Criminal Justice International Development Network

Counter Terrorism; How Countries Must and Can Work together ?

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Summary: *Cooperation between countries on Counter Terrorism has real and practical limitations that require negotiation and complex working through. Counter Terrorism co-operation cannot be fully understood without an understanding of how terrorism works and ends and the how relationship between perpetrators and the state impacts on the sustainability and demise of a particular terrorist campaign. The necessary context for understanding counter terrorism are presented as is an analysis of different types of response that often need to combine together to form an effective strategy yet can rub against each other. Given this complexity, areas of effective co-operation are identified as are some future challenges. The paper is divided into two parts, the first dealing with Terrorism and Responses to it pre- and post- 9/11 and the second part, how countries co-operate in counter terrorism and future challenges.*

PART 1

NECESSARY CONTEXT FOR COUNTER TERRORISM: UNDERSTANDING TERRORISM, RESPONSES AND ENDS.

Any discussion on Counter-terrorism and international co-operation would be inexplicable without setting the context against which it takes place and some understanding at what Terrorism is? A seemingly easy task but in reality, complex, such that, despite several and lengthy attempts by the United Nations there is no Universal agreed definition of terrorism by Countries.

One reason for this is that terrorism is not just a crime but a political[1] act as well, there exists a direct relationship between the state and those it labels[2] as terrorists. The purpose of terrorism is to challenge the political *status quo* and involves a struggle between the state and non-state actors. That is not to say, that states cannot be guilty of Terrorism. A fundamental strategy of Terrorism is to cause fear, or terror and as one terrorism scholar[3] notes, historically, the largest scale terrorising violence for political purposes has been carried out by state rather than non-state actors. States also sponsor non -state terrorist groups beyond their borders to further their own national interests, harbour terrorist groups whose interests may overlap with their own, use them as a bargaining tool to gain advantage, offer passive and active support to groups opposing a hostile state to their own. And then there is also the challenge, of course, that elements within a state apparatus can act independently of formal state policy. [4]

This paper is concerned with countering terrorism acts committed by non-state actors fundamental to which is the relationship between what the state does to counter such acts determines how the terrorism ends.

How Terrorism Ends

Terrorist campaigns decline and do come to an end. Audrey Kurth Cronin(2011) in her important work categorises six frameworks of how terrorism campaigns decline and end:

- *Decapitation* -whereby the state kills or captures the leaders of a terrorist organisation
- *Negotiation* -whereby the state and its opponents come comes to a political solution
- *Success* -whereby the organisation achieves their goal and desists from its violent acts
- *Failure* -whereby the terrorist implodes and there is a backlash against them and they become marginalised by the constituents they claim to represent
- *Repression* -whereby the state crushes the terrorist organisation by force
- *Re-orientation* -whereby the groups involved re-orientate their actives to become criminals or to organised crime and in worst case scenario, the threat turns into a civil war.

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[1] Relating to the government or public affairs of a country.
[2] "Terrorism" and "Terrorist" are emotively loaded terms often because of the nature of terrorist acts. For the same reason, they also carry pejorative connotations. Assigning the term to one's opponents therefore carries symbolic, psychological advantage, whether or not the term is accurately ascribed to the opposing party.
[3] English Richard (2009).: *Terrorism How to Respond*. Oxford University Press. Oxford
[4] English Richard (2009).: *Terrorism How to Respond*. Oxford University Press. Oxford

Each of these options incorporates the full range of measures that states can take either singularly or in multiple combinations. All pose difficult challenges and consequences and can even be in conflict with each other. Repression, for example, is problematic both in terms of an end to terrorism and mass human rights violations, huge civilian casualties and displacement and a motivator for future generations of terrorists. Decapitation by arrest of leaders within an organisation can be a strategic counter terrorism manoeuvre by to be used as a lever by the state to gain concession in tentative peace negotiations.[5] Evidence suggests that arrest, rather than killing, of a group leader tends to be more effective but choice is dictated to by tactical concerns such the structure and nature of the group and or/ the likely potential consequences of the action as well as strategic concerns related to the support and credibility the leader has amongst active and passive supporters of the group.[6] Negotiations rarely end a terrorist campaign but astute and timely diplomacy can act as a stimulus to other processes to manage a pathway to decline.[7] To have any benefit, negotiations need to take place in time and situation contexts.[8]

Failure is a common way a terrorism campaign ends and in fact most campaigns fail to gather sufficient staying power to survive for any prolonged period sufficient to achieve their strategic and or political aims.[9] Success for terrorist groups is very rare but some campaigns do end in this way.[10] The activities of Irgun for example played a part in and ended with the birth of the state of Israel. Other groups end a campaign by re-orientation. All terrorist groups, to various degrees, rely on criminal networks for funding and arms and can turn their focus onto criminal behaviour, insurgency or even conventional war as a strategic move to survive and reorientation can take a number of forms, depending on the context and nature of a conflict.[11] Marginalisation of a terrorist group in the communities they operate is potentially the most significant determinant in the survival or otherwise of a terrorist group.[12] Lack of support whether material and otherwise in their constituency makes it almost impossible for terrorist

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[5] In Northern Ireland for example, the leadership cadre that had been captured and imprisoned were released for example in the hope that they would play a role in the merging political peace process.
[6] Cronin, Audrey Kurth (2011): *How Terrorism Ends*. Princeton University Press. New Jersey
[7] Cronin, Audrey Kurth (2011): *How Terrorism Ends*. Princeton University Press. New Jersey
[8] op.cit.
[9] op.cit.
[10] op.cit
[11] op.cit.
[12] op.cit.

groups to remain clandestine and this very vulnerable to state intervention, attack and infiltration. [13]

Responses to Terrorism

States face enormous pressures when act of terrorism occur within it and difficult challenges as to how to confront it. It needs to balance its response against intended and unintended consequences of the action and with forethought to how peace can be facilitated even when a response is urgent and needs strong tactical action to reassure a fearful population subjected to sustained and relentless attacks.[14] Taking lessons from   international campaigns and particularly the Northern Ireland conflict, Richard English (2009) gives seven pieces of advice for Counter Terrorism policy makers:

- *Learn to live with it*: Presentationally problematic but in certain contexts and the life time of a campaign , where a level of terrorist activity is the result of considered rather than an overreaction or over militarised response. emphasising a police /policing primacy and waiting for the terrorist group(s) to implode[15] (see below)

- *Address underlying causes where possible*: Terrorism emerges from very serious societal, ethnic conflict and disaffection and contested state legitimacy and whilst it cannot be prevented totally, healing and paying attention to its root causes can lessen its growth,   facilitate its demise and in some cases assist in its removal. However, it can also legitimately be argued that too much focus on this can legitimise a terrorist organisation's claim. Nevertheless, this does not stop taking a terrorist group's position seriously in order to understand it whilst remaining resolute in opposing their methods.

- *Avoid over -militarisation response*. Again, historically, this has been shown to be not particularly effective and indeed in large scale military responses resulting in deaths of civilians it can be counterproductive.

- *Intelligence is crucial*: Considered to be vital to success of any counter terrorism campaign allowing security services, police and other state security actors to take initiative, arrest terrorist actors, financiers and supporters.

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[13] op.cit.

[14] Grieve, G.D. John (2015). Thinking about Peace: The Primacy of Intelligence in Pearse, John (ed). *Investigating Terrorism Current Political Legal and Psychological Issue, Wiley Blackwell, Oxford*

[15] Grieve, G.D. John (2015). Thinking about Peace: The Primacy of Intelligence in Pearse, John (ed). *Investigating Terrorism Current Political Legal and Psychological Issue, Wily BlackWell, Oxford.*

- *Respect for Rule of Democratic Law*: Adherence to the law ensures the state's claim to monopoly of legitimate use of force. Transgression, on the other hand, gives terrorist groups opportunity to justify violence and make moral arguments that they have no choice but to use violence or that their use of violence is no different to the state's use.

- *Co-ordinate security- related , financial and technology preventative measures*. Terrorist organisations require funding, resources, skilled members, and increasing operate in the cyber space , utilise the internet to recruit, spread its propaganda etc and this speaks to multi -agency role in policing terrorism apart from just the Police themselves.

- *Maintain strong credibility in counter- terrorist public argument*. A central battle between the state and a terrorist organisation. Past Terrorism has been described as "propaganda by deed." Terrorist groups try to gain legitimacy for their cause and actions and undermine state legitimacy by feeding off reactions from the state. Where that is over excessive, terrorist groups will seize opportunities to justify their actions and states have to be mindful that they have two audience they need to manage in justifying their actions; a constituency that supports, has empathy with the terrorist cause and even sympathises, passively or actively with it and the violence as well as a wider public/ population who are often also the targets of the terrorism.

Counter Terrorism

Common state responses to terrorism include special counter terrorism legislation, creation of specialist units in the police and military, use of repression, military intervention and reprisal, special incarceration and detention policies, media management and negotiated settlement,[16] to which can also be added strategic communications to win 'hearts and minds' in an internet age where control and dissemination of information in the virtual space is as important to legitimacy and support for actions as the physical environment. Earlier, it was stated that measures to counter terrorism do not always work harmoniously with each other.[17] A good example of this is the friction that occurs between strategies to Pursue terrorists with

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[16] Silke, Andrew (2011). The psychology of counter -terrorism Critical issues and Changes in Silke Andrew (ed) *The Psychology of Counter- Terrorism.* Routledge, London

[17] Of course, this is not a dilemma faced by Police in Countering Terrorism. In some respects, it is a particular instance of a dilemma that has long faced the police who are supposed to act to prevent crime / keep the peace, but also to apprehend wrongdoers. Notoriously, these two missions have and continue sometimes, to rub against each other (Professor Rob Canton, De Montfort University in private correspondence to author).

those designed to Prevent terrorism as in the UK CONTEST (COuNter Terrorism Strategy). CONTEST comprises of four pillars that provides the foundation for the strategy, PREVENT, PURSUE, PROTECT, and PREPARE.[18] These pillars have remained consistent since CONTEST was first introduced in 2003. Whilst PURSUE has been hailed as relatively very successful, PREVENT activity has been consistently controversial facing criticism from human rights lawyers, teachers and sections of the UK Muslim community. Currently the strategy is facing it's third Review.[19]

Notwithstanding conflict between different counter terrorism polices and tactics they often have to operate simultaneously, and the challenges managed and co-ordinated in the best possible way; seizing opportunities where possible, mitigating threats whether through direct intervention or disruption, adroit risk management and use of 'Best Intelligence' with an understanding of terrorism itself is designed to work.

How Terrorism Works.

Once begun, a terrorism campaign is sustained by a number of dynamics, one aspect of which a self-fulfilling capacity to continued violence (not necessarily of increasing intense) and the other aspect the response of its opponents including, of course the state. [20] A second determinant is the level of serious political commitment and belief of members within the organisation coupled with the seriousness of the political problems from which the conflict arose.[21] A third factor is the level of organisational dynamics (meetings, campaign funding, commemorations, recruitment etc) of the group.[22]

Understanding phases of a successful terrorism campaign allows us to think about what makes a good counter terrorism strategy and the pit falls to avoid in order to prevent the terrorists realising it.[23] Phases in a Terrorist campaign can be broken into four parts:

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[18] CONTEST The United Kingdom's Strategy for Countering Terrorism (2018). Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716907/140618_CCS207_CCS0218929798-1_CONTEST_3.0_WEB.pdf Accessed 28th May 2020

[19] See Grierson, Jamie (2019, 16th September) Prevent review branded 'superficial' as past decisions overlooked. *The Guardian*: Retrieved from : https://www.theguardian.com/uk-news/2019/sep/16/prevent-review-branded-superficial-as-past-decisions-overlooked. Accessed 28th May 2020. Also, Warrell, Helen (2019, 24th January) Inside Prevent, the UK's controversial anti-terrorism programme. *The Financial Times :* Retrieved from*:* https://www.ft.com/content/a82e18b4-1ea3-11e9-b126-46fc3ad87c65. **Accessed** 28th May 2020.

[20] English Richard (2009).: *Terrorism How to Respond.* Oxford University Press. Oxford

[21] English Richard (2009).: *Terrorism How to Respond.* Oxford University Press. Oxford

[22] ibid

[23] op.cit

Provocation → Escalation → Blame → Endurance

Figure 1. Four Phases of Terrorism Campaign[24]

In the first phase, Provocation, terrorist carry out an attack intended to elicit a strong response from the state beyond normal   operation and methods of law and order. As the violence continues special powers and legislation as well as a role for the military become introduced . At this stage the terrorists try to raise their status above the label of criminals but are still treated as such by state even if they targeted them in a different way to ordinary criminals. By the second phase, Escalation, the terrorists intensify their attacks in an attempt to put more pressure on the state in an attempt to get it to over compensate in their response and cause a chain reaction to allow the terrorist to justify themselves. In this scenario, the state resorts to increasingly powerful legislation and sometimes also illegal acts in order to achieve victory. In the Blame phase both parties engage in illegal and or rule breaking behaviour and start to place blame for them on each other in a battle to win support from the population. Finally, in the Endurance phase, the terrorist groups look to break the will and morale of the state to sustain the conflict. This is often a phase of intense attacks as the terrorist group attempts convince the state and its supporters of its greater commitment to continue the fight against the mounting cost the state is incurring in the fight. It's also at this point that, as hopes of any total victory by each side fade, opportunities for peace and negotiation also occur.[25]

The Nature of 'New' International Terrorism & Response

Cronin (2002/3) identifies four types contemporary terrorist organisations based on sources of motivation: Left-Wing, Right-wing , ethnonationality /separatist and religious terrorists.[26] Rapoport's influential "waves" of terrorism model (2003) similarly identifies four categories of modern terrorism (Anarchist, Anti- Colonial, Left Wing and Religious) that roughly last 40- 50 years with Religious Terrorism as the current wave (he predicts set to dissipate around

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[24] Silke, Andrew (2011). The psychology of counter -terrorism Critical issues and Changes in Silke Andrew (ed) *The Psychology of Counter- Terrorism.* Routledge, London

[25] Silke, Andrew (2011). The psychology of counter -terrorism Critical issues and Changes in Silke Andrew (ed) *The Psychology of Counter- Terrorism.* Routledge, London

[26] Cronin, Kurth Audrey (2002/3): Behind the Curve. Globalization and International TerrorismInternational Security, Vol. 27, No. 3, pp. 30–58

2025).[27] Perhaps both instructive and odd, Rapoport omits right wing terrorism in his waves even though far right groups and hate-centred groups were engaged in terrorism in 2003.

In the decade prior to 9/11, a number of Scholars of Terrorism and Political Violence began to observe a number of developments they highlighted as significant. Rogers (2013)[28] identifies the trends as :

- *Regime Termination as major Counter Terrorism Measure.* Evolving in Afghanistan and Iraq into a form of warfare that may be concentrated in these two countries but with wider impact in the regions of these countries and beyond.

- *Rapid expansion of internationalisation capabilities and activities of terrorist groups:* In the first six year (2001-2007) of the 'war on terror' response to Al- Qaida, the movement attempted to carry out attacks in France., Italy, Singapore and the USA and actually carried out attacks in Egypt, Indonesia, Jordan, Kenya, Morocco, Pakistan, Saudi Arabia, Spain, Tunisia, Turkey, United Kingdom, and Yemen as well as Iraq and Afghanistan.

- *Intensity of Suicide attacks as a tactic.* Not a new facet of terrorism but until 2001, had not been used as widely as the case since. Until then it was associated with groups such as LTTE in Sri Lanka and Hamas in Palestine /Israel and confined to specific locations. However, post 9/11, again it saw an intensity in use by jihadist terrorist groups not only in the areas acting as epicentres for the war on terrorism but also in attacks in Western Countries including here in the UK (2005).

- *Speed of Learning and willingness to adapt and change:* Terrorist groups in the past have generally tended to stay with methods that they have become experienced in but in the post 9/11 environment of Afghanistan and especially Iraq, terrorist groups have had to learn quicker and faster in order to survive. These learning environments have combined with the internationalisation of terrorism to allow far more rapid spread of tactics than in the past; advance fusing for improvised explosive devices and production of explosively formed anti -armour projectiles are two simple examples. The attempted assassination on Prince Muhammad bin Nayef (2009) a surgically implanted improvised explosive device (SIIED) hidden inside the body in order to commit a

[27] Rapoport David C. (2013). The Four Waves of Modern Terror: International Dimensions and c consequences. Retrieved from:
https://www.researchgate.net/publication/286896869_The_four_waves_of_modern_terror_International_dimensions_and_consequences Accessed 29 May 20202
[28] Rogers, Paul (2013.) Terrorism in Williams , Paul D. *Security Studies An Introduction . Routledge. London*

suicide attack on him, being evidence of terrorist groups willingness and innovation to adapt and learn.

- *Media developments.* Advances in Social and New Media have noticeably significantly increased the channels and means to fulfil one of the most important functions of terrorism- to communicate a 'message' to its opponents and wider audiences as well as serve as a medium to spread propaganda, publicise actions, support recruitment, and air grievances. Older versions of media such Regional satellite TV news channels, CDs and DVDs have also all been used in combination with New forms.[29] Charismatic leaders and supporters such as Al- Qaeda's Anwar Awlaki have successfully used these medias to propagate messages and encourage attacks such attempted to murder the British MP Stephen Timms (2010) and the Fort Hood attack (2009).

- *Economic Targeting .* Developed particularly by Provisional IRA between 1992-1997 but also seen post 9/11 in the form of Piracy of Oil tankers, attacks on oil pipelines in Iraq and Saudi Arabia particularly since 2003. Cyber-attacks could also come under this category.

- *Mass Casualty Attacks and Weapons of Mass Destruction.* Terrorist plots and attacks ranging from marauding firearm incidents to deliberate driving of vehicles in crowded spaces to maximise casualties are common features of new terrorism but not necessary a new phenomenon or tactic . Nevertheless, the intensity of such tactics and attacks has been noticeable since 9/11 and whilst there has been no single instance of a large-scale WMD attack yet, there remains a credible fear of such possibility.

Trends such as these have led to an ongoing discourse on "new" and 'old' terrorism. This is a discourse outside the scope of this paper but is important to note as the response to terrorism since 9/11 has been based largely on the concept that terrorism had fundamentally changed with that attack and therefore countering it, at least at a tactical level, also had to change. Specific to countering the terrorism of Jihadist groups such as al-Qaeda , Daesh, and Boko Haram, countering new terrorism places an emphasis on value structures that pose significant

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[29] Crelinsten, Roger (2009). Counterterrorism. Polity. Cambridge

response difficulties for secular (Western) governments;[30] a factor that some scholars have also suggested arguably removes ending conflict via negotiation with these groups as a response. One consistent critic of the 'New' Terrorism phenomena is Crenshaw (2011) who argues that its alleged characteristics of religion, desire to inflict mass casualties and emphasis on martyrdom has not changed the fundamental nature of terrorism but rather is the cause of 'strategic innovation' on the part of terrorist groups in how they conceptualise terrorism derived from learning and effort.

Counter Terrorism post 9/11

Broadly speaking, states can adopt three potential approaches to counter terrorism. The most common (often described as the traditional or pre 9/11) standard is principally a criminal justice model that involves policing, intelligence and security whereby members of a terrorist group are identified and taken into custody before they can carry out an attack or if an attack has been carried out, those responsible are subsequently detected, prosecuted and brought to justice.[31] At the same time, potential terrorist targets are 'hardened' to protect themselves from attack and a public prepared and engage to remain vigilant to the threat and to help prevent it. The UK CONTEST described above being a good example of this approach. The second option is an overtly military one (as in the post 9/11 'war on terror' campaign) taking direct military action especially when groups are identified as having a specific physical location.[32] This can involve 'war' in the conventional sense (as in the case of International coalition forces Afghanistan against Al-Qaeda/Taliban or) or Assassinated killings of terrorist group leaders by the State [e.g. Killing of Usama Bin Laden (2011) and Anwar Awlaki (2011)] and even state representatives considered to be a threat such as the US drone strike killing Qasem Soleimani, Iranian Major General Islamic Revolutionary Guards corps (2020).

The third approach focuses on the environment and population from which the terrorist group draws its support and the underlying motivations behind the terrorist organisation.[33] This approach recognises the importance of 'winning the hearts and minds' of constituents in the area the terrorist group operates and also recognises conditions for and possibility of negations with groups leaders , perhaps using mediators as interlocutors.

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[30] Baylis, John. Smith, Stephen & Owens Patricia. *The Globalization of World Politics.* Oxford University Press. Oxford

[31] Rogers, Paul (2013.) Terrorism in Williams , Paul D. *Security studies An Introduction . Routledge. London*

[32] Rogers, Paul (2013). Terrorism in Williams , Paul D. *Security studies An Introduction . Routledge. London*

[33] ibid

The reality is that nations adopt not just one or other of these approaches but a combination of them depending on whether the policy is for domestic or foreign purposes and whether they want to take pre-emptive or defensive measures. This can lead to the situation of 'prisoners dilemma' for many states [34] where they have to decide levels and extent of co-operation based on their own self-interests and advantage and the determination of their own foreign and domestic polices to which the paper turns to next.

PART 2

INTERNATIONAL CO-OPERATION IN COUNTER TERRORISM

Realities of International Cooperation

Nations have different and often competing interests in dealing with terrorism, just as they do in every other aspect of international affairs and counter terrorism is no different, even though there might seemingly be a common interest. [35]

A harsh number of realties and practical considerations limit co-operation between countries – even if all nations were to accept a narrow definition of terrorism.[36] Co-operation has to be built on trust and common values and yet in the arena of international relations, *one man's terrorist may be another man's freedom fighter, proxy, or intelligence source.[37]*

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[34] Sandler, T., & Arce, D. G. (2007). Terrorism: A game-theoretic approach. In T. Sandler & K. Hartley (Eds.), Handbook of defense economics (Vol. 2 (pp. 775–813). Amsterdam & Oxford: Elsevier B.V. Cited in Sadat, Syed Yuuf :International cooperation for counter-terrorism: a strategic Perspective. Journal of policing, intelligence and counter terrorism 2020, vol. 15, no. 1, 83–93
https://doi.org/10.1080/18335330.2020.1732451

[35] Cordesman, Anthony H (2010). International Cooperation in Counterterrorism: Redefining the Threat and the Requirement. Centre for Strategic and International Studies. Retrieved from; https://csis-website-prod.s3.amazonaws.com/s3fspublic/legacy_files/files/publication/100316_New_Reports_International_Cooperation_Counterterrorism.pdf . Accessed 31 May 2020

[36] Cordesman, Anthony H (2010). International Cooperation in Counterterrorism: Redefining the Threat and the Requirement. Centre for Strategic and International Studies. Retrieved from; https://csis-website-prod.s3.amazonaws.com/s3fspublic/legacy_files/files/publication/100316_New_Reports_International_Cooperation_Counterterrorism.pdf . Accessed 31 May 2020

[37] Ibid p10

Intelligence, particularly raw and sensitive intelligence, cannot (and will not) be freely shared.[38] Large numbers of other states cannot be counted on to keep information secure, and will be counted on to keep information secure, and some will attempt to use it to national advantage. Intelligence identified as crucial to the defeat of any terrorism campaign cannot and is not freely shared for compelling reasons apart from source security and confidentiality -- a great number of countries cannot be relied upon to keep the intelligence source and some will also use it their own national advantage.[39]

Legal systems often differ sharply as does approaches to human rights and rule of law. Countries also differ in their level of development, needs and priorities as well as capacity to deal with terrorism. Additionally, cooperation cannot be separated from financial needs and resources. Many states have severe limits in terms of resources and/or specialized expertise.[40] However, despite these challenges, countries do co-operate with each other even with those they consider as 'hostile'[41] and possibly most visibly though the United Nations (UN).

Mediums for Co-operation

Since 9/11, the UN has created over 13 different conventions and 16 universal legal agreements to deal with terrorism.[42] UN Security Council Resolution (UNSCR) 1540 (2004) recognised that Weapons of Mass Destruction (WMD) posed an international security threat and requires states to adopt effective laws prohibiting non-state actors from various WMD-related activities and to establish materials controls (such as accounting, law-enforcement efforts, and export and border controls).[43] The Global Counter-Terrorism Strategy (2006) advanced an action plan requiring member countries to take specific measures individually and collectively to address the (i) spread of terrorism, (ii) strengthen their individual and collective capacity to prevent and combat terrorism, (iii) protect human rights and (iv) uphold the rule of law while countering terrorism.[44] Although on the face of it, there seems little to reject in these principles,

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[38] Ibid
[39] Ibid
[40] Ibid
[41] ibid
[42] ibid
[43] Ashley A.C. Hess & Gregory R. Marcus (2018) UN Security Council Resolution
1540 and the importance of regional coordinators, The Nonproliferation Review, 25:5-6, 545-554,
DOI: 10.1080/10736700.2019.1568763. Retrieved from: https://doi.org/10.1080/10736700.2019.1568763
Accessed 31 May 22020
[44] Cordesman, Anthony H (2010). Op cit

the strategy proved deeply divisive[45] but did eventually achieve universal support [46] and is reviewed every two years.[47] In 2011, the UN Centre for Counter Terrorism was established with funding from Saudi Arabia. The Centre's aim was to build member state capability and UN expertise on counterterrorism.[48] Most recently (2017), the Office of Counterterrorism was established to oversee all but the Security Council's efforts on international co-operation.[49] Thus far, results of these efforts have been mixed.

The UN CT strategy is wide ranging but because of the limitations and shortfalls of how the UN operates, it can only serve as a venue for co-operation to the extent that member countries want to co-operate and implement   the strategy including desisting from their individual negative counter terrorism policies that aggravate or intensify the terrorist threat.[50] While many governments have given rhetorical support to the UN Strategy, in practice, they have implemented actions plans selectively rather than in the comprehensive manner agreed. Moreover, they have relied on the security focussed aspects of the strategy to the detriment of human rights and removal of underlying drivers and causes of terrorism.[51] Similarly, while UNSCR 1540 was a milestone in co-operation against WMD threat, fifteen years since it was passed , many countries have yet to implement much of its requirements and obligations thus some of the vulnerabilities and risks likely still exist.[52] A possible credible argument for this

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[45] See Statement by Ambassador Jonathan Allen, UK Deputy Permanent Representative to the UN, at the General Assembly. 6th June 2018. https://www.gov.uk/government/speeches/reviewing-the-global-counter-terrorism-strategy

[46] Ucko, David H (2018): Preventing violent extremism through the United Nations: the rise and fall of a good idea. International Affairs 94: 2 (2018) 251–270; doi: 10.1093/ia/iix235. Retrieved from https://academic.oup.com/ia/article-pdf/94/2/251/24460262/iix235.pdf. Accessed 31 May 2020

[47] Megally, Hanny (2018). The UN Global Counter-Terrorism Strategy Review. Centre on International Co-operation. Retrieved from: https://cic.nyu.edu/sites/default/files/the_un_global_counter-terrorism_strategy_review_august_2018.pdf Accessed 30th May 2020

[48] Ucko, David H (2018): Preventing violent extremism through the United Nations: the rise and fall of a good idea. International Affairs 94: 2 (2018) 251–270; doi: 10.1093/ia/iix235. Retrieved from https://academic.oup.com/ia/article-pdf/94/2/251/24460262/iix235.pdf. Accessed 31 May 2020

[49] Cordesman, Anthony H (2010). *Op cit*

[50] Einsiedel, Sebastian von (2016). Assessing the UN's Efforts to Counter Terrorism. United Nations University Centre for Policy Research Occasional Paper 8. Retrieved from https://collections.unu.edu/eserv/UNU:6053/AssessingtheUNsEffortstoCounterterrorism.pdf Accessed 31 May 2020.

[51] Einsiedel, Sebastian von (2016). Assessing the UN's Efforts to Counter Terrorism. United Nations University Centre for Policy Research Occasional Paper 8. Retrieved from https://collections.unu.edu/eserv/UNU:6053/AssessingtheUNsEffortstoCounterterrorism.pdf Accessed 31 May 2020.

[52] Ashley A.C. Hess & Gregory R. Marcus (2018) UN Security Council Resolution 1540 and the importance of regional coordinators, The Nonproliferation Review, 25:5-6, 545-554, DOI: 10.1080/10736700.2019.1568763. Retrieved from: https://doi.org/10.1080/10736700.2019.1568763

might that the UN has lost some of its authority and legitimacy because of its close alignment with USA? The UN ought to be impartial, but the US influence has always been so strong.

Several international organisations also co-operate formally and informally at regional level. These include INTERPOL, NATO, European Union (EU), Organization for Security and Cooperation in Europe (OSCE), the Gulf Cooperation Council, Association of Southeast Asian Nations (ASEAN), and the World Bank and International Monetary Fund and Financial Action Task Force (FATF) which play important roles in disrupting terrorism financing and Money Laundering.[53]

Apart from global and regional co-operation and encouraged by a proactive approach by USA, bi lateral and multi-lateral co-operation between countries has also increased and co-operation takes place more than some countries want to publicise including in the sharing of intelligence, law enforcement, the security of trade, ports, air traffic, banking; and a host of other activities.[54] Bilateral, multilateral, and national clusters of cooperation –not international or regional organizations are often a more natural basis for cooperation.[55] A good case in point being the negotiations conducted by the UK with Jordan to expel Abu Qatada to Jordan.

Overcoming Realities and Limitations

Aside from the mediums described above, countries have found other ways of co-operation notwithstanding the challenges that exist. Some involve adapting the ways in which formal cooperation takes place, whilst others take a focus on more informal methods of cooperation. Examples that have been proven in practice at the international, regional, and country-to country levels include: efforts to establish a resource centre at the disposal of law enforcement sub-regionally, regionally or worldwide, the development of an Incident Response Guide for law[56] enforcement and responders and training and awareness programs, including sub-regional and regional workshops, sharing of legislation, efforts at reform and dealing with causes of terrorism, standards for law and human rights and sharing of non-sensitive training methods, defensive and response systems.

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[53] Cordesman, Anthony H (2010). *Op cit*
[54] Cordesman, Anthony H (2010). *Op cit*
[55] ibid
[56] ibid

Even the sensitive area of intelligence there exists a level of cooperation across International regional, Multilateral and bilateral agreements.   The 'Five Eyes' network for example, considered to be premier intelligence network sharing alliance between countries, shares high quality grade intelligence and practice on counter terrorism matters (amongst others) between the five countries of USA, UK, Canada, New Zealand and Australia but also has a subset of Third Party' countries (France, Norway and the Netherlands)with whom it co-operates with and a further SIGINT Seniors Europe (SSEUR) consisting of Belgium, Germany, Italy, Spain and Sweden with whom it co-ordinates military signals amongst its members.[57]

Other countries share a range of proven methods of cooperation at different levels of transparency and depth and different mediums to mutual advantage.[58] Some examples include: transfer of selected data and focused cooperation in areas of common interest, release of generic data at secure and open level, exchange of intelligence officers and common cells, exchange training systems, less sensitive collection and analytic methods, IT system design, agreements for common operations especially in security areas and importantly also in near real-time exchange of critical data on IT system or "hotline" basis.[59]

A very good example of Bilateral Co-operation between countries independent of other mediums is the recent case of the conviction of a Pakistani National (Mohsin Khan, dob 06/07/79) in Pakistan for a murder he committed in the UK ten years previously. Khan was convicted in Pakistan for the murder based on evidence supplied to Pakistani Prosecutors by British Counter Terrorism Officers.[60]

The European Arrest Warrant (EAW), a mechanism established in 2004 by which individuals wanted in connection with significant crimes including terrorism are speedily extradited between EU member states. It was first successfully used in the investigation of the attempted London Bombing ,July 21 2005 to bring back to UK from Rome, within a week of the attack, Hussain Osman , one of the perpetrators of the attack.[61] The EAW procedure was a really

[57] Tossini Vitor J (2017). The Five Eyes – The Intelligence Alliance of the Anglosphere. UKdefencejournal.org.uk Retrieved from : https://ukdefencejournal.org.uk/the-five-eyes-the-intelligence-alliance-of-the-anglosphere/ Accessed 31 May 2020

[58] *op.cit*

[59] op.cit

[60] See https://www.gov.uk/government/news/uk-pakistan-close-working-helps-convict-man-for-murder-of-dr-imran-farooq-in-uk and http://news.met.police.uk/news/man-convicted-in-pakistan-of-murdering-dr-imran-farooq-in-edgware-in-2010-404974 . Accessed 25th June 2020

[61] *Extradited bomb suspect charged* BBC New Retrieved from http://news.bbc.co.uk/1/hi/uk/4265572.stm

significant agreement of co-operation -it shifted to mutual recognition of warrants onto a purely judicial one (based on evidence presented) and moved it away a political process which is the standard across much of the rest of the world. [62]That de-escalation from the political to the judicial has been very important for peace and community relationships in the counter terrorism context.[63]

Areas where Co-operation can be Effective.
Thus far the realties and limitations of co-operation between Countries has been cited, together with examples of how they can be overcome. (Cordesman, 2015) takes it the analysis further and identifies 4 areas where o-operation can be most effective:

- *Focused Efforts of Clear Common Interest.* Concentrating *on* agreed threats and tailoring collaboration in a manner that avoids differences in national interest and sensitivities over intelligence and politics.

- *Truly Violent Outliers*. violent actors where nations have not begun to use such actors as proxies to serve their own interests. Once an organization or individual poses a broad threat of violence and acts upon it, they become easier targets to agree upon. Aum Shinrikyo was a good case in point (as is Daesh). Even here though, care has to taken as some states can and will use this as a cover to support another extreme movement or group. Moreover, Security and intelligence services sometimes operate independently within the limits of plausible deniability and can occasionally mount "rogue" operations not authorized by their governments

- *Prevention.* Again, requires some degree of common interest. Flagging known individual terrorists, flight and airport security, halting the movement of foreign "volunteers," blocking transfers of money and the sale of explosives and other tools of terrorism across borders can sometimes work. much depends on state-to-state relations and common views of the value of counterterrorism versus civil liberties.
  In the current Syrian Conflict, for example, allowed foreign volunteers easy passage

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Accessed 31 May 2020
[62] Cordesman, Anthony H (2010). *Op cit*
[63] Personal correspondence to author from high ranking EU CT Official

to Syria when this seemed to strengthen Daesh's ability to threaten Assad. The group of course later became an equal threat to Turkey later in the conflict.

- *UN and International Organizations agreed areas outside bi/multilateral, regional, or global agreements already mentioned.* Practical examples include agreements to disrupt foreign fighters and supporting Peace Missions. [64]

Future Challenges

- *Electronic Evidence (e-evidence)* . Much vital evidence in terrorism cases comes from digital sources. A terrorist plot /attack can now almost be completely done on line. This presents challenges for obtaining digital evidence across borders to get the electronic evidence. Currently, this can only be done through Mutual Legal Agreements which takes time especially where the data is in US where most of it is of course. Whilst there may be potential ways to get this information quicker e.g. for 'intelligence' purposes only as a member of Five eyes other countries including EU members are placed at a disadvantage and an EAW style request for e- evidence is needed. In fact, the UK is ahead of other nations including EU Block Countries in this area and has sign up its first agreement with the US to obtain electronic evidence without having to go through time-consuming government- government Legal agreements.[65]

- *Impact of Brexit*: The EU has been relatively marginal to Counter Terrorism in UK which has forged ahead with its own domestic law and policy with similarities and differences.[66] Currently, negotiations are continuing but optimism exists that much of the existing security and counter terrorism arrangements in place now will remain in place and the way the UK manages its primary Terrorist threat from Jihadist (domestic

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[64] Cordesman, Anthony H (2010). **Cooperation in Counterterrorism: Rhetoric vs. Reality. Retrieved from** https://www.csis.org/analysis/cooperation-counterterrorism-rhetoric-vs-reality
Accessed 3rd May 2020

[65] Wahl , Thomas (2020): US and UK Sign Bilateral E-Evidence Agreement. eucrim.eu
Retrieved from: https://eucrim.eu/news/us-and-uk-sign-bilateral-e-evidence-agreement/ Accessed 31 May 2020
[66] Greer, Stephen (2019): Brexit and counter terrorism in the UK . University of Bristol Law School Blog.
Retrieved from : https://legalresearch.blogs.bris.ac.uk/2019/09/brexit-and-counter-terrorism-in-the-uk/ Accessed 31 May 2020
 https://legalresearch.blogs.bris.ac.uk/2019/09/brexit-and-counter-terrorism-in-the-uk/

with international flavor) groups.[67]   However, what impact it will have on emerging right wing terrorism and extremism remains to be seen and there exists credible concern on the impact of Brexit on the Good Friday Agreement.[68]

- *Covid 19 Pandemic*.   Covid-19 presents both a risk and opportunity for counter terrorism co-operation.   Jihadist groups across the world have been quick to exploit the virus as an opportunity to vilify those they oppose, blaming the rapidly spreading contagion on 'impure' elements in culture and society.[69]   Reports are emerging of a resurgence of *Daesh* in Iraq over the past 18 months.   It's narrative combined with an economic impact and disruption of the Pandemic is likely to feed into existing tensions escalating the attrition by the group against the Iraqi State, Military and Tribes.[70]

Conclusion

This paper has presented the important necessary background understanding of the context against which counter terrorism co-operation between countries takes place and the realities and limitations that adds a complexity to how it takes place.   Despite such realities, co-operation does take place even when it cannot be acknowledged publicly. The paper has also presented the areas where co-operation is effective and three potential challenges for future co-operation. These are not exhaustive. Countries can and do co-operate but must do more and counter terrorism co-operation needs to be dynamic and evolutionary as terrorism is and will continue to be.   The post pandemic era will present opportunities for a renewal and focus on aspects of the UN Counter Terrorism Strategy that have thus far not received the attention deserved.

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[67] Greer, Stephen (2019): Brexit and counter terrorism in the UK . University of Bristol Law School Blog. Retrieved from : https://legalresearch.blogs.bris.ac.uk/2019/09/brexit-and-counter-terrorism-in-the-uk/ Accessed 31 May 2020

[68] ibid

[69] https://www.brookings.edu/blog/order-from-chaos/2020/04/28/preventing-violent-extremism-during-and-after-the-covid-19-pandemic/

[70] Michael Knights and Alex Almeida: Remaining and Expanding: The Recovery of Islamic State Operations in Iraq in 2019-2020 . CTC Sentinel May 2020 . Retrieved from https://ctc.usma.edu/wp-content/uploads/2020/05/CTC-SENTINEL-052020.pdf
Accessed 31 May 2020