THE QUESTION OF INTERNATIONAL COOPERATION IN THE WAR ON TERRORISM

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The 9/11 attacks generated an unprecedented level of international cooperation and yet the extent to which states collaborate varied across various domains within the war on terrorism. Indeed, while states supported the invasion of Afghanistan, joined international treaties, and created, for the first time, legal frameworks that allowed for the prosecution of suspects on terrorism financing charges, they were less enthusiastic about other measures. These measures included adding names to the UN list of al Qaeda and Taliban operatives and supporting then President George W. Bush’s democracy promotion agenda. Thus, my book, Combating Jihadism, is an effort to explain trends in interstate cooperation in the war on terrorism.

Two questions, in particular, need to be addressed. First, why are states generally inclined to collaborate in the war on terrorism (or more accurately the war on the al Qaeda-led jihadi movement)? Second, why are there variations in the level of cooperation between different spheres of action? Moving beyond the popular focus on the wars in Afghanistan and Iraq, I suggest that there is much more to the war on terrorism than the headline-catching use of force. Therefore, the study looks at actions taken in additional domains, such as the efforts to deny terrorists access to weapons of mass destruction (WMDs), the attempts to fight terrorism financing, and the strengthening of border controls.

Adopting a broader perspective allows me both to answer these questions and to present a design for the multilateral effort to confront the al Qaeda-led jihadi movement. This design focuses on bolstering the institution of the state. It also allows me to offer a more nuanced evaluation of the role of U.S. hegemony in the war on terrorism, one that does not see U.S. actions as a reflection of either its evil or virtuous nature.

Going against common conceptions, I argue that the United States sought to advance more than what it viewed as simply its own interest. The United States stands behind multiple collaborative enterprises and should be credited for that. Nevertheless, sometimes it has overreached, sought to gain special rights other states do not have, or presented strategies that were not compatible with the general design of the war on terrorism, to which most states subscribed.

When it went too far, the United States found that, while secondary powers could not stop it from taking action, they could deny it legitimacy and make the achievement of its objectives unattainable. Thus, despite the common narrative, U.S. power was successfully checked, and the United States found the limitations of its power, even under the Bush administration.

DEFINING HEGEMONY

Let me begin with my conception of hegemony. While the definition of hegemony is based on its material aspects—the preponderance of power—hegemony should be understood also a part of a social web comprised of states. A hegemon relates to the other states in the system not merely through the prism of power balances, but through shared norms and a system of rules providing an umbrella for interstate relations. Although interstate conflict is ubiquitous in international society and the pursuit of particularistic interests is common, the international society provides a normative framework that restricts and moderates the hegemon’s actions. This normative framework accounts for the hegemon’s inclination toward orderly and peaceful interstate relations and minimizes its reliance on power.

A hegemon’s role in the international community relies on legitimacy. Legitimacy is associated with external recognition of the hegemon’s right of primacy, not just the fact of this primacy. States recognize the hegemon’s power, but they develop
expectations that go beyond the idea that the hegemon will act as it wishes because it has the capabilities to do so. Instead, the primacy of the hegemon is manifested in the belief that, while it has special rights that other members of the international society lack, it also has a set of duties to the members of the international society. As long as the hegemon realizes its commitment to the collective, its position will be deemed legitimate.

International cooperation is hard to achieve. And, in general, international relations is not a story of harmony. A state’s first inclination is to think about its own interests, and states always prefer doing less over doing more. The inclination to pass the buck or to free ride on the efforts of others is always in the background. If a hegemon is willing to lead in pursuit of collective interests and to shoulder most of the burden, it can improve the prospects of international cooperation. However, even when there is a hegemon willing to lead a collective action and when states accept that action is needed, obstacles may still arise. These difficulties can be attributed to various factors, but especially prominent is the disagreement over the particular strategy that the hegemon promotes in pursuing the general interest. When states think that the strategy and policies offered by the hegemon are not compatible with the accepted rules of “rightful conduct” and break established norms, many will disapprove and resist.

Indeed, while acceptance of a hegemon’s leadership in international society may result in broad willingness to cooperate with the hegemon in pursuit of shared interests it does not guarantee immediate and unconditional compliance with all the policies the hegemon articulates. While its legitimacy does transfer to its actions and grants some leeway, that legitimacy does not justify every policy the hegemon pursues—particularly those policies that are not seen as naturally deriving from the existing order. As a result, specific policies must be legitimated before cooperation takes place. This process constrains the hegemon’s actions and prevents the uninhibited exercise of power.

In sum, a hegemon must: pursue goals that serve the collective, as well as offer a strategy consistent with the fundamental principles of the international society—such as sovereignty and non-intervention—to translate its will into actual measures. States may be inclined to cooperate with U.S. hegemony in the war on terrorism, but whether a state cooperates with the hegemon on specific issues depends heavily on case-specific legitimacy. The level of collaboration with the hegemon, in each sphere of action, corresponds to whether the goals promoted are seen to be legitimate and the means of achieving these goals are viewed as acceptable.

POST-911 COOPERATION

Before 9/11, only a few states considered terrorism as a threat. Interstate collaboration was hindered by differing opinions on what constituted terrorism, what caused terrorism, and what means were appropriate to confront terrorism. To the extent that there was cooperation, it reflected a thematic approach that tackled only specific components of terrorist activity. This led to twelve international treaties, but their scope was very narrow and they lacked any enforcement mechanism. Most important here is that before 9/11 there was no normative rejection of terrorism. This situation changed dramatically after 9/11. The attack demonstrated the lethality of al Qaeda and the threat it posed, not only to particular states, but also to the basic tenets of international order. States’ quick recognition that al Qaeda represented a different kind of threat led them to see fighting it as a shared interest and they began devising collective action to confront it. Several examples of this cooperation include:

— Passage of Security Council Resolution (SCR) 1368 on September 12, 2001, which recognized the “inherent right of individual or collective self-defense” against terrorist entities and those harboring them.

— Increased commitment to antiterrorism international treaties. Before 9/11, only two states were parties to all 12 counterterrorism treaties; by 2005 their number totaled 58, and about 100 states were members to ten instruments or more. Prior to 9/11, only 28 states were members to the treaty of the suppression of terrorism bombing (1997). By 2005, there were 115 states and, by November 2007, 153 states. Prior to the attack, only four countries ratified the treaty on the suppression of terrorism financing. By 2005, close to 160 states became members to the treaty.

— Passage of the Nuclear Terrorism Treaty in 2005, with 115 signatories and 66 parties.

— International support for the war in Afghanistan; 136 nations offered help for the NATO mission.

— Establishment of a worldwide legal framework outlawing the financing of terrorism and facilitating the prosecution of individuals and groups involved in such actions.

— A broad effort to reinforce states’ control over their borders

PRINCIPLES FOR A WAR ON THE GLOBAL JIHADI MOVEMENT

The collective effort behind the war in Afghanistan and the broader struggle against terrorism is based on the strengthening of the state as an institution. It is a response to what, in the past twenty years, appeared as the state’s weakening and the rise of
non-state actors and global civil society. This collective effort is governed by four guiding principles, all geared toward reasserting the state’s primacy in the international system.

1) States are the primary actors in the confrontation with the jihadi movement, and state sovereignty must be respected in the various cooperative counterterrorism policies. The international community offers general guidelines for action but states are free to design their own efforts—legal procedures, minimum sentences, among others. Certain issues concerning national identity remain the sole responsibility of each state—education, for example. An exception to this principle is that when a state acts intentionally against the international society, the way the Taliban did in supporting al Qaeda, its sovereign rights can be violated.

2) As members in the international society, states have obligations to the collective to deny terrorists the use of their territories to harm other states. The idea of state responsibility is not new, but it was reinforced in the aftermath of the 9/11 attacks. States’ obligations to the international community include the following requirements—all of which appear in SCR 1373 from November 2001, the cornerstone of the war on terrorism: First, A state must not cooperate or give sanctuary to terrorists. Second, a state needs to take effective action to prevent the use of its territory by terrorists, even when it is not the intended target of the attack. States are also obligated to prosecute terrorists or extradite them to other countries. And lastly, states are required to share information on planned schemes and to cooperate in investigations following terrorist attacks. States are also urged to share their experiences, in order to identify best practices.

3) However, state responsibility does not mean that all states in which terrorists operate are going to become targets for external intervention and counterterrorism operations. The international community acknowledges the inherent weakness of numerous states and its adverse impact on their abilities to realize their obligations to the society of states. Consequently, there is an emphasis on the need to bolster state capacities to enable them to fulfill their international obligations.

4) Interstate cooperation is fundamental to the onerous task of capacity building and in general to confronting a transnational threat such as al Qaeda. As mentioned earlier, we see such collaboration in multilateral endeavors and through a variety of channels. We also see it in the international treaties, and, on a narrower bilateral basis, when strong states provide assistance to weak states.

THE ROLE OF THE UNITED STATES

Measuring American actions since 9/11 against these principles, we find that the United States was instrumental in promoting a global counterterrorism strategy with its focus on strengthening the State. This policy was—and is—compatible with its worldview that underscores the importance of states as the building blocks of international order while rejecting transfer of sovereign rights to structures of global governance (this is one of the reasons why the ICC was excluded from the efforts to combat terrorism). Washington succeeded in securing significant Security Council resolutions and the strengthening of antiterrorism international conventions. It also initiated the establishment of multiple multilateral antiterrorism enterprises (for example, the Proliferation Security Initiative) and the reinforcement (or reorientation in the case of FATF) of others.

Still the United States also took actions that undermined the collective effort; both the invasion of Iraq and the doctrine of preemption (which was in fact a doctrine of preventive action masked as preemption) were regarded as violations of international legitimacy. When it overreached, Washington found collaboration harder to achieve. While secondary states are unable to stop the United States from taking action, by denying it legitimacy, they raise to costs of action and lead America to reconsider. Indeed, following a series of debacles, the United States, moderated its action during President Bush’s second administration.

Thus the compatibility of the objectives and strategies promoted by the U.S. with the tenets of the international society may explain how the U.S. attack on Afghanistan, justified as post-attack self-defense against a terrorist entity and a regime that failed to meet its international obligations, received broad international support. Similarly, the theory can also explain why the United States’ invasion of Iraq, which was in violation of the principle of non-intervention, produced considerable resistance that denied the U.S. badly needed legitimacy and complicated its efforts to stabilize that country.

THE REGIME TO DENY TERRORISTS ACCESS TO WMD

While my book presents a variety of spheres of action in the war on the jihadi movement I would like to discuss here the regime to deny terrorists access to WMD. This case is particularly interesting because it demonstrates how changes in levels of cooperation correspond to changes in the strategy pursued by the United States. Indeed, the United States failed to secure international support when it sought to prevent the proliferation of WMDs to non-state actors by linking those actors to state sponsors and seeking to change the regimes of these (American-defined) rogue states. Conversely, after shifting focus the United States succeeded in mobilizing the international society to create a new and unprecedented international regime (embodied in Security Council Resolution 1540) that emphasizes measures directed at non-state actors and attempts to deny their access to deadly weapons.
After the Cold War, the United States was perceived as an obstacle to the promotion of non-proliferation. The United States had failed to ratify the Comprehensive Test Ban Treaty (CTBT). Similarly, it was blamed for undercutting the efforts to make progress on the Fissile Material Cut-off Treaty (FMCT) and the additional protocol of the Biological Weapons Convention (BWC). Soon after taking office the Bush administration retreated from the 1972 Anti-Ballistic Missile (ABM) agreement with Russia and started promoting ABM systems.

This trend continued after 9/11. The United States called for research into new types of nuclear weapons, and outlined new uses for them. It also published a new national strategy in which it declared, for the first time, that it may preemptively attack foes thought to possess WMDs. Following 9/11, numerous states agreed with the U.S. that terrorist actors, armed with weapons of mass destruction, were the most serious threat to world peace, and that the issue must be addressed quickly. But they disputed the U.S. approach, which focused on the links between states and non-state actors. The result was tough resistance to the American agenda, particularly with regard to Iraq.

Only when the United States, as hegemon, proposed an agenda aligning with the fundamental principles of the international society, and one that was perceived universally as serving the common good, was it able to move forward effectively to confront the threat. The strategy that now guides the regime to deny non-state actors access to WMDs is epitomized in Security Council Resolution 1540. This resolution was adopted unanimously on April 28, 2004. It relies on the idea that each state has a responsibility to prevent non-state actors from obtaining, producing, transferring, and deploying WMDs and related material. States are required to criminalize and prosecute any such action, to protect relevant facilities, and improve border control. The adoption of the resolution indicates states' willingness to collaborate and is particularly impressive when one sees the misgivings states had prior to its adoption.

In the discussions leading to the adoption of the resolution, states expressed apprehension that the Security Council had turned into a legislative body and that the power of the P5 is further increasing at the expense of other members of the international society. The cause of this fear was the language of the resolution that made the prohibition against assisting non-state actors into a universal obligation. Normally, such commitments are made through treaty writing where states have a choice whether to join or not. But the SCR creates a universal obligation that is binding for all countries and that bypasses conventional treaty formation procedures. Following the Iraq precedent, states also expressed worries that the reference to chapter VII of the UN Charter could serve as a pretext for using coercive means against states that fail to follow the resolution's text. Finally, despite the claims of members of the Non-Aligned Movement that the way to confront the threat is by pushing forward complete disarmament they eventually accepted the resolution even without gaining anything tangible in return.

While still in its early stages, the resolution has already helped to push through comprehensive legislation in many states aimed at preventing and outlawing proliferation of WMDs and related materials. Additional important measures include the adoption of the Nuclear Terrorism Treaty (from 2005), increased membership in the 1987 Convention on the Physical Protection of Nuclear Material (before 9/11 only 68 countries were members to the convention, by September 2005 115 states became parties to the treaty), and its amendment in September 2005 to make it more suitable for the task of denying terrorists access to nuclear material.

In sum, U.S. hegemony was critical to producing interstate cooperation against the al Qaeda threat. Even under the Bush administration, the United States was engaged in multilateralism to a much greater degree than is generally assumed.

My research shows that, after 9/11, international cooperation has been extensive. Despite the magnitude of the enterprise, the international structure to fight transnational terrorism is slowly, yet consistently, increasing in its competence. A caveat is warranted, because states' commitment to this fight is variable, not a constant. States have different priorities, and, as the threat weakens or other objectives take primacy, states are likely to focus their attention and resources elsewhere.

As for the United States, despite the leadership it has provided, it is also undeniable that it has taken independent action. Sometimes, acting unilaterally has reflected the strain of the hegemon's role—the difficulty of balancing its independent interest with its leadership role in the international community. At other times, unilateral action was compatible with the design of the war on terrorism. And yet, perceptions of unilateralism can be damaging. Fortunately, once the foundations were laid, the focus shifted to cooperation between bureaucrats and experts, which is easier to maintain. Given the limitations of US power, it is clear that engagement and a cooperative spirit are critical for the successful pursuit of collective goals. A hegemon that takes into account the advice and preferences of other states is better positioned to promote the collective interest.