missions, backed by NATO taking over command of the peacekeeping operation in Afghanistan in August 2003.

> *Through intelligence sharing, termination of illicit financial channels, support of local police work, diplomacy, and public information, NATO and a broader coalition of nations fighting terrorism will seek to root out each cell in a comprehensive manner for years to come and keep a public record of successes that the world can observe and measure.*[233]

Since 9/11, NATO's political and military authorities have put in place the building blocks for a comprehensive Alliance approach to terrorism, which

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[229] "Response Force heralds new NATO, says SACEUR". ISN Security Network. http://www.isn.ethz.ch

[230] Such as Poland, Spain, Greece and Italy.

[231] Ibid. Response Force heralds new NATO, says SACEUR".

[232] Ibid. Response Force heralds new NATO, says SACEUR".

[233] Lugar, R. (Senator). NATO's Role in the War on Terrorism. 18 January 2002. http://www.csis.org/features/020118lugar.htm

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could have similar, long-term implications for the way in which the alliance operates. On the political side, the North Atlantic Council decided that NATO should be ready to assist member allies against all terrorist threats and attacks. On the military side, NATO has introduced a new military concept for defence against terrorism. Such measures have clearly been in the Alliance's best, long-term interest as its relevance is increasingly measured by its contribution to the 'war against terrorism'.

> *Indeed, had the Alliance been unable or unwilling to contribute to addressing the challenges posed by terrorism and weapons of mass destruction, it would have risked detaching itself from the US security agenda thereby ceasing to be an effective organisation.*[234]

Addressing the threat of terrorism is the strategic challenge of our time. It requires a multi-dimensional strategy that relies not only on military force but also new forms of diplomatic, financial, economic, intelligence, customs and police co-operation. This includes aligning US national defence strategies with NATO Alliance doctrine in defence of the NATO area of responsibility, and developing new forms of co-operation between the EU and NATO for strengthening international norms against terrorism.

> *From now on, most of the problems facing the NATO alliance, both internally and externally, are likely to be overwhelmingly political. The political alliance between the NATO members is irreplaceable, but the respective roles within it must change. In the same way as NATO faces the challenge of change, the alliance itself must move on.*[235]

This comprehensive strategy is not for NATO alone, but it must become an important component of a broader effort encompassing the tenets of co-operative security and multilateralism, to not only define a new strategy and

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[234] Bennett, C. "Combating terrorism".
http://www.nato.int/docu/review/2003/issue1/english/art2.html

[235] Leech, J. Halt! Who Goes Where: The Future of NATO in the New Europe. Brassey's. Oxford. 1991. p.141.

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function for NATO in the post-Cold War era, but to redefine its role beyond Europe post-9/11.

> *In a world in which terrorist 'Article 5' attacks on our countries can be planned in Germany, financed in Asia, and carried out in the United States, old distinctions between 'in' and 'out of area' become meaningless... If 'Article 5' threats to our security can come from beyond Europe, NATO must be able to act beyond Europe to meet them if it is going to fulfil its classic mission today.*[236]

The UN Response

> *But possibly most striking has been the unprecedented role that the United Nations has played over the past two years to secure, monitor, and enhance global participation in sanctions against terrorist financiers, even as it moves forward with a growing array of training, technical assistance, monitoring, and harmonization initiatives…….the UN has taken on new responsibilities to create capacity to deal with transborder terrorist threats.*[237]

This section will examine the United Nations (UN) policy responses to 9/11. As regime theory stipulates, some form of legitimacy is required for regimes to be effective, the role of the UN must be examined to incorporate the legal and moral aspects as an international mandate is required to develop an effective 'alliance' on the 'war against terrorism'.

Terrorism has been of concern to the international community since 1937 when the League of Nations[238] passed the Convention for the Prevention and Punishment of Terrorism. The UN has been active in the fight against international terrorism since, and has developed an array of international legal

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[236] Lugar, R. (Senator). NATO's Role in the War on Terrorism. 18 January 2002. http://www.csis.org/features/020118lugar.htm

[237] Winer, J. "The Growing Role of International Institutions in Counterterrorism and Law Enforcement." 5 November 2003. Council on Foreign Relations. http://www.cfr.org/publication

[238] The UN's predecessor.

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agreements to assist the international community in eliminating and suppressing the threat of terrorism and bringing those responsible to justice.

UN Counter-Terrorism Resolutions

Since 1963, UN resolutions have included the Declaration on Measures to Eliminate International Terrorism (1994); International Convention for the Suppression of the Financing of Terrorism (1999); and Security Council Resolution (SCR) 1333 (2000); and SCR 1269 (1999). Post 9/11, SCR 1368 (2001), SCR 1456 (2003); SCR 1377 (2001) and SCR 1373 (2001) were enacted to provide a more detailed and comprehensive framework for international action against terrorism. SCR 1373, in particular, is regarded as having the greater legal clout, providing a blueprint for addressing current weaknesses, particularly to suppressing the financing of terrorism. *"As outlined in SCR1373, counter-terrorism activity cannot be limited to efforts at the national level. Bilateral, regional and international co-operation is essential to effectively combat terrorism, in all its forms and in all its locations."*[239] A key aspect of SCR1373 is its requirement for all member states to report on national and regional implementation of counter-terrorism efforts.

> *The shifts in American interests toward international organizations such as the United Nations are equally complex. Despite its previous dismissive attitudes towards international agreements and institutions, the Bush administration turned in September 2001 to the United Nations for resolutions on terrorism. Clearly, the UN was not to be the director of anti-terror coalition, but was expected to become a source of collective legitimation for American actions. Only the UN can provide the breadth of support for an action that can elevate it from the policy of one country or a limited set of countries, to a policy endorsed on a global basis.*[240]

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[239] Statement by H.E. Mr David Stuart Chargé d'Affairs of the Permanent Mission of Australia to the United Nations Counter Terrorism on 15 April 2002

[240] Keohane, R.O. "The Public Delegitimation of Terrorism and Coalition Politics" Booth, K. and Dunne, T. (eds.) Worlds in Collision: Terror and the Future of Global Order. Palgrave Macmillan. New York. 2002. p.144.

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The Counter-Terrorism Committee (CTC)

The Counter-Terrorism Committee of the Security Council (CTC) - established by Resolution 1373 - is the UN's leading body to promote collective action against international terrorism. Its mandate is to bring Member States to an acceptable level of compliance with Resolution 1373 and the terrorism-related conventions and protocols. In addition, the Terrorism Prevention Branch[241] researches terrorism trends and assists countries in upgrading their capacities to investigate and prevent terrorist acts.

> *Terrorism is a global threat with global effects; ... its consequences affect every aspect of the United Nations agenda – from development to peace to human rights and the rule of law. … By its very nature, terrorism is an assault on the fundamental principles of law, order, human rights, and the peaceful settlement of disputes upon which the United Nations is established. … The United Nations has an indispensable role to play in providing the legal and organizational framework within which the international campaign against terrorism can unfold.*[242]

The need for the UN to play a pivotal role within global security is emphasized when it comes to the 'war against terrorism'. As explained in Chapter 3, [243] it is imperative that regimes/international organizations facilitate the drawing up of agreements by providing a framework of rules, norms, principles, and procedures for negotiation. This is important to counter-balance the military aspects of the US-led 'war on terrorism' by providing 'fair and balanced' counter-terrorism policy guidelines.

Recently the role of the UN in the international system has been questioned and heavily debated. Questions have been raised, particularly by the US, on the feasibility of the UN, arguing that the UN mandate is outdated, and that the world has change so significantly that there is no room for the idealistic approaches that the UN adheres to. In addition, the UN failure to prevent

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[241] An arm of the United Nations Office for Drug Control and Crime Prevention.

[242] Kofi Annan, UN Secretary-General. 4 October 2002

[243] See Chapter 3 - International Regime Theory

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conflict over the past decade such as the Gulf War, Israeli/Palestinian crisis, Kosovo, and Rwanda to name a few, have displayed the UN's lack of power and authority in a world in which the international system is failing to deal with conflict.[244] For example, the UN was seemingly powerless when the US and UK (based on Article 5) unilaterally bypassed the UN Security Council mandate prohibiting it from invading and implementing regime change in Iraq.

However, in dissecting the UN's role, at the political level it has been admittedly weak, yet it is noticeable that the UN has been instrumental in the formulation of global legislation/policy on the combating of terrorism finances. This has seen the UN's oversight mechanism, the CTC, adopt a three-stage approach to assess individual member states using a 3-tiered system of monitoring and compliance. Stage A – the creation of legislation against terrorist finance, Stage B- the domestic implementation of this legislation, and Stage C – the push for international co-operation and exchange of information.[245] Therefore, although restricted in terms of offensive counter-terrorism measures, UN Resolutions[246] have had a huge impact on formulating legislation, regulations and policy mechanisms, which are fundamental for turning international standards and norms into domestic regimes and enhancing law enforcement capabilities.

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[244] Particularly on the African continent.

[245] Winer, J. "The Growing Role of International Institutions in Counterterrorism and Law Enforcement." 5 November, 2003. Council on Foreign Relations.
http://www.cfr.org/publication

[246] Especially SCR 1373 directed at terrorist finances.

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The EU Response

> *The EU is one of the leading partners of the global coalition against terrorism. The EU action has focused on those areas where it can provide added value over and above what each Member State is doing. The EU's contribution complements the efforts which individual countries are making.*[247]

It is in examining the European Union's (EU) response to 9/11 that co-operative security is made highly apparent. Although Europe has always had a history of terrorism,[248] a precedent is being set regarding counter-terrorism, as co-operation is not only being advocated internally with the creation of Europol,[249] but transatlantic co-operation has also been strengthened.

> *The long-term success of the counterterror campaign will depend on concerted co-operation from European states, and that co-operation should be pursued through European multilateral institutions.*[250]

The EU reacted swiftly and decisively to the terrorist challenge posed following the 9/11 attacks, with Member States reaching common consensus on a multilateral response. Unsurprisingly, this is given considering Europe's [251] increasingly subjection to acts of terrorism over the last four decades. Not only was broad agreement to support the US-led coalition against terrorism implemented, but a series of policy proposals were tabled shortly after the attacks.

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[247] "EU Response to 11th September – European Commission Action." 12 March 2002. http://europa.ed.int/comm/external_relations/110901/me02_53.htm

[248] Dating back to the French Revolution and more recently the al-Qaeda Madrid bombings.

[249] The EU's counter-terrorism and law enforcement agency.

[250] Benashel, N. The Counterterror Coalitions: Co-operation with Europe, NATO and the European Union." Rand, 2003. http://www.rand.org/publications/MR/MR1746/MR1746.pdf. p.x.

[251] Particularly Spain, UK, Germany and France.

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The EU Committee of Ministers, at its 109th Session held on the 8th November 2001 agreed to take steps rapidly to increase the effectiveness of the existing international instruments within the Council of Europe on the fight against terrorism by, inter alia, setting up a Multidisciplinary Group on international action against Terrorism (GMT).[252]

The mandate given to the GMT included research on the concepts of "apologie du terrorisme"[253] and "incitement to terrorism"; special investigation techniques; protection of witnesses; international co-operation on law enforcement; action to cut terrorists off from the sources of funding; and questions of identity documents that arise in connection with terrorism.[254] These measures facilitated the Plan of Action adopted by a special European Council in Brussels on the 21st September 2001, comprising the following:

- Police and Judicial Co-operation
- Diplomatic Efforts
- Air Transport Security
- Economic and Financial Measures
- Emergency Preparedness

Police and Judicial Co-operation

This area of the EU's Common Foreign and Security Policy (CFSP) has been the single most active in terms of adjustments post 9/11. By 13th September 2001, the Commission had tabled an Action Plan[255] with proposals for a

[252] Combating Terrorism - The Multidisciplinary Group on International Action against Terrorism (GMT). http://www.coe.int

[253] The reasons for terrorism.

[254] Op Cit. Combating Terrorism. http://www.coe.int

[255] On 19th October 2001, the European Council in Ghent set about implementing the points proposed in its Action Plan.

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European arrest warrant to supplant the current system of extradition between Member States and a common definition of terrorism. This represents the first of many measures against all forms of cross-border organised crime, including terrorism.[256] On 21st September 2001, the Brussels European Council identified a series of measures to tackle terrorism such as:

- A common European arrest warrant,[257]
- The use of biometric data in visas and passports, creating a database of all visas issued to non-EU citizens, as well as upgrading an EU law-enforcement database, the Schengen Information System,
- Harmonization of how long telephone companies and Internet service providers must keep records,
- Appointing of a European security coordinator,
- Maintaining a database of terror suspects, common list of terrorist organisations, a register of convicts, and better tracing of arms and explosives,[258]
- The establishing of joint investigation teams comprised of police and magistrates from throughout the EU,
- Routine exchange of information on terrorism between the Member States and Europol,
- Increased co-operation between the operational services responsible for combating terrorism: Europol, Eurojust,[259] the intelligence services, police forces and judicial authorities.

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[256] Although EU ministers agreed to boost intelligence-sharing as Europe faces a possible growing threat from Muslim militants, France seems to be playing devil's advocate by insisting that five EU heavyweights (France, Germany, Spain, Italy, and Britain) control the flow and lead the way in security co-operation and intelligence-sharing measures.

[257] Agreed after 9/11 ties but which some member states have yet to put into effect.

[258] http://www.stratfor.com

[259] A co-ordination body composed of magistrates, prosecutors and police officers, launched on 1 January 2002.

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Furthermore, the EU is engaging with the US in a series of initiatives, namely:

- A co-operation agreement between Europol and the relevant US authorities, which was signed on 6th December 2001, reinforcing significantly the fight against terrorism and other forms of serious crime,
- Facilitation of mutual judicial assistance between authorities of the US and EU Member States, as well as extradition in connection with terrorism in accordance with their constitutional rules,
- Enhancement of joint efforts with regard to non-proliferation and export controls regarding both arms and chemical, bacteriological and nuclear substances capable of being used for terrorist purposes,
- Intensification of co-operation to ensure the security of passports and visas, and the fight against false and forged documents.[260]

Since that date (9/11) transatlantic intelligence co-operation has been for the most part harmonious. The CIA is pleased with the information is has received from European agencies. It reckons that transatlantic co-operation has never been better, and says that no European intelligence service has held back information that it needed.[261]

Diplomatic Efforts

EU participation in the global coalition against terrorism has served to reaffirm transatlantic diplomacy and bolster co-operative security arrangements.

International crises have a habit of embarrassing the European Union. When Iraq invaded Kuwait in 1990, the EU was largely an irrelevance: various member states pursued solo diplomatic initiatives, and then only Britain and France provided troops to fight alongside the Americans. During the collapse of Yugoslavia, which happened shortly afterwards, the EU tried and failed to prevent the outbreak of war.[262]

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[260] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[261] Grant, C. "The Eleventh of September and Beyond: The Impact on the European Union," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.148.

[262] Grant, C. Ibid. p.135.

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Taking into consideration the EU's seemingly 'poor' track record, it would seem a foregone conclusion that the EU's foreign and security policy responses to international conflicts in the post-9/ 11 period can be regarded as add-ons to previous embarrassments and 'failures'. However, quite the opposite has occurred in the wake of 9/11 and leading up to Operation Iraqi Freedom,[263] as the EU has forged a more unified approach to security and defence issues.

The Global Coalition against Terrorism

The European Council meetings in Brussels, Ghent and Laeken reaffirmed EU solidarity with the United States to build a global coalition against terrorism and fight its root causes. The EU supported US military operations in Afghanistan,[264] in line with UN Security Council Resolution 1368 and the right to self-defence enshrined in Article 5 of the UN Charter.[265] However, the EU has been cautious, reiterating that multilateral counter-terrorism initiatives under UN auspices are needed if an effective global framework against terrorism is to be built. In addition to the ratification of various UN conventions, the EU has committed itself to implementing SCR 1373 on the fight against terrorism.[266]

Furthermore, international commitments to fight terrorism were agreed upon with the United States at the EU-US Ministerial meeting in Washington DC on 20th September 2001, with Russia at the EU-Russia Summit on 3rd October

[263] In June 2003.

[264] That began on 7 October 2001. See also NATO response.

[265] Requiring member states to renounce the use of force among themselves and come collectively to the aid of any one of them attacked.

[266] The EU submitted a report on the implementation of Resolution 1373 to the Counter-Terrorism Committee of the UN Security Council, setting out the measures taken by the EU pursuant to Resolution 1373.

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2001, with its European neighbours[267] at a European Conference on 20th October 2001, with the 12 partner countries of the Euro-Mediterranean Partnership[268] at the Ministerial meeting on 5th November 2001, with Israel at the Association Council on 20th November 2001 and with the Council of Europe on 8th November 2001.[269] On 4th December 2001, the Commission participated at the Ninth Ministerial Council of the Organisation for Security and Co-operation in Europe (OSCE), which concluded it's meeting by agreeing on a Declaration and adopting a broad-ranging Action Plan on counter-terrorism measures.[270]

On 18th December 2001, the EU-Canada Summit in Ottawa reiterated its commitment to work together to consolidate the international coalition against terrorism. President Prodi and Belgian Prime Minister Verhofstadt[271] held an EU-India Summit with Indian Prime Minister Vajpayee in New Dehli on 23rd November 2001. At this occasion, the EU and India issued a joint Declaration against International Terrorism, reiteratating the common support of the adoption, on the basis of international law, of decisive measures against all States, individuals and entities, which render support, harbour, finance instigate or train terrorists or promote terrorism and reaffirmed the central role of the United Nations in the efforts of the international community in the struggle against terrorism.[272] The EU has also been active in the freezing of terrorist assets. The Commission submitted a proposal on 2nd October 2001 for regulations designed to curb the funding of organisations and individuals involved in international terrorism. The EU Parliament responded swiftly, endorsing the measure on 4th October 2001. The Council adopted on 27th December 2001 a Regulation in respect of the freezing of funds and a

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[267] The thirteen accession candidates, Norway, Iceland and Liechtenstein, Switzerland, Russia, Ukraine, Moldova and the western Balkan countries.

[268] Barcelona Process.

[269] All of these meetings held in Brussels.

[270] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[271] Then EU President.

[272] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

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prohibition on providing funds, assets, economic resources or financial services to terrorist individuals, groups or entities with proven links to terrorist organisations. As such, since 9/11, over € 100 million of assets belonging to persons and entities sponsoring terrorist acts have been frozen throughout the EU.[273]

Political and Cultural Dialogue

> *An in-depth political and cultural dialogue needs to be initiated and sustained with those countries and regions of the world where terrorism comes into being. The European Union adamantly rejects any equation of terrorism with the Arab and Muslim world.*[274]

This statement emphasizes the balancing act the EU has followed between its military/security policies, while still attempting to maintain a strong political relationship with nations outside the EU. Even within the EU the stance on terrorism has been problematic given various sensitivities by some Member States to issues pertaining to Muslim culture, notably Germany and France, which have substantial Arabic-speaking communities. In addition, as the EU is traditionally an economically orientated organisation and has strong economic ties with Arab nations, it would seem logical that they do not want to jeopardise this relationship based solely on US pressures. Furthermore, on 12-13 February 2002, the Ministers of Foreign Affairs of the Organisation of the Islamic Conference and the EU Member and Candidate countries met at a joint forum in Istanbul, to reaffirm their commitment to the 'harmony of civilisations and in its attainability.' The Forum affirmed that terrorism cannot be justified for any reason whatsoever. "*The main means to avoid racial, religious and cultural prejudice is to enhance our knowledge through communication and co-operation for the promotion of common universal*

[273] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[274] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

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values, such as those enshrined in the Universal Declaration of Human Rights."[275]

Reconstruction of Afghanistan

The EU fully committed itself to all aspects of the Afghan process. It hosted the Bonn Conference in 2001 which provided the blue-print for Afghanistan's future; it has participated fully in all military and security aspects; it has been a major humanitarian aid donor[276] and from the outset repeatedly declared its support for long term reconstruction effort in Afghanistan.[277] The Commission has committed from the European Community Budget approximately €1 billion for the period 2002-2006 to assist in the recovery and reconstruction of Afghanistan.[278]

> *The EU intends to continue to build on these measures, guided by the values of solidarity with the American people and the civilian population of Afghanistan, security of our citizens when travelling and going about their daily lives and determination in the fight against terrorism, including its root causes, both inside Europe and across the globe.*[279]

Air Transport

Since 9/11, the issue of transport security - and in particular, increased air transport security - has topped the agenda. The Brussels European Council on 21st September 2001 called on EU transport ministers to take measures covering the classification of weapons, technical training for crew, checking and monitoring of hold luggage, protection of cockpit access and quality control of security measures applied by Member States.[280]

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[275] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[276] € 352 million since September 2001 alone.

[277] Pledging in January 2001 up to €600 million at the Ministerial Afghanistan Reconstruction Steering Group in Tokyo.

[278] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[279] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[280] The conclusions of the ad hoc group on air transport security issues were presented to the Transport Council on 7th December 2001.

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On 10th October 2001, the Commission put forward proposals to improve checks on passengers and luggage. It also proposed a series of inspections of airport security standards with the aim of enhancing the level of checks carried out in Europe on both international and domestic flights. Inspections of implementation of these measures would be made at the national and European level by international teams.[281] The Laeken European Council welcomed the adoption of a common position of the Council regarding the regulation on aviation security.

On the international front, the EU submitted a proposal to the International Civil Aviation Organisation (ICAO) on 26th September 2001 calling for the establishment of a set of mandatory international security rules for domestic and international flights, and to monitor compliance with them. Following this initiative, an international conference at Ministerial level took place on 19-20 February 2002 where the EU defended a single position on main security issues including implementation of measures already agreed to at the international level, the study of new measures, and improvement and development of audit systems. [282]

Economic and Financial Policy

The EU has also prioritised targeting the sources of terrorist funding. On 19th October 2001, at the European Council in Ghent, the importance of effective measures to combat the funding of terrorism was reiterated, with the formal adoption of the Directive on money laundering and the speedy ratification by all Member States of the United Nations Convention for the Suppression of the Financing of Terrorism.[283]

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[281] Following its first reading at the European Parliament the Council agreed on a common position on 7th December 2001.

[282] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[283] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

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The European Commission welcomed the definitive adoption by the EU Council of Ministers on 19th November 2001 of the proposal to upgrade the EU's money laundering directive. The directive is a significant tool in the struggle against the financing of terrorism and organised crime as the new legislation extends the obligations to notify suspicious transactions to certain non-financial professions and sectors and widens the definition of laundering to the proceeds of all serious crime including terrorism. The new rules will cover professions not covered by US anti-money laundering legislation, such as accountants, auditors and lawyers in order to enforce tighter regulatory guidelines and monitoring of those persons making the financial transactions.

In addition, the European Commission and the Member States are playing an active role in the work of the Financial Action Task Force (FATF).[284] At its plenary meeting in October 2001 in Washington, the FATF adopted a series of recommendations to combat the financing of terrorism such as the reporting of suspicious transactions linked to terrorism, and strengthening customer identification measures in international wire transfers. The General Affairs Council on 10 December 2001 agreed on a regulation text regarding the freezing of funds in relation to terrorism.[285]

Emergency Preparedness

Since 9/11, the European Commission has promoted discussions on preparedness for bioterrorist threats.[286] Prior to 9/11, the EU already had a communicable disease network, including a rapid alert system for any outbreak of infectious diseases. However, following 9/11, a new Civil Protection Mechanism was implemented, reinforcing EU civil protection capabilities to mobilise resources, expertise and networks in the area of civil

[284] The FATF is the leading international body in the fight against money laundering and the financing of terrorism. See the section on Economic/Finance Warfare.

[285] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

[286] In the light of the anthrax attacks in the US.

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protection in response to terrorist threats. Co-operation was extended to include:

- The pooling of expertise in the Nuclear, Biological and Chemical fields (NBC experts), available 24 hours a day to assist any country that requests help.
- Enhanced co-operation on information-sharing concerning antidotes, vaccines, antibiotics, and access to hospital treatment for any victims of such attacks;
- Creation of a system of immediate and systematic exchange of information relating to accidents or threats of terrorist attack;
- Creation of a Civil Protection monitoring and information centre in the Commission Drawing on all Member States' expertise (epidemiologists, microbiologists, logistics, IT) to assess what measures are needed
- Reinforcing warning systems, rapid response capacities, analytic capacity and surveillance
- Developing clear, authoritative communication with the general public,
- Increasing training for the first line of alert: GPs, vets and pharmacists,
- Planning for burden sharing of costly logistics like stockpiles and equipment,
- Co-ordinating international co-operation with partner countries and organisations such as the World Health Organization (WHO) and the Organization for Economic Co-operation and Development (OECD).[287]

[287] Op Cit. http://europa.ed.int/comm/external_relations/110901/me02_53.htm.

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Multilateralism and the EU

> *War is the ultimate realist experience. It sharpens divisions and ensures that multilateralism is at best only partial, in the form of an alliance. Beyond the alliance is the enemy.*[288]

Robert Keohane defined multilateralism as "*the practice of co-ordinating national policies in groups of three or more states, through ad hoc arrangements or be means of institutions*."[289] However, this definition is far too generalised as "*multilateralism is broadly part of a liberal reading of international politics and follows from and supplements regime and institutional analysis.*"[290] To avoid trivialising international relations and the EU it is essential to analyse the EU's CFSP in the context of multilateralism. Multilateralism is a suitable concept for the EU as "*multilateralism is an adjective that modifies the term institution and thus it is clearly applicable in principle to the EU*."[291]

The CSFP is the Second Pillar of the EU and thus, in line with the definition of multilateralism, can be considered an institutionalised form of co-ordination of foreign policies by EU Member States. What must be remembered is that state-centrism is a characteristic of multilateralism, and therefore the EU can inadvertently be considered something of a quasi-state or inverted federation. "*It is probably closest to the truth to say that multilateralism, as with international regimes, comes somewhere between a realist and an interpretivist understanding of international institutions."*[292] In terms of the CFSP, as it is intergovernmental, it has to be regarded as a process and not

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[288] Freedman, L. "The Coming War on Terrorism," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.44.

[289] Long, D. "Multilateralism in the CFSP," in Holland, M. (ed.) Common Foreign and Security Policy. Pinter. London. 1997. p.186.

[290] Ibid.p.185.

[291] Ibid.p.187

[292] Ibid.p.187

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an institution, and is therefore outside existing legal frameworks as it was not codified by the Single European Act.

Ironically, the Maastricht Treaty outlines the CFSP as the Second Pillar to retain the intergovernmental structure of co-operation on foreign affairs; and external and internal security to create a single framework for the EU. Therefore, in effect the CFSP is a multilateral arrangement that facilitates foreign and security policy co-ordination for the Member States of the EU. "*It is clear that the CFSP in terms of its structure, processes and outputs can be classified as a multilateral forum, albeit an unusual one – it is a framework for foreign policy co-operation and co-ordination."*[293] However, criticism has been directed at the effectiveness of this framework and in particular the inherent function of policy co-ordination, as exemplified by the political differences pertaining to the Iraqi invasion and current EU counter-terrorism challenges.

Therefore, considering the post-9/11 environment, it is appropriate that the EU as a multilateral institution has undertaken significant transformation and reform to its CFSP. *"Long-term success of the counterterror campaign will depend on concerted co-operation from European states, and that co-operation should be pursued through European multilateral institutions."*[294]However, the EU in its attempts to secure its place amongst other international multilateral organs will run into difficulties regarding collective action, as experienced in the 2003 US invasion of Iraq. As such, if the EU wants to elevate the CFSP so that it becomes a serious contender in the international security arena, it will have to adhere to the tenets of multilateralism, which dictate that the EU has to first establish common norms at the domestic level before attempting to enter the arena of international co-operation and international institutions.

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[293] Ibid.p.189.

[294] Benashel, N. The Counterterror Coalitions: Co-operation with Europe, NATO and the European Union." Rand, 2003. http://www.rand.org/publications/MR/MR1746/MR1746.pdf. p.x.

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The ESDP (European Security and Defence Policy) process has continued at its own pace since 11 September, although the question of whether ESDP should be confined to regional security operations, or be harnessed to the wider global operations that the United States appears to have in mind for NATO, is now exercising its decision-makers.[295]

Little exists in the EU Action Plan to prevent the EU from accepting a global counter-terrorism role, but the first priority must be the provision of security closer to home.[296] One of the consequences of 9/11 is for the EU to implement urgent reforms to its CFSP. This may prompt or force a shift towards a stronger alliance with both NATO and the US, emphasised by the EU's actions in Afghanistan and its willingness to begin to take over from the UN and NATO in certain conflict areas. "*The Pentagon has encouraged the EU to take over responsibility for the NATO force in Macedonia, and may soon be urging it to do the same in Bosnia. The EU has already agreed to take over the policing of Bosnia from the UN."*[297] However, for the EU to make this adjustment it will need to redirect its budget spending and strategic capability, as "*too many European armies are still focused on the Cold War objective of territorial defence, rather than what is now required, namely the ability to deploy soldiers rapidly and sustain them in a distant place."*[298] Therefore, if the EU wants to establish closer security ties between itself and the US, it has to reassess its own security objectives and ambitions.[299]

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[295] Deighton, A. "The Eleventh of September and beyond: NATO," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.126.

[296] Just like NATO.

[297] Grant, C. "The Eleventh of September and Beyond: The Impact on the European Union," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.144.

[298] Ibid. p.145.

[299] This issue was high on the agenda at the 2002 NATO meeting in Prague.

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EU-US Relationship

The EU-US relationship was severely tested in the build up to and during Operation Iraqi Freedom. Historically, Iraq has been the 'Achilles heel' of EU foreign policy. "*On almost every issue of importance – such as the Balkans, Russia, China, Iran and even Israel-Palestine - the Europeans have developed either a common policy or at least a fairly common perspective. But not on Iraq."*[300] Prior to and during the Iraqi military campaign, EU Member States were sharply divided over Iraq. The UK backed the US,[301] while France and Germany voiced strong opposition to any military action against Iraq. With the US and the UK eventually rebutting the UN mandate and invading Iraq, the EU remained uncommitted. In addition, on the diplomatic front a potential rift developed between the US and Europe. However, since the fall of Saddam Hussein it seems that the differences regarding Iraq have not amounted to the catastrophic political rift predicted by many, which could have seriously harmed the counter-terrorism coalition.[302]

> *Europeans see Americans as too keen to solve problems by force alone, reluctant to work with allies and international bodies, and unwilling to dwell upon the causes of terrorism. American see Europeans as naïve in their attitude towards rogue regimes such as Iran and Iraq, unwilling to spend money on improving their outdated military capabilities and incapable of acting decisively.*[303]

However, over time and exacerbated by events such as 9/11, many European leaders are learning to acknowledge the strength of American criticisms. In effect, instead of dwelling on the issues of US unilateralism, the EU should focus on forming a stronger EU in order for it to play a more important role in international relations. One positive consequence of 9/11 for the EU has been greater awareness regarding Europe's weaknesses, and a growing desire to

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[300] Ibid. p.152.

[301] With limited support from Spain and a handful of smaller Member States.

[302] Evident during the 60th Anniversary of the D-Day landings. In addition, common ground seems to have been found with the EU offering assistance in the rebuilding of a post-war Iraq.

[303] Ibid. p.153.

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address this. "*Europe remains primarily a soft power, but its edges are starting to harden."*[304]

A stronger EU needs a stronger and more well defined CFSP. This will become an important prerequisite as the EU evolves into an international 'institution' with global power, largely determined by its foreign and security policies. In light of current and future international relations scenarios being overshadowed by security and military affairs, such as the consequences of 9/11 and increased terrorist activity in Europe, this point is self-evident. However, the push for a stronger CFSP is easier said than done, given the past difficulties of integration as well as the presence of states within the organ with individual regional and global interests. To this end, whether the CFSP can be used as the vehicle to push the EU into a role of greater international integration and co-operation is hugely debatable.[305]

Therefore, enhanced co-operation in its present form must be transformed into a concept that leads to the "communitarization" of the CFSP. This is necessary to strengthen and extend the foreign, security, defence and political capabilities of the EU. Additionally, it is imperative that the ad hoc coalition building, which does not respect the agreed institutional and legal framework of the EU, does not develop into the accepted method of dealing with crises. It may be practical to push for enhanced internal and external co-operation within the realms of the EU at first, and then to a form of progressive development allowing Member States to deepen co-operation on aspects[306] of the CFSP within defined parameters.

There is little doubt that 9/11 has fundamentally reshaped international relations and the global military/political/security system. It is therefore imperative the EU transform accordingly. Similar to other institutions namely

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[304] Ibid. p.153.

[305] See Appendix H for negatives and positives of a stronger CFSP.

[306] Such as counter-terrorism.

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the UN and NATO re-evaluating and reaffirming their positions within the international community, the EU must do likewise to form a 'union' that legislates strong and flexible foreign and security policies, and also has the ability and determination to implement them.

> *The events of 11 September were a catalyst for a trend which had been developing in Europe after the end of bipolarity. Europe's dichotomy, embodied in EU-NATO 'cohabitation', had been supportable in Cold War times because of Europe's dependence on the USA in the security field. However, European integration and the Euro-Atlantic partnership became contradictory after the collapse of communism, which removed the very threat of global conflict. Trends such as growing insecurity in Europe, and US unilateralism and its very responses to Europe's security needs, cannot but exacerbate this divergence.*[307]

Thus, the EU is displaying serious signs that it is strongly and committed to transform into an institution able to play an important role regarding global military/security issues. Yet can the CFSP act as a catalyst to realise these ambitions? Another factor is what position will the US take, either in supporting or discouraging this potential redirection, and will its unilateralist approach make way for genuine co-operative security arrangements and the forging of new multilateralism mechanisms in the 21st Century? The US needs a strong EU commitment in establishing a global coalition. Certainly, the EU's assumption of UN and NATO missions in central Europe has by and large been successful, which may prepare the way for a more influential EU in the US-led 'war on terror'.[308]

> *The EU's response to 11 September, however, was more impressive…..It would be premature to say that, in the decade since the Kuwait and Yugoslav crises, the EU has come of age as an international actor. But is certainly has grown in maturity.*[309]

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[307] Arbatova, N. "Russian-Western Relations after 11 September: Selective Co-operation versus Partnership (a Russian View)," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.163.

[308] Backed by a stronger EU CFSP.

[309] Ibid. p.135.

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The Southeast Asian Response

> *Throughout Asia, transactional terrorist networks are filling in as the common threat against which states can build new networks of security co-operation. Already, this has led to renewed American strategic engagement in Southeast Asia, something regional governments, if not their peoples generally, regard as a positive force for regional stability. The terrorist threat in Malaysia, Singapore, Indonesia, and the Philippines has already produced the first multilateral gathering of their respective defence intelligence chiefs.*[310]

Terrorism, albeit in the form of Muslim separatist groups, ideological and ethnic based guerrilla movements and anti-government rebels, have dogged the Southeast Asian region for some time. Prior to 9/11, 'resistance'[311] groups such as the Abu Sayyaf (ASG) and Jemaah Islamiah (JI) were engaged in 'terrorist' activities against the moderate Muslim governments in Indonesia, Philippines and Malaysia due to their 'pro-US' foreign policies. However, with the elimination of the radical Muslim group al-Qaeda in Afghanistan and northern Pakistan, new Islamic terrorism frontiers and partnerships have emerged in Southeast Asia. Hence, in the months following 9/11, it seemed that common consensus amongst terrorist-fighting nations emerged with the international scourge of terrorism becoming a global priority (pushed by the US) and creating a unified understanding of the mounting danger. This resulted in the international community binding together and hastily pushing through a host of UN Resolutions[312] redefining international counter-terrorism policy.

The 'war against terrorism' has affected all regions of the globe, including Southeast Asia. In his "you are either with us or against us" speech, President George W. Bush emphasizes *"a world where freedom itself is under attack"*

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[310] Acharya, Amitav. State-Society Relations: Asian and World Order after September 11. Booth, K. and Dunne, T. Worlds in Collision: Terror and the Future of Global Order. 2002. New York. Palgrave Macmillan. p.197.

[311] They regard themselves as resistance groups although are listed as terrorist organizations by the US State Department.

[312] As mentioned earlier in this study. See The UN Response.

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and promised, "our war on terror… will not end until every terrorist group of global reach has been found, stopped and defeated."[313] President Bush identified Southeast Asia as "the second front in the war against terrorism," and as such the 'hunt' for Al-Qaeda has witnessed the region being placed under the 'terrorism' spotlight with Southeast Asian governments scrambling to appease the US while playing a delicate balancing act amongst their own Muslim citizenry. Therefore, support from countries[314] in Southeast Asia is vital for the global counter-terrorism coalition, emphasised by the transnational aspect of the terrorism threat.

The US occupation of Iraq has witnessed calls by Islamic militants for increased aggression against the US and the 'bolstering' of Al-Qaeda recruits in the Middle East. Consequence, it is highly likely that what will emerge is a resurgence of Islamic militancy in Southeast Asia, as terrorist groups and Muslim separatists find common ground to stage *jihad* (holy war) against western interests in the region. Hence, this second front of terrorism has the potential to pose a significant threat to the political-economic-security stability of the entire Asian region in the foreseeable future.

However, while the West has reeled in the aftermath of 9/11,[315] Muslim nations have also been affected by terrorism. Although the Middle East and Southeast Asia in particular have a history of regional terrorism, it seems that the events of 9/11 ignited a new kind of terrorist 'kinship', particularly in Southeast Asia. The reality is that Southeast Asia has long been plagued by terrorism. After the attack on a Bali nightclub on 12 October 2002 killing 202 civilians – mainly tourists – Southeast Asians experienced the same patterns of shock and disorientation as the World Trade Centre bombings. The bombing in Bali "*shocked the world, not only because it is considered a follow-*

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[313] Address to Joint Session of Congress and the American People, November 21, 2001. http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html

[314] Such as Indonesia and Malaysia, which have large, vocal and volatile Muslim populations yet have committed themselves to the 'alliance'.

[315] Redefining its stance towards terrorism and the Islamic world.

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up to a series of terrorist acts post September 11, but also because it occurred on Indonesia's tourist island, one of our few remaining safe havens."[316]

This 'paradise lost' theme was often repeated in the media coverage of the Bali blasts, however, Indonesia is a known terrorist safe haven, and ample evidence exists that the country is "a hotbed for Islamic militants."[317] Yet, due to the inconceivability that the region could become the next 'Afghanistan in terms of the hosting of the al-Qaeda network', most Southeast Asian governments have been unwilling to accept the magnitude of the challenge and the pervasiveness of the 'Islamic terrorist' threat in their own backyards, although prior to the Bali bombing the US had been "*warning for weeks of a 'specific and credible' attack being mounted...*"[318] Although Bali had remained 'safe' prior to the bombings, this incident is a stark reminder of the transnational threat of terrorism. Therefore, given the frequency of terrorist activities and the concentration of militant groups in the region, sufficient evidence exists that terrorism and Islamic extremism are well entrenched in Southeast Asia.

> *The specifics of the region's (East Asia's) political history need not be dissected too closely because terrorists presumably do not delve deeply into archival research before embarking on a terrorist career. Rather, it is the emotional context of felt, observed or historically recounted political grievances that shapes the fanatical pathology of terrorists and eventually triggers their murderous actions.*[319]

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[316] Imanuddin, "Intelligence capability and the Bali blasts," The Jakarta Post, October 29, 2002, http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20021029.E02

[317] Lessons from the Bali blast", Jakarta Post, October 16, 2002, http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20021016.E03.

[318] Ewen MacAskill and John Aglionby "Suspicion Turns on Indonesia's Islamist Militants," The Guardian, London, October 14, 2002, www.guardian.co.uk/indonesia/Story/0,2763,811368,00.html.

[319] Zbigniew Brzezinski, "Confronting Anti-American Grievances", New York Times, September 1, 2002. p.17.

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US - Asian Co-operation

> *The war on terrorism is inextricably linked to our long-term and overarching goal of regional stability. Regional stability provides the underpinning for achievement of other key goals and objectives. The growth of terrorist networks in the EAP region presents a direct threat to U.S. national security, to the welfare of Americans overseas and to the security of U.S. allies and friends in the region.*[320]

Combating terrorism is the top US priority regarding the Southeast Asia and Pacific (SEAP) region, according to Assistant Secretary of State for East Asian and Pacific Affairs James Kelly. (Refer to **Appendix E**). In a report before a Senate Foreign Relations Committee hearing on 26 March 2003, Kelly stressed that the fight against terrorism was critical to obtaining America's other objectives in the region. Furthermore, in terms of regional co-operation on the 'war on terror' "*the Bush administration will continue to carefully manage ties" with five regional allies -- Japan, the Republic of Korea, Australia, the Philippines, and Thailand -- to maintain our ability to sustain a stable and secure environment in the region*."[321]

In August 2002, a counter-terrorism pact was signed between the US and ASEAN. (Refer to **Appendix D**) This was a watershed, the first such pledge taken by an entire region, albeit at US urging. "…*2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen co-operation at bilateral, regional and international levels in combating terrorism in a comprehensive manner…*"[322] The agreement calls for the signatories to freeze the assets of terrorist groups, strengthen intelligence sharing and improve border patrols. Of course co-operation with the US has

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[320] Bureau of East Asian and Pacific Affairs. Statement by Assistant Secretary James A. Kelly. Senate Foreign Relations Committee. March 26, 2003 Text: Kelly - Fighting Terrorism Top U.S. Priority in Asia-Pacific Region. March 26 Senate Foreign Relations Committee Testimony. http://usinfo.state.gov.

[321] Ibid. http://usinfo.state.gov.

[322] U.S.-ASEAN Joint Declaration on Combating Terrorism. Washington, DC. August 1, 2002. http://usinfo.state.gov.

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lucrative financial and economic benefits. Secretary of State Colin Powell, at the end of an eight-country tour of Asia, pledged $50 million in aid to Indonesia's security forces, citing that country as a potential safeguard in stopping the conceivable domino effect of terror in Southeast Asia.[323]

However, this new framework and future pacts cannot be seen as a total solution to resolving problems with US-Southeast Asian co-operation on fighting terrorism. Internal problems, ranging from porous borders to leaders who fear cracking down on extremists will disturb a delicate balance within Muslim communities, are endemic to the region and need to be resolved domestically. Additionally, it must be remembered that the agreement is a declaration, and not a formal treaty. Using this agreement as a prototype, it could pave the way for future agreements or even treaties to intensify US relations with Southeast Asia, and implement a fresh approach to broader American foreign policy regarding terrorism. "*This has to be a campaign not just against al-Qaeda in Afghanistan, but al-Qaeda everywhere.*"[324]

Regional Terrorism Activities and Responses

In the wake of 9/11, the majority of world governments, and hesitant Southeast Asian nations, were universal in their condemnation of the attacks, with most providing substantial direct support to the war on terrorism and making significant progress in building indigenous counter-terrorism capabilities. Counter-terrorism experts have long insisted that Southeast Asia has served as both a staging area and refuge for terrorism.[325] However, Northeast Asia has been less perturbed by terrorism, although China has used the 'War on Terrorism' to legitimise its domestic counter-terrorism

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[323] China has not surprisingly jumped on the bandwagon and proposed a similar arrangement for the ASEAN Plus Three group, which informally links Southeast Asia to China, South Korea and Japan.

[324] U.S.-ASEAN Joint Declaration on Combating Terrorism. Washington, DC. August 1, 2002. http://usinfo.state.gov.

[325] Such as Rohan Gunaratna, regarded as the leading expert on al-Qaeda.

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activities. A possible reason for this paradox is that the more powerful states of North Asia, which do not have Muslim majorities unlike Southeast Asia, have been able to forcefully suppress terrorism, as they are more able to maintain control over their respective populations. This has enabled China to crack down on internal dissidence and Japan to increase its defence capabilities.

> *Whereas in Southeast Asia the American war on terrorism seems to have been increasingly resented over time, as a unilateral intrusion of American grievances into internal politics tending only to exacerbate cleavages, in Northeast Asia the campaign seems to have been greeted as an opportunity for political free riding.*[326]

Although it is true that the focal point of Asian terrorism activities is Southeast Asia, East Asia is not impervious to an overspill or upsurge in anti-US terrorist activities, especially considering the sensitive security situation involving the US, China and North Korea. Additionally, the fact that there is a strong American presence, almost 100 000 troops in the region, raises the potential for an increase in East Asia's susceptibility to terrorism. As it is not the objective of this paper to provide an in-depth analysis of Asia's counter-terrorism responses, we will highlight the volatility of the region, by reviewing the responses to 9/11 by individual Asian states.

Philippines

Philippine President Macapagal-Arroyo has been Southeast Asia's staunchest supporter of international counter-terrorism efforts, offering medical assistance to Coalition forces, blanket overflight clearance, and even offered landing rights for US aircraft involved in Operation Enduring Freedom. On 29th September 2002, the Philippine Congress passed the Anti-Money-laundering Act of 2001. This legislation overcame vocal opposition and was quickly passed as the Philippine Congress took steps to support the international

[326] Dittmer, L. "East Asia in the 'New Era' in World Politics", World Politics. 5 October 2002. pp.38-65.

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effort to freeze terrorist assets worldwide. Macapagal-Arroyo also spearheaded efforts to forge an ASEAN regional counter-terrorism strategy.[327]

Filipinos need no reminding of the threat posed by terrorist group Jemaah Islamiah (JI), and the US presence may have made the archipelago an even more tempting target. In addition, there is strong indication[328] that Abu Sayyaf (ASG)[329] has returned to its roots as a purely terrorist organization – prompting concerns that a link exists with al-Qaeda - rather than a kidnap-and-extortion gang. Additionally, the Moro Islamic Liberation Front (MILF), a 12,000-strong separatist group with documented al-Qaeda links are also a cause for concern, and the potential exists of them breaking negotiations to unite with JI against US presence in the Philippines.[330] For now, the Philippine government is content to accept US financial aid, and the provision of Special Forces troops in an advisory and training capacity. However, this may change, with US troops taking the fight to the terrorists, as recruitment activity in Southeast Asia is on the increase due to the situation in Iraq.

Thailand

Prime Minister Thaksin condemned the 9/11 terrorist attacks and said his country would stand by the United States in the International Coalition to combat terrorism.[331] The Thai government pledged co-operation on counter-terrorism between US and Thai security agencies, committed itself to signing all the UN counter-terrorism conventions, and offered to participate in the reconstruction of Afghanistan. Thailand also offered to dispatch a construction battalion and five medical teams to serve in UN-mandated operations in

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[327] Elliot, M. "Reeling Them In", Time Magazine: Special Report. September 23, 2002. pp.17-21.

[328] Based on the Mindanao bombings in 2003.

[329] Synonymous with the kidnapping of tourists and missionaries, including South African's Callie and Monique Strydom in 2002.

[330] US is not allowed to target them, as President Arroyo is in peace negotiations with the group.

[331] Gunaratna, R. "Tackling Terror: To win the war on terrorism, Asia's governments must join forces." http://www.timeasia.com

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Afghanistan. Thailand has taken several concrete steps to support the war on terrorism. For example, Thai financial authorities began investigating financial transactions covered under UN resolutions to freeze al-Qaeda and Taliban assets during Operation Enduring Freedom. In an effort to prevent Bali-style terrorism acts, in December 2001 immigration officials announced initiatives to expand the list of countries[332] whose citizens are required to obtain visas when arriving in Thailand.

As a tourist haven,[333] Thai authorities downplay speculation that a Bali-style attack is likely. However, security analysts, such as Rohan Gunaratna, have suggested that government's statements are merely public relations efforts, indicating the government's is deep concern about a terrorist attack.[334] Hence, Western governments have been severely criticized by Thai authorities for issuing travel advisories for tourists to Thailand. There is no doubt that these travel warnings have caused great economic strain on the tourism industry.[335]

Yet, the Thai government is taking anti-terrorism seriously. In the Muslim-dominated south, a region plagued by bombings and arson attacks on schools, hotels and security forces, it is believed the violence is linked to the region's extortion and smuggling rackets, and not international terrorists groups. Yet, the government is taking no chances, as Government spokesman Sita Divari insists, *"we are not a target for international terrorists, but we are conscious and prepared.*"[336]

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[332] Mainly directed at Middle Eastern countries.

[333] The country has a lucrative tourism industry, which sees the arrival of more than 10 million visitors each year and contributes invaluably to the country's economy.

[334] This was reaffirmed at time of writing, when a car bomb exploded outside the Australian Embassy killing 9 people in October 2004.

[335] Spaeth, A. "Losing Hearts and Minds: Terrorism is stalking Asia. So why is America's war on terror so unpopular?" December 2, 2002, vol. 160, no. 21. http://www.timeasia.com.

[336] Imanuddin, "Intelligence capability and the Bali blasts," The Jakarta Post, October 29, 2002, http://www.thejakartapost.com/Archives/ArchivesDet2.asp?FileID=20021029.E02

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Singapore

Prime Minister Goh Chok Tong strongly condemned the 9/11 attacks, affirming Singapore's support for US anti-terrorism efforts. The Government quickly passed legislation to strengthen the country's anti-terrorism guidelines. Additionally, Singapore supported the war effort in Afghanistan contributing funds and material for humanitarian relief. Ironically, Singapore's support was well timed as its 'respected' internal security apparatus remains dazed from the shock of discovering a well-advanced al-Qaeda plot to detonate seven large truck bombs at embassies and other key sites in 2001. "*They were absolutely horrified at how close the plan was to execution.*"[337] But as terror expert Zachary Abuza points out, "*ultimately, a successful attack in Singapore remains top of the wish list for JI, even if achieving that takes years. Singapore has enormous symbolic importance as the capitalist centre of the region*."[338]

Such concerns were further highlighted earlier in 2003 when Prime Minister Goh Chok Tong revealed that Mas Selamat Kastari, the "most dangerous" of the 12 or so members of the Singapore Jemaah Islamiah (JI) cell who escaped arrest and fled the country, had planned to crash a plane into Singapore's Changi Airport. This resulted in increased security measures on potential hard and soft targets. For example, anti-aircraft missiles now reportedly protect the airport, as well as the prominent Shell and Exxon Mobil refineries.[339] Evidence also exists that the terrorists began exploring targets in Singapore in 1997. Singapore's Permanent Representative to the United Nations spoke of the global coalition against terrorism when he addressed the General Assembly in October 2003:

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[337] Gunaratna. Tackling Terror: To win the war on terrorism, Asia's governments must join forces**.** http://www.timeasia.com.

[338] Gunaratna. Ibid. http://www.timeasia.com.

[339] Also old landing ship tanks (LST's) have been placed in Singapore harbour to prevent seaborne terrorist attacks akin to the USS Cole incident.

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We realize that it will be a long and uphill struggle to make the world safer from terrorism. This is a deep-rooted problem that will not go away easily. The terrorists have built up a sophisticated and complex global network, and other societies too are at risk. Countering terrorism must therefore be a global endeavor. [340]

Malaysia

Malaysian Prime Minister Mahathir condemned the 9/11 attacks as 'unjustified' and went as far as to visit (the first-ever) the US Embassy to sign the condolence book. At the same time, he expressed solidarity with the US in the fight against international terrorism. As a result, the Malaysian Government has facilitated international law-enforcement and intelligence efforts, implemented financial counter-terrorism measures, increased security surrounding the US Embassy and diplomatic residences, and aggressively pursued domestic counter-terrorism activities.[341] On the surface, Malaysia is setting the precedent in cracking down on Islamic militancy. Police were already making arrests a month after the 9/11 attacks. Although, there is little doubt that the government is 'seemingly' committed to crushing domestic militancy, it is ironic that previous actions such as turning a blind eye to radical clerics, like alleged Jemaah Islamiah head Abubakar Ba'asyir, has enabled Islamic radicalism to become embedded in the Malaysian Muslim community.[342]

As a result, Malaysia is being used as a rendezvous for both regional and global militants.[343] This is exacerbated by the government's policy toward visitors from Islamic countries who do not require visas.[344] However, this approach seems to be a double-edged sword with groups such as the Kumpulan Mujahidin Malaysia (KMM) being deemed a threat to Malaysia's

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[340] Gunaratna. Ibid. http://www.timeasia.com.

[341] Gunaratna. Ibid. http://www.timeasia.com.

[342] Gunaratna. Ibid. http://www.timeasia.com.

[343] Organized by JI

[344] A move aimed at boosting tourism from the Middle East.

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national security,[345] while JI retains Kuala Lumpur's clearance.[346] This undermines the regional counter-terrorism mechanism, as the Malaysian government is accused of ignoring the links between JI and the KMM.[347] Hence, the question arises, what lengths are these governments prepared to go regarding the 'war against terrorism' without invoking the wrath of their own Muslim citizenry? It is obvious that groups such as JI have taken this into consideration and are using it to their advantage.

Burma

Burma issued a letter to the United Nations on 30 November 2001 outlining its commitment to counter-terrorism. The Government stated its opposition to terrorism and declared government officials would not allow the country to be used as a safe haven for the planning and execution of terrorist acts. The letter also indicated the country had signed the UN Convention for the Suppression of Financing of Terrorism on 12 November 2001, and the Government provided banks and financial institutions with the names of all terrorists and terrorist organizations listed under UN Security Council Resolution 1333.[348] The letter declared that the Government of Burma would cooperate in criminal investigations of terrorism and bring terrorists to justice "in accordance with the laws of the land." Burma had signed six of the 12 counter-terrorism conventions and was considering signing the other six. Drug trafficking and related organized crime are additional challenges in Burma, presenting terrorists with opportunities to exploit.[349]

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[345] KMM detainees are frequently being held on a wide range of charges, including planning to wage a *jiha*d, possessing weaponry, carrying out bombings and robberies, and planning attacks on foreigners, reportedly all underwent military training in Afghanistan.

[346] Gunaratna. Ibid. http://www.timeasia.com.

[347] Several key leaders of the KMM known to be involved in JI.

[348] Gunaratna. Ibid. http://www.timeasia.com.

[349] Gunaratna. Ibid. http://www.timeasia.com.

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China

Chinese officials strongly condemned the 9/11 attacks and announced China would strengthen co-operation with the international community in fighting terrorism on the basis of the UN Charter and international law.[350] China voted in support of both UN Security Council resolutions after the attack. Its vote for Resolution 1368 marked the first time it has voted in favour of authorizing the international use of force. China has also adopted a constructive approach to terrorism problems in South and Central Asia, publicly supporting the Coalition campaign in Afghanistan and using its influence with Pakistan to urge support for multinational efforts against the Taliban and al-Qaeda. However, its stance on the Iraq situation has been interesting considering the lack of terrorism mandate and the potential for civilian casualties.[351] China and the United States began a counter-terrorism dialogue in late-September 2001. As a result, China approved the establishment of an FBI Legal Attaché in Beijing and agreed to create US-China counter-terrorism working groups on financing and law enforcement. At the request of the US, China has implemented several measures to curb potential terrorist financing mechanisms throughout the Chinese banking infrastructure.

However, although China has been co-operative with regards to the counter-terrorism effort, it can be argued that China has used the new terrorism guidelines to its advantage to improve and implement a number of measures in its counter-terrorism posture and domestic security. For example, the Chinese government has increased the operational capability of its military and police units in the Xinjiang region, western China, where it is currently engaging Uighur separatist groups. In addition, it has created a new 1000-strong anti-terrorist unit to assist Chinese regular army units near the borders with Afghanistan and Pakistan to block terrorists fleeing from Afghanistan and

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[350] President George W. Bush and Chinese President Jiang Zemin held a joint news conference on counter-terrorism co-operation following their meeting in Beijing, 21 February 2002.

[351] Probably due to its poor human rights record.

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strengthening overall domestic preparedness.[352] China has expressed concern that Islamic extremists operating in and around the Xinjiang-Uighur Autonomous Region opposed to Chinese rule received training, equipment, and inspiration from al-Qaeda, the Taliban, and other extremists in Afghanistan and elsewhere.[353] However, there are concerns that China is manipulating its anti-terrorism legislation to vindicate its human rights abuses.[354] China recently accused Muslim separatists in the northwestern region of Xinjiang of terrorist acts in their campaign for independence. If China continues to abuse the terrorism guidelines it could lead to US-Chinese tensions, as the US has urged China not to use the war on terrorism as a pretext to crack down on domestic political dissent.[355]

Indonesia

Immediately following the 9/11 attacks, President Megawati expressed public support for a global war on terrorism and promised to implement UN counter-terrorism resolutions. The Indonesian Government, however, opposed unilateral US military action in Afghanistan. The Government has since taken

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[352] Gunaratna. Ibid. http://www.timeasia.com.

[353] Gunaratna. Ibid. http://www.timeasia.com.

[354] In 2002, a court in Shenzhen sentenced U.S.-based democracy activist Wang Bingzhang to life in prison for terrorism and espionage, the first time the terrorism charge was used to convict a democracy campaigner. Gunaratna. Ibid. http://www.timeasia.com.

[355] "*The government has broken up 22 groups involved in separatist and terrorist activities and meted out 50 death sentences in the first eight months of 2004. Prior to the US-led invasion of Iraq in March last year - which China opposed - Beijing had backed the US-led "war on terror", using its momentum to call for international support for its campaign against Uyghur separatists, whom it has branded "terrorists". China claims that the Uyghurs, who are seeking an independent Islamic state, have killed 162 people and injured 440 others. But Human Rights groups say that Beijing is using the threat of terrorism as an excuse to perpetrate further human rights violations against those involved in a peaceful campaign for an independent Uyghur state*." China plans 50 executions in 'war on terror' http://www.isn.ethz.ch 16 September 2004

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limited action to support international anti-terrorist efforts.[356] It also took steps to bring its legal and regulatory counter-terrorism regime up to international standards. Although often slow to acknowledge domestic terrorism, Indonesia has undertaken some anti-terrorist operations within its borders.[357] In addition, Indonesia has issued blocking orders on certain terrorists under UN Security Council Resolution 1333, and instructed banks to comply to freezing and reporting requirements.[358] In the aftermath of the Bali bombing,[359] the US remains concerned that terrorists related to al-Qaeda, Jemaah Islamiyah (JI), and KMM are operating in Indonesia. One of the most vocal of the Indonesian groups, Front Pembela Islam (Islamic Defenders Front), have publicly stated that they will behead US citizens and with over 30 major bombing incidents throughout the archipelago, it remains to be seen whether the Indonesian government can crack down without inciting the Muslim population.

Japan[360]

Japan acted swiftly to the 9/11 terrorist attacks. Prime Minister Koizumi led an aggressive campaign that resulted in new legislation[361] allowing Japan's Self Defence Forces to provide substantial logistical support for the campaign in Afghanistan (and currently in Iraq).[362] The Government has signed all 12 terrorism-related international conventions endorsed by the UN, frozen suspected terrorist assets and maintains a watch list containing nearly 300 groups and individuals.[363] Japan was also active in the G-8 Counter-terrorism

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[356] Indonesia and Australia signed a Memorandum of Understanding on counter terrorism co-operation in early 2002, preparing the way for concrete actions against the spread of terrorism in Southeast Asia.

[357] For example, the arrest and sentencing to life imprisonment of three suspects involved in the Bali bombing.

[358] Gunaratna. Ibid. http://www.timeasia.com.

[359] In which 202 mostly Australian and Americans civilians were killed.

[360] See Appendix F – Japan's Counter-Terrorism Assistance.

[361] Within two months of September 11 the DIET passed the Anti-Terrorism Special Measures Law and revised the UN Peacekeeping Operations Co-operation Law of 1992.

[362] Japan also sent warships to patrol the Persian Gulf and Arabian Sea.

[363] Gunaratna. Ibid. http://www.timeasia.com.

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Experts' Group, participating in the development of an international counter-terrorism strategy to address concerns such as terrorist financing, the drug trade, and mutual legal assistance. Although Japan has experienced domestic terrorism[364] –- devoid of Islamic ties – it seems it has been quick to align itself with the US based on traditional ties. Additionally, as witnessed in the past Japan may use this opportunity to reinterpret its constitution to increase its own security capabilities on the pretext of national interest.[365]

South Korea

Whereas North Korea has been labelled a member of the 'axis of evil' and is listed by the US as one of the seven state sponsors of terrorism,

South Korea has given unconditional support to the US war on terrorism and pledged "*all necessary co-operation and assistance as a close US ally in the spirit of the Republic of Korea-United States Mutual Defense Treaty*."[366] To that end, South Korea contributed air and naval logistical support vessels and a medical unit to military operations in Afghanistan, in addition to humanitarian relief and reconstruction funds to rebuild that country. South Korea also has strengthened domestic legislation and institutions to combat financial support for terrorism, including the creation of a financial intelligence unit.[367]

Laos

The Laotian Government has stated it condemns all forms of terrorism and supports the global war on terrorism. The Bank of Laos has issued orders to freeze terrorist assets and instructed banks to locate and seize such assets. Laos, however, has been slow to ratify international conventions against terrorism. Public and Government commentary on the US–led war on

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[364] Aum Shinriko cult's sarin gas attack on Tokyo subway.

[365] At time of writing a Japanese contract worker in Iraq was captured and threatened with decapitation by one of the terrorist groups linked to al-Qaeda. Their demands are for Japan to pull its forces out of Iraq.

[366] http:www.fbi.gov/counterterrorism/southkorea

[367] Gunaratna. Ibid. http://www.timeasia.com.

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terrorism has been overwhelmingly supportive due to the economic gains made by allying itself with the US.[368]

Taiwan

Taiwan President Chen committed publicly on several occasions, including soon after the September 11 attacks, that Taiwan would "*fully support the spirit and determination of the antiterrorist campaign, as well as any effective, substantive measures that may be adopted*."[369] Taiwan announced that it would abide by the 12 UN counter-terrorism conventions, although it is not a member of the United Nations. Taiwan also strengthened laws on money laundering and criminal-case-procedure law in the aftermath of 9/11.

The Effects of Middle East Conflict on Asia

There is growing anti-US feeling in Islamic regions of Southeast Asia, where political leaders are concerned that the moderate Muslim majority may become radicalised by US actions/presence in Iraq. Muslims worldwide have voiced their anger at the invasion of Iraq deeming it an attack on innocent Iraqi Muslims. "*We see a war on Iraq as an assault on Muslims*."[370] Suspicions were intensified when members of the Bush Administration initially labelled the war on Iraq a 'crusade'.

The potential exists for terrorist groups to use the war as an excuse to retaliate against US and Western interests, including those in Southeast Asia. In the early stages of the invasion of Iraq, Saddam Hussein labelled any attack on Iraq a conflict of Islam vs. the West. To this end, many Asian

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[368] Gunaratna. Ibid. http://www.timeasia.com.

[369] Gunaratna. Ibid. http://www.timeasia.com.

[370] Moulana Obaidul Haq, the chief imam of the state-run Baitul Mukarram Mosque in Bangladesh's capital, Dhaka. Beech, H. "Why Asia Fears Bush's War". Time Magazine. p.17.

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Muslims have supported this.[371] "*A war will radicalise Muslims, even moderate*s," says Eliseo Mercado,[372] outlining that over the past decade Islamic militancy has gained ground among Muslim separatists. This has the very real potential of serving as a catalyst for increased anti-US sentiments in Southeast Asia. Gauging current sentiment over the Iraq war, it seems that the US may find itself in a political quagmire and being forced to take a more prominent role in Southeast Asia. Malaysian Prime Minister Mahathir Mohamad recently told local business leaders that the attack against Iraq "*will simply anger more Muslims who see this as being anti-Muslim rather than being anti-terror*."[373]

In Indonesia, mainstream Islamic organizations such as the Nahdlatul Ulama and Muhammadiyah[374]— key allies in the government's attempt to control extremist groups — have also opposed US engagement in Iraq. "*I'm afraid the U.S. could lose the support of moderate Muslim groups*. *In Indonesia, radicalism will increase because they will see an invasion as another example of America's neo-imperialism*."[375] One of Asia's biggest worries is that radicalism could result in an increase in retaliation on "soft targets" frequented by Westerners. "*An attack on Iraq could increase terrorist attacks and help give rise to new recruits who may be even more dangerous*,"[376] warns Ansyaad Mbai, who coordinates the anti-terrorism desk of Indonesia's Ministry for Politics and Security. *"The invasion will generate sustained support and recruits to existing Islamic militant groups and will spawn new ones."*[377]

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[371] Gunaratna estimates that there are as many as 500 active JI members in Southeast Asia, with more recruits joining their ranks each month.

[372] Mercado is head of an independent monitoring group in the Philippines' Muslim-majority southern province of Mindanao.

[373] Beech, H. Op Cit. p.17

[374] Muhammadiyah is the country's second largest Muslim organization with some 20 million members

[375] Syafii Maarif, head of Muhammadiyah.

[376] Beech, H. Op Cit. p.17

[377] Gunaratna. Op Cit. http://www.timeasia.com.

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Therefore, it seems that, unlike in Afghanistan, the US has overstepped the 'moral' boundary in its invasion of Iraq. "*Most Muslims did not oppose the Afghanistan campaign, but contrary to Afghanistan, the US had no reason to attack Iraq*. *US action in Iraq will result in a violent reaction all over the Islamic world*," says Molvi Abbas Ansari, a senior official of the chief Kashmiri separatist group, the All Parties Hurriyat Conference.[378] The greatest immediate concern is that the war could spark a string of bombings and other attacks by Islamic militants, precisely what Asian countries with sizable Muslim populations fear. *"Worst of all, those groups will come under tremendous pressure from their members and constituents to take some kind of retaliatory action. There will be no shortage of volunteers*.[379]

The startling fact is that the US war on terror is losing Asian hearts and minds at a time when terrorism is becoming a greater peril to the region.[380] The sympathy afforded the US after 9/11 is gradually being eroded by criticism and renewed hatred, with the war in Iraq its catalyst. A dangerous precedent is being set as with every new terrorist incident, most of it directed against the US and the West, as Asian's are seemingly venting their anger not at the extremist groups responsible, but at the US.

> *The war against Iraq has three Muslim-majority countries in Asia tiptoeing down a tightrope to stay friends with Washington while scrambling to identify with popular opposition and prevent anger from boiling into violence. If they fail, Washington could find itself having won a war in the Mideast at the price of creating fresh problems in Asia.*[381]

Southeast Asia - 'the second front on terrorism' –- could implode with moderate Muslims radicalising as a result of US action in Iraq and events in the Middle East in general. The US needs to increase its co-operative security

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[378] Beech, H. Op Cit. p.17

[379] Gunaratna. Op Cit. http://www.timeasia.com. This has to a large extent been realised.

[380] At time of writing, 11 September 2004, a bomb exploded outside the Australian embassy in Jakarta killing 13 and injured 96. JI claimed responsibility.

[381] Norton, J. Asia's Islamic States Wary. The Star. April 04, 2003. p.13.

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efforts if it wishes to secure the support of countries in the region to increase the pressure on the crackdown of Al-Qaeda and its network. Failure to do this may result in the creation of a new 'theatre' of conflict - the entire Southeast Asian region – itself already on a security seesaw which threatens to erupt post the current Iraqi conflict. Therefore, we can see that the 'war on terrorism' is not limited to Southeast Asia as East Asian governments are making the most of the situation to further their own national interests. Whether, the 'on-the-ground' repercussions will be felt in East Asia is yet to be seen. However, the US will need as much support as it can get in the region, particularly if there is increased Islamic militancy in the wake of the worsening situation in the Middle East, with the danger of increased anti-US and pro al-Qaeda sentiment.

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Africa's Response

> *Africa's importance for global security has risen dramatically in recent years. Africa has served as a staging-post for terrorist attacks both within the continent and in the Middle East.*[382]

This section will briefly outline Africa's efforts regarding the 'War against Terrorism', and the counter-terrorism mechanisms that have been implemented by the African Union (AU).

Terrorism on the African continent is not a new phenomenon. While the attacks on the US Embassies in Kenya and Tanzania in 1998[383] drew the world's attention to Africa as a potential terrorist hotbed, certain North African countries such as Algeria, Somalia, Sudan, Djibouti, Ethiopia and Egypt have been waging their own individual war on terrorism long before 9/11. Add to this, the South African government's own experience with Muslim fundamentalism in the form of the PAGAD[384] bombings during the late 1990's. Therefore, it is evident that Africa is of strategic importance and will need to be coaxed into the US led global counter-terrorism effort.

> *Terrorism has no colour, has no face and has no religion. It is our common enemy. We Africans are determined to fight terrorism in all its forms. We have to intensify the fight more than ever.*[385]

African participation - under AU guidelines - is easier said than done. On a country-by-country basis significant disparities exist in terms of political and ideological policies towards terrorism and counter-terrorism. Therefore, in

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[382] Sachs, J. "US must hit poverty to kill terror." Sunday Times. 23 May 2004. p.26.

[383] Killing 291 and 10 people respectively.

[384] People Against Gangsterism and Drugs.

[385] African Union Commission Chairman Alpha Oumar Konare. "Africa takes united stand against terrorism." The Star. 18 March 2004. p.4.

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terms of the hypothesis of this thesis, if terrorism is to be successfully dealt with on the African continent, a greater level of co-operation has to be established with international institutions and governments within the parameters defined by multilateralism. As emphasized in Chapter 3,[386] with the continent significantly lacking funding and technological counter-terrorism resources,[387] it is imperative that intelligence co-operation and security co-ordination is optimised. Therefore, for Africa to effectively address the issue of terrorism, all counter-terrorism initiatives have to be through the African Union (AU) thereby representing the interests of all Africans.

African Union (AU) Initiatives

The AU, as a regime, has the legitimacy[388] to facilitate Africa's counter-terrorism policies, based on the reason that r*egimes facilitate the making of agreements by providing a framework of rules, norms, principles, and procedures for negotiation.*[389] It is here that the AU through its Peace and Security Organ has to set clearly defined criterion, checks and balances and monitoring mechanisms to ensure that all member states adhere to AU guidelines on anti-terror legislation. Adherence to these review mechanisms would greatly strengthen and endorse the AU's position, in line with regime theory, of a *legal framework establishing liability for actions, presumably supported by governmental authority.*[390]

The first policy initiatives to deal with terrorism on the African continent, namely Resolution 213 (XXVIII), were undertaken by the Organisation of African Unity (OAU)[391] in Dakar in 1992 to *"co-operate and enhance co-*

[386] Regime theory and co-operative security theory.

[387] In comparison to the main role players EU or US.

[388] As there is democratic representation by all Member States in an African parliament.

[389] From Chapter 3: International Regime Theory section.

[390] From Chapter 3: International Regime Theory section.

[391] Predecessor to the AU. AU was inaugurated in 2002.

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ordination amoung member states to fight extremism."[392] Subsequent declarations incorporating additional aspects of extremism and terrorism were passed in Tunis (1994) and in Algiers (1999).[393] With Africa's history of civil war and internal conflict, it is difficult for the AU as a political institution to draw a distinction between freedom fighters and terrorist activities.[394] Therefore, it has historically proven extremely difficult for African political institutions to establish a unified policy toward counter-terrorism legislation. However, the events of 9/11 triggered a much-needed change in perception and urgency by African governments. Hence, in October 2001, a month after 9/11, African states held an anti-terrorism summit in Dakar. The outcome was the proposal of an additional protocol to the OAU Convention on Terrorism, namely the Declaration Against Terrorism.[395]

Furthermore, in November 2001, the OAU Central Organ issued a communiqué against terrorism stating that *"terrorism is a universal phenomenon that is not associated with any particular religion, culture or race, and that terrorism should be combated in all forms and manifestations, including those in which States are involved directly or indirectly."*[396] Emphasizing the urgency of certain African states, a year later in September 2002, the AU convened an anti-terrorism meeting in Algiers, Algeria, announcing the **Plan of Action on the Prevention and Combating of**

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[392] Goredema, C. "Initiatives Against Terrorism in Southern Africa", African Security Review. vol. 12, no. 1. 2003, p.92.

[393] OAU Convention on the Prevention and Combating of Terrorism or Algiers Convention.

[394] For example, in Sudan where the government is fighting 'rebels' wanting to establish a separate and autonomous Muslim region. This is based on the ethnic and religious divide.

[395] Botha, A. Contextual Overview and Background: Paper 2: Background: Terrorism in Africa. Presented at the Institute for Security Studies (ISS Seminar): Terrorism in Southern Africa, 18-19 September 2003, Pretoria, South Africa.

[396] Maloka, E. "Africa and the 'War on Terror'", New Agenda: South African Journal of Social and Economic Policy. Issue 13, First Quarter 2004, p.14.

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Terrorism – 2002[397] to facilitate counter-terrorism mechanisms and provide guidelines for States to ratify the Terrorism Convention (2003).

The AU has taken the lead in the African counter-terrorism effort using its Peace and Security organ to establish a Terrorism Research Centre in Algiers, to "*co ordinate information and design a joint mechanism to fight terrorism on the continent*."[398] The main role of this centre is to gather terrorism related information from all AU member states. This information will be stored on a central database, giving the AU the capacity to act as an early-warning mechanism by sending potential terrorism alerts to African countries. Thus, the AU recognises that emphasis has to be placed on intelligence sharing and law enforcement co-operation. Furthermore, factors such as ethnic, religious, and geographical divides, mean that terrorism needs to be addressed initially at the sub-regional level. Once levels of trust have been built, the sub-regional levels should be extended strategically to include the regional and continental levels. As indicated by Annelie Botha,[399] *"strategy needs to be readdressed to realize that Third World countries are capable of combating terrorism within the parameters of their own requirements."*

Complexities of Definition

> *There is an effort here in Africa to define terrorism in accordance with local conditions. For example, Article 3 of the 1999 OAU Convention on the Prevention and combating of Terrorism, emphasises that 'the struggle waged by people in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts. Similarly, political, philosophical, ideological, racial, ethnic, religious or other motives shall not be justifiable defence against a terrorist act.*[400]

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[397] Follow up to the OAU Convention on the Prevention and Combating of Terrorism (Algiers Convention – 1999.)

[398] "Africa takes united stand against terrorism." The Star. 18 March 2004. p.4.

[399] Head: Africa Terrorism Research Programme: Institute for Security Studies: Pretoria.

[400] Maloka, E. Op Cit. p.13.

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The complexity surrounding the definition of terrorism is also applicable to Africa.[401] In response to UN SCR 1373, many African countries have begun to redefine current anti-terrorism legislation. Yet, due to grey areas in interpretation, the reality is that certain states will use this new 'mandate' to exacerbate their own internal political agendas against opposition constituencies, and legitimise certain acts of ethnic cleansing and state-sponsored violence under the pretence of anti-terrorism. This has been exemplified by the inability and unwillingness of certain countries, such as Sudan, to revisit their anti-terrorism legislation in line with UN guidelines. Complexities accompanying anti-terror legislation are the infringement of basic freedoms, such as movement, speech, and religion, detention, powers of arrest, seize and search of persons and property, extradition and most contentiously, the definition of terrorism itself.[402]

A case in point is South Africa, where the Anti-Terrorism Bill of 2003[403] (previously 2001, 2002) has been revisited, rewritten and redrafted on numerous occasions as the government, judiciary and public institutions have disagreed on issues such as wording, definitions, clauses and context. Additionally, due to a history of repressive and draconian internal security laws under Apartheid, the need to enact this type of anti-terrorism legislation has met with stern opposition from human rights groups and factions within government itself. As such, for South Africa and other countries, the common solution has been to use as a guide the more generalised legislation offered

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[401] See Goredema, C. Op Cit. p.93.

[402] See Chapter 2 – Terrorism Defined. For example, in Zimbabwe the government is using anti-terrorism legislation to crackdown on the opposition MDC, and others deemed as opponents.

[403] The Preamble to the Bill states *"To give effect within the Republic to the relevant international instruments relating to terrorism; to provide for offences relating to terrorist acts; and for measures designed to combat terrorism; and to provide for matters connected therewith."* Anti-Terrorism Bill 2002. Republic Of South Africa. http://www.saps.gov.za

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by the AU (Declaration Against Terrorism) and UN (Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols).[404]

Moreover, we would envisage that South Africa takes the lead in terms of co-operative security matters on the continent, given its economic and political influence.[405] However, this has been difficult as displayed in the problems experienced in formulating its terrorism policy and the SA government's strong moral objection to US action in Iraq and the 'war on terror' in general.[406] Although, South African law enforcement and intelligence agencies[407] have capable expertise and ample experience in counter-terrorism, it is the political sensitivities that may be a stumbling block in terms of multilateral co-operation. The debate is sensitive amongst certain government officials, taking into account that the previous Apartheid government declared the African National Congress (ANC) a terrorist organization.[408] In addition, hesitation on the South African government's part in outlining its anti-terrorism policy has done little to act as a deterrent for potential terrorist activities. Many analysts agree that the region is an ideal 'nesting area' for potential terrorist cells due to factors such as notoriously porous borders, levels of government corruption and bribery, and the availability of falsified immigration documents.[409] Thus, the need for closer co-operation between the region's governments, lead by South Africa, is more important than ever.

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[404] Maloka, E. Op Cit. p.14.

[405] And that fact that President Mbeki was the AU inaugural president.

[406] And the fact that SA has strong political ties with a number of countries listed by the US State department as being sponsors of terrorism such as Libya, Syria and Sudan.

[407] The Directorate of Special operations (Scorpions) were the central investigative arm in the Pagad bombings in the late 1990's. In addition, the SAPS Crime Intelligence, National Intelligence Agency and South African Secret Service have been particularly active in monitoring al-Qaeda related activities domestically.

[408] ANC leaders, such as Jacob Zuma, were listed as terrorists by the US State Department.

[409] This has been realised by the capture of two suspected al-Qaeda members in Pakistan using South African passports. In addition, British law enforcement officials recovered a box of blank South African passports after a raid on an al-Qaeda safe house in London.

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However, progress is being made. One of the initiatives being undertaken within SADC is the launch of the Anti-Terrorism Training Programme (ATTP). This is a multi-national training programme aimed at equipping police forces in Southern Africa "*with some of the most sophisticated anti-terrorism skills in the world*."[410] The four-week long course is designed to equip police officers – with a first intake of twenty-two candidates - from 11 African countries,[411] to track and ultimately disrupt terrorist organisation/networks. The programme was initiated by SADC law enforcement agencies recognising that co-operation and capacity building in the region is critical to empower police officers with the knowledge and skills to deal with the threat of terrorism. "*The training will include issues relating to counter-terrorism such as legal aspects, intelligence co-ordination, border control and investigation*."[412]

Initiatives such as these require genuine co-operation from across the entire spectrum, such as the establishment of a centralised database[413] and sharing of information by SADC customs officials, and the conducting of joint cross-border operations by border control agents. Measures initiated to maximize co-operation need to be filtered through to all agencies and departments on the sub-regional level first, and then expanded to include the regional and continental level. An example is the Southern African Regional Police Chiefs Co-operation Organization (SARPCCO), whose main aim is to facilitate SADC member states in implementing law enforcement obligations in line with SADC protocols.[414] These channels of co-operation can then be extended to include

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[410] SAPS Senior Superintendent Mary Martins-Engelbrecht, in Hoskens G. "Africa gets into the minds of terrorists." Pretoria News. 04 May 2004. p.3

[411] Angola, Malawi, Botswana, Mozambique, Namibia, Mauritius, Lesotho, Zambia, Zimbabwe, Tanzania and South Africa.

[412] SAPS Senior Superintendent Mary Martins-Engelbrecht, in Hoskens G. "Africa gets into the minds of terrorists." Pretoria News. 04 May 2004. p.3.

[413] This includes the acquisition and use of sophisticated technology such as Analyst's Notebook - data analysis software – used by investigators and analysts to track trends and information patterns. (Currently used by both the SAPS Crime Intelligence, NIA, SASS and the Scorpions)

[414] Similar to those of Europol.

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other regional organizations with the end result being intelligence sharing and at continental level.

Root Causes of Terrorism

> *The 9/11 events have taught the United States that weak states can pose as great a danger as strong states. Poverty does not make poor people into terrorists and murderers. Yet poverty, weak institutions, and corruption can make weal states vulnerable to terrorist networks and drug cartels within their borders.*[415]

An important factor to consider is that Africans are faced with greater socio-economic concerns than terrorism. There can be no argument that poverty, disease, malnutrition, civil war, and starvation are responsible for a far greater number of deaths on the continent than those inflicted by acts of terrorism.[416] Therefore, issues such as a lack of development, inadequate health care, high unemployment, and food shortages are regarded as higher priorities by institutions and governments than the threat of terrorism. However, although these issues need to be prioritised, the fact is that there are strong linkage between the roots of terrorism and poverty, which cannot be ignored. Thus, the AU cannot ignore offers of assistance – even if via bargaining mechanisms - by Europe and the United States. What is of importance is that closer co-operation with the West will enable the AU to use the relationship as leverage for much-needed financial contributions to issues such as poverty alleviation and development.[417]

> *In the next couple of years, the importance of Africa in terms of international terrorism will focus on two factors. First, the weak and desolate states of Africa provide an excellent space to draw back and their informal economies offer superb conditions for money*

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[415] Maloka, E. Op Cit. p.12.

[416] See Mills, G. "The Security Intersection? Africa and the Fight Against International Terrorism", in The South African Year Book of International Affairs. 2002/03, Johannesburg: SAIIA. p.376.

[417] Through mechanisms such as Nepad.

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laundering and parking capital. Second, ineffective state security apparatuses create a convenient environment for carrying out attacks.[418]

It is imperative that the US/European coalition implement multilateral counter-terrorism arrangements to include and facilitate the AU, as the institutional representative of Africa, to receive legitimate 'war on terror' assistance in Africa. The reality is that due to political indifferences the US does not have a significant number of allies in Africa to assist in the 'war in terror'. However, those countries that are experiencing domestic terrorism, such as Kenya, Malawi, Tanzania and Djibouti, have welcomed US assistance, and in return are being given security and intelligence training, advanced technology, equipment and substantial financial backing. These 'co-operation trade-offs', combined with the facilitation of military units[419] and FBI counter-terrorism agents in the region, have resulted in 'partner' countries being rewarded with huge financial incentives, such as the additional $100 million given towards the East Africa Counter-terrorism Initiative.[420]

Africa is of strategic value to the global coalition on counter-terrorism for reasons mentioned in the opening paragraphs of this chapter. It will up to countries such as South Africa to play a leading role in Africa's counter-terrorism efforts. Algeria is taking the initiative with the establishing of the Terrorism Research Centre[421]. Although the AU has used its Peace and Security Organ to pass the Draft Implementation Plan to Counter Terrorism in the IGAD Region,[422] it seems that terrorism is still a very low priority on the political and security agenda. Even if the bombings in Kenya and Tanzania were a once off occurrence, the question needs to be raised whether Africa is prepared to take the chance of allowing terrorism to take root at a time when

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[418] Mair, S. "Terrorism and Africa", in African Security Review. vol. 12, no. 1. 2003, p.108.

[419] Around 2000 US and French troops are based in Djibouti, as part of the Combined Joint Task Force. Maloka, E. Op Cit. p.14.

[420] Sachs, J. "US must hit poverty to kill terror." Sunday Times. 23 May 2004. p.26.

[421] Due to be officially opened end of 2004.

[422] http://www.iss.co.za/pubs/CReports/CombatTerror03/AppendA.pdf

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the continent is desperately trying to woo increased economical and financial support from the West.

Finally, the AU is still in its infancy and it is important that a solid political, security and socio-economic foundation is laid to establish a reputable track record from the onset. Already the developed 'West' has committed itself to various African development initiatives via the New Partnership for Africa's Development (NEPAD). NEPAD could be a useful bargaining tool, as exchanges are made in return for Africa's counter-terrorism assistance. This would not only involve concerted attempts at conflict resolution to install peace on the continent, but also establishing closer co-operation and multilateral ties with the international community. Therefore, it is in Africa's interest to partner the US-led global collation on terrorism.

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Chapter 5

Conclusion

> *At the same time, we refused to recognize the internationalization of intelligence that should have been the natural accompaniment to globalization. We huddled with our traditional Anglo-Saxon allies, avoided engaging the substantive issue of how to provide unclassified intelligence to the 43 nations comprising the Partners for Peace and Mediterranean Dialogue nations, and ignored the expressions of interest from African, Asian, Caribbean, and Latin American nations for multi-lateral open source information sharing agreements.*[423]

The conclusion outlines the main argument, providing a summary of responses examined and the effectiveness of enhanced intelligence sharing and counter-terrorism policies. A forecast based on these is made on intelligence and counter-terrorism co-operation in the future. In addition, the critical questions identified earlier in this research, will be answered to corroborate the research report's hypothesis. Lastly, final conclusions will be provided.

Introduction

The basis for this research was the examination of the effectiveness of the international community's response to the threat of transnational terrorism in the post-9/11 era. Hence, in line with the hypothesis, the argument put forward was, if governments and Institutional Organizations are to effectively contain the threat of transnational terrorism, greater emphasis needs to be place on international security co-operation and multilateral intelligence sharing mechanisms.

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[423] Steele, D. "The New Craft of Intelligence." http://www.intellnet.org/news/articles/robert.steele.new.craft.intelligence.pdf

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To determine whether this enhanced co-operation has been facilitated, examination and analysis was conducted on the various counter-terrorism policies, legislation, and institutional responses implemented post-9/11.

The 'war against terrorism' has many dimensions. One of the most apparent, as outlined in **Chapter Two**, is the complexity surrounding the definition of terrorism, which has been crucial to the process of establishing a global counter-terrorism coalition. Definition is important as it provides a guideline for all participants involved in counter-terrorism to execute their respective roles accordingly. In addition, outlining the origins and evolution of terrorism is essential in providing an understanding of the threat posed today. The next step is to examine how intelligence can be utilised as an effective counter-terrorism mechanism. However; it must be emphasized that intelligence is only effective if it is shared and co-ordinated.

The theories examined in **Chapter Three** are crucial elements in reflecting the dynamics of the past, present and future trends in the international systems response to the war against terrorism. Here we see the importance of international regimes such as the UN and NATO in maintaining legitimacy in times of conflict. A description of the evolution of NATO in particular is integral to understanding how regimes need to adapt their strategic mandates to ensure continued relevance. This is evident in the challenges NATO faced in redefining its Strategic Concept from a Cold War alliance to a regime adapted to the challenges of today.

Co-operative Security theory displays how the global counter-terrorism coalition has formed co-operative mechanisms based on a common threat. Although the concept behind Co-operative Security is not new, it is a theory that has emerged out of necessity, with the metamorphosis of the collective, comprehensive and common security theories. Again, the realism vs. idealism debate cannot be ignored, as there are crucial elements of both theories which are of critical relevance to the post-9/11 period.

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In **Chapter Four** the key international responses of the US, NATO, UN, EU, Southeast Asia and Africa were identified and analysed. Although, certain responses have been more intense and comprehensive than others, it is important to understand that regarding the hypothesis of this research report, that they should not be seen on an individual level, but rather along multilateral lines. For example, the EU response, although it addresses the direct challenges posed to its Member States, has to be associated with the effect on international counter-terrorism co-operation and co-ordination. The importance of examining UN, EU and NATO responses cannot be undermined, as these regimes/IO's play the vital role of maintaining legitimacy and a 'balance of power' in counter-terrorism efforts. With regards to the US response, the key elements have been identified and discussed to present an overall view of the challenges facing the US. The emphasis was placed on the fact that the US cannot be totally unilateral in its responses and that it has to rethink its counter-terrorism efforts to incorporate multilateral arrangements and enhanced co-operative mechanisms if it is to gain international support.

The African and Southeast Asian responses are important as it must be remembered that both these regions have experienced acts of terrorism prior to 9/11, with the US embassy bombings in Kenya and Tanzania seen as the inaugural indication of the threat of transnational terrorism. Africa in particular is a potential terrorist hotbed, and the strategic importance of the continent is emphasized. In addition, UN Resolution 1373 provided guidelines for the use of financial and economic counter-terrorism mechanisms. Finance Warfare examines these provisions and the various measures implemented.

Chapter Five provides final conclusions and forecasts intelligence and counter-terrorism co-operation in the future. In addition, the critical questions identified are addressed. Although responses have been unilateral at domestic level, the challenges faced by the global alliance are collective. This does not mean that nations need to amalgamate their intelligence capabilities into a single international effort, but rather multilateral mechanisms must be used to enhance co-operation and co-ordination.

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Intelligence and Counter-terrorism Co-operation in the Future

> *Strategic terrorism may require a rethink of many of these approaches well beyond what has been undertaken to date. What is clear is that states acting independently (even ones as powerful as the United States) are incapable of fighting such threats alone, however much they would like to believe otherwise. The challenges of modern terrorism require unprecedented co-operation between civil and military agencies, intelligence-sharing by competing providers and allies, and careful consideration of which civil liberties need to be sacrificed and which do not.*[424]

Firstly, regarding the role of intelligence organizations in counter-terrorism, I suggest that it is imperative that there is segregation between intelligence policymaking and on-the-ground operational intelligence. *"There is a fundamental need for both a cultural revolution within the intelligence community as well as significant structural changes."*[425] Intelligence organizations should facilitate not formulate government policy, this is the role of parliamentary committees and the various legislative arms. They should instead focus on what they are designed to do, the gathering, processing and dissemination of intelligence.

> *History has shown time and again, that the keys to success in combating terrorism are co-ordination and co-operation, human intelligence and integrated analysis. There also needs to be one body or agency with overall responsibility for controlling a national campaign against Terrorism. All these essential prerequisites were missing prior to September 11.*[426]

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[424] Gearson, J. "The Nature of Modern Terrorism," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.23.

[425] Ball, D. "Desperately Seeking Bin Laden: The Intelligence Dimension of the War Against Terrorism" Booth, K. and Dunne, T. (eds.) in Worlds in Collision. p.65. Excerpt from the US House Permanent Select Committee on Intelligence report on 26September, 2001.

[426] Garfield. A. "Did September 11 Represent a Failure of the United States Intelligence Services?" Kings College, University of London. 10 September 2002. http://www.kcl.ac.uk/ip/andrewsteele/ sept11/papers/intel4.html

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There is no doubt that in the 'war against terrorism' pre-emption is the most effective strategy. Rather than armies fighting armies, intelligence networks now fight terrorist networks.[427] To predict and prevent terrorism, prior knowledge of an attack is essential. Therefore, intelligence is prioritised as the most effective counter-terrorism tool. *"By intelligence we mean every sort of information about the enemy and his county – the basis, in short, of our plans and operations."*[428] However, as this paper has argued, effective intelligence is only sustainable through co-operation. *"I think the basic tenet that we learned is a lack of co-ordination and sharing of information…."*[429] Given the range of difficulties and obstacles – such as ineffective border control, financial loopholes, technological advancements, easier global travel – faced by the international community, unilateral approaches need to make way for multilateralism. *"The 'war against terrorism' cannot be won by the United States alone, it requires active co-operation from the intelligence and police services of many other countries."*[430] Enhanced intelligence sharing mechanisms need to be implemented, as do definitive policies and legislative measures to effectively contain transnational terrorism.

> *In the future, closer co-ordination and co-operation with other services and other nations will assume even greater importance than they have today. Future joint and multinational operations will require compatible intelligence systems that complement those employed by other services, multinational forces, and national agencies, including non-DOD government agencies.*[431]

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[427] Richmond, O.P. "Realizing Hegemony? Symbolic Terrorism and the Roots of Conflict," Studies in Conflict and Terrorism. Vol.4, July – August 2003, p.306.

[428] Excerpt from Von Clausewitz. On War. Boorda, J.M. (Admiral) and Mundy, C.E. (General). Naval Intelligence: Naval Doctrine Publication 2. Department of the Navy. Office of the Chief of Naval operations. Washington DC. p.4.

[429] Senator Richard Shelby, former chairman of the Senate Intelligence Committee, referring to the intelligence aspects of 9/11. "Congressional report cites 'missed opportunities' prior to 9/11." 25 July 2003. http://edition.cnn.com/2003/ALLPOLITICS/07/24/9.11.report/index.html

[430] Wallace, W. "American Hegemony: European Dilemmas," Freedman, L. (ed.). Superterrorism: Policy Responses. Blackwell Publishing. Oxford. 2002. p.106.

[431] Boorda, J.M. (Admiral) and Mundy, C.E. (General). Op Cit. p.51.

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Today's Questions, Tomorrow's Answers[432]

Having examined the theories pertaining to the security alliance, the question was raised whether the establishment of multilateral intelligence/counter-terrorism co-ordination mechanisms by Government security agencies and International Organisations is the only effective means of containing the threat of transnational terrorism?

Given the context of this research report, and the deductions thereof, the answer would overwhelmingly seem to indicate that multilateral co-operation between state and non-state actors is the only 'effective' counter-terrorism response. However, factors aside from pure security responses need to be taken into consideration. These comprise responses such as addressing the root causes of terrorism, especially in the Third World, where issues such as poverty and lack of development (non-delivery of globalisation) are seen as a catalyst to anti-US/West sentiment.

> *The roots of terrorist strategies can be seen to lie at several levels, according to the various "roots of conflicts" debates. They lie in the religious and political ideologies that challenge the supremacy of dominant Western ideologies. They lie in the failure of the international regimes that exist to deal with poverty and deprivation, human rights, development, and aid.*[433]

A common trend identified by terrorism experts is that the driving force behind al-Qaeda's popularity is the ability to recruit potential terrorists from impoverished and underdeveloped communities,[434] where there are not only strong anti-Western sentiments but also high unemployment and resultant low standards of living. Thus, addressing the issue of transnational terrorism is not

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[432] These are the answers to the Critical Questions identified in Chapter 1.

[433] Richmond, O.P. Op Cit, p.304.

[434] First World countries are not excluded, but rather emphasizes the prevalence of recruits from Third World countries.

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only concerned with offensive measures, but should be linked to global development and poverty alleviation.[435]

This leads to the question of what obstacles exist regarding the establishment of an international regime to counter terrorism? Furthermore, will multilateralism and co-operative security, with their foundation of co-operation and co-ordination, be the template for resolving international conflict in the future?

To date, multilateralism is seen as the most effective means of achieving co-operative solutions to international conflict. As discussed in Chapter 3, Co-operative Security is the preferred solution at present. However, due to the instability inherent within the international system, this does not mean that new or old security arrangements will not emerge at a later stage. Obstacles do exist, as while there still is a single hegemon – the US - within the international community, the need exists for regimes which advocate multilateralism and co-operation to not only offer alternatives to US unilateralism, but more importantly to achieve a 'balance of power' to counter US dominance. Therefore, due to US economic, military and political 'sway' in the international system, and the temptation for it to embark on unilateral responses, this is not only an obstacle to the effectiveness of co-operation and multilateral arrangements, but a potentially destabilising factor in the future, as witnessed as a result of the invasion of Iraq.[436]

Considering the realist vs. idealist debate previously discussed, the question arises over the implications of a possible global split between those allied in

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[435] See Mills, G. "The Security Intersection? Africa and the Fight Against International Terrorism", in The South African Year Book of International Affairs. Johannesburg: SAIIA. 2002/03. p.375.

[436] Although the UK did assist the US bringing in the multilateral aspect to offer some form of 'balance of power.'

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the 'war on terror[437]' and the rest of the world, resulting in a 're-emergence' of a Cold-War type scenario?

This is a difficult question to answer, and any simple answer would be naïve, given the history of the Cold War and the status of the international system during that period. Although the Realist vs Idealist debate in effect was neutralised by the ending of the Cold War, 9/11 and the 'war on terror' has resulted in a shift towards a new global order. This is exemplified by the potential split of the Islamic world vs the West,[438] but rather via a more serious aspect, a potential split between Coalition States (military) vs International Organisations (non-military).

> *What we are witnessing is not just the end of the Cold War, or a passing of a particular period of post-war history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government.*[439]

As such, we have already witnessed the US[440] bypass the UN to engage in military operations in Iraq. Secondly, although 'the war against terrorism' has seen a tentative commitment by International Organizations such as the UN, their involvement is limited to legislation and policy. This commitment will be severely tested when (it is a matter of time) the US-led Coalition States step up their counter-terrorism efforts, which may lead to invasions of sovereign states deemed non-cooperative or overstepping the other grey areas in international law, such as the alleged al-Qaeda members detained at Camp X-Ray, Guantanamo Bay. However, this is a worst-case scenario and as

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[437] Reference is made to Presidents Bush's 'Axis of Evil' speech to the Senate indicating that countries are "either with the US in the fight against terrorism, or against the US"

[438] Simplistically the 'war on terror' can be understood as the West's onslaught on Muslim fundamentalism.

[439] Fukuyama, F. Extract from "The End of History?" The National Interest. Summer 1989 issue. http://www.utm.edu/research/iep/p/polreal.htm.

[440] And a large coalition of states (42) including the UK.

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argued, it is vital that International Organizations play a role[441] in the 'war on terror', as the enforcement and implementation of multilateral and co-operative security mechanisms will ensure that the emergence of realist ideology does not result in a new Cold War-style division of the world.

Final Conclusions

> *The war on terrorism will cause a realignment of international relations, with the US having to form new anti-terrorist coalitions and engage in much more extensive intelligence co-operation. These new intelligence relationships will be very difficult to forge.*[442]

The responses by the international community to 9/11 have been rigorous. Yet, what is of more interest is the speed and urgency with which the majority of role players have implemented counter-terrorism strategies. Of course, not all role players have adhered to the US "you are either with us or against"[443] request for assistance in the 'war against terrorism'. However, this is expected as many nations regard US global actions as unilateral and self-serving. It is for this reason that the importance of regimes and multilateralism were emphasized in this research report. If the global coalition against terrorism is to achieve its objectives, the fundamental theories discussed, regime and co-operative security, need to be facilitated and implemented within the alliances' counter-terrorism framework.

Another factor to consider is the re-emphasizing of the transnational nature of the terrorism threat post-9/11,[444] with al-Qaeda being linked to attacks in Europe,[445] North Africa,[446] Southeast Asia,[447] and the Middle East.[448] This

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[441] In terms of checks and balances.

[442] Ball, D.Op Cit. p. 71.

[443] Issued by Bush in the Address to Joint Session of Congress and the American People, 21 November, 2001. http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html

[444] At time of writing.

[445] Madrid bombings.

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shift in mandate by al-Qaeda – from the US as the primary target to include its allies, particularly Europe[449] - can to a large extent be attributed to the current situation in Iraq. This is a dangerous development, as it serves to validate the arguments previously put forward that al-Qaeda is using the war in Iraq to absorb disparate Islamic and anti-US factions across the region and globe into its ranks. Another, point to emphasize is the vulnerability of Africa's citizens to be 'romanced' by al-Qaeda due to factors such as traditional anti-US sentiment, the continent's history of liberation struggles, large Muslim populations, and the strong linkage between the 'roots of terrorism' and socio-economic factors.

Therefore, the world has entered a new paradigm in the nature of conflict. The threat posed today to most nations is not the same as that of the Cold War. A situation does not exist as during the Cold War where two superpowers decide the fate of the entire international community. The threats today are more subtle and yet equally dangerous. Intelligence -as the primary strategic weapon in conflict – was used as a defensive trade-off during the Cold War, whereas intelligence post-9/11 has become an offensive weapon used to strike at terrorist groups without compromise. The need for effective and conclusive intelligence to assess and address the post- Cold War threat is more apparent than ever since the 9/11 attacks. Most nations have realised the urgency and have implemented the necessary measures accordingly, such as the drafting of legislation to bolster the mandates of intelligence agencies.[450] The US has been extremely proactive in this regard, with the creation of the Department of Homeland Security, the complete overhaul of the CIA and FBI, passing of new legislation[451] and the 9/11 Commission

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[446] Morocco.

[447] Bali.

[448] Saudi Arabia.

[449] Al-Qaeda is using traditional military strategy, seeking weaknesses in the coalition resolve.

[450] See US response.

[451] Particularly the Patriot Act.

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Report. The Commission has been influential regarding changes to US intelligence and counter-terrorism structures, listing several recommendations:

- The creation of a national counterterrorism centre "unifying strategic intelligence and operational planning against Islamist terrorists across the foreign-domestic divide";
- The establishment of a new national intelligence director to unify the intelligence community;
- Creating a "network-based information sharing system that transcends traditional governmental boundaries";
- Strengthening congressional oversight; and
- Strengthening the FBI and homeland defenders.[452]

One of the ramifications of the Commission's report is that certain nations[453] have indicated that they are investigating the feasibility of implementing certain US 9/11 Commission recommendations within their own intelligence structures. This is another indication of the shift towards closer co-operation and enhanced intelligence sharing amongst members of the global counter-terrorism coalition. *"New approaches to multilateral intelligence co-operation would have to be constructed.*[454]

Furthermore, intelligence as an effective counter-terrorism mechanism in the future will largely be determined by the ability or inability of the US as the primary actor to remain within the parameters of international legitimacy within regimes such as the UN and NATO. Any significant deviation from the guidelines provided by the UN may result in a potential split in the multilateral arrangements already in place post-9/11.

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[452] "9/11 Commission Report." 21 July 2004. http://www.9-11commission.gov

[453] Such as the UK and France.

[454] Ball, D.Loc Cit. p. 71.

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As the threat of transnational terrorism is constantly evolving dictated by changes in the international security environment, so too must the intelligence gathering capabilities of the coalition nations evolve to be flexible enough to encompass enhanced intelligence co-operation and multilateral arrangements. Therefore, responses to the 'war against terrorism' are set to be the definitive test for the future of multilateralism and co-operative security arrangements in the international system.

> *For years to come, if not decades, the 'war on terrorism' will be the defining paradigm in the struggle for global order.*[455]

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[455] Opening sentence in preface by Booth, K. and Dunne, T (eds.) Worlds in Collision: Terror and the Future of Global Order, Palgrave Macmillan, New York, 2002. p.3.

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Appendix A

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US Intelligence Community Structure

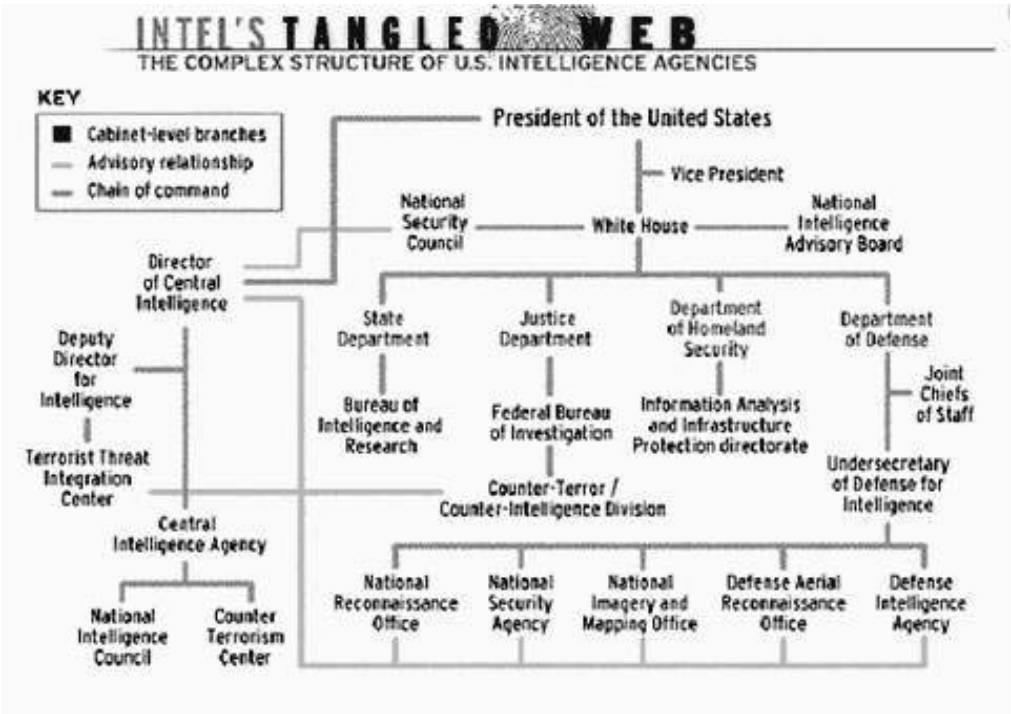

Figure 2 - US Intelligence Community Structure

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Appendix B

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Partnership Action Plan against Terrorism

Preamble

1. On 12 September 2001, the Member States of the Euro-Atlantic Partnership Council (EAPC) condemned unconditionally the terrorist attacks on the United States of America on 11 September 2001, and pledged to undertake all efforts to combat the scourge of terrorism.

2. Building on this commitment, member States of the Euro-Atlantic Partnership Council (hereinafter referred to as EAPC States) hereby endorse this Partnership Action Plan against Terrorism with a view to fulfilling their obligations under international law with respect to combating terrorism, mindful that the struggle against terrorism requires joint and comprehensive efforts of the international community, and resolved to contribute effectively to these efforts building on their successful co-operation to date in the EAPC framework.

3. EAPC States will make all efforts within their power to prevent and suppress terrorism in all its forms and manifestations, in accordance with the universally recognised norms and principles of international law, the United Nations Charter, and the United Nations Security Council Resolution 1373. In this context, they will in particular “find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks" and "emphasise the need to enhance co-ordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security.”

4. EAPC States are committed to the protection and promotion of fundamental freedoms and human rights, as well as the rule of law, in combating terrorism.

5. EAPC States reaffirm their determination to sign, ratify and implement the relevant United Nations conventions related to the fight against terrorism.

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6. EAPC States will cooperate in the fight against terrorism in the EAPC framework in accordance with the specific character of their security and defence policies and the EAPC/PfP principles of inclusiveness and self-differentiation. They will seek complementarity of their efforts in this framework with those undertaken by relevant international institutions.

Objectives

7. EAPC States co-operate across a spectrum of areas in the Euro-Atlantic Partnership Council and Partnership for Peace that have relevance to the fight against terrorism. These include inter alia political consultations; operations; issues of military interoperability; defence and force planning and defence reform; consequence management, including civil emergency planning; air defence and airspace management; armaments co-operation; border control and security; suppression of financing of terrorism; prevention of arms and explosives smuggling; science; and arms control and non-proliferation. EAPC States stress that arms control and non-proliferation make an essential contribution to the global combat against terrorism, in particular by helping prevent the use of WMD. EAPC States stress in this context the importance of abiding by, and ensuring the effective implementation of existing multilateral instruments.

8. Through the Partnership Action Plan, EAPC States will identify, organize, systematize ongoing and new EAPC/PfP activities, which are of particular relevance to the international fight against terrorism.

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9. The principal objectives of the Partnership Action Plan against Terrorism are to:Reconfirm the determination of EAPC States to create an environment unfavorable to the development and expansion of terrorism, building on their shared democratic values, and to assist each other and others in this endeavour.

- Underscore the determination of EAPC States to act against terrorism in all its forms and manifestations and their willingness to co-operate in preventing and defending against terrorist attacks and dealing with their consequences.
- Provide interested Partners with increased opportunities for contributing to and supporting, consistent with the specific character of their security and defence policies, NATO's efforts in the fight against terrorism.
- Promote and facilitate co-operation among the EAPC States in the fight against terrorism, through political consultation, and practical programmes under EAPC and the Partnership for Peace.
- Upon request, provide assistance to EAPC States in dealing with the risks and consequences of terrorist attacks, including on their economic and other critical infrastructure.

Mechanisms

10. The Partnership Action Plan against Terrorism is launched under the authority of the North Atlantic Council after consultation with Partners in the EAPC.

11. The Partnership Action Plan against Terrorism is the first issue-specific, result-oriented mechanism for practical co-operation involving Allies and interested Partners, as foreseen in the Consolidated Report on the Comprehensive Review of the Euro-Atlantic Partnership Council and the Partnership for Peace.

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12. This Action Plan will be implemented through EAPC/PfP mechanisms in accordance with the principles of inclusiveness and self-differentiation, and reflected in the Individual Partnership Programmes (IPP) or Individual Partnership Action Plan (IPAP) between NATO and Partners.

13. The North Atlantic Council, in consultation with Partners, will assess on a regular basis the progress in the implementation of the Partnership Action Plan against Terrorism and will review its contents, taking into consideration possible new challenges and circumstances in the international fight against terrorism.

14. The activities listed in the Partnership Action Plan against Terrorism will not prejudice other initiatives EAPC States may pursue in combating terrorism. EAPC States will continue to promote regional co-operation initiatives to combat terrorism and address new security threats and seek complementarity of these initiatives with efforts undertaken in the EAPC framework.

15. The participation of Mediterranean Dialogue Partners and other states in the activities foreseen in the Partnership Action Plan against Terrorism such as workshops, seminars and other activities may be considered on a case by case basis.

Action Plan

16. The specific action items under this Partnership Action Plan against Terrorism are listed below; other items may be added later. Implementation of these activities will be subject to applicable national laws and regulations, the specific character of security and defence policies of EAPC States and the principles of inclusiveness and self-differentiation.

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16.1. Intensify Consultations and Information Sharing

16.1.1. **Political consultations.** Allies and Partners will consult regularly on their shared security concerns related to terrorism. Allies will make efforts to inform Partners about, and/or seek their views on, issues related to international fight against terrorism, beginning from the early stages of Alliance discussions. Partners may seek, in accordance with agreed procedures, direct political consultations with NATO, individually or in smaller groups, on their concerns related to terrorism. The consultations and discussions will reflect key security concerns of Allies and Partners, if relevant to the fight against terrorism.

16.1.2. **Information sharing.** EAPC States will intensify their efforts to share information and views related to terrorism, both in EAPC meetings and in seminars and workshops held under EAPC/PfP auspices. Lead nations may be invited to organise such events. EAPC States note the establishment of an EAPC/PfP Intelligence Liaison Unit (EAPC/PfP ILU). They will promote, in accordance with their domestic laws, exchange of intelligence relevant to terrorist threats.

16.1.3. **Armaments information sharing.** EAPC States will share information on equipment development and procurement activities which improve their national capabilities to combat terrorism, in the appropriate groups under the Conference of National Armaments Directors (CNAD).

16.1.4. **Scientific Co-operation in identifying and mitigating new threats and challenges to security.** States in the EAPC Committee on the Challenges of Modern Society (CCMS) will exchange information within networks of national experts dealing with selected priority topics related to the prevention and mitigation of societal disruption. Both Partner and Allied experts will participate in these co-operative activities. Close contacts with other NATO bodies and international organizations, as well as the PfP Consortium of Defence Academies and Security Studies Institutes, will be maintained to seek complementarity of effort, identify critical gaps and to launch co-operative projects.

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16.1.5. **Civil Emergency Planning.** EAPC States will share related information and actively participate in Civil Emergency Planning to assess risks and reduce vulnerability of the civil population to terrorism and WMD. This will include active participation in crisis management procedures.

16.2. Enhance Preparedness for Combating Terrorism

16.2.1. **Defence and security sector reform.** Partners will intensify their efforts to develop efficient, democratically controlled, properly-structured and well-equipped forces able to contribute to combat terrorism.

16.2.2. **Force planning.** Partners involved in the Partnership for Peace Planning and Review Process (PARP) will give priority, among others, to Partnership Goals aimed at improving their capabilities to participate in activities against terrorism. Such Partnership Goals will be identified within PARP and will also be communicated to Partners not participating in the PARP process – for information and to encourage equivalent efforts by non-PARP countries.

16.2.3. **Air Defence and Air Traffic Management.** Allies and Partners will co-operate in efforts undertaken by the NATO Air Defence Committee on air defence / air policing capability improvements and by the NATO Air Traffic Management Committee on civil-military Air Traffic Control co-ordination procedures' improvements in response to the new situation. They will contribute, based on national decisions, to the development of Air Situation Data exchange between Allies and Partners.

16.2.4. **Information exchange about forces.** EAPC States may consider to exchange information regarding forces responsible for counter-terrorism operations and facilitate contacts among them as appropriate.

16.2.5. **Training and exercises.** Partners will be invited to participate in training opportunities and exercises related to terrorism to be co-ordinated by SACEUR/SACLANT. To the extent possible, the Partnership Work Programme will provide more anti-terrorism related opportunities and activities in the field of training and exercises. Exercises will also be used to share experiences in the fight against terrorism.

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16.2.6. **Armaments co-operation.** EAPC States will make use of NATO armaments co-operation mechanisms under CNAD, as appropriate, to develop common, or as a minimum interoperable equipment solutions to meet the requirements of activities against terrorism.

16.2.7. **Logistics co-operation.** EAPC States will make use of NATO Logistics co-operation mechanisms under the Senior NATO Logisticians' Conference, as appropriate, to develop arrangements to provide effective and efficient support to activities against terrorism, including Host Nation Support.

16.3. Impede Support for Terrorist Groups

16.3.1. **Border control.** EAPC States will, through their bodies responsible for border control, enhance their efforts to prevent illicit movement of personnel and material across international borders. They will support assistance efforts in this area undertaken through Partnership for Peace. In this context, regional and international co-operation among them will be further encouraged.

16.3.2. **Economic dimension.** EAPC States will exchange information and views in the EAPC Economic Committee on the economic aspects of the international fight against terrorism, in particular on regulatory provisions barring the financing of terrorist activity and methods and sources of finance for terrorist groups.

16.3.3. **Arms Control.** EAPC States will continue their co-operation in the field of arms control and will consult on measures of effective control of weapons of mass destruction devices and safe disposal of Weapons of Mass Destruction (WMD) related substances and materials. They will also support the ongoing efforts to achieve an International Code of Conduct against Ballistic Missile Proliferation before the end of 2002.

16.3.4. **Small Arms and Light Weapons.** EAPC States will continue their exchange of information through the EAPC Ad-Hoc Group on Small Arms and Light Weapons on illicit trafficking in small arms, munitions, explosives, materials and technology capable of being used to support terrorism.

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16.4. Enhance Capabilities to Contribute to Consequence Management

16.4.1. **WMD-related terrorism.** Partners will be invited to support and participate in NATO-led activities to enhance capabilities against WMD-related terrorism, and to share appropriate information and experience in this field according to procedures to be agreed.

16.4.2. **Enhance co-operation in Civil-Emergency Planning** EAPC States will continue their co-operation in enhancing civil preparedness for possible terrorist attacks with WMD, including Chemical-Biological-Radiological-Nuclear weapons, by continuing to implement the Civil Emergency Planning Action Plan endorsed by the Senior Civil Emergency Planning Committee(SCEPC)/EAPC on 26 November 2001 and updated on 25 June 2002. In particular, Partners associate themselves with the efforts being undertaken within the SCEPC and its Planning Boards and Committees to work on all possible options to provide support, when requested, to national authorities against the effects of any terrorist attack, taking into account the proposals endorsed by Alliance Foreign Ministers at their meeting in Reykjavik. This includes specifically:

Co-operation between civil and military authorities: identification and development of opportunities for co-operation between civilians and the military, including training and expertise, as well as reciprocal support.

Rapid response: an examination of how national rapid response capabilities could enhance the ability of EAPC States to respond, upon request by a stricken nation, to the consequences, for the civilian population, of WMD use, and how civilian expertise could contribute in this regard; and working with the SCEPC on ways to promote interoperability between those capabilities, and also on other possible measures, so that all options for EAPC States to respond either nationally or jointly remain available.

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- **General guidelines:** non-binding general guidelines or minimum standards as regards planning, training, procedures and equipment that EAPC States could, on a voluntary basis, draw on.
- **Capabilities inventory:** further development and refinement of the Inventory of National Capabilities in order to maximise its value.
- **Warning and detection:** exploration, in co-operation with the NATO Military Authorities, of means to support national authorities in improving detection and warning of the population in case of WMD threats.
- **Network of laboratories:** consider the establishment of a network of permanent laboratories and deployable facilities.
- **Medical protocols:** support of the development of medical protocols which would improve co-ordinated response capability.
- **An enhanced role for the Euro-Atlantic Disaster Response Co-ordination Centre:** further improvement of EADRCC capabilities, including by the provision of national experts to ensure Allies' and Partner's ability to speedily, effectively and efficiently provide assistance to one another in case of a terrorist attack with WMD, including CBRN weapons.
- **Border crossing:** signing up to the Model Agreement on the Facilitation of Vital Cross Border Transport Movements.

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16.4.3. **Military contribution to consequence management.** EAPC States will consider providing information to SACEUR about military capabilities that may be available to contribute to the provision of immediate assistance to civil authorities if requested, particularly in respect of attacks using chemical, biological and radiological weapons.

16.4.4. **Co-operation in non-classified scientific activities for reducing the impact of terrorism.** States in the EAPC Science Committee will exchange scientific and technological knowledge on topics relevant to the fight against terrorism. In addition, focussed co-operative activities will be conducted by experts from NATO's Security-Related Civil Science and Technology Panel to provide a better basis for mitigating terrorist activities. Partners which have extensive scientific capabilities in relevant fields will work effectively with NATO scientists in developing the scientific basis for reducing the terrorist impact. The Science Committee will advise the Council and other relevant committees on scientific aspects of terrorist activities, and will co-ordinate closely with NATO bodies conducting classified activities (including the WMD Centre and the Research and Technology Organisation).

16.4.5. **Co-operation in equipment development and procurement.** EAPC States will take advantage of CNAD groups to identify equipment requirements which support consequence management, after a terrorist attack, and where appropriate, co-operate on the development and/or procurement to meet these needs. Emphasis should be on dual use technologies which support both military and civil requirements.

16.5. Assistance to Partners' efforts against terrorism

16.5.1. **Use of the Political Military Steering Committee (PMSC) Clearing House mechanism.** Within the existing PMSC framework a focussed Clearing House meeting will be devoted, as appropriate, to the specific needs of Partner's related to combating terrorism.

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16.5.2. **Establish/contribute to PfP Trust Funds.** Consistent with PfP Trust Fund Policy, EAPC States will consider the establishment of PfP Trust Funds to assist individual member states in specific efforts against terrorism, as envisaged in the Consolidated Report on the Comprehensive Review of the Euro-Atlantic Partnership Council and the Partnership for Peace. Such Trust Funds may be particularly relevant to Partners from Central Asia, the Caucasus and the Balkans. These projects will be implemented as a matter of priority.

16.5.3. **Mentoring programmes.** EAPC States will develop mentoring programmes for specific terrorism-related issues in order to share specific experiences in combating terrorism. Exercises in the spirit of PfP will also be actively used for sharing experiences in combating terrorism.

Reporting

17. The Secretary General of NATO as Chairman of the Euro-Atlantic Partnership Council may report on the activities under the Partnership Action Plan against Terrorism to NATO and EAPC Foreign and Defence Ministers.

18. The Secretary General may communicate this document to the United Nations Security Council as an initial contribution of the Partnership to the implementation of the UNSCR 1373.

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Appendix C

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Statement by the North Atlantic Council

On September 12th, the North Atlantic Council met again in response to the appalling attacks perpetrated yesterday against the United States.

The Council agreed that if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.

The commitment to collective self-defence embodied in the Washington Treaty was first entered into in circumstances very different from those that exist now, but it remains no less valid and no less essential today, in a world subject to the scourge of international terrorism. When the Heads of State and Government of NATO met in Washington in 1999, they paid tribute to the success of the Alliance in ensuring the freedom of its members during the Cold War and in making possible a Europe that was whole and free. But they also recognised the existence of a wide variety of risks to security, some of them quite unlike those that had called NATO into existence. More specifically, they condemned terrorism as a serious threat to peace and stability and reaffirmed their determination to combat it in accordance with their commitments to one another, their international commitments and national legislation.

Article 5 of the Washington Treaty stipulates that in the event of attacks falling within its purview, each Ally will assist the Party that has been attacked by taking such action as it deems necessary. Accordingly, the United States' NATO Allies stand ready to provide the assistance that may be required as a consequence of these acts of barbarism.

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Appendix D

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U.S.-ASEAN Joint Declaration on Combating Terrorism[456]

The Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, member countries of the Association of Southeast Asian Nations (ASEAN), and the United States of America (hereinafter referred to collectively as "the participants");

- Mindful of the 2001 ASEAN Declaration on Joint Action to Counter Terrorism, which, inter alia, undertakes to strengthen co-operation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirms that at the international level the United Nations should play a major role in this regard;
- Reaffirming their commitment to counter, prevent and suppress all forms of terrorist acts in accordance with the Charter of the United Nations, international law and all the relevant United Nations resolutions or declarations on international terrorism, in particular the principles outlined in United Nations Security Council Resolutions 1373, 1267 and 1390;
- Viewing acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security, which require concerted action to protect and defend all peoples and the peace and security of the world;
- Recognizing the principles of sovereign equality, territorial integrity and non-intervention in the domestic affairs of other States;
- Acknowledging the value of existing co-operation on security, intelligence and law enforcement matters, and desiring to strengthen and expand this co-operation to combat international terrorism through the ASEAN Ministerial Meting on Transnational Crime, as a leading ASEAN body for combating terrorism, and other mechanisms;

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[456] U.S.-ASEAN Joint Declaration on Combating Terrorism. Washington, DC. August 1, 2002. http://usinfo.state.gov.

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- Recognizing the transnational nature of terrorist activities and the need to strengthen international co-operation at all levels in combating terrorism in a comprehensive manner;
- Desiring to enhance counter-terrorism co-operation between the relevant agencies of the participants' governments; Solemnly declare as follows;

Objectives

1.The participants reaffirm the importance of having a framework for co-operation to prevent, disrupt and combat international terrorism through the exchange and flow of information, intelligence and capacity-building.

2.The participants emphasize that the purpose of this co-operation is to enhance the efficacy of those efforts to combat terrorism.

Scope and Areas of Co-operation

3. The participants stress their commitment to seek to implement the principles laid out in this Declaration, in accordance with their respective domestic laws and their specific circumstances, in any or all of the following activities:

I. Continue and improve intelligence and terrorist financing information sharing on counter-terrorism measures, including the development of more effective counter-terrorism policies and legal, regulatory and administrative counter-terrorism regimes.

II. Enhance liaison relationships amongst their law enforcement agencies to engender practical counter-terrorism regimes.

III. Strengthen capacity-building efforts through training and education; consultations between officials, analysts and field operators; and seminars, conferences and joint operations as appropriate.

IV. Provide assistance on transportation, border and immigration control challenges, including document and identity fraud to stem effectively the flow of terrorist-related material, money and people.

V. Comply with United Nations, Security Council Resolutions 1373, 1267, 1390 and other United Nations resolutions or declarations on international terrorism.

VI. Explore on a mutual basis additional areas of co-operation.

Participation

4. Participants are called upon to become parties to all 12 of the United Nations conventions and protocols relating to terrorism.

5. The participants are each called upon to designate an agency to coordinate with law enforcement agencies, authorities dealing with countering terrorism financing and other concerned government agencies, and to act as the central point of contact for the purposes of implementing this Declaration.

Disclosure of information

6. The participants expect that no participant would disclose or distribute any confidential information, documents or data received in connection with this Declaration to any third party, at any time, except to the extent agreed in writing by the participant that provided the information.

7. All the participants are urged to promote and implement in good faith and effectively the provisions of the present Declaration in all its aspects.

Signed at Bandar Seri Begawan this first day of August, Two Thousand and Two.

For the United States of America: Colin L. Powell: Secretary of State

For ASEAN: Mohamed Bolkiah: Minister of Foreign Affairs: Brunei Darussalam

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Appendix E

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Fighting Terrorism Top U.S. Priority in Asia-Pacific Region[457]

Following is the text of Assistant Secretary of State James Kelly's testimony March 26 before the Senate Foreign Relations Committee:

Assistant Secretary Statement
Bureau of East Asian and Pacific Affairs
Senate Foreign Relations Committee
March 26, 2003

Mr. Chairman, I am pleased to share with the Committee our priorities for assistance in the East Asia and Pacific region.

U.S. Interests

Combating terrorism in the region ranks at the top of EAP's list of immediate priorities. This is inextricably linked to our long-term and overarching goal of regional stability, but it also impacts directly on each of our five top goals for the region: promoting and deepening democracy; improving sustainable economic development; countering proliferation and weapons of mass destruction; countering international crime in the region; and promoting open markets. Since 9/11, combating terrorism has important resource implications that must be factored into our Bureau business plan.

Terrorism:

The growth of terrorist networks in the EAP region presents a direct threat to U.S. national security, to the welfare of Americans overseas and to the security of U.S. allies and friends in the region.

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[457] Bureau of East Asian and Pacific Affairs. Statement by Assistant Secretary James A. Kelly. Senate Foreign Relations Committee. March 26, 2003. "Text: Kelly - Fighting Terrorism Top U.S. Priority in Asia-Pacific Region. March 26 Senate Foreign Relations Committee Testimony." http://usinfo.state.gov.

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Terrorism carries enormous potential to disrupt regional trends toward peace, prosperity, and democracy. It adds new urgency to our efforts to pursue non-proliferation and Weapons of Mass Destruction (WMD) goals in the region, and affects how the Bureau promotes open markets and transnational crime objectives. Our pre-eminent goal, therefore, must be to ensure that terrorism and its practitioners are rooted out of every country or safe haven and that we address conditions -- financial, economic and political -- that render the region vulnerable to terrorism. To succeed in this effort, we must secure the active co-operation of others in the region. Bilaterally we are cooperating with our five East Asian allies and partners committed to combating terrorism, and with China and with other close friends. We are also working very closely with ASEAN, the ASEAN Regional Forum (ARF), and APEC to develop regional, multilateral co-operation on terrorism. In FY 04 we will continue to work closely with other State Bureaus, particularly S/CT and DS, and with other USG agencies, including Treasury and DOD, and DHS to further enhance this reinforcing web of bilateral and multilateral relationships that foster not only a greater U.S. ability to combat terrorism in the region, but also leverage growing intra-regional efforts to come to grips with terrorism. Resources for this effort must come not only from EAP but also from other counter-terrorism funding sources available to the Department and other agencies.

Regional Stability:
Regional stability remains our overarching strategic goal and provides the underpinning for achievement of other key goals and objectives. Active U.S. engagement and renewed emphasis on our alliance relationships has helped keep the East Asia and Pacific region generally stable. Nevertheless, the Korean Peninsula and the Taiwan Strait remain sensitive and potentially volatile. Our ability to deter conflict is currently strengthened by several factors, including the mutual interests of key East Asian powers in working co-operatively to address terrorism and shared interests in keeping inter-state frictions within parameters conducive to economic recovery and growth.

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Terrorism in Asia carries the potential to destabilize friendly governments in Southeast Asia. In FY 04, we will continue to carefully manage ties with five regional allies -- Japan, Korea, Australia, the Philippines, and Thailand – to maintain our ability to sustain a stable and secure environment in the region. Our strategies in this effort include the forward deployment of military assets. In FY 04 both FMF and IMET will be used as tools for expanding and deepening U.S. regional influence with allies and friends. We also will expand our co-operative relationships with other key regional states, including China, where we will coordinate and monitor rule of law programs in FY 04. We intend to draw on and enhance the potential contributions to regional stability of regional multilateral organizations, including the ARF, APEC, and ASEAN. In particular, the new ESF funding in our FY04 request will support expanded U.S. engagement with ASEAN to enhance its stabilizing role in Southeast Asia.

Our program requests for FY 04 reflect a realistic effort to address terrorism directly and also through programs designed to reduce its appeal to economically and politically disadvantaged populations. Our Philippines programs offer a good example. Supplemental and FMF funding is addressing weaknesses in Philippine military capabilities to combat terrorist groups, while our ESF programs, such as Livelihood Enhancement and Peace program in Mindanao that has enabled 13,000 ex-combatants to take up peaceful pursuits such as farming, have been successful in developing better alternatives for populations susceptible to terrorist recruitment. In FY 04 we must maintain ESF funding for the Philippines at $20 million to adequately continue momentum for social foundations for peace. In conjunction with INL, we are also looking at ways to enhance civilian police capabilities.

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Appendix F

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Japan's Counter-Terrorism Assistance[458]

1. Japan's Policy on Supporting Capacity Building for Counter-Terrorism

(1) Since the terrorist attacks of September 11, Japan has been constantly fighting against international terrorism. In order to prevent and eradicate cross-border terrorism, the international community needs to consolidate its efforts for taking counter-terrorism measures. From this perspective, it is essential to provide assistance (especially, capacity building) for countries which do not necessarily have the administrative capacity to take appropriate counter-terrorism measures.

(2) While Japan's global efforts against international terrorism continue, it should be noted that Japan has been and will be providing support primarily for Asian countries, in terms of enhancing their capacity of implementing counter-terrorism measures.

2. Concrete Actions and Measures

(1) Six areas in which concrete actions have been taken

Based on the above policy, Japan has been taking actions and measures for capacity building for combating terrorism, mainly for Asian countries, in the following six areas;
Immigration
Aviation Security
Customs Co-operation
Export Control
Law-Enforcement co-operation
Anti-Terrorist financing

[458] http://www.mofa.go.jp/policy/terrorism/assist0306.html

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In those areas Japan has been holding seminars and training courses. Similar kind of capacity building efforts will be extended.
(2) Seminars and training courses on CT-related issues
Contents of seminars and training courses being held by Japan in the above six areas are as follows;

(i) Immigration
(a) Immigration Control Administration (implemented by Japan International Co-operation Agency (JICA))
The purpose of this course is to provide participants with practical knowledge and training on immigration control administration introducing the Japanese system, in order to contribute to the development of immigration control and a mechanism of regional network in participating countries of Asia. In this course, the following major subjects will be covered through lectures, discussions and observation trips; (1) law and regulation system, control administration mechanism (2) inspection service (3) computer service (4) document identification service (5) theme study.
In 2001, 8 officials from Bangladesh (2 officials), China, Malaysia, Thailand, Bhutan, Maldives and Solomon Islands participated in the course, and in 2002, 16 officials from Bangladesh, China, Indonesia, Malaysia, Philippines, Sri Lanka, Bhutan, Pakistan (3 officials), Mongolia, Vietnam, Laos, Cambodia, Nepal and Kazakhstan participated. In 2003, 20 officials from developing countries are expected to participate in the course.

(b) Seminar on Immigration Control
The purpose of this 5-day seminar is to contribute to the promotion of mutual understanding and international co-operation among immigration authorities in the Asia-Pacific region through exchanging information and views on issues of common concern in immigration administration.
In 2001, 14 officials from Cambodia, China, Indonesia, Malaysia, Philippines and Thailand participated in the seminar. In 2002, 12 officials from Cambodia, China, Indonesia, Malaysia, Philippines and Thailand participated in the seminar.

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(c) Seminar on Document Examination

The purpose of this seminar is to share information concerning trends and the detection techniques of forged or altered travel documents which are often used by illegal migrants and organized criminal groups, with a view to preventing the diffusion of these documents by inviting officials in charge of document examination for immigration authorities in the Asia-Pacific region. In 2001,14 officials from Bangladesh, Cambodia (2 officials), China, Indonesia, Laos, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam participated in the seminar. In 2002, 12 officials from Bangladesh, Cambodia, China, Indonesia, Laos, Malaysia, Myanmar, Nepal, Philippine, Sri Lanka, Thailand and Vietnam participated in the seminar. In 2003, 12 officials from Bangladesh, Cambodia, China, Indonesia, Laos, Malaysia, Myanmar, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam participated.

(ii) Aviation Security

(a) Seminar on Aviation Security (implemented by JICA)

The purpose of this seminar is to provide participants with fundamental knowledge of aviation security practiced in Japan, which includes ICAO specifications. Participants will also have the opportunity to exchange views in the field of aviation security among other participants and Japanese lecturers, thus contributing to investigating applicable methods to improve aviation security. In 2001, 21 officials from Bangladesh, India, Malaysia (2 officials), Pakistan (2 officials), Philippines (2 officials), Thailand, Cambodia (2 officials), Vietnam (2 officials), Maldives, Mongolia, Columbia, Kenya (2 officials), Cape Verde, Tanzania, Marshall Islands participated in the seminar, and in 2002, 22 officials from Indonesia (2 officials), Laos, Malaysia, Philippines, Sri Lanka, Vietnam, Maldives, Palau, Uzbekistan, Egypt (2 officials), Tunisia, Palestine (2 officials), Bolivia, Brazil (2 officials), Eritrea, Djibouti, Cook Islands and Solomon Islands participated. In 2003, officials from India, Indonesia, Laos, Malaysia, Nepal, Philippines, Sri Lanka, Thailand, Myanmar, Mongolia, China, Egypt, Oman, Palestine, Brazil, Guatemala, Columbia, Peru, Kenya, Tanzania, Gambia, Sao Tome and Principe, Central Africa, Seychelles, Cook Islands, Fiji, Solomon Islands, Tonga and Samoa participated.

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(iii) Customs Co-operation

(a) Technical Co-operation on Customs

Improvement of Customs administration in developing countries and regions leads to the unification and harmonization of a world Customs system, and as a result leads to faster customs clearance and less cost for customs clearance. By organizing training courses in specific areas where technical co-operation is necessary, Japan is accepting Customs officials from developing countries. In FY 2001, Japan accepted 53 officials from 25 countries (Bangladesh, China, Fiji, India, Indonesia, Iran, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam, Cambodia, Laos, Azerbaidjan, Cuba, Uganda, Zambia, Solomon Islands, Cameroon, Uzbekistan). In FY 2002, Japan will have accepted 48 officials from 23 countries (Bhutan, Cambodia, China, Fiji, India, Indonesia, Laos, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Papua New Guinea, Philippines, Samoa, Sri Lanka, Thailand, Vietnam, Chile, Peru, Uzbekistan, Namibia, South Africa). Japan is also dispatching experts from Japan's Customs to the Customs in developing countries, according to their needs. In 2001, in addition to dispatching experts to Hong Kong and Australia, Japan dispatched 45 experts to 22 countries (Vietnam, Thailand, Singapore, Cambodia, Indonesia, Jordan, Colombia, Zambia, Malaysia, Brazil, India, Philippines, Sri Lanka, Mauritius, Argentina, Barbados, Mongolia, Iran, Malawi, Hungary Myanmar, Laos) in total. In FY 2002, Japan will have despatched 40 experts to 12 countries (Indonesia, China, Pakistan, Iran, Bhutan, Vietnam, Philippines, Cambodia, Thailand, Malaysia, Laos, Singapore).

(b) Co-operation on Information Exchange

Japan in collaboration with the WCO (World Customs Organization) and the RILO (Regional Intelligence Liaison Office) is holding seminars on the collection and analysis of information for customs officials in Asia-Pacific with a view to enhancing customs control over Customs offences, including drugs and arms smuggling in the region.

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Japan Customs accepted for regional seminars 20 officials from 20 countries (Bangladesh, Brunei, Cambodia, China, Fiji, Hong Kong China, India, Indonesia, Korea, Macau China, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam) in 2001, and 22 officials from 22 countries (Bangladesh, Cambodia, China, Fiji, Hong Kong China, India, Indonesia, Iran, Korea, Laos, Macau China, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Samoa, Singapore, Sri Lanka, Thailand, Vietnam) in 2002. Japan Customs also dispatched 2 experts to Iran and Thailand in 2001. In addition, Japan Customs accepted for CEN (Customs Enforcement Network) training programs 2 officials from Indonesia and Thailand in 2001, and 4 officials from Iran, Myanmar, Pakistan and Vietnam in 2002, and 2 officials from China and Philippines in 2003. On April 2 through 4, 2003 the WCO Symposium on Security and Facilitation of the International Trade Supply Chain successfully took place in Yokohama with more than 100 participants, including representatives of 14 APEC economies and business.

(iv) Export Control

(a) Asian Export Control Seminar

As a result of economic development, Asian countries and regions have acquired capabilities for the production of sensitive items that can be diverted for use in the development of weapons of mass destruction and their delivery means. In addition, large amounts of cargo (including sensitive goods) pass through some countries or regions used as transhipment points. Therefore, effective export control in those countries and regions is essential for international non-proliferation efforts. From this point of view, ensuring the improvement of export control systems in Asian countries and regions is an urgent task. The seminar is aimed at reaching a deeper common understanding on the importance of export control.

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The 9th Asian Export Control Seminar, organized by CISTEC (Center for Information on Security Export Control), was held in February 2002. Representatives of Brunei Darussalam (1 official), Cambodia (1 official), Hong Kong China (4 officials), Indonesia (3 officials), Laos (1 official), Macau China (2 officials), Malaysia (3 officials), Mongolia (2 officials), Myanmar (1 official), Philippines (2 officials), Singapore (5 officials), Chinese Taipei (4 officials), Thailand (5 officials) and Vietnam (3 officials) participated in the seminar. Discussions on the recent situations of international export control regimes, such as MTCR, export control systems in the Asian region and export control by industry were held. Small group discussions on transshipment and dual use export control were also held to encourage participants to take part in a more informal and in-depth discussion. The 10th Asian Export Control Seminar was held in February 2003. Apart from representatives from Australia, Korea, Sweden and the U.S., representatives of Brunei Darussalam (1 official), Cambodia (1 official), China (3 officials), Hong Kong China (4 officials), Indonesia (3 officials), Laos (1 official), Macau China (2 officials), Malaysia (1 official), Mongolia (2 officials), Myanmar (1 official), Philippines (2 officials), Poland (2 officials), Singapore (3 officials), Chinese Taipei (3 officials), Thailand (4 officials) and Vietnam (2 officials) participated in the seminar.

(b) Administration of Security Export Controls (implemented by JICA)

The basic objective of this training course is to promote the Security Export Control system in the Asian region by sharing recognition on the necessity of the system. The goals of this course are (1) to enhance understanding on the items that are subject to export control and the reason for their control, and (2) to deepen knowledge of licensing officials to enhance effectiveness of export controls in each of the participating country.

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In 2000, 7 officials from Indonesia, Thailand (2 officials), Vietnam, China (2 officials) and Mongolia participated in the course, and in 2001, 10 officials from Indonesia, Malaysia, Thailand, Cambodia, Vietnam, Myanmar, China (2 officials) and Mongolia (2 officials) participated. In 2002, 12 officials from Indonesia, Thailand (2 officials), Philippines, Singapore, Laos, Vietnam, Myanmar, Macau China, China, Cambodia and Mongolia participated in the course.

(c) Seminar on Export Control for NIS countries (implemented by JICA)
The purpose of this seminar is to contribute to capacity-building of NIS countries. Participants are expected to: (1) deepen their understanding about international non-proliferation efforts and necessity of export control system, (2) improve their export control capability, and (3) take the lead in implementing export controls in each of the participating country.
In 2001, 10 officials from Armenia (2 officials), Kazakhstan (2 officials), Kyrgyz (2 officials), Tajikistan (2 officials), Uzbekistan (2 officials) participated in the course, and in 2002, 10 officials from Azerbaidjan (2 officials), Kyrgyz (2 officials), Tajikistan (2 officials), Turkmenistan (2 officials), Uzbekistan (2 officials) participated.

(v) Law-Enforcement Co-operation

(a) Seminar on International Terrorism Investigation (implemented by JICA)
The seminar is designed for leaders in charge of international terrorism prevention and investigation in order to discuss the situation and measures. Participants are expected to: (1) understand the organization of the Japanese police system and countermeasures of international terrorism investigation through case studies, (2) acquire knowledge and skills for international terrorism investigation, and (3) deepen mutual understanding and establish co-operative relationships among participants.

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In 2001, 11 officials from China, Philippines, Vietnam, Kazakhstan, Kyrgyz, Peru, Uruguay, Venezuela, Bulgaria, Hungary and Rumania participated in the seminar, and in 2002, 23 officials from Indonesia (2 officials), Malaysia, Pakistan, Philippines (2 officials), Thailand (2 officials), Uzbekistan, Tajikistan, Algeria, Jordan (2 officials), Tunisia, Yemen, Lebanon (3 officials), Senegal, Peru and Estonia (3 officials) participated. In 2003, almost the same number of countries and officials are expected to participate.

(b) Maritime Law Enforcement (implemented by JICA)

The purpose of this course is to obtain knowledge and skills which are required for planning and supervising maritime law enforcement activities, in particular, investigation of crimes, such as piracy, trafficking in drugs and firearms and people smuggling at sea, so that participants would be able to prevent and suppress those crimes more effectively and efficiently.
In 2001, 10 officials from Indonesia (2 officials), Laos, Malaysia (2 officials), Myanmar, Philippines, Thailand, Vietnam and India participated in the course, and in 2002, 12 officials from Cambodia, China, Indonesia (2 officials), Laos (2 officials), Malaysia (2 officials), Myanmar, Philippines (2 officials) and India participated. In 2003, 14 officials from Cambodia, China, Indonesia, Laos, Malaysia, Myanmar, Philippines, Thailand, Vietnam and India etc. will participate.

(c) Seminar on Organized Crime in the Asian Region

The purpose of this seminar is to contribute to capacity building of Asian countries by inviting law-enforcement experts responsible for controlling organized crime. The contents include countermeasures against organized crime and sharing intelligence among the participants' countries.

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In 2001, 14 officials from Cambodia, China (3 officials), Indonesia (2 officials), Malaysia, Palau, Philippines (3 officials), Thailand (2 officials) and Vietnam participated in the seminar. In 2002, 16 officials from Cambodia (2 officials), China (3 officials), Indonesia (2 officials), Malaysia, Palau, Philippines (4 officials), Thailand (2 officials) and Vietnam participated. In 2003, 17 officials from Cambodia (2 officials), China (3 officials), Indonesia (2 officials), Malaysia (2 officials), Philippines (4 officials), Sri Lanka, Thailand (2 officials) and Vietnam participated. In 2004, almost same number of countries and officials are expected to participate.

(vi) Anti-Terrorist Financing

(a) Assistance provided by Asian Development Bank (ADB) from the Asian Currency Crisis Support Facility (ACCSF), financed by the Government of Japan

Using the ACCSF financed by the Japanese government, Japan is providing assistance to the Philippines with a view to planning the implementation of an anti-money laundering system, designing a monitoring system and planning training courses for officials in relevant agencies. The project began last year and is expected to conclude in 2004. Japan is also providing assistance to Indonesia with a view to assisting in the implementation of anti-money laundering law and implementing necessary guidance and a training course. The project just started this month (February 2003) and is expected to conclude in 2004.

(b) Anti-Money Laundering Assistance to Indonesia (implemented by JICA)

On 16th December 2002, JICA hosted an international seminar on Indonesia's anti-money laundering with a view to socializing executive officials including Head-to-be of PPATK with practical knowledge on FIU (Financial Intelligence Unit) activities. A short-term expert on anti-money laundering from Japan's Financial Services Agency (FSA) was dispatched to the seminar. The expert explained the activities of Japan's FIU. Japan is now implementing a project of providing a compliance manual for the commercial bank staff.

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(c) Seminar on FIU

FSA plans to hold a seminar on FIU activities for Indonesian officials including Head of PPATK on 3 June 2003. The purpose of the seminar is to (1) deepen understanding on various FIU-related issues such as institutional matters, legal matters and data processing, and (2) provide practical skills which are used to manage FIU.

(3) New measures to be taken

In addition to the seminars in the above six areas, Japan plans to take new measures in the following two areas;

(a) Crisis and Consequence Management Capacity Building in case of CBRN terrorism (implemented by JICA)

Starting from FY 2003 Japan plans to receive 30 trainees every year, 150 trainees in total for five years with a view to enhancing crisis and consequence management capacity in case of CBRN terrorism such as biological and chemical terrorism. The objective is to contribute to capacity building of Asian countries by inviting officials from ministries and agencies responsible for policy-making and co-ordination in the field of counter-terrorism and crisis management and providing them with knowledge and experience necessary for planning, developing and coordinating comprehensive policy on international counter-terrorism co-operation and domestic CT measures.

(b) Seminar to encourage accession to counter-terrorism related international conventions

The purpose of this seminar is to encourage counter-terrorism related international conventions among officials of those countries which have not yet acceded to some recent counter-terrorism conventions.

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Appendix G

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UN Security Council Resolution 1373 (2001)

United Nations S/RES/1373 (2001)

Security Council

Distr.: General

28 September 2001

Resolution 1373 (2001)

Adopted by the Security Council at its 4385th meeting, on 28 September 2001

The Security Council,

Reaffirming its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,

Reaffirming also its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

Reaffirming further that such acts, like any act of international terrorism, constitute a threat to international peace and security,

Reaffirming the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001),

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Deeply concerned by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

Calling on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

Recognizing the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

Reaffirming the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Acting under Chapter VII of the Charter of the United Nations,

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1. *Decides* that all States shall:

(a) Prevent and suppress the financing of terrorist acts;

(b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

(c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

(d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. *Decides also* that all States shall:

(a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

(b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;

(c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

(d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

(e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

(f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

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3. *Calls* upon all States to:

(a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

(b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

(c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

(d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. *Declares* that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and *calls upon* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;

7. *Directs* the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;

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8. *Expresses* its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;

9. *Decides* to remain seized of this matter.

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Appendix H

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Arguments for and against a stronger CFSP[459]

Positives	Negatives
Collectively, EU countries will be able to exercise greater clout in international affairs	Differences in foreign policy interests, deriving from geography and history
The EU needs a political and military capability to match its economic strength	Europe has a 'security surfeit' rather than a 'security deficit', a strengthened CFSP is not needed
The EU can contribute something distinctive to the resolution of international disputes	Foreign and security policy are core functions which governments are reluctant to relinquish
The need for a strong CFSP is shown by the EU's weak responses to international crises	The EU's decision-taking style is unsuited to the realm of foreign policy
The development of the EU is creating common international interest among its members	There are major problems in co-ordinating foreign policy positions
It is logical phase in the development of the Union	Several Member States are at best lukewarm about CFSP
If the EU is not to remain incomplete and unbalanced, an effective CFSP is essential	Desire for a stronger CFSP may derive from a desire to share burdens rather than 'beef up' capability
The potential for instability in post-Cold War Europe requires a common approach	NATO has shown itself to be capable of effective action in international crises therefore EU not needed
US may not always be willing to play the leading role in international crises	CFSP difficulties likely to be exacerbated by next EU enlargement

[459] Ginsberg, R. "The EU's CFSP: The Politics of Procedure," Holland, M. (ed.) Common Foreign and Security Policy. Pinter. London. 1997. p.28-29. and Ueta, T. "The Stability Pact: From the Balladur Initiative to the EU Joint Action," Holland, M. (ed.) Common Foreign and Security Policy. Pinter. London. 1997. p. 95.

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[460] Lt Richard Gueli is a post-graduate student at the SA Military Academy. My appreciation is extended to him for providing access to his research material.

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[467] Banda is a lawyer with the law firm Sacranie, Gow and Company in Malawi.

[468] Botha is a Senior Researcher and Project Head: Terrorism at the Institute for Security Studies(ISS).

[469] Engelbreght is a researcher at ISS and specialist in International law.

[470] Hubschle is a researcher at ISS.

[471] Katz is a Cape Town–based advocate specialising in extradition and deportation.

[472] Assistant Commissioner Kapinga is SARPCCO Secretariat in Harare, Zimbabwe.

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[473] Kollapen is on the South African Human Rights Commission.

[474] Superintendent Mlowola is Head of The Anti-Terrorism Unit, Tanzanian Police.

[475] Mukelabai is the Zambian Director of Public Prosecutions.

[476] Nqakula is the South African Minster of Safety and Security.

[477] Pruis is Deputy National Commissioner: South African Police Service

[478] Schmid is Senior Crime prevention and Criminal Justice Officer of the Terrorism Prevention Branch of the UN Office on Drugs and Crime in Vienna.

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