COMBATING JIHADISM

American Hegemony and Interstate Cooperation in the War on Terrorism

BARAK MENDELSONH
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For my Catherine
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On July 7, 2005, four British citizens attacked London’s transport system, killing more than fifty people. A few hours later the participants of the annual meeting of the G8, hosted by British Prime Minister Tony Blair, stood behind him as he reiterated to the world media the resolve of Britain and the rest of the international community to continue the fight against terrorism. That night in New York, the United Nations Security Council condemned the atrocity by consensus and vowed to fight terrorism relentlessly. Intelligence services and law enforcement agencies throughout the world investigated the attack in the following weeks. The geographical breadth of the investigation was astounding, involving countries such as Pakistan, Italy, Egypt, the United States, Zambia, and Israel. An unusual level of alertness among European countries led to a special meeting of the European Union’s interior ministers in which they discussed the implications of the London bombing, devised measures to reduce the vulnerability of EU countries, and planned improved cooperation.

The extensive interstate collaboration in the aftermath of the attack—of which the details above are just a partial illustration—was not unique; numerous instances of
broad international cooperation have been registered since the 9/11 at-
tacks on New York and Washington, starting with the extensive support
for the U.S. invasion of Afghanistan and spanning a wide range of ac-
tivities including military operations, border security, suppression of ter-
rorism financing, denial of non-state actors’ access to weapons of mass
destruction (WMD), and intelligence sharing. Nevertheless, although
states have demonstrated considerable willingness to follow the lead of
the United States and cooperate against the al Qaeda–led jihadi move-
ment, conflict in international relations has not abated. Moreover, de-
spite the emerging cooperative trend, some actions deemed by the United
States to be a part of the war on terrorism have not received the same
support as others. Indeed, the invasion of Iraq, justified by American
assertions of substantial links between Saddam Hussein and al Qaeda
and by the risk that Iraq would provide terrorists with WMD, generated
resounding opposition that forced the United States to rely on a fragile
“coalition of the willing.”

What explains the general inclination of the international commu-
nity to cooperate against the jihadi threat, and how do we account for
deviations from this trend? Informed by the work of the English School
in international relations, this book offers a distinct account of the war
on terrorism and the cooperative measures taken in its framework. The
English School views states as members of an international society tied
together by shared norms, general goals, and common rules that facili-
tate order and mitigate the negative effects of anarchy. Members of the
international society are inclined to protect it when it comes under at-
tack. They are led by the society’s strongest members; but coercive mea-
sures do not normally determine whether they act or what steps they
take. Rather, the level of interstate cooperation is determined by the con-
sistency of the principles proposed to guide the collective enterprise and
by the degree to which strategies pursued are consistent with the funda-
mental principles of the Westphalian-based order. The role of the heg-
emon or the great powers is not unimportant: they set the agenda, ar-
ticulate a program to pursue it, and facilitate its execution. But there is a
limit to their influence; they cannot breach the constitutional structure of
the international society without hampering cooperation.

The English School’s perspective provides a new lens through which
to view and evaluate the steps states take to confront the jihadi move-
ment. It highlights the distinct nature of the challenge, which goes be-
yond the targeting of specific states for specific grievances to a rejection
of the foundations of the Westphalian state-based order. Correspond-
ingly, states’ actions are motivated not solely by the narrowly defined
short-term interests that normally qualify international cooperation, but by a sense of mutual dependency among states sharing a social purpose and a commitment to the preservation of the state-based order that the jihadis threaten. Indeed, the preservation of international order affects states’ willingness to act collectively to counter the threat. This book shows that this willingness to cooperate can become reality, usually when the suggested strategies are consistent with fundamental principles such as sovereignty and nonintervention. Variation in the level of interstate cooperation exists, but it mostly depends on the compatibility of different aspects of the war on terrorism, or of differing strategies to achieve counterterrorism goals in accordance with its fundamental principles.

The encompassing picture of the war on terrorism presented in this book also brings to light the multifaceted nature of U.S. actions. Detailing spheres of action that typically do not get the same attention as the violent face of counterterrorism, this study shows that allegations directed at the United States overstate its unilateralist inclinations. In fact, U.S. hegemony has been orchestrating a multilateral effort against the jihadi movement. Unilateral action taken by the United States in the war on terrorism is often consistent with the war’s grand design, which sets general parameters but largely maintains states’ freedom of action. Nevertheless, even the hegemon is sometimes tempted to breach the boundaries of legitimate action set by the international society. When it does, cooperation falters: the society’s members demonstrate an inclination to protect the system from the jihadi threat, but also to restrain U.S. hegemony when its actions are incompatible with the society’s constitutive ideas. Secondary powers, in particular, serve as corrective agents, helping to produce a system of checks and balances.

*International Society and Its Preservation-Seeking Quality*

The dominant paradigms within the study of international relations (IR) are inadequate in providing a comprehensive account of the war on terrorism. One of the most important reasons is their failure to acknowledge the full range of possible motivations behind acts of transnational terrorism. In particular, they fail to include the motivation to overthrow the international order and replace it with an alternative order. Neglecting this important characteristic of the al Qaeda network and the jihadi movement leads most IR scholars to present an incomplete portrayal of the threat that states face, and consequently to miss important factors behind state responses to such groups.
This conceptual void is not restricted to threats posed by terrorists; the notion of threats to the system as a whole is usually missing from the work of IR scholars. But some security concerns cannot be fully understood without this holistic perspective. Only a conceptualization of the system as an independent entity that tries to advance toward certain goals allows us to adequately study challenges that surpass state boundaries and the concomitant responses of the system. Because the English School’s unique understanding of world politics conceives of the international society as an independent construct that joins its units—the states—together and leads them to pursue common goals, it is best suited to capturing the dynamics between states and those violent non-state actors that attempt to overthrow the state-based system. Moreover, the English School’s flexible tradition integrates social and material variables and therefore makes it most appropriate to examining state actions that are driven by a combination of both types of motivations.

According to Hedley Bull, a founding father of the English School, world politics is not necessarily dominated by conflict. States collectively exhibit some society-like traits, manifested in elements of interstate comity that allow for cooperation. This international society, or society of states, is defined as “a group of states which not merely form a system, in the sense that the behavior of each is a necessary factor in the calculations of others, but also have established by dialogue and common consent rules and institutions for the conduct of their relations and recognize their common interest in maintaining these arrangements.” This conceptualization is based on more than the mere convergence of interests between states; instead, it results from a thicker sense of community. This sense binds states together and provides them with general guidelines for what membership in the society means, what rights members enjoy, and what obligations they must observe. The society’s community-like traits moderate state behavior and allow for the existence of general order.

The important role of conflict in international relations is not ignored; but the English School emphasizes that some elements of international society always exist, even if precariously. Such a claim is logical given the way that the conception of international society expands the view of state identity. In addition to states’ particularistic identities resulting from idiosyncratic cultures and historical experiences, there is a deeper layer of system-wide social identity in which those particularistic identities are nested. In turn, this shared social identity produces collective interests that are shared by all states, no matter how their capabilities differ.
This social collective identity reflects a constitutional structure comprised, according to Christian Reus-Smit,\(^7\) of three normative elements: the prevailing (hegemonic) belief about the state’s moral purpose; the form taken by the organizing principle of sovereignty; and the systemic norm of procedural justice. Not only does the constitutional structure define the state’s social identity, it also sets the basic parameters of its rightful action. This structure is not exogenous to the system. It stands in mutually constitutive relation with the practices and values of legitimate statehood that often, albeit not always, emanate from core states, having been produced and reproduced by them. Note that despite core states’ important role in producing the deep structure of the international society, one must not conflate the society’s interests with those of its main powers. Institutional practices, for example, have transcended shifts in the balance of power and configurations of interests. As Reus-Smit points out, the principle of multilateralism developed independently of hegemony.\(^8\) Similarly, Daniel Philpott asserts that the radical changes in the conception of sovereignty that accompanied decolonization did not originate from the strongest powers of the international society, but from the countries of the third world.\(^9\)

Normally, the social identity of the state enjoys very limited visibility. It provides a range of interests that a state may pursue and determines which means are legitimate to realize these interests; although those specific interests and means ultimately are particular to each state and are more salient than the collective’s fundamental shared interests. In unique circumstances, however, the social identity of the state, and interests derived from it, may take precedence and assume a more concrete and salient form. On such occasions, certain goals of the whole society of states—preservation of the state-based order, for example—overshadow particularistic interests and lead to interstate cooperation.

Preserving the society of states appears on Bull’s list of the society’s fundamental goals alongside maintaining states’ independence, establishing peace as the normal condition in international relations, and achieving such common goals of all social life as limiting violence, keeping promises, and establishing possessions.\(^10\) Although Bull does not commit himself to a ranking of these goals, preservation of the system appears to override the others and even justify violations of the principle of sovereignty.\(^11\) And yet English School scholars have paid surprisingly little attention to systemic threats that could trigger the international society’s survival mechanism, or to the practices by which its members come together to face such threats. Contrived balance of power is the prominent aspect of this defense mechanism in the English School
literature. Strong states ally and create a balance of power to prevent the subordination of the society to one single power. Other threats that have received some attention are wars of aggression, revolutionary states, and globalization. Unfortunately, attention to these subjects in the context of threats to the society has been rare.

Violent non-state actors trying to overthrow the state system fit into the category of threats to the international society. These actors deny the legitimacy of the system and attack the foundations on which the society is based; they may even try to advance an alternative order. Thus, their threats are systemic and should activate the society’s inclination toward self-preservation, leading to the emergence of increased and meaningful interstate cooperation.

Normally, states may choose from a range of available strategies to respond to terrorist threats. Some comply with the terrorists’ demands or try to reach an accommodation. Others refuse to surrender or to take any step that could be interpreted as a capitulation to terrorism. These diverse state responses are normally a natural outgrowth of diverse identities, interests, and capabilities. However, when states face a violent nongovernmental organization (NGO) that threatens the Westphalian system, they react more predictably and with greater uniformity: most decide to engage in collective action to fend off the threat, thus demonstrating their capability to cooperate at a level atypical of “normal politics.”

Insights from social psychology, and their application to international relations by social constructivists such as Alexander Wendt, support the assertion that responding to a systemic threat posed by a non-state entity is in the interest of states. The confrontation between a society of states and violent non-state challengers pits self against other. An actor defines who he is and what he wants through his relationship to other actors populating his real or perceived environment, and that constitution of self generally requires the existence of an external and different other. In international relations, self and other are often both state actors, separated by dissimilar identities. Yet a society of states also exhibits a quality of a collective self that stems from the high level of similarity in form and purpose of all states. As such, states are engaged in “mutual empowerment”: they accept like states as legitimate members in the “club” and reject, if necessary even fight, others who threaten their association’s cohesion and rationale. Therefore, faced with a threat from an external actor—a violent non-state actor—the international society reveals its selfness against its opponent’s otherness. Differences among states are marginalized while similarities, and the need to guarantee the survival of
the society, become salient. In this way, the difference between self and
other, which normally reinforces conflict between states, facilitates inter-
state cooperation when a clear non-state other emerges.

The influence of this self/other distinction on the dynamics between
states and non-state competitors dates back to the emergence of the
state system. Originally, according to Hendrik Spruyt, the state system
was not the obvious, uncontested organizing principle in world poli-
tics; it was only one configuration vying to succeed the old order. In
the competition, all of the new alternative systems were more efficient
than the old order; but as the most efficient structure at that histori-
cal juncture, the state won out. This victory was reinforced by mutual
empowerment among states and delegitimization of actors who did not
fit into a system of “territorially demarcated and internally hierarchical
authorities.”¹⁵ Utilitarian considerations played a significant role, but
they were strengthened by states’ preference for their own kind. Similar-
ity among states was translated to a higher level of mutual identification,
predictability, and trust in interstate relations than was seen in the inter-
action between states and non-state entities.

Note that the appearance of this self-preservation inclination and in-
terstate cooperation does not require a high level of shared norms and
beliefs among states. Bull points at three complexes of rules that help to
sustain international order, each presenting different depths of shared
goals.¹⁶ First, “constitutional normative principles” identify states as the
primary political organization of mankind, bound together by the rules
and institutions of a collective society. Second, “rules of coexistence”
restrict the use of violence to states, limit the causes for which states can
legitimately start a war, and restrict the manner in which wars are con-
ducted. Such rules also emphasize the principle of equality among states
and their obligation to respect the sovereignty of other states and not
intervene in their domestic affairs. Finally, rules that regulate coopera-
tion among states go beyond what is necessary for mere coexistence and
may even extend beyond political and strategic realms to cooperation in
economic and social matters.¹⁷ Interstate collaboration for the sake of
self-preservation falls within a logic of coexistence.¹⁸ Therefore, a plu-
ralist international society bent on the preservation of political and cul-
tural differences between states and based on the principles of state sov-
ereignty and nonintervention is sufficient to produce self-preservation
tendencies.

Importantly, a pluralist international society is not merely a sufficient
condition for interstate cooperation; the case of the war on the jihadi
movement provides additional support for a pluralist view of the current
international society. At a time when many English School scholars highlight solidarism—the promotion of cosmopolitan values that concern the rights of the individual and lead to a more interventionist understanding of international order—this book demonstrates the critical role of adherence to pluralist principles in producing interstate collaboration, and testifies to the pluralist nature of the international society.

Hegemony and the Institutions of International Society

The preservation of order and the inclination to protect the international society are supported by the society’s fundamental institutions. Bull defines institutions as “a set of habits and practices shaped towards the realization of common goals.” They are an expression of interstate cooperation, a means of sustaining this collaboration, and an instrument for mitigating the tendency of states to lose sight of their common interests.¹⁹ Note that in the English School’s conception, institutions not only serve utilitarian consideration but have deeper constitutive elements; thus they are distinct from the institutions and regimes highlighted by neoliberal institutionalists.²⁰ Bull discusses five institutions—balance of power, international law, diplomacy, war, and great powers—²¹ but his list is not exhaustive. Institutions are historically contingent and depend on the prevailing norms in which the international society is embedded. Thus, some institutions may degenerate (great powers, balance of power) or change (diplomacy), while new institutions can evolve. Following Bruce Cronin, I argue that hegemony too may act in the service of the international society.²² Moreover, hegemony has a critical role in the confrontation between the international society and the systemic threat presented by the al Qaeda–led jihadi movement.

Hegemony is commonly defined as an actor enjoying a level of power so overwhelming that no single rival can challenge it. According to Robert Gilpin, the hegemon uses its power to establish an order that serves its preferences, and it enforces this order on the international system.²³ Other scholars agree that the hegemon establishes order, but emphasize the advantages other states accrue as a result and the positive inducement the hegemon must offer in order to solicit their cooperation.²⁴ Numerous studies have highlighted the constraints, some self-imposed, on the hegemon’s actions and the variety of means it uses to advance its preferences. While the hegemon seeks to shape an international order that serves its interests, overall it has only limited control over international outcomes.²⁵ Traditionally it has also known limited success in preventing actors, even allies, from pursuing interests that conflict with
its own. Contrary to simplistic notions of hegemony, often a hegemon does not seek to use its material power to force its preferred order. In fact, despite its coercive capacity, it often declines to impose its will and instead demonstrates flexibility and willingness to compromise. Far from relying exclusively on its preponderance of material power, it uses a variety of alternative means to establish order. Most important are its efforts to take seriously the preferences of secondary states. Giving other actors access to the hegemon’s decision-making process, allowing them to express their concerns and promote their interests, has been found to be a productive way to gain external support. States also follow the hegemon because of their attraction to its “soft power”: its ideas, values, and culture. Together the various studies suggest that the working of hegemony is complex; deciphering it requires the incorporation of ideational factors to complement the influence of material power and considerations of shared interests.

In this study I locate hegemony within international society. The hegemon is conceived as a part of a social web comprised of states; it does not relate to the other states merely through the prism of power balances but mostly through shared norms and a system of rules that provide an umbrella for interstate relations. Although interstate conflict is ubiquitous in international society and the pursuit of particularistic interests common, the international society provides a normative framework that restricts and moderates the hegemon’s actions. This framework accounts for the hegemon’s inclination toward orderly and peaceful interstate relations, and minimizes its reliance on power. Moreover, it produces instances in which the hegemon promotes the collective interest, such as when international society responds to actors seeking to overthrow the state-based order. It is at those times that it presents qualities of “hegemonic management”—which, I propose, is another institution of the international society.

For many English School scholars the idea that hegemony could play a positive role within international society is counterintuitive. In his seminal book From International to World Society?, Barry Buzan does not list hegemony among the institutions of the international society. For Robert Jackson, the main point of balance of power and other basic arrangements and norms is to prevent a global hegemon from arising. Nicholas Wheeler goes even further: far from being an institution, hegemony is—in the case of the United States—a concrete threat to the foundations of the international society.

And yet, my conception is compatible with the tenets of the English School. Jackson does not explain how the international society can
function when a clear hegemon has emerged whose power cannot be balanced. Clearly, he does not think that the presence of hegemony suspends the society’s operation altogether. Moreover, to claim that the main purpose of the balance of power is to prevent the rise of hegemony is to mix means and goals. A contrived balance of power works to prevent the rise of hegemony when the hegemon threatens order and the existence of the international society. Together with the institutions of great powers management, it is needed to counter the threat of hegemony not simply when it exists, but when its actions undermine order and the society of states.

The inclination of some English School scholars to reject hegemony as an institution weakens their claims for a unique contribution to the study of international politics. If a shift in the distribution of capabilities toward hegemony inherently endangers, even eliminates, the foundations of international society, one may doubt that society’s significance and the constraining power of its norms and principles. I argue that for international society to be a meaningful concept, it must allow room for hegemony to serve as an institution.

Perhaps the reason why some English School scholars reject hegemony is that when they refer to it they actually talk about a “universal empire.” Richard Little and Tim Dunne assert that an actor that can “lay down the law to others” is a threat to the society that will likely produce balancing behavior, but hegemony need not be simply a powerful, self-interested actor with little regard for other states. Embedded within international society, it differs from the society’s other members not just by its preponderance of power and ability to impose its will, but more importantly by an intersubjective recognition that it has special privileges and duties in the society. In its role as an institution, hegemony meets some role expectations: it is expected to lead the society of states in pursuit of its objectives. It may seek to reform the society but not to destroy it, as “laying down the law to others” would imply; it may seek changes within the society but not change of the society itself.

Perhaps the debate stems in part from lack of clarity in English School literature about the concept of institutions in international society. Seeking to remedy this deficiency, Buzan reviews different categorizations of institutions as offered by a number of scholars. He suggests a list of primary institutions, divided into master and derivative, and of secondary institutions that resemble the neoliberal view of institutions. But there is little room for hegemony in Buzan’s categorization. He views great power management as a master institution, but does not acknowledge hegemonial management. In fact, for Buzan hegemony operates as an in-
stitution only in one way: hegemonic stability is considered as a primary institution derived from the master institution of the market.36

A meticulous discussion of how the English School should conceive of institutions and define them is outside the scope of this study. Nevertheless, in making the case for hegemonial management I hope to offer my modest contribution to the ongoing debate.

Buzan’s list of institutions incorporates Bull’s “fundamental principles” of the international society—a concept Buzan abandons. For Bull these principles are the most fundamental aspects of the society because they define actors and their interrelations on the most fundamental bases. They set the basic rules of the game and include sovereignty, territoriality, legal equality, and nonintervention. While I recognize the value of Buzan’s move, I argue for maintaining Bull’s “fundamental principles.” Moreover, as this study demonstrates, adherence to these principles is a critical determinant of international cooperation.

On the other hand, I adopt Buzan’s broad view of the goals that institutions promote, thus going beyond Bull’s practical emphasis in The Anarchical Society on sustaining order. While order is the most fundamental requirement for the operation of international society, the society also pursues additional goals such as justice, wealth, equality of people, and collective determination. It does not pursue all these goals all of the time; on occasion some of them could conflict—most commonly, order and justice. The achievement of some goals depends on the society’s thickness: for example, a thick solidarist international society is more likely to promote the equality of people than a thin pluralist international society. Each goal lends itself to certain institutions that assist in its realization, and some institutions may serve more than one goal.

I divide the institutions into two categories. One category focuses on the composition of the “board of managers” that acts to promote the international society’s objectives, while the other focuses on tools to be used by members of the international society to meet those objectives. The “board of managers” institutions reflect the composition of the society’s leadership and often parallel its power structure, but their role goes beyond mere distribution of capabilities because those “sitting” on the “board” are also members of the international society and are generally bound by its principles, norms, and rules. These “manager” institutions are great powers management and hegemonial management. To some extent international law could also be considered as a “board of managers” type of institution because it gives voice to weaker states and highlights their role, not just as subjects in the society but also as stakeholders.
“Board of managers” institutions bring agency to the international society and thus act as a mechanism that links a systemic construct to a purposeful action. After all, although the society is conceptualized as an independent construct, it has to operate through its components—the states—with the strong ones carrying most of the weight. As Cronin theorizes, in every period some actors have a stronger interest in the progress of the society and are more likely to act in its support, particularly when they perceive danger to its cohesion and stability. The likelihood of such action, I argue, is even higher when the system’s existence is at stake. Therefore, the leading powers serve as agents of the society.

The focus on the institution of great power management in the work of English School scholars created the sense that institutions are a function of some structures of power but not of others such as hegemonial order. A critical reading of Bull’s conception of great powers suggests, however, that the status of these institutions depends not on the number of powers in the society of states but rather on mutual recognition among those states of their special status, rights, and duties. A hegemon and the other members of the international society may share just this type of intersubjective understanding. Such an understanding is compatible with that of Ian Clark, who recently argued that hegemony can substitute for balance of power and great power management if it respects equilibrium within the society.

David Armstrong provides a useful formulation for the manner in which balance of power serves as an institution that is transferable to hegemony. He writes of it that “like any social institution, it requires the members of the society that it serves to have similar assumptions about their goals, and to have a common understanding about the principles of conduct necessary in order to uphold it. In particular, it requires some measure of self-restraint and moderation from states in defining both their national objectives and the means that they are prepared to employ to achieve them.” A hegemon that shares assumptions about the operation of the international society—including the hegemon’s rights and duties—with the society’s other members, and that also demonstrates some measure of self-restraint and moderation in defining its national goals and the means to achieve them, may be considered an institution of the society.

Why “hegemonial management” and not simply hegemony? Instead of looking at actors as institutions we should focus on the effects of their actions within the framework of rule-governed society; these represent intentional actions conditioned by norms of appropriate behavior within a society of states. A great power does not serve as an institution by its
mere existence but rather does so through its actions, which constitute management of the international society. Neither is balance of power inherently an institution. When it is fortuitous, it is the manifestation of adversarial relations that Little attributes to an international system, not to international society. Only when balance of power is contrived does it become a manifestation of great powers management and promote rule-based order. Similarly, hegemony is not inherently an institution of international society. It is only when the hegemon acts intentionally to enhance the operation of the international society (through “hegemonial management”) that it demonstrates qualities of an institution.

The second type of institution acts as a tool in service of the society’s objectives. For example, order in international society may be achieved through balance of power, war, diplomacy, and multilateralism. Wealth may be achieved through the institution of trade liberalization. The institutions of human rights and humanitarian intervention support the society’s goal of human equality; and the institution of nationalism supports collective self-determination.

Institutions of international society may operate simultaneously and even interactively: sometimes they are mutually reinforcing and sometimes they check each other. For example, Little provides an interesting discussion of the connection between balance of power and the other four institutions in Bull’s anarchical society, and Armstrong proposes to consider balance of power, war, and great powers management as part of a single institution. In the same vein, operating in parallel to the great powers and hegemonial management, international law allows weaker states to check the actions of the stronger powers. One implication of institutions’ interaction is that the claim that hegemony threatens the society of states is exaggerated. When it is viewed as part of a rule-governed society rather than its sole manifestation, hegemony is much less threatening. Its potential for positive effect looms larger when the hegemon’s possible adverse impact on order is checked by the society’s other institutions, particularly international law. Overall, the thickening of the international society observed by many English School scholars, the expansion of international law, and the declining ability to dominate through conquest has reduced the potential risks that hegemony poses to the society. This can explain why states do not rush to balance against the hegemon, and why hegemony resorts to coercion only reluctantly and in a very limited way. Members of the international society find it increasingly easy to accept hegemony and to view hegemonial management as an institution.

That hegemonial management should be seen as an institution can be supported by Bull’s seemingly functionalist emphasis on the role of
the international society’s institutions in preserving order. It is sufficient to demonstrate that hegemony intentionally promotes international order—even if only occasionally—to justify considering it an institution. Evidence from after World War II shows that the hegemony of the United States was instrumental in creating order and even in shaping its content. Furthermore, based on Bull’s notion of order—a pattern of activity that sustains the fundamental goals of the society—and on the role of institutions in securing order for the sake of promoting the society’s fundamental goals, it is only natural to accept that hegemony may serve as an institution. After all, it is in the hegemon’s interest to pursue such an order because the hegemon is likely to benefit from it the most. Objections to this logic appear to rely on the assumption that a hegemon inherently prefers imperial over hegemonial order and therefore is uninterested in, or incapable of, self-restraint. Such a supposition fails the empirical test. It also suffers from a logical weakness: it is not obvious that a strong power is better off pursuing empire, with its high risk of over-stretching, over the more modest objectives and risks of hegemony that exist within a rule-governed society.

Normally, a hegemon leads the international society in pursuit of widely accepted objectives while using means such as multilateralism and the legitimation of international organizations that enjoy broad international support. But hegemonial management can also be found at times when, in response to pressing challenges facing the society, a hegemon seeks to revise its rules, norms, and arrangements—including some it has helped to form in the past—without abolishing its fundamentals. After all, international society is not a stagnant entity; it evolves in response to changing norms and ideas, and generally in response to changes in global circumstances which in turn are often the results of ideas and technological innovations. In fact, a dynamic international society allows for some changes to meet new needs caused by changing circumstances. Such changes have historical precedent: the Westphalian system has accommodated significant changes, such as the shift from dynastic to popular sovereignty and the evolution of international law to encompass some human rights. There is no a priori reason why a hegemon would fail as a norm entrepreneur and would not persuade other members of the international society that modifications to the society’s rules were unwarranted. As I demonstrate in chapter 8, the United States’ case for attacking Afghanistan in response to 9/11 constituted an innovation that was accepted by most members of the international society.

However, when pursuing changes the hegemon may also face disapproval and resistance corresponding to the goals and means it em-
ployed. This is not completely surprising because in seeking to reform the international society and legitimize new norms, a hegemon is likely to promote policies that necessitate deviating from the accepted rules of “rightful conduct” and breaking current norms. Recently Ian Hurd demonstrated how the United States sought to justify norm breaking in relation to the Iraq war by proposing normative justifications that preserved both its action and its hegemony within the boundaries of the international society.

The hegemon could use a variety of channels to persuade the rest of the international society of the need for a change to the society’s foundations, and also to renegotiate the boundaries of legitimate hegemonic behavior. Often, attentiveness to other states’ concerns would provide the hegemon with necessary feedback and prevent a threatening discord. It would guide the hegemon’s efforts toward means that are considered legitimate—that is, within the rules of the society. But a careless hegemon may cross the boundaries of legitimate action, basing its push for change on means deemed inappropriate by the rest of the society and abandoning norms of consultation and attentiveness to others’ positions. Failing to reduce the anxieties of other actors, the hegemon risks losing legitimacy, and as a result it may compromise its leadership position. If its policies are perceived as breaching international consensus and undermining order, members of the society may deny it needed support and even confront it. Such a stand-off is different from the balancing behavior we expect when a hegemon with imperial aspirations challenges fundamental principles of international society. Instead, it is likely to take the form of “soft balancing” that affirms, as a by-product, international societal principles.

Thus, even a benign hegemon may end up inadvertently eroding the international society. The key to the manner in which states would respond is whether the hegemon adheres to a change within the society or is perceived as seeking a change of the society itself. Only the former will be seen as being within the boundaries of hegemonic management and the operation of the society’s institutions. The blame for erosion of international society does not necessarily fall unequivocally with the hegemon; it could be as much due to failure of the society’s other members to see the need for change. The hegemon’s actions could thus be rendered futile and even counterproductive; it could end up trying to save the society from a threat to the existing order, only to find that order destroyed because of the objections of myopic states to its own well intentioned deeds.

And yet, the possible adverse effects of hegemony on order are not sufficient to exclude it from the list of institutions. Even while recognizing
balance of power and great powers management as legitimate institutions, the English School has also seen their limitations. Reus-Smit recalls Bull’s rebuke of the United States and the Soviet Union for failing to fulfill their roles as great powers, and Little reminds us that balance of power is not always contrived. Moreover, many accepted institutions can not only facilitate order but also destabilize international society: although war may establish order eventually, more often than not it brings destruction and sows the seeds of instability and the next war. Although balance of power can potentially promote order, it could also result—through excessive attention of the great powers to its preservation—in a major war and the further erosion of order. In any event, the undermining of order in international society is not an inevitable outcome of the existence of hegemony. Hegemony can also provide material capabilities and leadership to facilitate order. It can demonstrate a commitment to the preservation of the state system, and it can advance shared international goals. The concept of hegemonial management captures the meaning of such behavior while also making space for a hegemon to engage in more self-interested behavior. Thus we get a more nuanced understanding of the various relations between hegemony and international society.

By allowing a hegemon to relate to other states in diverse ways, the English School presents a more accurate picture of the workings and limitations of hegemony that makes it a fuller theory and thus superior to rival realist theories, particularly structural realism and hegemonic stability theory (HST). Whereas in structural realism hegemony is associated with lack of stability and is anticipated to produce balancing behavior, for the English School there is no a priori incongruity between hegemony and order. In fact, hegemony may be critical for order to exist.

The English School theory of hegemony has more in common with HST, with its focus on the provision of collective goods. But it is also more comprehensive, capturing differing levels of hegemony-led collective action and explaining them not solely on the basis of power relations and distribution of interests, but largely as a function of the normative content of the goals sought and the strategies employed for their attainment. Contrary to HST, the English School views the hegemon not as an actor that acts only instrumentally, with all other actors benefiting as a by-product of its actions, but as an actor operating in a rule-governed system. The hegemon is constrained by norms and rules and is aware that its leadership role creates expectations for promoting collective goals. An international society led by a hegemon is still “owned” by the society of states, not the hegemon. To extend the “board of managers”
analogy discussed above, in its capacity as an institution the hegemon is a representative of the stockholders. It is bound by the norms and rules of the society of states, and while it is recognized to have privileges, its role expectations also require it to fulfill certain obligations to the collective, such as leading the society of states against an entity that seeks to overthrow the society. Thus, whereas in HST the hegemon’s power offers it opportunities to promote its interests, English School theory maintains that the role that provides this power also produces expectations of its appropriate use, and imposes normative constraints that restrict and shape that use.

Depending on which version of HST is considered, the hegemon’s path to providing collective goods is based either on coercing other states to collaborate or on buying their cooperation through inducements. While these other states benefit from the goods that the hegemon pursues, they prefer to free-ride if possible. The greater their capabilities, the more easily they can avoid cooperation. In contrast, the English School views other states in international society as partners to the hegemon and is therefore more optimistic about the prospect of collaboration with little need for coercion or inducements. Hegemonial management is translated to associational cooperation, undertaken in a rule-governed framework and taking its form from rules and norms of the international society. Because states value these rules and norms, they cooperate with the hegemon even when buck-passing would be easy. For the same reason, the level of pressure the hegemon must exert to elicit cooperation is relatively low. Furthermore, hegemony’s attempts to modify existing principles of the international society are likely to face limited resistance.

Most important, the English School’s conceptualization provides a solution to a puzzle HST fails to answer: how is it that despite similar structural conditions and stable interests of the hegemon, we observe dissimilar levels of interstate collaboration? According to the English School, secondary states cooperate with the hegemon when it seeks to support the international society—for example, in confronting the jihadi movement—but may not cooperate on other topics of equal importance to the hegemon—for example, Iraq. Thus, cooperation does not result from the hegemon’s power but from the question at stake. Similarly, the English School accepts variation in the level of cooperation even when states see their shared objectives, because cooperation is also a function of the strategy the hegemon offers. When it offers a program compatible with the fundamental principles of the international society broad cooperation is likely to ensue, but cooperation will be much less satisfying when the hegemon breaches the society’s common rules of conduct.
Lastly, according to HST, restraining a hegemon requires balancing behavior that in extreme cases may even deteriorate to hegemonic war.\textsuperscript{54} But in the English School’s formulation, the threat of violent conflict is reduced because international society provides opportunities to constrain the hegemon through the rules governing appropriate behavior and the operation of other institutions of the international society. States are more likely to frame their objections in terms of the rule of law among nations, and to pursue them peacefully within institutionalized arrangements such as the UN, than to turn to building arms and forming alliances.

\textit{Legitimacy and Hegemony-Led Interstate Cooperation}

Viewing hegemonial management as an institution of international society helps to explain interstate cooperation and, specifically, patterns of collaboration in the campaign to uproot the al Qaeda–led jihadi movement. Faced with an entity that threatens the international society (as opposed to nationally-oriented terrorist groups that normally seek to achieve statehood or to depose ruling regimes and take their place\textsuperscript{55}), the hegemon leads the society’s collective effort to protect itself. States’ recognition of their societally-rooted interests, and their acceptance of the hegemon’s leadership, result in broad willingness to act collectively against the threat; but this willingness usually translates to actual measures only when the hegemon’s particular strategy is consistent with the society’s fundamental principles.

To a large extent the working of hegemonial management is based on legitimacy. The hegemon’s status and actions are perceived as legitimate, which in turn makes states more inclined to cooperate and consequently allows the hegemon to use fewer of its material properties to elicit cooperation. What is legitimacy? It is defined as an actor’s normative belief that a rule or institution ought to be obeyed.\textsuperscript{56} As a cause for behavior it is distinguishable— theoretically, at least, if not always in observed practice—from coerced compliance or calculated self-interest. It is also distinct from the Gramscian concept of consent resulting from ideological hegemony. In the context of hegemony’s operation within international society, legitimacy refers both to the status of the hegemon and to its specific actions.

Hegemonic order based on legitimacy was found to be more stable, enduring, and resilient than one based only on material disparity.\textsuperscript{57} Legitimacy saves the hegemon resources that it would otherwise need to invest to elicit cooperation through coercion or material inducements.\textsuperscript{58}
broader the hegemon’s range of goals, the more significant the constraints on its power and the more valuable legitimacy becomes. Legitimacy also reduces collective action problems and allows leaders to justify compliance with unpopular policies in the face of hostile domestic audiences. Cooperation that results from self-interest or coercion takes place under specific circumstances and is likely to dissipate once those circumstances change. If a state can escape punishment or if it believes it can free-ride—an especially tempting option in the presence of a hegemon with plenty of resources and intrinsic interest in the achievement of the goal—it will opt out. But when an action is perceived as legitimate, the incentive to cooperate increases while the motivation to free-ride declines.

What are the sources of hegemony’s legitimacy as a fundamental institution? Material power alone is not sufficient. Legitimacy is associated with external recognition of the hegemon’s right of primacy, not just the fact of that primacy. States recognize the hegemon’s power, but they develop a set of expectations that go beyond the notion that the hegemon will do what it wants to because it can. Instead, the hegemon’s primacy is manifested in the belief that it has special rights that other members of the international society do not have, but also has a set of duties to the members of that society. These duties include the provision of an overarching conception of ordered international politics, the promotion of goals shared by all states, a commitment to the good of the society, and the exhibition of some self-restraint and respect for the concerns and interests of the other members. As long as the hegemon realizes its commitment to the collective, its position will be deemed legitimate. Absent such commitment, prescriptions of balancing behavior become more relevant.

The legitimacy of the hegemon’s position translates to influence over other states. This influence goes beyond merely shaping states’ behavior, to affecting the way in which they perceive their interests. The hegemon’s leadership is manifested in fostering “cooperation and commonality of social purpose among states.” It leads states to internalize this normative order and make its preservation and promotion an integral part of their identity. While states may define their interests on the foundation of the order the hegemon promotes, such a formulation does not entirely equate the interests of the hegemon with those of the international society and all its members. If that were the case, we would see significantly less conflict in the system, and the hegemon would be able to perpetuate its dominance more easily.

Moreover, recognition of the hegemon’s legitimate position does not guarantee immediate and unconditional compliance with all the policies it articulates. While its legitimacy does transfer to its actions and give it
some leeway, it does not justify every policy the hegemon pursues, particularly those that are not seen as naturally deriving from the existing order. As a result, specific policies need to be legitimated before cooperation takes place, thus constraining the hegemon’s action and preventing the uninhibited exercise of power. Whether or not a state cooperates with the hegemon depends quite heavily on case-specific legitimacy. The more legitimate the goals promoted are perceived to be—often a function of their affinity to principles of the “social pact” that bring together members of the international society—and the more acceptable the hegemon’s means of achieving these goals, the higher the level of collaboration. When the hegemon’s agenda is not perceived as being compatible with the general good of the international society, cooperation will take place on a much smaller scale and be founded mostly on material power and states’ narrow considerations.

Confronting a systemic threat, however, is a goal conducive to system-wide collaboration with the hegemon. In crises, the hegemon’s interest in preserving the system is not only compatible with those of weaker states, but even derivative from the same sources—membership in the society of states and a “we” feeling that binds those states together. Thus, when violent NGOs or transnational terrorist entities threaten international order, we expect a worldwide consensus on the need to confront the threat, and we anticipate that hegemony’s societal role—rather than its particularistic and self-regarding character—would take a central position. Although such a systemic threat is expected to generate a will to collaborate beyond everyday politics, the appropriate strategy and specific policies may still be contested. The hegemon may seek to promote a goal in consensus and still fail to organize collective action. Cooperation then depends on additional factors (other states’ capacity, for example), but primarily on the particular legitimacy awarded to the policies at stake. Only policies that are considered to derive naturally from the fundamental principles of the prevalent order are likely to gain legitimacy and thus lead to collective action.

The modern international society is a system that divides the global terrain into territorial units. Each state enjoys sovereignty within its borders, which means that it is recognized as the sole authority over its territory and is free from external intervention in its internal affairs. Despite some deviations from this model, the validity of the principles of sovereignty and nonintervention has been confirmed numerous times. Attempts to justify violations of the model as being consistent with these fundamental principles attest to the normative power of these principles. Thus, in the context of state attempts to fend off violent NGOs or
transnational terrorist entities that threaten international order, policies considered to derive naturally from that order’s fundamental principles are likely to gain legitimacy and thus lead to cooperation. Policies that aim to reinforce the state system and the institution of the state as the system’s primary unit, while maintaining the principles of sovereignty and nonintervention, reflect such first-order goals. In such cases a state sees the defense of the system to be in its interest, and it is willing to take potentially costly steps.

Among the costly steps we could witness are measures that reflect a restructuring of state institutions. Such steps should not be taken lightly: unless credibly threatened, states emphasize the adverse domestic repercussions of their policies and thus prefer to avoid such costly internal measures. Compliance with such measures, then, indicates a broader view of states’ interests and suggests that the rules from which the proposed policies are derived, or the institution that has undertaken them, are considered legitimate.

If actions can be tied in a compelling way to the overarching goal of protecting the system, we will witness cooperation on both a bilateral and a multilateral basis; but when there is disagreement about how policies relate to the general goal (as in the case of the war in Iraq) or about their utility, cooperation will be more limited. Moreover, when policies that the hegemon promotes clash with the international society’s accepted underlying principles, the hegemon’s overreach or overreaction could go beyond hindering principles, the hegemon’s overreach or overreaction could go beyond hindering cooperation to undermining the society.

The hegemon’s mobilization of the international society must also be examined in the context of the secondary institutions that legitimate it. When the institutional setting reflects the fundamental principles of order in the system, the authoritativeness and legitimacy of resulting policies are boosted. Therefore, actions taken within the UN framework to enhance the state against “the other”—the non-state threat—are awarded legitimacy that translates into compliance, whereas policies pursued outside that framework are open to controversy. Thus, the framework that the hegemon chooses—global international organizations, “coalitions of the willing,” or bilateral agreements—is of significance because it often reflects its level of success in persuading the international society of the worthiness of the cause and means (exceptions are limited bilateral or multilateral agreements sanctioned by global or regional frameworks).

Note that despite the existence of international society and of hegemony’s role as one of its institutions, multiple factors maintain states’ diverging interests and preclude the possibility of harmony within that society. As for hegemony, its work as an institution in the service of the
collective comprises only part of its actions. Its service role may be most identifiable when the international society is experiencing a crisis. The rest of the time, however, the hegemon may pursue—sometimes aggressively—its own distinct self-interest with little regard for the wishes of other actors. In fact, as Bull made clear, the international society need not be the sole or even the dominant element in international events; division is always found, even in the most collaborative efforts. The coexistence of collaboration and discord is quite natural. Just as the international agenda comprises many issues, with states agreeing on some and diverging on others, cooperation should not be seen as an “all or nothing” phenomenon. States may cooperate on some issues while bitterly arguing over others. Even regarding a single issue, some policies elicit international cooperation while others do not. Similarly, the hegemon may gain cooperation on some issues but settle for unilateral action on others.

Therefore, when states collaborate with the hegemon on one issue it regards as highly significant while disagreeing on another equally important subject, it is supportive evidence that legitimacy and not material power is at work. To say that legitimacy accounts for a collaborative effort implies that members of the international society share with the hegemon an intersubjective understanding of their interests and, consequently, choose to join forces with it: traditional hindrances to cooperation become less salient than the behavioral prescriptions stemming from states’ social collective identity.

The ubiquity of conflict in the international arena also explains why, despite hegemony’s critical role in the service of international society, the fear persists that it may overreach. After all, the hegemon does not have one government for its role in the international society and another for all other subjects. Opinions formed about it by other states with regard to its decision makers’ character, worldview, and preferred modes of action do not change automatically with change of subject, so the danger of negative spillovers cannot be completely ruled out. Other states’ natural apprehension of the hegemon does not prevent their cooperation, although it could lead to a greater use of additional fundamental institutions, such as international law, in tandem with that cooperation to help mitigate such fears.

To summarize the argument made so far: When the international society is attacked by an anti-systemic force, its self-defense mechanism should become most apparent. The desire to maintain the system mitigates states’ inclination toward egoistic self-serving considerations and leads them to collaborate to repel the threat. After all, systemic threats
by non-state actors affect the long-term security of every unit—that is, every state—in the system. But collaboration is not automatic; the leading powers—in the post-Cold War era, American hegemony—serve as the driving operational force behind the collective response. They set the agenda and the tone, and they mobilize other states to act together. Nevertheless, cooperation hinges not only on a consensual understanding that the international society is under attack but also on the articulation of strategies and policies consistent with the society’s fundamental principles.

Table 1 summarizes the English School’s perspective on the international society’s response to systemic threats and the role hegemony plays in this response.
Defining Threats

If the international society exhibits self-preserving traits, we would expect to observe a systemic, collective response to an entity that endangers the survival of the system. Therefore, the theory proceeds in two stages: first, we must define what constitutes a systemic threat and what does not; second, we must define a systemic society-based response.

An entity qualifies as a systemic threat when (a) it rejects the normative constitutional principles of the existing system, (b) it rejects the institutions and rules that derive from and promote those principles, (c) it actively promotes an alternative organizing principle, and (d) it possesses—or has the potential to obtain—the power to overcome the old order.

In the current system, the state is the main political unit in world politics; to reject it, or the principle of state sovereignty, is to reject the society. Similarly, a rejection of the principle of sovereign equality qualifies as a rejection of the Westphalian order. The role of international law in identifying the normative principles of the international society, stating the basic rules of coexistence between the system’s units and bringing about compliance to the principles of the society of states, means that an attack on the legitimacy of the institution of international law (as opposed to rejection of its content or the way it is being applied) is also an attack on the international society. Similarly, a rejection of the UN’s legitimacy as the main international organization to give voice to all people through their state representatives is a challenge to the system, the main tenets of which the UN embodies.

A threat to the international society is also evident when an entity displays enmity toward practical derivatives of the society’s fundamental principles and institutions. Such enmity might include rejection of a state’s right to devise and implement an independent foreign policy; rejection of the designation of states as the only legitimate users of coercive means; negation of restrictions on the application of force, in particular the international norms against using weapons of mass destruction and for sparing the lives of noncombatants; rejection of the UN as the main institution providing external recognition to new members of the international community; and rejection of the legitimacy that UN resolutions give to action (and inaction) in the international arena.

The entity’s ideology is another critical factor. When it conflicts with the underlying logic of the current international order and promotes an alternative order, the entity may be considered a systemic threat. The current system is based on a logic of states. It accepts diversity of legitimating principles of state authority (manifested in different types of
regimes) and goals among units; in its basic form it does not prioritize universal goals.\textsuperscript{69} Thus, it values the political fragmentation of the global terrain as the most effective institutional arrangement to attain particularistic goals while maintaining general order. States are free to follow diverse ideologies, but ideology must be contained within state boundaries. Communism, anarchism, and religion have the potential to present ideological challenges to the state-based order, but they do not a priori signify such a threat. Communism, for example, was contained within the framework of the Westphalian system; it was able to affect regime type and state policies, but was also subordinated to the constraints and dictates imposed by the state-based logic.

Religion inherently offers a competing logic to the sovereignty-based state system.\textsuperscript{70} Its challenge unfolds in several ways. A religious source of authority is considered divine and therefore more fundamental than the state’s authority. Having two distinct sources of authority may constitute a problem when the imperatives of their logics clash. Because states and religions share the same constituency, differences in imperatives may lead to a conflict of loyalty: through its coercive power the state can demand its citizens’ obedience, but religious people may feel obligated to defy a state law that contradicts a “higher” religious command. Religion also challenges the territorial dimension of the state, as it ignores arbitrary national borders to unite people around a set of rules applied on a non-territorial basis. The more political the religion, the more it challenges the organizing principles of the international society.

Yet religion need not clash with the state-based system. Sometimes when a state defines itself as a religious state, state and religious logics converge. This takes place to different degrees: some states equate religious law with state law and confer their highest authority on clerics (for example, Iran and the Taliban’s Afghanistan). Others such as Israel, Egypt, and Jordan claim religious identification but keep the connection between state and religion limited: authority and control over citizens is in nonreligious hands, the state does not adopt the whole religious code, and the religion and its clerics do not enjoy superior status. In many cases, clerics are subordinate to state authority and the government nominates or approves the holders of the main clerical positions.

Although there is variation in the influence religion exerts over states’ identities and policies, all of these arrangements reaffirm the primacy of the Westphalian model. They subordinate religious logic to that of the state, thus limiting the ability of its self-appointed agents to challenge the international society. As a result, state and religion typically accommodate each other, avoiding any confrontation that could undermine the society.
This difficult accommodation is sometimes justified when sovereignty is declared to reside with a God who allows people freedom of choice. In this view, divine sovereignty is not part of this world; thus the Westphalian and religious logics are located in different spheres and do not conflict.

This, however, is not the perspective of violent transnational religious groups (as opposed to nationally based religious terror groups). Violent fundamentalist groups believe that God’s kingdom is part of this world, and they see the placing of sovereignty in other authority as a usurpation of “God’s throne.” These groups do not confine their attacks to a specific territory; their battle is designed to challenge the foundations of the international society to replace it with a religious world order.

A crucial test of the nature of the threat a violent NGO represents to the international society is whether it possesses, or has the potential to obtain, sufficient material or destructive capabilities. But because the breakdown of order may follow diverse paths—through destruction on a large scale, collapse of the global economy, or denial of states’ abilities to provide general security, with a consequent erosion of state/society relations—additional elements of power (for example, social power) should also be taken into account. WMD in the hands of a non-state actor that is not sensitive to costs, does not subscribe to international norms concerning the use of WMD, and cannot be deterred may be the most salient threat. WMD might inflict destruction at a level that would seriously reduce the international society’s ability to function and create an unprecedented level of terror. In addition to the enormous loss of life and the devastating psychological impact, such an attack would also have tremendous economic cost to both the local and the global economies. The repetition of such attacks would demonstrate states’ inability to provide security, and thus undermine the public’s trust in the institution of the state. Damage to critical infrastructure in an electricity-dependent society could prevent states from providing services. If states cannot meet their obligations to the people, and if the people lose confidence in the institution of the state, the whole system is threatened.

Lesser types of terrorism may also erode the fabric of the international society. The fear produced by repeated attacks on key targets such as public transportation (especially suicide attacks in subway stations) or critical infrastructure facilities (for example, power grids or nuclear reactors) could lead to the erosion of order and of trust in government. States’ abysmal performance in the aftermath of natural disasters provides a useful demonstration of their lack of preparedness to cope with large-scale catastrophes, and also of the concomitant lawlessness that may evolve under such circumstances.
The overthrow of the state system could also take place gradually, as the anti-systemic force gains strength cumulatively through slow expansion. Terrorist entities may succeed in controlling separate territories or creating enclaves of disorder from which they could operate and gradually expand their reach. Successful takeover of a number of Muslim states by the jihadis would increase their ability to overthrow the existing order, providing them with additional resources and degrading the overall capabilities of the international society. Therefore, while the use of WMD is probably the quickest way to undermine the international society, my argument does not rely upon it; there are additional routes to the society’s demise.

Alongside the criteria for identifying a systemic threat, it is important to clarify the distinctions between actors who represent threats to the entire international society and those who pose a much more limited non-systemic threat. An actor represents a nonsystemic threat when it does not deny the constitutive principles on which the state system is based. Although it may violate a few principles in practice for a limited time, it does not challenge their general validity and may even aspire to participation in the state system, including assumption of state responsibilities. Such an actor accepts the importance of international law and its role in setting rules for state behavior. But it may reject some tendencies in international law—for example, its broadening to include subjects such as human rights, which formerly were the prerogative of states—and the way it is implemented in practice.

Similarly, such an entity does not challenge the importance of the UN or the legitimacy of actions based on its charter or resolutions. The entity’s grievances are directed at the UN’s practices, such as its tolerance of violations of its principles by some states, or its use in a manner that contradicts the purpose for which it was originally created. Such a non-state entity may complain that the UN fails to accommodate the needs of weak actors, or that it is a cover for the unlawful actions of the strong powers. Therefore, the actor may seek to reform and even to restructure the UN while accepting its existence, its main ideals, and the legitimacy it provides to state actions. Moreover, while such an actor may violate some of the accepted restrictions on the application of force, it does not renounce the principles behind them. Even when it violates these restrictions, the violation is limited in scope and duration. Often such actors also try to justify their actions, characterizing them as being in line with the acceptable rules of the game. The Organization for the Liberation of Palestine (PLO) during the 1970s is an example of an actor that employed terrorism transnationally yet did not represent a systemic threat.72
Some may argue that the United States, particularly under the Bush administration, meets the criteria for a systemic threat. Some U.S. policies, such as its approach to preemption, could be construed as conflicting with the principles upon which the international society’s operation is based. Although threats from state actors are outside the scope of this study, the importance of the hegemon in leading collective action warrants a brief rebuttal to such arguments. The United States does not constitute a threat to the system because, while it criticizes many practices in the international society (for example, the management of the UN) and seeks to adapt the international society to changing circumstances (for example, by adjusting international law to an age of mass terrorism), it does not deny the existing order, its principles, or its legitimacy, nor does it seek to change them. In fact the United States occasionally exercises hegemonial management in the service of the society of states and it is expected, in times of need, to promote the modification and revision of the society’s principles, rules, and practices despite the opposition such changes could generate. This is not to deny that its actions and style cannot be counterproductive and even undermine the international society, but to view the United States as a systemic threat would be unjustified. Moreover, while the policies of the first Bush administration provoked significant controversy and international resentment, as the years have passed, particularly after Bush’s reelection, the United States has modified its policies and style, and has demonstrated considerably greater attentiveness to the concerns of other states.

Defining Responses

A collective response is an action taken by a significant majority of states, based on a shared understanding of the threat. Even in a collective response, a few states may still need to be forced to collaborate; but a response will not be considered collective if a considerable number of states cooperate only due to coercion. The response is initiated and shaped by the system’s leading powers, presently U.S. hegemony. It includes a range of simultaneous activities including active international cooperation, coordination between states, and each state’s independent efforts to realize its duties to the international society. While some states—usually the hegemon and the secondary powers—carry a larger share of the burden, the vigorous contribution of most members is also required. Collective response does not imply complete and unwavering cooperation or, clearly, the full suspension of conflict among members of the society. Since elements of conflict and collaboration always
exist in the international system, some actors may not cooperate fully. But states—as opposed to individual sympathizers—will rarely provide active support to the threatening non-state entity.

Collective response may evolve slowly because not all states have reached sufficient levels of state capacity. Anti-systemic forces are attracted to the system’s weak spots, abusing them as havens or bases of operation and further hindering progress. Therefore, elimination of the danger depends to some extent on the ability of weak states to rapidly reach levels where they can respond effectively. Stronger states have to assist weak ones; and states that are not fully integrated into the international society and its norms need time to acclimate to operating in a web of international relations and institutions. Despite these caveats, a general trend of collaboration may still be observed, but the process is likely to be slow and uneven among different segments of the international society; years may pass before a complete picture of the quality of the collaborative effort emerges. Moreover, there can be a divergence between states’ willingness to protect the international society and the actual results. Indeed, my claim is restricted to the willingness to cooperate, since failure in fighting a systemic threat could result from multiple other factors.

To assert the merits of the English School explanation I use realism as a benchmark for comparison. The English School and realism are not antithetical, and pluralist English School scholars will accept some realist predictions because states may still behave in a self-interested manner. But in English School theory, states’ egoistic interests coalesce, rendering self-regarding behavior synonymous with other-regarding behavior. Furthermore, the distinction between short- and long-term interests is weakened: states are likely to take action to ward off even remote threats that are expected to affect them only in the longer-term. English School theory differs from realist interest-based explanations in other ways too. It elucidates the motivation behind states’ behavior, the sources of their interests, and the specific policies they adopt. This theory broadens the range of sources of state interests beyond egoistic ones to include concerns stemming from membership in the international society. States are committed to defending the system when it is attacked, and will converge around policies consistent with the international society’s fundamental principles. Specifically, divergence between the perspectives will be observed through a number of factors:

(a) the actors’ scope of action: the English School predicts that states will be willing to take higher risks for smaller direct payoff than realism would predict;
(b) the motives behind states’ actions: the English School predicts that states will identify their interests with those of the international society and act out of a sense of comity;

(c) the characteristics of the measures taken: realism is mute on this point, while the English School predicts a comprehensive design that corresponds with the fundamental principles on which the international society is based;

(d) the density of cooperative arrangements: the English School expects a proliferation of cooperative arrangements, which for the realist approach would represent a perplexing “overkill.”

The validity of the English School’s preservation-seeking claim requires evidence that the system’s sense of community, and the adherence to shared rules and norms in the pursuit of order, have led states toward extensive cooperation of a unique type that the mere convergence of immediate interests, pressure from stronger powers, or expectation of side payments cannot explain. We also expect to observe seemingly other-regarding behavior that is not intended to produce short-term benefits and may even incur considerable losses. Such behavior should be observable because the systemic threat does not evolve uniformly around the globe, leading some states to sense that cooperation does not correspond to their narrow and immediate interests and could make them and their citizens a direct target. Thus, we should pay particular attention to contributions by states in which the systemic threat has a weak or nonexistent presence, or collaborations by states for which cooperation is expected to incur domestic cost (while defecting from cooperation would result in minimal loss).

Special attention should be given to states that are powerful enough to have various policy options and are independent from the will of any one strong country. Cooperation by such actors, particularly when they act differently on other issues of similar significance for the hegemon, would reinforce the English School’s claims. We should also look at weak states that choose to contribute to the collective effort without the benefit of side payments from powerful states, or despite the possibility that collaboration may destabilize their rule. Note that a lack of aggressive and persistent cooperation by weak states may result from low state capacity rather than from lack of will. Such cases require careful tracing of the specific causes behind states’ behavior.

More specifically, the indicators of the operation of the international society’s survival mechanism are divided into three layers: system-wide indicators, bilateral indicators, and indicators from the domestic arena:
Intersystem and transnational terrorism

System-wide indicators. System-wide indicators reflect the creation or strengthening of collective frameworks on the one hand while reconfirming the state’s dominance in international politics on the other. The international society, led by its strongest powers, advances a program to reform the relations among states and between states and non-state actors. Such a change may include the reaffirmation of states’ primacy in international politics and the actual bolstering of state power. In parallel, we expect to see attempts to strengthen the collective identity of the international society by introducing notions of state responsibility towards the society—and the consequences of neglecting those responsibilities—as well as portraying states as “self” and violent NGOs as “other.” More specifically, the international society attempts to enforce and increase the state’s authority and control over individuals and non-state actors within its borders. Tightening the society may require increasing institutional uniformity among states in order to improve their ability to carry out antiterrorism tasks and ease coordination. States may also converge on best practices to make the defense of the system more effective.

These efforts translate into the establishment of frameworks for system-wide cooperation that could take the shape of, but are not limited to, international conventions and Security Council resolutions. In the case of international conventions, we seek to observe attempts to create new ones, or to alter and reinvigorate existing ones, as well as to see increased participation that renders such treaties truly global and effective. As for Security Council resolutions, we are looking for the initiation of new and binding resolutions that specify particular courses of action against the opponent. These resolutions assign concrete responsibilities to member states. The more encompassing the resolutions and the higher their legal status, the stronger the English School explanation becomes. The level of compliance will be very telling as well, especially when compliance is taxing and evasion with low or no costs is possible.

Bilateral indicators. In bilateral indicators, the focus is on states’ foreign and military policies. Most important are actors that are not directly or immediately threatened, but that cooperate with other states against the violent NGO even though they may consequently end up threatened themselves. The indicators include, but may not be limited to, deployment of military and police forces outside the country in conflict regions connected to the struggle against the violent NGO; willingness to compromise state sovereignty by allowing a second state to carry out a pursuit inside the first state’s territory; relaxation of restrictions on handing
over terrorism suspects—with or without judicial procedures—to other states; and a considerable increase in intelligence sharing.

Evidence that cooperation against the systemic threat continues uninterrupted while states are preoccupied by conflict in other issue areas would single out the purpose for which states unite in cooperative efforts. This indicator is especially important when secondary states cooperate with the hegemon while opposing its policies and objectives on other issues of equal importance to the hegemon (for example, the greater international support for U.S. actions against al Qaeda than for U.S. actions in Iraq).

**Domestic indicators.** Some states may be required to make substantial changes which endanger their own domestic stability, including the restructuring of state institutions and altering of accepted rules of governance. Some may also need to deal with contentious issues that are integral to their identity, taking actions that might conflict with their core values and interests or might upset important constituencies. The initiation of such policies may sometimes strain state/society relations severely. These may include changes in states’ core education programs, changes in states’ fundamental traditional arrangements, legislation that reduces civil liberties in democratic societies, and hardening of asylum laws. The way in which decision makers justify their unpopular policies could be another indicator: if they do so in an other-regarding manner that appeals to universal sentiment rather than to particular state interest, this signals the working of the international society.

**Recapitulation and Preview**

When the international society is under attack, its members, led by the strongest power, band together. In a demonstration atypical of interstate relations, they collaborate to fend off the threat. They do so despite the costs involved, because interstate comity leads them to redefine their interests, making them more inclusive and other-regarding. But this cooperation is neither automatic nor unqualified; although states are inclined to protect the international society from actors who seek its overthrow, the scope and quality of their collaboration also hinges on the characteristics of the plan to fight the threat. When the plan is in line with the fundamental principles on which the international society operates, mainly sovereignty and nonintervention, this inclination and self-preservational quality will translate to action. However, when the international society’s leadership promotes steps that seem to conflict with these princi-
ples, cooperation will be more limited in scope, based mainly on power relations, threats, and incentives.

The global jihadi movement evolved slowly, largely unacknowledged by most members of the international society. With its attack on the American homeland it signaled a readiness to broaden its efforts and launch an all-out war against the state-based order. Alongside concrete political grievances the jihadis are trying to address, their campaign is designed to reestablish the Caliphate and spread a radical, violent, and expansionist interpretation of the Islamic creed around the globe. The international society led by U.S. hegemony has understood the message and, in an effort to thwart the jihadis’ assault on the state system, has come together to confront the threat. Overall, the response is in line with fundamental principles underlying the operation of the international society, emphasizing sovereignty and noninterference alongside the concepts of state’s responsibility and international cooperation. Each state has an obligation to its peers to deny terrorists the ability to use its territory and laws to endanger the system. Yet the systemic nature of the threat means that “in today’s world, no state, however powerful, can protect itself on its own.” Consequently, states are urged to look beyond their own borders, collaborate with other members of the international society, and help them realize their obligations to the collective. This cooperation includes exchange of information, cooperation in unraveling cells of terrorists, thwarting of attacks, or investigation of attacks that have already been carried out. It also takes the form of assistance in capacity building to bring all states to a minimum level of sufficiency. States are encouraged to share information about their experience and suggest best practices that will help other states act more efficiently.

For each state to meet its responsibilities to the international society, all must reach a certain state capacity that many still lack. Thus, a critical tenet in responding to terrorism is the bolstering of the state. Because terrorists are attracted to weak states, the system is only as strong as its weakest links. The current system is particularly weak and fragile. The international society is based on the primacy of the state in the international arena, but in many regions this theoretical primacy is not coupled with adequate capabilities for its realization. Furthermore, with time the state has retreated from several spheres of action. It has also avoided carving itself a major role in new spheres that have been evolving with the rapid advance of technology. On 9/11 the international society woke up to discover itself extremely vulnerable to actors who could and would take advantage of its weakness to undermine the system.
Thus a significant part of the war on the jihadi movement concerns
the bolstering of the institution of the state, an enormous enterprise
that involves the mutual responsibility of states as the strong ones help
the weak reach sufficient capacity to fulfill their duties to the collective.
Despite the introduction of Security Council guidelines regarding the re-
quired steps, the multilateral aspect of the war on the jihadi movement
reflects general adherence to the principles of sovereignty and nonin-
tervention. States are not coerced to take measures; they maintain sig-
nificant freedom to design their specific actions in light of their national
traditions, legal systems, and particularistic identity.

There are, however, some aspects of the war on terrorism in which
extensive interstate cooperation is missing. It is not sufficient to promote
a goal that all members of the international society share; the measures
taken to achieve that goal must also be in consensus. Indeed, when the
United States has promoted steps that were perceived as self-serving or in-
compatible with the fundamental principles guiding the operation of the
international society, cooperation has been significantly lower. On some
occasions the United States was required to act unilaterally or turn to a
“coalition of the willing”; on others it was led to change course and adapt
its strategy to the international society’s accepted norms of behavior.

The approach presented in this book complicates assessments of the
hegemon’s pursuit of multilateralism and its willingness to “go it alone.”
When the use of force is emphasized, international relations theories
appear to consider the hegemon as being omnipotent and intransigent,
pursuing its idiosyncratic interests unilaterally if the situation requires.
Viewing the war on terrorism through broader lenses brings into view
a different image of a hegemon as a state that leads a multilateral effort
and acknowledges (sometimes grudgingly, and after failing to gain accep-
tance for its ideas about appropriate action) the limits of its power. Thus,
at a time when multilateralism seems under attack by an overreaching
American administration that is accused of unilateral tendencies, the por-
trayal of the war on terrorism presented in this study brings forth a more
nuanced picture that demonstrates the breadth of multilateralism.

The rest of this book comprises two parts divided into eight chap-
ters. The first part (chapters 2–4) analyzes the threat posed by the ji-
hadi movement and introduces the general logic guiding the systemic
response. I first trace the process by which jihad, having taken only local-
ized forms for hundreds of years, has now gone through a “scale shift”
that began with the 1980s war to oust the Soviet Union from Afghan-
istan and has since gradually become globalized. Then, focusing on the
network’s ideology and how it conflicts with the international society’s
philosophical foundations, I argue that al Qaeda and the jihadi camp it leads represent a threat to the society. I conclude the first part with a presentation of the unique design of the war on the jihadi movement, featuring the reaffirmation of state primacy and sovereignty, the introduction of the principle of state responsibility, the bolstering of states’ capacities, and interstate cooperation. All of these actions can be seen together as a collective effort to bring back the state.

The second part of this book (chapters 5–9) examines specific spheres of international response, showing in the process that although the level of interstate cooperation has been high, it has also varied across issue areas. I tie this variation to a given action’s compatibility with the international society’s fundamental principles and their derivatives. I elaborate upon three spheres of operation: the suppression of terrorism financing, the efforts to deny WMD to non-state actors, and the strengthening of states’ control over their borders. I discuss how the international society has responded to U.S.-proposed revisions to the principle of self-defense and their manifestation in the military interventions in Afghanistan (post-attack self-defense) and Iraq (preventive self-defense). I also discuss the role of democracy promotion in the war on the jihadis. These chapters expound on the relationship between the goals and actions, suggested or acted upon, in each sphere and the foundations of the Westphalian order, using the dissimilar links to explain variation in the level of interstate cooperation. Despite evidence that such variation exists, this study argues that overall, the emerging picture reveals extensive interstate cooperation in the war on terrorism.

The suppression of terrorism financing and reinforcement of states’ control over their borders represent efforts to bolster the international society and its members in ways that are conducive to international cooperation. The regime to prevent non-state actors from obtaining WMD pursues another goal that is consistent with the effort to preserve states’ primacy in the system. But the original strategy for this effort was based on the premise that rogue states would assist non-state actors, and it consequently targeted states that the U.S. hegemony deemed a proliferation threat. It resulted in policies that conflicted with states’ sovereignty and the principle of nonintervention, and concomitantly the United States failed to organize cooperation on a large scale. Only when the United States shifted its strategy to focus on non-state actors was it able to create a comprehensive regime to protect the international society from WMD terrorism.

The war on the jihadi movement has also involved military interventions. Here, too, the United States has a mixed record. Members of the
international society do not reject the use of force on principle; most states saw the United States’ decision to invade Afghanistan as a legitimate act of self-defense in response to the 9/11 attack. But when it attempted to convince the international society of the need for anticipatory self-defense and sought to use this pretext to invade Iraq, it faced strong resistance. States disagreed with the proposed revision to international law and questioned the American argument that the Iraqi campaign was part of the war on terrorism. While they could not prevent the hegemon, assisted by a coalition of states, from attacking Iraq, they denied it the legitimacy it needed and withheld their assistance in the rebuilding of Iraq. Many states also doubted that promotion of democracy was consistent with the international society’s code of conduct, although the United States did not seek to include it in the multilateral part of the war on terrorism and its actions remained largely within the boundaries of legitimate state action.

I conclude this study by underscoring its theoretical contribution to the study of international relations, and by offering some insights about the manner in which the war on the al Qaeda–led jihadi movement is being pursued.
Spreading Jihad: From Local Jihads to a Global Jihad

The concept of jihad is not new; it has been embedded within Islam from its inception. Its implementation has oscillated between genuine attempts to carry out holy war (such as Salah ad Din’s war against the Crusaders) and its use as a mobilization tool by cynical leaders (for example, Saddam Hussein’s attempts to portray his wars as jihad). But its appeal has receded in the last few hundred years. Until recently, even when the concept of jihad was invoked, it was restricted to a narrow context within specific countries and their populations. Furthermore, its declaration and undertaking were largely the responsibility of leaders. Thus it is puzzling that jihad became such a familiar notion in world politics at the beginning of the twenty-first century. This chapter focuses on the revival of jihad and how it has acquired a global dimension. It seeks to explain how jihad evolved from a localized struggle, involving mostly local Muslims, into one that has attracted or compelled the participation of Muslims throughout the world—even if in relatively small numbers. This globalization of jihad is critical to understanding the jihadi movement as a systemic threat rather than a narrow one directed at the sovereignty of a few states only.
I trace the roots of jihad’s globalization to the 1980s war in Afghanistan. While jihadist groups had already been operating in various Muslim states throughout the twentieth century, jihad took a significant turn with the Afghanistan war. This war led to the revival of the notion of jihad as a collective duty; for many of the volunteers who came to central Asia to wage or support the military effort, it instilled the belief that jihad was the solution to the ummah’s weakness and the key to returning it to its glory days. Saudi Arabia, Pakistan, and the United States provided technical and financial aid to the anti-Soviet resistance and encouraged young Muslims throughout the world to travel to Afghanistan. But the jihad they supported out of political calculations turned out to be a double-edged sword, as its state sponsors lost control over its application and zealous jihadi radicals sought to export it outside of Afghanistan. The personal connections forged between mujahideen from different nations reinforced their extreme beliefs while increasing their capabilities through battleground experience and the exchange of knowledge of military and terror operations. The Soviets’ eventual retreat further boosted the jihadis’ belief in the feasibility of success.

But the war in Afghanistan, while necessary for the globalization of jihad, was insufficient for its consolidation on a global scale. Two additional stages were required to create a global phenomenon from a set of disconnected local struggles between jihadi groups and governments. The second stage took place during the 1990s as veterans of the Afghan war tried and failed to win separate struggles against their home governments. Less controversial jihadist attempts on the periphery—Chechnya, Bosnia, and Kashmir—also resulted in little success. Against these obstacles, a third alternative offered by Osama bin Laden won out. Bin Laden and his al Qaeda network provided an organizational and ideological base for a jihadi movement comprising members from different nations, a global reach, and an ideology with global scope.

The third stage in the globalization of jihad started with the 9/11 attack on the United States and the ensuing American responses. The dynamics of the engagement between radical Islamists and states, mainly the United States, in the period following 9/11 shaped public perceptions of the struggle as global, causing even local terror attacks to be perceived as part of the broader struggle. This change in framing relieved but did not eliminate the problems of collective action, resource allocation, and constant personal conflicts that had characterized the Islamist movement in the past. Various jihadi groups could now operate either locally or internationally and still be regarded as part of a larger movement, their
actions perceived as serving the attempt to undermine not only the local but also the international order.

This chapter details the three stages of the globalization of jihad, from the war in Afghanistan during the 1980s to the aftermath of the 9/11 attacks.

Stage One: The War in Afghanistan

On December 26, 1979, the Soviet Union invaded Afghanistan in an attempt to prevent the fall of the communist regime in Kabul. The invasion sent shockwaves throughout the world. In the West, it was perceived as a violation of the “rules of the game” between the two superpowers. Coming on the heels of the Iranian revolution and the takeover of the American embassy in Iran, the Soviets’ step appeared to confirm the prevalent perception of growing American weakness. The view from the Middle East was different, as the invasion was viewed in the context of growing turmoil in the Muslim world. The invasion of a Muslim country by a non-Muslim state aroused coreligionists’ sentiments, as many enraged Muslims understood the Soviet intervention as an aggression against the whole Muslim nation, requiring a powerful response to force a retreat.

This reaction was promoted on two levels: by states and by jihadist entrepreneurs. The second level of reaction allowed networks below the state level to sustain the jihad even when state sponsorship decreased substantially or was no longer available. At the state level, the Afghan resistance was supported mainly by Pakistan, the United States, and Saudi Arabia, all of whose interests converged to support fighting the Soviets. While states’ sponsorship of the jihad was highly significant, their direct contribution to its funding amounted to no more than 25 percent. This number attests to the importance of the Muslim NGOs and networks of Muslim activists who traveled around the world collecting donations and recruiting volunteers. Some of these non-state elements sowed the seeds for the global proliferation of jihad.

The globalizers of jihad were of Arab descent. This determination is rather counterintuitive, since the role of the Arab volunteers in the actual fighting against the Soviets was at best marginal. For example, Burke argues that whereas at any given time there were between 100,000 and 250,000 Afghans fighting, only a few hundred Arab volunteers took part along the front line. By all accounts, Arab mujahideen hardly participated in actual combat before the mid-1980s, and only a few of them demonstrated notable fighting skills. The overall number of Arab
volunteers who made their way to Pakistan, especially in the first years of the war, was also very modest. Most served in supportive roles in humanitarian agencies, media offices, political organizations, and hospitals. Only in the mid-1980s was there a noticeable increase in their participation, which reached its peak only after the Soviets had withdrawn. Even then, it did not amount to more than a few thousand at any given time.

Friction between the locals and Arab volunteers, with many local Afghans resenting the “arrogant” Arabs, further marginalized the foreigners’ role. Conflicts between Afghans and Arabs became more frequent as the number of radical Arabs adhering to a strict interpretation of Islam, which rejected traditional Afghan practices as violations of Islam’s purity, increased. Nevertheless, despite their insignificant role in this specific jihad, the experience of the Arab mujahideen shaped the future direction of radical Islam and served as a launching pad for a movement with global goals and global reach.

Paving the road: Azzam and the evolution of jihad. The emergence of a group of Arabs willing to go to Afghanistan to participate in jihad was itself an important development. Arab regimes, in particular the Saudi regime, encouraged young Muslims to join the ranks of the mujahideen. But technical and financial support was not enough; the war also had to be framed in religious terms and propagated as a religious duty. Prior to the war in Afghanistan there was little discussion about the contemporary use of jihad even among the radical Salafis. It was Abdallah Azzam—a Palestinian theologian who left his job in Saudi Arabia shortly after the Soviet invasion, took a teaching position in Pakistan, and started inciting for a jihad—who constructed the religious legitimation for Arab participation and gave the war its needed religious and transnational dimension.

According to Islamic tradition, there are two categories of jihad as a war. Offensive jihad serves to enlarge the Dar al Islam—the house of Islam—and is considered a collective duty managed by a Muslim ruler. Defensive jihad, on the other hand, is invoked when a Muslim territory and population come under attack by non-Muslims. In such a case, participation becomes the responsibility of every individual Muslim: the mujahideen do not even need family permission to fulfill this duty. Azzam framed the war in Afghanistan as a defensive jihad, reviving the theory of circles of obligation. Under this theory, the responsibility falls initially on those Muslims nearest the enemy. If they are unable to repel the enemy, then the obligation expands to the next circle. Obviously, fighting a superpower required the mobilization of the entire ummah.
Azzam’s role was not restricted to providing religious justification for jihad; he also played a very significant role in the community of mujahideen close to the front line. His importance grew in the mid-1980s with the substantial increase in Arab volunteers coming to Peshawar, the Pakistani border city where most Afghan refugees found shelter and where the headquarters of the seven Afghan parties were located. The flow of volunteers required the creation of an infrastructure for housing and training. Because many arrived for only a few months at a time and moved between Peshawar, the training camps, and the missions inside Afghanistan, there was also a need to keep records of their whereabouts. This need stemmed in part from the wish to provide information to the volunteers’ families, who inquired about the fates of their loved ones.16

In 1984, Azzam, together with his disciple Osama bin Laden, established the Maktab al Khidamat (MAK) or Services’ Office, one of fifteen Arab aid organizations established to serve the mujahideen and the Afghan refugees.17 Azzam also founded the most important journal in Peshawar, al Jihad, which served the mujahideen and brought news from the jihad arena to interested Muslims throughout the Arab world.18

Azzam traveled often to spread the call for jihad, to recruit enthusiastic youth (mainly from the ranks of the Muslim Brotherhood), and to collect financial contributions.19 He even journeyed to the United States. His activities were critical to the evolution of the jihad in Afghanistan from a local effort supported by a few Arab volunteers to a duty that resonated with a larger Arab audience and created the precedent for Muslims fighting outside their country under the banner of jihad.20

But Azzam’s contribution goes even further. First, he rejected all options but violent jihad to free Muslim lands.21 Second, he stressed that jihad should not stop in Afghanistan, but rather “will remain an individual duty until all other lands which formerly were Muslim come back to us and Islam reigns within them once again.”22 Third, the revival of the notion of defensive jihad and its adaptation to contemporary affairs allowed its use some years later by violent Salafi groups seeking to justify their deeds. Groups such as the Algerian Armed Islamic Group (GIA) combined Azzam’s concept of defensive jihad with the justification for excommunicating Muslim rulers that was formulated by Sayyid Qutb, who had been executed in Egypt in 1966.23 These most violent groups of Islamists distorted the concepts of jihad and took them to the extreme, using them to justify the mass killing of Muslims.24 Fourth, Azzam articulated the notion of the Muslim vanguard, the spearhead in the front of the camp that would carry out jihad against the infidels and encourage the Muslim masses to follow through and join the effort. Azzam believed
that most Muslims were still unprepared to accept the responsibilities of their religion and that every ideology had first to be implemented by a select group of people dedicated to the cause. In fact, by the time Azzam started writing about this vanguard, he was already thinking about how he could channel the energies of the mujahideen into other missions in the name of jihad. He envisioned the veterans of the Afghan war as a mobile strike force throughout the Islamic world.25

Islamist opposition groups and the war in Afghanistan. The Arab volunteers came from numerous countries and belonged to various classes and Islamic traditions. Many came individually; others were encouraged by local branches of the Muslim Brotherhood movement or by Wahhabi clerics. In addition, Islamic activists from violent opposition groups in the Arab world, who had been hunted down in their own countries, found in the war in Afghanistan both a refuge and a novel cause. The Arab regimes were happy to see these troublemakers leave to fight the Soviets,26 and they thought little about the longer-term consequences of bringing together a large group of radicals from different countries.

When opponents of the Arab regimes started arriving in large numbers in Afghanistan in the mid-1980s, they gradually transformed the shape and ideology of the Arab Afghan movement.27 Whereas Azzam’s vision of jihad focused on Muslim lands under non-Muslim control and precluded the idea of jihad against Muslim leaders, the opposition elements subscribed to a more radical ideology inspired by Qutb’s writing. Azzam’s vision had to compete with this more radical view and the growing influence its proponents gained among the community of Arab mujahideen in Afghanistan and Pakistan. To some extent, this was a struggle for the loyalty of the enthusiastic youth who came to Afghanistan without any previous affiliation to the Islamic opposition groups, and it often resulted in the radicalization of these young and still uncommitted volunteers. They quickly gained leadership positions among the Arab Afghans. Indeed, some of al Qaeda’s leading figures were Egyptians who had come to Afghanistan without previous affiliation with the Egyptian opposition, but who were radicalized through their fighting experience and through exposure to the rhetoric of Ayman al Zawahiri—a leader of the Egyptian al Jihad groups, and today bin Laden’s deputy—and others like him.28 As the stream of inexperienced volunteers increased, more training camps were needed for them.29 Consequently there was an increase in the role and influence of the more experienced leaders, usually drawn from the ranks of the organized Islamic groups, as well as in their ability to recruit new
members. At the same time, new groups from states that had previously lacked such organizations—most importantly, Saudi Arabia—started to emerge.\textsuperscript{30}

Meanwhile, another process increased the lethality of the movement. Islamists from different countries spent significant time discussing the condition of the Muslim ummah and how to revitalize it, introducing ideas that were anchored in their local experiences. These encounters helped bridge some doctrinal differences and further radicalized the ideology of many activists. The growing fellowship of radicals from various countries also had the effect of improving their operational skills and building upon the training they received. Each group brought its expertise and learned from the strengths of others.

The Arab mujahideen were usually affiliated with Afghan parties (mainly the parties of Burhanuddin Rabbani, Abdul Rasul Sayyaf, and Gulbuddin Hekmatiar, who were close to Saudi Arabia) and trained in their camps. But as the war progressed, special training camps were also built for the Arab Afghans. Experience gained through participation in active combat was another force multiplier. Although it was more relevant to guerrilla warfare than to terrorism tactics, this fighting experience increased the mujahideens’ knowledge of explosives, shooting skills, and other less tangible assets such as self-confidence and the ability to function under tremendous pressure.

One of the war’s most underestimated contributions to the emergence of the global jihadi movement was the interpersonal connection created among the Arab Afghans. The Arab participants were usually organized in groups according to their own nationalities,\textsuperscript{31} but there was still significant interaction among mujahideen of different nationalities in Peshawar, in the training camps, and on the battleground. Such interactions, especially inside Afghanistan, were instrumental in cementing interpersonal relations among individual mujahideen, for many of whom the war served as a formative experience that would shape their adult lives. Al Zawahiri and bin Laden provide two examples of mujahideen who argue that the experience changed their lives, enriched them, and gave them a sense of satisfaction, destination, and confirmation of their beliefs at the highest levels.\textsuperscript{32} The Arab mujahideen not only shared their religious zeal, but through this transformative event also shared memories and experiences with their brothers from other countries. Once created, the bonds were robust and they helped the newborn global jihadi movement to surpass national boundaries and organizational affiliations. They would hold for years to come, and would facilitate future cooperation. Organizational affiliation remained a highly significant
factor in the politics of the Arab mujahideen, but these interpersonal connections functioned as another layer in their relations and allowed them to cooperate without official sanctioning from the groups with which they were affiliated.

In his book *Knights under the Banner of the Prophet*, al Zawahiri summarizes the contribution of the jihad in Afghanistan to its participants this way:

... it also gave young Muslim mujahideen—Arabs, Pakistanis, Turks, and Muslims from Central and East Asia—a great opportunity to get acquainted with each other on the land of the Afghan jihad through their comradeship-at-arms against the enemies of Islam... came to know each other closely, changed expertise, and learned to understand their brethren’s problems.33

But discord existed among the Arab mujahideen as well. The sources of contention were many, mainly involving ideological differences and conflicts over strategy and financial resources, as well as personal conflicts. Azzam’s MAK, the beneficiary of large sums of money, was one such area. Azzam wanted to use the funds in the Afghan arena first, later directing them to Palestine and other occupied Muslim lands—a plan that required an emphasis on training in guerrilla warfare and channeling money away from struggles against Arab regimes. Al Zawahiri and his Egyptian followers had entirely different ideas about how the money should be spent, focusing on diverting some of it back to the Egyptian arena and to training in terrorism tactics.34

The relationship between bin Laden and Azzam also deteriorated around that time. The rift can be attributed in part to the influence on bin Laden of al Zawahiri and Hekmatiar, who resented Azzam for personal reasons (such as Azzam’s defense of the Afghan leader Ahmad Shah Massoud) and disagreed with his strategic thinking. Bin Laden had become increasingly disenchanted with the Arab regimes that Azzam continued to view as important allies, and he also supported building special training camps for the foreign mujahideen whereas Azzam wanted volunteers to operate alongside their Afghan coreligionists. Lastly, bin Laden did not hide his dissatisfaction with what he saw as Azzam’s nepotism.35

At that stage, bin Laden was already much more self-confident and less dependent on his mentor. He spent more time near the front line and even in actual combat, and in 1986 he established several camps of his own within Afghanistan. However, he did not leave the MAK. A tacit battle for control over the MAK ended with Azzam’s assassination in
November 1989. The mystery of his death remains unsolved, with responsibility assigned to various parties. The most intriguing claim implicates al Zawahiri and his people in the murder. Bin Laden himself was in Saudi Arabia at the time, and there is no evidence linking him with Azzam’s death. In any case, he subsequently was able to complete his takeover of the MAK’s facilities, finances, and broad recruiting network after easily marginalizing Azzam’s son-in-law.36

Stage Two: Failures of the Afghan Alumni and the Redirection of Global Jihad

The Soviets withdrew from Afghanistan in 1989, but continued to prop up the communist regime in Kabul. Meanwhile, as the war drew near its end, infighting among the Afghan factions increased as they attempted to position themselves for the postwar era. These internal rivalries were at least partially responsible for delaying the regime’s collapse. However, the Soviet retreat marked for many Arab Afghans the end of their Afghan experience.

The mujahideen left Afghanistan with a stronger commitment to jihad and a more radical perspective. Emboldened by the Soviet retreat, they understood their victory and the consequent disintegration of the Soviet Union as the result of their own—and only their own—deeds, supported by God. It was seen as a sign that the long-hoped-for resurgence of Muslims’ past glory had finally arrived.37 Attributing the collapse of the Soviet Union solely to their work38 reflected the mujahideen’s genuine belief but it also served some tactical purposes. First, it magnified their strength and consequently reinforced their confidence in their ability to prevail in the next phase of the holy war, whichever direction it might take. Second, it created a myth that would assist them in recruiting new members.

With the end of the Afghanistan chapter, the Arab mujahideen were now ready to look ahead. Some went home and returned to mundane lives. Others married locals and chose to live in Pakistan or Afghanistan. There was also a large group who wanted to use their new knowledge and experience to keep the flame of jihad alive. They were joined by mujahideen who had been denied entry to their home countries, or had been arrested and harassed there, and so were forced to retain their careers as jihadis. But the committed jihadis were conflicted about what they should do next. Some, especially those who had come with previous experience in fighting Arab governments, were inclined to bring jihad back to their home countries. Others, however, argued that the
mujahideen should travel to other places where Muslims were oppressed by non-Muslims. This latter direction appeared to be in line with the late Azzam’s ideas about the future of jihad. These two strands—one focusing on change in Arab states and the other seeking to spread jihad—characterized the jihadi movement of the 1990s, and by the end of the decade, the failure of localized jihads had tilted the balance toward globalization.

Bin Laden’s position at that point regarding the future direction of the jihadi movement is not clear. It appears that he saw value in both agendas, but preferred to focus on preserving the movement’s international nature rather than deciding what it should do next. In the unity of the mujahideen, bin Laden found a crucial source of power. Thus, he acted to prevent discord among them and to maintain the international alliance that had been created during the war. To this end, he established al Qaeda in August 1988 with a very small group of fellow mujahideen. The new organization relied on the infrastructure of the MAK; but its ideological orientation was unsure and its operational capabilities almost nonexistent.

The following sections will look at the development of the different jihadi strands throughout the 1990s and the emergence of al Qaeda’s perspective as dominant.

**Local jihads.** Local jihads were the most common form of violent Islamic opposition before the war in Afghanistan. With the end of the war, Arab states saw a resurgence of Islamic domestic violence as more zealous and able Afghan returnees started working to undermine local regimes. The Arab Afghans found themselves to be the most radical elements among the Islamist opposition to the Arab regimes. They adhered to the most rigid ideology and were more inclined to use force indiscriminately in order to advance their goals.

The influence of the returnees was most pronounced in Algeria and Egypt. In Algeria, the situation began to heat up when a relatively moderate Islamic movement, the Islamic Salvation Front (FIS), emerged successful in the first round of general elections, leading the military to abolish the second round and take power in January 1992. The Arab Afghans—mostly members of the GIA—responded with a brutal fight. Soon after, the country spiraled into a deadly civil war in which both sides, but mainly the radicals, used unprecedented brutality, leading to the death of nearly 100,000 people during the 1990s. The GIA’s extreme ideology led them to massacre many civilians for “un-Islamic” behavior, which in the radicals’ eyes rendered them infidels and worthy of death.
Gilles Kepel sees in the Algerian experience a reflection of the Islamic movement’s failure during the 1990s. He argues that the movement was based on a fragile alliance between the young urban poor and the devout middle class. This alliance was ill-prepared and unable to engage in a protracted confrontation with the entrenched state authorities. Thus, pressure on the movement mounted, the jihadis escalated the violence. This escalation broke down the consensus and created a rift between the jihadis and the more moderate middle-class Islamists, who were appalled by the level of violence. When the GIA lost the support of the more recognized Islamist intelligentsia, it also lost its compound identity and fragmented into a multitude of tiny groups that were even less inhibited in their brutality, thus distancing themselves further from the public.44

Afghan returnees reinvigorated the radical Islamic movement in Egypt as well. The Egyptian violent opposition had suffered severe blows after the assassination of President Anwar Sadat in 1981, and its operation was brought almost to a standstill. Operatives from al Gama’ah al Islamiyah and al Jihad were imprisoned in large numbers, and many others left the country for Afghanistan to fight the Soviets and to recuperate. When the Egyptian mujahideen returned home, they became the backbone of the violent Islamic opposition. They launched a terror campaign against regime figures and symbols but registered little overall success. Their brutality, though not remotely close to the level exhibited by the Algerians, backfired more than once when innocents were killed as a result of their terror attacks.45 Their failed attempt to assassinate President Hosni Mubarak during a visit to Addis Ababa in 1995, and the massacre of about sixty tourists at Luxor in 1997, cost the radical movements public support and enabled the regime to crack down on them. With the local agenda blocked, most of the leadership of al Gama’ah al Islamiyah offered a truce to the Egyptian regime and denounced the use of violence.46 Those who wanted to continue the violent struggle had to leave the country in order to regroup—but the Egyptian regime continued to pursue them even outside Egypt. The regime’s pressure and endemic financial problems rendered a new violent campaign inside Egypt almost impractical.47 Under these circumstances, al Zawahiri decided it was time to change strategy and join forces with bin Laden, thus shifting to the globalist camp.48

Jihad on the periphery of the Muslim world. Jihad against non-Muslim rulers was less controversial than the struggles against Arab regimes. Fighting in the name of Islam in these arenas did not involve the difficult
religious questions of a Muslim ruler’s rights and duties and the conditions that justify the waging of jihad against that ruler. While many in the Islamist camp agreed that such an enterprise could be justified on the basis of the ruler’s policies and failure to act in accordance with the shari’ah, it was much more difficult to mobilize sympathizers around this cause, since most Muslim scholars consider a ruler who demonstrates effective control and does not grossly violate the shari’ah to be legitimate. Such considerations do not exist, however, when the issue is non-Muslims oppressing Muslims and “infidels” occupying a Muslim land. The self-identity of the global jihadi movement emerging from the Afghanistan war embodied this latter type of jihad. Moreover, participating in such conflicts improved the operational skills of the mujahideen and increased their religious zeal, thus strengthening the jihadi movement. Furthermore, as in Afghanistan, interpersonal bonds were created by bringing together volunteers from various Muslim countries, and these relations would help to spread and reproduce the individual-based networks. Therefore, the controversy was not whether Muslims should fight in these struggles, but rather whether they should get priority.

The main weakness of this directional shift was that none of these arenas of jihad succeeded in becoming a focal point to mobilize large numbers of Muslims. Although Muslims were supportive of the cause, that support was not translated into action. The number of foreign volunteers in Bosnia and Chechnya never exceeded the high hundreds, with a much smaller number involved at most times. Furthermore, in Kashmir, the one arena where the mujahideen were a meaningful force, they were an instrument of a state—Pakistan—and yet they failed to achieve their political goals. Thus, while this type of jihad was not meaningless and continued to exist alongside the others, it could not be the leading ideology for the jihadi movement.

Global jihad: taking on the “far enemy.” As jihad against non-Muslim rulers failed to attract support and the local fighters failed to topple secular Arab regimes, an alternative strategy of globalized jihad started taking root. Globalized jihad was a mix of a worldwide agenda linked to local struggles, and it provided a new focal point around which the different jihadi movements would eventually converge.

Bin Laden returned to Saudi Arabia from Afghanistan in 1989. Following the Iraqi invasion of Kuwait in August 1990 he offered to form a force of mujahideen, but to his dismay the Saudi regime rejected his offer. When the regime allowed the deployment of foreign troops on
Saudi soil, the cradle of Islam, bin Laden was enraged. Later, the maintenance of a U.S. military presence in Saudi Arabia in the absence of its original rationale (the Iraqi conquest of Kuwait) cemented the perception of an American occupation of Islam’s holiest sites. Even during his years in Afghanistan, when the United States had been one of the greatest supporters of the mujahideen, bin Laden had shown no affection for the United States. In 1987 he started calling for an economic boycott of American goods. And after the Gulf War, the United States gradually became the focal point of his view of the troubles in the Muslim ummah and the required response to those problems.

In the first years after the Gulf War, bin Laden’s ideas were still not consolidated into a coherent perspective. He was occupied with the problems in his home country and his troubled relations with the Saudi regime. He supported the independent Sahwa (“Awakening”) ulama who called for strict implementation of the shari’ah, an end to corruption and immoral behavior among members of the royal family, and the ejection of the American forces. Although he did not take a leading role in the opposition, the aura that surrounded him because of his role in the war in Afghanistan made his vocal disagreement disquieting enough for the Saudi authorities. These authorities were especially disturbed to see the legitimacy of the official religious establishment eroding due to its support of the regime, while the popularity of the opposition—the Sahwa and people like bin Laden—soared.

The authorities warned bin Laden several times to stop his incitement against the royal family. When he refused, his passport was revoked. Unwilling to stay in Saudi Arabia as a prisoner, he outsmarted the authorities and left the country. In 1992, following an invitation from Sudan’s pan-Islamic leader Hasan al Turabi, bin Laden gathered a small group of close associates and settled in Sudan. He then dedicated most of his efforts and time to economic enterprises, thus helping his host country while also providing work for fellow mujahideen who were no longer welcome in Pakistan or in their home countries. At the same time, he developed a comprehensive theory regarding the troubles of the Muslim world and the required military solution. Terrorism, while contemplated and encouraged, was still on the back burner, not a main occupation.

In 1996, it became clear that all three principal arenas of jihad—Egypt, Algeria, and Bosnia—had failed to achieve their goals. The field was now open for bin Laden’s version. In his view, the local jihads had failed due to U.S. support of the secular regimes. He perceived the Arab rulers as slaves serving their American masters, who in return supported
their regimes and guaranteed their survival. As long as American power lay behind those regimes, the mujahideen could not achieve their goals; the United States would protect the rulers even if it necessitated direct intervention. Thus, the American military presence in the Gulf countries was seen as an escalation of U.S. involvement in the region. As al Zawahiri later wrote: “In the Gulf war the U.S. moved to the region to oversee the management of its interests by itself. Hence, it transformed its role of hidden mover of events into the role of the Muslims’ direct opponent.”

The remedy to this situation was to confront the United States and bring about its collapse. Once it fell, the Arab regimes would lose their shield and the believers could take control.

Identifying the United States as a target was also useful in light of the continuous power struggles within the jihadi camp. The jihadis could not agree on any one Arab country upon which to concentrate their efforts; groups from within individual countries were trapped in bitter rivalry over ideology, strategy, and distribution of resources. Above all were the never-ending personal rivalries that hindered cooperation among groups and fragmented the movement even further. All too familiar with these personal rivalries and their devastating effect on the jihadi movement, bin Laden was careful to present himself not as a competitor for leadership, but as a devout mujahid, focused on the goals and free of personal interest. His demeanor after attacks, and al Qaeda’s avoidance of claiming responsibility for their work, helped to consolidate that image and lubricated the flow of many radical groups into his sphere of influence.

Articulating the connection between the hated Arab regimes and the United States enabled the mujahideen to surpass earlier debates about their own future and that of jihad. By rechanneling the resources of their movement to attack the United States and remove its influence from the Muslim world, the advocates of local jihads could be accommodated. With defeat of the United States would come the fall of the hypocritical and oppressive Muslim rulers, thus paving the way to installing Islamic regimes in their stead. Furthermore, the focus on American targets could still damage local governments by demonstrating their incompetence in providing security to their “American masters.” Consequently, such attacks could sow discord between the United States and the Arab regimes, as well as damaging the reputations of the local regimes in the eyes of their people and the world.

However, bin Laden had to convince the jihadi movement that it could indeed beat the United States. After all, if the jihadis were unsuccessful in their local struggles, how could they defeat a superpower? The solution lay in the experience of the war in Afghanistan, which enabled
bin Laden to argue that unity was crucial to success and could produce unimaginable results. Instead of dividing the power of the jihadi movement, he said, its various factions should unite against the real target: the United States.

The war against the Soviets had generated other lessons as well. Attributing the Soviet Union’s disintegration solely to the work of the mujahideen implied the corresponding weakness of the United States, which had struggled with the Soviet Union for fifty years without prevailing whereas the Muslim fighters, despite their material weakness, had emerged victorious. This comparison led to the conclusion that strength of belief had been crucial to the mujahideen’s success and that American power was no more than a myth. To support his dismissal of American power, bin Laden pointed to the U.S. retreats from Vietnam, Beirut, and especially Somalia after meeting with resistance. The fate of the Soviets also served to draw parallels for the coming confrontation with the United States: the Americans were bound to lose, and with their fall the problem of the Arab regimes would be solved. As bin Laden stated: “Russia was the head of the communist bloc. With the disintegration of Russia, communism withered away in Eastern Europe. Similarly, if the U.S. is beheaded the Arab kingdoms will wither away.” Bin Laden’s inevitable conclusion, therefore, was that the mujahideen who had brought about the collapse of one superpower could destroy the other superpower as well.

Meanwhile, the infrastructure that had been created in Afghanistan continued to produce a new generation of mujahideen. Pakistan wanted to use the mujahideen and Afghanistan as a strategic weapon to advance its own geostrategic interests, particularly in conflict-ridden Kashmir, and thus it supported the preservation and even enlargement of this infrastructure. It encouraged devout youth from the madrassas network to get training; later, driven by religious zeal, these young men would fight in the name of Islam while also serving Pakistani interests. Thus, not all of the training camps were al Qaeda’s. In fact, before the Taliban grabbed power in Afghanistan in 1996, bin Laden had little influence in the country. He was respected for his contribution to the war during the previous decade, but his political power was relatively low. While some of his close allies in al Qaeda operated training camps in Afghanistan, they were only part of a larger group of Arabs with similar camps. Bin Laden himself was focused at that point on his enterprises in Sudan.

Only after he established substantial influence over the Taliban did bin Laden receive authority over non-Pakistani jihadis in Afghanistan. His importance grew as he began to provide the Taliban with a
conventional force—Brigade 055—made up largely of Arabs who fought alongside the Taliban against the Northern Alliance (led by Massoud); eventually the Taliban became dependent on his skillful infantry force. Under these conditions, al Qaeda broadened its training camp system and its overall influence among the mujahideen. It is important to note that most visitors to its facilities were trained as foot soldiers to serve in the different jihad arenas and with the Taliban. Only a small fraction received training for terrorist missions, and only a select few were offered the chance to join al Qaeda’s ranks.

Admission to the training camps often depended on personal connections: the ability to bring a recommendation from an Afghan alumnus or from reliable acquaintances of the mujahideen. This was another example of the reproduction of global jihad: a second generation of mujahideen used the war veterans’ connections to enter the melting pot that had created the first generation.

The training camps were essential for preserving the spirit of global jihad, producing a new pool of able and dedicated members. In addition to extensive military training, the trainees went through several hours of indoctrination—religious and political—every day. The camps also enabled youth from different countries to interact. They all were socialized around a goal that surpassed national boundaries and provided all trainees with a salient shared identity.

Some of the volunteers came for a new experience and stayed for only a short while without participating in any real fighting. Others remained in the camps for additional training, or traveled to other jihad grounds to fight the “infidels.” Still others were already members of radical groups seeking to improve their operational skills for use back home. A small number of highly qualified trainees remained in the camps’ system to serve as trainers. The camps’ graduates would spread the message and become recruitment magnets.

In promoting his vision of globalized Jihad, bin Laden was sensitive enough to avoid competing with other radical groups. Instead, in its early years al Qaeda functioned mainly as a facilitator, extending assistance to various others. It provided training for volunteers from throughout the Muslim world, regardless of organizational affiliation, and also provided financial and technical support for terror operations. By backing nationally based groups of radicals, al Qaeda made them increasingly dependent on its services, thus increasing its leverage. But its influence existed at the individual level too, as members of those groups who received training in the al Qaeda camps met its charismatic leading
figures and were indoctrinated into its ideology. Furthermore, since al Qaeda was the only militant group with transnational membership and an ideology that linked a global platform with local struggles, its members could help to advance the network while retaining their affiliation to local and nationally based groups. Thus the network managed to create bridgeheads to those groups; Hambali, for example, played a significant role in both al Qaeda and the southeast Asian Jemaah Islamiyah. As a result, al Qaeda gained substantial influence and even absorbed some of these fundamentalist groups. It also guided mujahideen toward participating actively in fighting in Afghanistan, Chechnya, Bosnia, Somalia, Yemen, and Kosovo, thus further cementing its credentials in the fundamentalist camp.

Through its role as facilitator, al Qaeda became stronger and better able to undertake independent operations. More important, it became the spearhead of the fundamentalist camp. Bin Laden knew that the small core of al Qaeda operatives would be insufficient to achieve the network’s goals. His intention was that Al Qaeda should function as the vanguard, but for change to take place the various components of the Islamic movement had to collaborate and the Muslim street had to be awakened. Understanding the benefits of ambiguity, al Qaeda avoided taking responsibility for operations that were linked to or carried out by the network, thus demonstrating a lack of regard for prestige and, consequently, obtaining the trust of other groups. Bin Laden himself always emphasized his role in inciting the people rather than in executing attacks.66

Feeling ready to move forward, al Qaeda began a new stage in its operations in February 1998 when bin Laden announced the creation of the “World Islamic Front for Jihad against Jews and Crusaders,” which encompassed a number of terrorist organizations. In taking this step, bin Laden reorganized and formalized al Qaeda’s connection with its various affiliates. The front issued a fatwah (an Islamic religious ruling) signed by bin Laden and the heads of other organizations, calling on Muslims to consider it their personal duty to kill Americans and their allies in order to liberate the holy places in Saudi Arabia and Palestine.67 To give the fatwah further legitimacy and to counter claims that bin Laden was not authorized to issue religious rulings, bin Laden convinced Muslim scholars in Afghanistan, Pakistan, and London to issue supporting opinions.68 In the spirit of the fatwah, and in order to establish its credentials within Islamist circles, al Qaeda started carrying out independent attacks. The bombing of the American embassies in Tanzania
and Kenya (1998) and the attack on the American destroyer *USS Cole* (2000) should be understood against this background. With these operations, al Qaeda signaled its capacity to move beyond its facilitator role, as well as its readiness to advance its agenda through action. The attacks were also designed to increase its recruiting appeal and to radicalize the Muslim street.  

**Stage Three: 9/11 and Its Aftermath**

The 9/11 attacks on New York and Washington marked the beginning of the third and current stage in the globalization of jihad. They were designed to change the nature of the battle by provoking the United States to become involved in an unwinnable war that would eventually erode its base of power and lead it to retreat from the Middle East region. This weakening would result in its demise and open the field to a new power structure in which the Muslim ummah would dominate.

Al Qaeda is attentive to the psychology of its Muslim audience. It plays on the grudges that resonate with Muslims (for example, by increasing the number of references to the Israeli/Palestinian conflict after the intifada), attempting to trigger the response that will best serve its goals. It observed the effects on Muslim public opinion of the futile American retaliation to the embassy bombings in August 1998. The failed strike on the training camps in Afghanistan boosted bin Laden’s public image and increased his network’s appeal, reinforcing the perception that al Qaeda attacks on U.S. soil would provoke a forceful response, and in turn awakening “the Muslim street” and causing it to rise against both invading U.S. forces and corrupt Arab regimes.

Indeed, the Muslim masses play a vital role in al Qaeda’s strategy. Bin Laden and his lieutenants understood that they could not achieve their goals with only the network’s resources. Al Qaeda could not be more than a vanguard; success hinged on mobilizing the masses, hence the constant appeal to Muslims to join the cause and start taking action. In his book, al Zawahiri articulates the relations between the vanguard and the masses: “The jihad movement must come closer to the masses. . . . We must win the people’s confidence, respect, and affection. The people will not love us unless they felt that we love them, care about them, and are ready to defend them. . . . The jihad movement must be in the middle or ahead of the ummah. We must not blame the ummah for not responding or not living up to the task.”

Yet al Qaeda was well aware of the difficulties in mobilizing the Muslim public. Bin Laden identified Muslims’ disbelief in their power to af-
fect reality, and their concomitant passivity, as two of the main factors in the malaise. By successfully hitting the most important symbols of American power, bin Laden wanted to restore the ummah’s confidence in its own ability to triumph over even the strongest power. Thus, by force of example and success, bin Laden sought to free Muslims from their state of submission. His appeal to the youth—the more physically able, and more easily influenced—should be understood in this context as well, because the youth are also less captivated by years of degeneration and passivity.

Nonetheless, empowering the Muslim youth would have a higher payoff if al Qaeda could draw the United States into an unwinnable battle inside the Muslim world. Bin Laden rightly assumed that the United States would have to respond to the 9/11 attacks, and he hoped to draw American foot soldiers into the Afghan swamp. The assassination of Massoud, commander of the Northern Alliance, a few days before the attacks was not merely a gift from bin Laden to the Taliban. It was also intended to guarantee that the United States would not have any capable proxy on the ground and would have to engage the mujahideen with its own ground forces. Al Qaeda believed that with American forces on the ground combating Muslims, it would be easier to hit the United States. Perhaps more important, the call to jihad would reverberate louder.

Pictures from the battlefield would help in awakening Muslims. When the mujahideen fought the Soviets, news about the war was disseminated to the Muslim public through written and often government-controlled media. But the 1990s technological revolution made it easier for non-state actors to gain access to the newly emerged independent media outlets, to quickly reach a much larger Muslim audience attentive to Muslim-oriented issues, and to take advantage of the power of pictures to simplify and distort a complicated reality. Media-savvy bin Laden quickly understood the media’s power to help him in reaching his audience. His video- and audiotapes, aired by satellite networks such as al Jazeera, rapidly reached many millions. The focus of the Arab media on the suffering of Muslims at the hands of non-Muslims served bin Laden’s interests by providing visual evidence that seemed to support al Qaeda’s claims. Even American acts that were clear responses to al Qaeda’s operations received the appropriate spin, successfully depicting the United States as the undeniable source of evil. In this way, the media became an important mobilization tool.

In making Afghanistan the principal battleground with the United States, bin Laden saw a number of advantages. Afghanistan carries high
symbolic value, its role as the “graveyard of empires” burned deeply into Muslim consciousness. Just a little over a decade after the defeat of the Soviets, al Qaeda assumed that the symbolism of a superpower fighting poor but resolved Muslims would not be lost on its audience and would facilitate the expected awakening. Afghanistan seemed a promising battleground on a tactical basis too: its people had a reputation as ferocious and relentless warriors. Moreover, its harsh weather conditions and extremely difficult terrain would make the invaders’ mission torturous.

Bin Laden believed that once on the ground, the American forces would find themselves trapped and beaten, much like the Soviets and the British before them. His lack of respect for the standing power of the United States reinforced this perception. In interviews, bin Laden repeatedly referred to the American experience in Vietnam, Lebanon, and Somalia as testimonies to the weakness of the U.S. military and of American society. Therefore, he argued, once American soldiers began to return in “body bags,” the United States would retreat from the Middle East. This failure would then trigger a process of collapse similar to the one the Soviets experienced. The corrupt Arab regimes would lose power without U.S. support, and would be replaced by “true believers” who would establish the new Caliphate. In this entity, Islam could reclaim its past glory and realize its expansionist mission to bring Islam to all mankind.

But the attacks produced only some of their intended effects. The United States did respond forcefully by invading Afghanistan. However, the assassination of Massoud, three weeks later than initially planned, came too late and failed to bring about the expected disintegration of the Northern Alliance. With a local Muslim proxy on the ground, the United States was free to employ its overwhelming military advantage, topple the Taliban regime, and send al Qaeda on the run. Long after the Taliban’s collapse, al Qaeda operatives engaged in a postmortem analysis of the defeat, blaming weak Taliban forces as well as various careless al Qaeda fighters for the ease of the American victory.

Even worse, the 9/11 attacks and the American reprisal failed to produce the expected awakening and mobilization of the “Muslim street.” Gilles Kepel argues that al Qaeda made a gross miscalculation, putting too much faith in the emotional reaction of the Muslim masses and no effort into organizing and mobilizing them. Popular response following the invasion of Afghanistan is striking when compared to the reaction to the Soviet intervention in the same country twenty years earlier. Apparently, the “Muslim street” did not share bin Laden’s view of the Taliban as the only
legitimate Islamic state. Few Muslims shed tears over the fall of the ruthless regime, although many were disappointed at the ease with which the United States managed to oust it. Al Zawahiri’s argument that the jihad needed an arena inside the heart of the Arab world appeared truer than ever. Afghanistan could not serve as a magnet for new mujahideen.

Despite these failures, the 9/11 attacks did serve al Qaeda’s goals to some extent. The war in Afghanistan increased Muslim resentment towards the United States. This anger was further fed by the constant pictures of Afghan suffering widely distributed by the Arab media outlets. President Bush’s verbal slip, calling the war on al Qaeda a crusade, was interpreted literally by many and reinforced the perception of a war on Islam. The retraction of the statement and countless explanations and clarifications provided little help. Thus, U.S. steps at that stage of the war on terror sowed the seeds for future and more successful attempts to rally the Muslim street.

In addition, 9/11 helped al Qaeda in uniting most of the militant groups behind it. The response of the international community put all Islamic groups under tremendous pressure. As Montasser al Zayyat, a spokesman for the Egyptian al Gama’ah al Islamiyah complained, the attack turned many Islamic groups into “victims” of a war in which they had not chosen to take part. Al Zayyat’s perspective does not appear to be shared by the vast majority of radical groups, although other militant organizations, in particular the Palestinian groups and Hezbollah, condemned the attacks and tried to dissociate themselves from al Qaeda. But other radical groups did find themselves drawn into the conflict. The transnational nature of al Qaeda’s membership and the network’s global reach rendered the struggle against it global. Its extensive links with groups around the Muslim world, and the interpersonal web of connections that became a defining characteristic of the jihadi movement, trapped governments and militants in a direct confrontation.

The stakes were raised by President Bush’s statement that in this battle one could not sit on the sidelines but needed to take sides. As al Zayyat complains: “In the post-9/11 world no countries can afford to be accused of harboring the enemies of the U.S. No one ever imagined that a Western European country would extradite Islamists who live on its lands. . . . After September 11, 2001, everything changed.” States all around the world started legislating or amending laws that gave their governments more instruments in confronting the terrorist threat. Greater pressure on the militants resulted from improved and much more extensive cooperation among states. Some states also took
advantage of the permissive atmosphere to increase the pressure on their local Islamic opposition, with less concern for possible repercussions from the international community.

Al Qaeda lost Afghanistan as a base of operations, but other unruly regions (in Somalia, Pakistan, Indonesia, the Philippines, and other countries), though less comfortable, were still available. The network also found cyberspace to be a useful alternative. The growth in the number of Internet users in the Muslim world opened a new public space and enabled those sympathetic to the radicals’ ideology to gain more information that reinforced their disposition. Furthermore, the Internet has been instrumental in shifting sympathizers from passive support to active participation. This is done mainly through lively discussions in chat rooms and through detailed publications that provide professional instructions to those interested in joining the cause. 84

Conditions became more favorable to al Qaeda’s goals with the American invasion of Iraq. On its face, Iraq was the ideal arena for jihad and could serve as the focal point that the Taliban’s Afghanistan had failed to become. As the home of the Abbasid caliphate, Iraq has a central place in the history of the Muslim nation. The fall of Baghdad to the Mongols in the thirteenth century still stands as one of the most significant traumas in the history of the Muslim ummah and serves as an effective symbol around which Muslims can be mobilized. Those perceptions are reinforced by the negative image of the United States and especially of the Bush administration. The near consensus among Muslims that the administration rushed to an unjust war in order to serve the narrow interests of the United States and Israel renders the historical analogy more vivid. Moreover, coming on the heels of the war in Afghanistan, the Iraq war increased the sense of the invasion as part of a broader American campaign against Islam.

The American presence in Iraq also provides the jihadis with operational opportunities. More than 130,000 coalition soldiers provide ample targets. Large caches of weapons, leftovers from Saddam’s regime, have been readily available throughout Iraq. That weaponry has compensated for the lack of the sort of state sponsorship the mujahideen enjoyed in Afghanistan twenty years ago. Young Muslims, largely from Arab countries, have been heeding bin Laden’s call to travel to Iraq, taking advantage of its porous borders. Iran and Syria’s silent cooperation or reluctance to stop the infiltration of volunteers also helped Iraq’s development as the new jihad arena. The U.S. failure to stabilize the country further empowered the radicals, and their increasing confidence
strengthened the movement’s ability to recruit. The appeal of this recruitment drive has become evident in Europe, where well-established networks that surround radical imams and jihad alumni capitalize on the anger against the United States. Further, European countries’ failure to integrate their disenfranchised Muslim population has rendered these youth a receptive audience to al Qaeda’s call. Indeed some, even if a notably small segment of the Muslim population, have made their way from Europe to Iraq. Others have joined the effort to carry out terrorism on European soil, as demonstrated by the attacks on the transportation systems in Madrid (on March 11, 2004) and London (on July 7 and 21, 2005).

The war in Iraq also supplied the radicals with ample ammunition against the Arab regimes. No Muslim state stood forcefully against the United States: most voiced public opposition while doing nothing more, and some—mainly the Gulf countries—even cooperated with the Americans. The failure of the leaders of the Muslim states to come to the aid of a “sister state” served the jihadis’ propaganda machine. Under the softest critique, the Muslim leaders were accused of being incompetent and unable to protect the interests of the Muslim ummah. Harsher critics accused them of complicity with the U.S. acts. Their behavior was portrayed as confirmation that they were illegitimate American puppets in the service of American interests. At the same time, the jihadis were able to contrast the “apostate” leaders’ betrayal with the jihadis’ fight against the occupation forces, and to present themselves as the only real force safeguarding the interests of the people.

Consequent to the war in Iraq, it appears that al Qaeda has managed to complete the transition from local to global jihad. The transition is largely psychological. Most attacks are being carried out by local groups in their own countries, mainly inside the Muslim world. But there is some shift in the targeting policies of those groups. The jihadis pick targets identified with the West or with Israel and Jews, including tourist sites (arenas of Western penetration and immorality) and Western embassies, as well as Western economic enterprises and contractors. By focusing on this type of target, the militants hit both the “far enemy” (the United States and its allies) and the “close enemy” (the Muslim regimes). In this way, al Qaeda provides the jihadi camp with another bridge between local and global agendas. The continuous U.S. assertion that the war on terror is global in scope further cements the perception that nearly any terror attack is part of a larger global scheme orchestrated or inspired by al Qaeda.
Paradoxically, al Qaeda’s success in instilling its ideological perspective among jihadis, and in fact shaping a dangerous worldwide jihadi movement, came at the same time that the network lost much of its ability to carry out independent spectaculars like the 9/11 attack and nearly disintegrated as an operating terrorist entity. However, the focus on Iraq and the half-measures taken by Pakistan and the United States, resulting in a failure to uproot jihadi bases in Pakistan’s tribal frontier areas, assisted in the reconstitution of al Qaeda and the strengthening of its Taliban allies in both Afghanistan and Pakistan. The rage of many dissatisfied Muslims, the lack of strong condemnation of the jihadis by Muslim community leaders, the availability of doctrinal and instructional material online, and the ability to form connections in cyberspace all supported a temporary strengthening of a protean movement.

But the success of the jihadis must be qualified, as al Qaeda found itself repeating the mistakes of other jihadi groups. It succeeded in bringing chaos to Iraq but the carnage, particularly the killing of innocent Muslim civilians, gradually undermined its image among Muslims. The jihadis’ unrestrained brutality led some important groups among Iraq’s Sunni tribes to stand up to the jihadis and unravel what appeared until 2006 to be a tremendous success story. Jihadis’ brutality in other Muslim states further weakened local support. And yet, despite the transformations and turbulences al Qaeda has been experiencing, the global jihadi movement is clearly very much alive and lethal seven years after the 9/11 attacks.

Would the globalization of jihad have occurred without bin Laden? I argue cautiously that it would have, but probably a few years later. The Islamists’ aspirations to revive the Islamic ummah are perpetual; only the strategy and the timing may vary. Bin Laden served as a strategy entrepreneur. His aspiration to reestablish the caliphate and spread Islam throughout the world was shared by many Islamists. His distinct contribution was in providing a new explanation for the surprising failure of the jihadi movement after its tremendous success against the Soviet Union; in designing a strategy focused on the United States; and in staging daring and deadly attacks against the United States.

Absent bin Laden, someone else would have pointed at the United States as the reason for the failed struggles. After all, his ideas have evolved not in a vacuum but through continuous discussions and debates within the jihadi camp. Furthermore, the failure of alternative diagnoses, the growing awareness of the interdependency of events throughout the world, and the global reach of the United States (fostered by the global-
ization of communication systems) made bin Laden’s view an explanation waiting to be articulated.

Even without bin Laden, the United States would inevitably have suffered a devastating attack on its home front. Recall that the first attack on the World Trade Center, in 1993, was masterminded by Ramzi Yousef with only a loose connection to bin Laden. The Egyptian sheikh Omar Abd al Rahman, a prominent leader within the jihadi movement, inspired a group of followers to attack other New York landmarks as well. Even though these plots failed to achieve their desired outcomes, they clearly indicate that the United States was in the jihadi sights and that grandiose plans to attack it were being designed by actors other than bin Laden. If not bin Laden, then someone else would have picked up where the followers of Abd al Rahman left off. The increased accessibility of ever more lethal weapons would have resulted eventually in a devastating attack, provoking a massive American response.

Conclusions

Holy war is an old concept in Islam; but there has never been a consensus about its prominence. For some Muslim scholars its importance was temporary, conditional, and usually attached to Islam’s early years. Even large parts of the Salafi movement negate the implementation of jihad in today’s context. But for others, jihad is “the neglected duty,” an underestimated and underutilized fundamental tenet of Islam. Because of such views, jihad as a holy war has never completely disappeared from the Islamic discourse, as Muslim thinkers have continuously called for its revival and tried to reinterpret it in light of different political circumstances and considerations. There have also been occasions, including in the twentieth century, when the discourse of jihad has been used to legitimate and reinvigorate local struggles.

On its face, it seems sensible that in a world penetrated by processes of globalization, jihad would take on a global dimension as well. But this is not enough of an explanation. In order to understand jihad’s globalization, I have traced the process from the war in Afghanistan, a critical turning point in the modern use of jihad, to the present. I have highlighted a myriad of political, security, socioeconomic, religious, personal, and perceptual factors that have shaped the form of the jihadi camp. Today’s jihadi movement, led by al Qaeda, has created a bridge—though one with unstable foundations—between national and global agendas. This movement is in no way the authoritative interpreter of
Islam in general or of jihad in particular, but it claims to be the correct one and is intolerant of alternative interpretations. In its actions and through the responses it provokes from the United States and other countries, it does manage to radicalize the discourse among Muslims about jihad, and to gain new recruits. In the following chapter I will argue that the process culminating in the globalization of jihad has rendered the jihadi movement a systemic threat—one requiring a systemic response from the members of the international society.
The 9/11 attacks marked the culmination of al Qaeda’s struggle to position itself as the spearhead of the jihadi camp. The attacks also marked the point when most states understood that al Qaeda and the global jihadi movement represented a threat to the society of states, requiring a systemic and systematic response. To prove this theory, the systemic aspect of the threat needs to be identified independently from states’ perceptions.

In this chapter, I expound upon the reasons why the threat represented by the al Qaeda–led jihadi movement is systemic. My argument focuses on four main elements. First, I explain the radical break between the jihadis’ view of jihad and the understanding of jihad in mainstream Islam. I argue that the behavioral prescriptions that emerge from the jihadis’ view constitute a clear onslaught on the society of states. Second, I demonstrate the incompatibility of al Qaeda’s view of the world with the tenets of the international society, showing how this disparity is translated into specific rejection of the society’s institutions, practical derivatives, and symbols. Third, I show that material capabilities and the willingness to use them supplement the ideological aspect of the jihadi threat: the jihadis’ attempts to acquire WMD and their attitude towards the use
of such weapons render them a threat to the whole system. This chapter also refutes the argument that the conflict with the jihadi camp could be solved by a more sophisticated American foreign policy. Through examination of jihadi texts I determine that it is a mistake to view the threat only through policy lenses. A closer reading of the jihadis’ ideology clearly demonstrates that the scope of the threat cannot be reduced to resistance to specific policies. Changes in U.S. foreign policy will not suffice.

The Goals of Jihad

On its face, a war waged by a movement—in particular a transnational movement—rather than by a state is antithetical to the constitutive principles of the society of states because, in principle, the use of force in international relations is the prerogative of states. But when one scrutinizes the jihadis’ interpretation of jihad, the threat to international society becomes even more pronounced. For hundreds of years, jihad was portrayed as a defensive response to an armed attack on Muslims in Muslim territories, and as a means to regain power over territories that were once under Muslim control. But today’s jihadis diverge from this understanding in two important ways: they broaden the concept of attack on Islam, and they emphasize the expansionist aspect of jihad, viewing it as a tool to realize the obligation to make Islam the dominating religion on earth. Needless to say, even a “limited” war to create an Islamic empire stretching from Indonesia to Spain would constitute a serious challenge to order in the international system; but this section focuses instead on the danger of jihad taken outside the Muslim world.

In order to reveal modern-day jihadis’ understanding of jihad, one must examine the writing of the movement’s ideologues as well as the thinking of historical figures who shaped and paved the way for the current jihadi perspective. Ideologues such as Ibn Taymiyya and Sayyid Qutb figure prominently in the worldview and ideology of bin Laden, al Zawahiri, and their associates. Because the strategic leaders of today’s jihadi movement are constrained by the strategic considerations discussed below, the works of their ideological forefathers have an added value as a means to clarify and strengthen the evidence regarding the thinking of the jihadis and the implications of their ideology for the state system.

According to Rudolph Peters, the motivations for defensive jihad are (1) repelling aggression toward Muslim lives and property in the course of an attack by enemy forces; (2) preventing oppression and persecution of Muslims outside the territory of Islam; and (3) retaliating against a
breach of a treaty by the enemy. The second of these causes is especially intriguing and lends itself to the expansion of jihad in current times. It deems jihad outside Islamic territory permissible when the peaceful propagation of Islam is being hindered, or when Muslims living amongst unbelievers are perceived as being discriminated against. The scope of what constitutes free proclamation is broadest among radical circles, interpreting any restriction on their operation as an attempt to curb the proclamation of Islam. These radicals get their inspiration and religious authorization from the radical jurist Ibn Taymiyya (d. 1328), who maintained a broad definition of aggression against Muslims. According to Ibn Taymiyya, any infraction of Islamic law, belief, or practice can justify jihad.

Following his example, even measures to curb movements such as Hizb al Tahrir in various Western countries or to ban the Muslim headscarf in France legitimate defensive jihad outside the Muslim world. Indeed, both of these specific examples actually led jihadis to call for action.

Parallel to broadening the concept of defense, the al Qaeda–led jihadi movement emphasizes jihad’s function in propagating Islam outside the borders of Dar al Islam. Traditional understanding of jihad emphasizes that Islam cannot be forced on individuals; conversion must result from sincere acceptance of the Islamic message and not from coercion or the expectation of rewards. However, two of the leading thinkers of radical Islam in the twentieth century, the Pakistani Sayyid Abu al Ala Mawdudi (1903–1979) and the Egyptian Sayyid Qutb, advanced an approach that accorded jihad a central role in creating the conditions under which people can freely embrace Islam. According to their conception, Islam’s global message must be promoted so that all people will be able to enjoy its just system. With Islam, the domination of man over man will end, and people will be subservient to God only. It is only through jihad that recognition of God as the sole sovereign and implementation of the shari’ah as the only law can take place. Mawdudi explains:

Islam wants the whole earth and does not contend itself with only a part thereof. It wants and requires the entire inhabited world. . . . Islam wants and requires the earth in order that the human race altogether can enjoy the concept and practical program of human happiness, by means of which God has honored Islam and put it above the other religions and laws. In order to realize this lofty desire, Islam wants to employ all forces and means that can be employed for bringing about a universal all-embracing revolution.
While Mawdudi operated in Pakistan, far from the core of the Muslim world, his colleague Sayyid Qutb, a leading member of the Egyptian Muslim Brotherhood, had a clear and direct effect on the thinking of the leaders of the current jihadi camp. Due to the significance of Qutb’s thinking for understanding the ideology of the global jihadis, I will discuss his perspective at length. For Qutb, jihad is a progressive program leading from peaceful proclamation to warfare on a limited scale to avenge wrongs done to Muslims, and finally to unlimited warfare. He believes that that world must be rid of the power structures that hinder the peaceful proclamation of Islam’s message, and that jihad is the means by which Muslims ensure that its call can be heard. The existing political, social, economic, racial, and class structures block the role of religion in the public sphere to the extent that preaching and persuasion alone will not suffice. Therefore, a violent struggle is required.

According to this view, jihad is not a specific type of warfare pursued under specific circumstances, but a permanent state as long as the world remains divided between Islam and the forces of ignorance. The ultimate state of peace will be achieved only when the religion is “entirely Allah’s” and when people have no other lords. In Qutb’s words, “when Islam strives for peace, its objective is not that superficial peace which requires that only that part of the earth where the followers of Islam are residing remain secure. The peace which Islam desires is that the religion (i.e. the law of the society) be purified for God, that the obedience of all people be for God alone, and that some people should not be lords over others.”

If the universal mission of Islam is to be promoted by jihad, then the distinction between defensive and offensive jihad becomes superfluous: the concept of defense is stretched to the point of meaninglessness. Defense is no longer restricted to the protection of Muslim land against military attack, but instead becomes the “defense of man against all those elements which limit his freedom.” Not only are Muslims allowed to intervene violently anywhere in the world where they are unable to proclaim their faith freely, they are even entitled to intervene in places that are not inhabited by Muslims. Qutb harshly criticizes those who emphasize defensive jihad in protection of territorial assets while ignoring Islam’s universal mission: “Those who say that Islamic jihad was merely for the defense of the ‘homeland of Islam’ diminish the greatness of the Islamic way of life and consider it less important than their ‘homeland.’”

Indeed, for Qutb, jihad must be worldwide and aggressive because the stakes are global. The world in its entirety must be free to accept or
reject the message of Islam; but for that condition to exist, the anti-God institutions of the international society that deny humanity of its right to make that choice must be forcefully removed. Such free choice is only possible when the whole world is under Muslim control.\textsuperscript{14} In the words of Qutb:

\begin{quote}
Islam—that is, submission to God—is a universal message, which the whole of mankind should accept or make peace with. No political system or material power should put hindrance in the way of preaching Islam. It should leave every individual free to accept or reject it, and if someone wants to accept it, it should not prevent him or fight against him. If someone does this, then it is the duty of Islam to fight him until either he is killed or until he declares his submission.\textsuperscript{15}
\end{quote}

This rejection of the distinction between defensive and offensive jihad can also be seen in thinkers who represent the transition from jihad against oppressive regimes to a jihad that is internationalized. Such is the case of Omar Abd al Rahman, a prominent figure in both the Egyptian jihadi scene and the global jihadi movement. When standing trial after Sadat’s murder, the blind sheikh dismissed the idea of a defensive jihad, asking the judges if the imperial expansion of the Islamic empire since the seventh century was also “defensive.”\textsuperscript{16} Abd al Rahman’s words were followed by deeds: he is currently incarcerated in the United States for his involvement in the 1993 bombing of the World Trade Center and in a plot to attack other New York landmarks.

If the jihadis indeed reject the division between defensive and offensive jihad and see it as a universal revolutionary struggle,\textsuperscript{17} why do many statements made to external audiences—Muslims and Westerners—focus on the defensive rather than the expansionist nature of the jihad waged by the al Qaeda–led jihadi movement? Indeed, jihadi speakers continually declare that defending Islam has become an urgent need because Islam’s enemies have now moved to the stage of direct occupation of the Muslim world.\textsuperscript{18}

There is a clear rationale behind such a presentation. First, it represents the jihadis’ true sense that Islam as a religion is under attack. But this characterization conflates pure defense against occupation with the view that the attack on Islam is a permanent condition that will last until the Day of Judgment, when the Muslim ummah will prevail over “the forces of falsehood” and Islam will dominate the globe. Because the rivalry between Islam and its opponents is eternal, such defensive jihad
cannot end with the alteration of the foreign policies of non-Muslim states.

Second, political and strategic considerations require justifying jihad as a response to specific policies of non-Muslim states. If the jihadis were to emphasize their view of a permanent cosmic struggle and their wish to impose Muslim rule around the globe, many Muslims would be reluctant to extend their support. Such an emphasis would probably lead numerous Muslims to see the jihadis’ goals as exaggerated and impractical and the jihadis as dreamers living in a fantasy world, unworthy of being followed by the masses. In contrast, the masses find the defense of Islam a more compelling reason for joining the war.

Revealing the scope of the jihadis’ aspirations could also be detrimental in relation to the non-Muslim audience. An important element in al Qaeda’s strategy is the attempt to cause division between the United States and its allies. States must believe that they have an option: that there is a way to avoid being attacked, and that the conflict can be solved with changes in policies. But if the true scope of the jihadi mission were to become self-evident, al Qaeda would risk having to face improved interstate cooperation against the jihadis.

Third, the doctrine of jihad that is currently accepted by mainstream Islam puts the legitimacy of offensive jihad in doubt. Defensive jihad is recognized as obligatory upon each Muslim (fard ain), while offensive jihad is a collective duty (fard kifayah) that is applicable only under the leadership of an imam and for which there can be exemptions (for example, one group of Muslims could fulfill the obligation on behalf of all Muslims). Consequently, if jihad is portrayed as offensive before a caliphate has been established, Muslims could argue that it is not supported by the scripture and that they are not obligated to participate. Emphasizing the defensive nature of jihad helps to avoid these objections.

Note that not all declarations to the masses stick to the more careful exposition of the goals of jihad. For example, in one of his statements, al Zarqawi promises Muslims extensive conquests. “God will make the Muslims conquer Rome, as his prophet, may God’s peace and blessing be upon him, has promised when he said that it will be conquered in the same way that Constantinople was conquered before. . . . We hope that God will render us more victorious than this. We ask God to conquer the White House, the Kremlin, and London.” One jihadi publication describing the jihadis’ strategy in Iraq claims that Arab and Western countries intervene there because they fear the consequences of a jihadi victory. They know, writes the author of the document, that “if the jihad fighters triumph, jihad will spill out from the boundaries of Sykes-
Picot, spread to the Arab countries adjacent to Iraq and to nearby enemies, and then spread to the other Western states [within] a global jihad campaign.\textsuperscript{21}

Further evidence for al Qaeda’s encompassing vision of jihad is revealed in the doctrinal manifestos that are designed mainly for internal consumption, including al Qaeda’s official publication, the \textit{Voice of Jihad}.\textsuperscript{22} One particularly interesting example is an article by al Qaeda protagonist Ali al Aliyani, who writes that “the Islamic state is not a territory on earth that has specific boundaries to be guarded, but it is everywhere in which Islam has penetrated and removed the polytheistic organizations—that has become part of the Islamic state.” Such a formulation renders every territory once under Muslim control now a target for jihad. But al Aliyani does not stop there, declaring that the Muslim leader should also push towards adjacent lands “in order to expand the area of the Islamic state, because Islam seeks [to dominate] the entire earth in order to subject it to the laws of Allah and His Messenger.”\textsuperscript{23}

Indeed, al Aliyani asserts that jihad’s most important goal is to return all humanity to its original state of monotheism, submitting to God and living according to God’s word and no other.\textsuperscript{24} In line with Qutb’s ideas, al Aliyani views jihad as a means to remove temptations, allowing people to appreciate the truthfulness of monotheism without impediments and to see the system of Islam, its justice and righteousness to humanity, in its totality. To achieve this goal, jihad must be carried out until infidelity is exterminated in its entirety “This is because infidelity is like cancer or even worse, so when an infidel does not convert to Islam or is not submissive to the laws of Islam then it is necessary to extirpate him so that the society in which he exists is not corrupted.”\textsuperscript{25} An additional value of the extermination of infidelity is that it would lead to the glorification of the Muslims, lifting them from disgrace. Jihad, al Aliyani clarifies, can cease only after the achievement of its ultimate goal: converting the entire world to Islam (except for the People of the Book and the Zoroastrians, who would have to pay the jizya tax and remain in a state of subservience and submissiveness). However, he does not expect this to occur because Satan will continue to lead humanity astray until he is defeated on the Day of Judgment. Thus, jihad will continue permanently.\textsuperscript{26}

\textit{The Jihadi Movement and the Tenets of the International Society}

The jihadis’ attitude to the tenets of the society of states is further evidence of the threat they pose. As I will demonstrate in the following pages, the al Qaeda–led jihadi movement rejects the constitutive normative
principles of the existing system, as well as the institutions and rules that derive from and promote these principles. At the same time, it offers an alternative order and advances a different organizing principle for world politics.

The state system. Al Qaeda’s vision rejects the legitimacy of the state system. It does not accept the anchoring of political life in a secular institution such as the state, or the division of the global terrain into independent separate states bounded by rules and norms that are set through practice or man-made decisions. A number of reasons stand behind this rejection. First, the jihadi worldview is divinely centered. The reference point for all aspects of life is religious; the Islamic shari’ah provides the tools and prescriptions for every aspect of behavior. Any political division of the world that is not sanctioned by the shari’ah is thus illegitimate. Furthermore, a system created and reproduced by the contact and association of separate states is guided by considerations and decisions made by men, whereas the jihadists negate any organizing principles and rules that do not derive from God’s decrees.

Second, the jihadists reject the division of the world into states because it breaks the Muslim world into numerous entities, whereas only one Muslim empire should exist. They argue that the West, particularly the United States, conspires to split the Muslim “nation,” the ummah, in order to weaken the Muslim community and prevent Muslims from realizing their religious and political destiny. This political division pits Muslims against each other, damages human and economic resources, destroys infrastructure, and divides society rather than bringing all Muslims together to fight the war against the United States and Islam’s other enemies.

Indeed, jihadi speakers continuously emphasize the indivisibility of the ummah and declare that what happens to Muslims in one place is the business of the entire Muslim nation. In a statement made in early 2005, al Zawahiri provided an illuminating example of this approach. Referring to the plight of the Palestinians, he declared their problems not a regional issue confined only to Palestine, but rather “an aggression on the house of Islam, as the Muslims are one nation, and their land is that of one country.” The indivisibility of the ummah and its primacy over arbitrary physical and territorial divisions is the foundation of every call to Muslims to assist their brethren in conflicts throughout the world, whether in Kashmir, Chechnya, Iraq, or elsewhere. The territorial divisions, the attempt to anchor people’s identity in national affiliation and to establish loyalty to states, are perceived as an obstruction to the di-
vinely ordained order in which the source of people’s identity and loyalty is their religion.

**Sovereignty.** Sovereignty is one of the main tenets of the society of states. It serves to denote a state’s sole authority over a territory, which ideally means that a state is sovereign to design and carry out policies inside that territory, and regarding the people that reside within its borders, without the intervention of external actors. This implies that states have the authority to devise their own domestic and foreign policies and are the only accepted agents to legitimately employ coercive means. In its second role, sovereignty represents an organizing principle for the international system, establishing patterns of behavior that reduce conflicts among its states.²⁸

Al Qaeda rejects sovereignty on several grounds. Most important, the jihadis negate the idea that sovereignty lies in any source other than God. Neither men nor the artificial institution that is the state can claim sovereignty, because it is God’s privilege as the creator of all things. Any attempt to locate sovereignty elsewhere amounts to equating oneself to God and deserves the punishment of death. Most religious currents reconcile the tension between God’s sovereignty and that of states and people by asserting that sovereignty belongs to God, who allows people to do as they choose. In this view God’s sovereignty is not part of this world; thus the logic of the state and the logic of religion are located in different spheres and do not conflict. However, the jihadis reject this formulation because they believe that God’s kingdom is part of this world, and that placing sovereignty in any other authority is usurpation of “God’s throne.”²⁹

Al Qaeda’s understanding of sovereignty restricts states’ rights to act. Sovereign rights in the international society include states’ discretion to grant rights to other actors and to enter into contracts with external parties without compromising their overall sovereignty. But to bin Laden and his followers, for one state to allow another to use its territory and facilities, even with explicit consent, indicates loss of sovereignty. For this reason, bin Laden argues that the reliance of the Gulf countries, especially Saudi Arabia, on Western support, and their agreement to serve as a launching pad for attacks against Iraq, amounted to such a loss.³⁰

Such a conception narrows the authority of leaders of Muslim countries. Muslim states are not allowed to pursue foreign policy that the jihadis interpret as conflicting with divine imperatives that may never be ignored, regardless of political or military interests. For example, Muslim leaders must maintain the religious purity of their states and resist
any Western presence; foreign non-Muslim elements, and especially military forces, must not be allowed to reside on Muslim land. Muslim governments do not have the authority to ignore these obligations; after all, “these countries belong to Islam and not to those rulers.” Domestic opposition to a state’s policies is not uncommon, but the negation of a regime’s legitimacy is usually attributed to lack of popular support or to deficiency in the procedures by which rulers gain power and make decisions, rather than to violation of religious imperatives.

The jihadi perspective is not restrictive only with regard to the political authority of Muslim states. The right of “infidel” countries to pursue their independent foreign policy is also limited, and the crucial factor in assessing its legitimacy is its effect on Muslims and Muslim states. Thus, whenever U.S. actions hurt Muslims, even indirectly, they are illegitimate and require resistance, namely jihad.

It comes as no surprise that when war results from a religious imperative, it challenges states’ exclusive right to declare war. Once the acts of a non-Muslim state meet the requirements for launching a holy war according to the interpretations of the jihadis, jihad then becomes obligatory. A true Muslim ruler will identify when these conditions exist and will lead a campaign against the “aggressors.” To refrain from such imperatives makes a leader a sinner. The obligation to fight remains, however, even if a leader fails to meet his responsibilities; it will then be assumed by true believers, the mujahideen. Therefore, because the regimes of the Muslim world have neglected their duty to fight jihad, al Qaeda has assumed that responsibility and leads the Muslim ummah in the war on Islam’s enemies—in clear contradiction of the idea of states’ privileges embedded in the concept of state sovereignty.

One of the fundamental privileges of states is the right to recognize the sovereignty of another entity (which Stephen Krasner calls “international legal sovereignty.”) Thus, states provide legitimacy to the statehood claims or status of other actors in the international system. But the jihadis do not accept that this prerogative can be awarded unconditionally to states, and instead restrict its application to both Muslim and non-Muslim states. In the view of bin Laden and his associates, states’ recognition power is reduced in Dar al Islam because once it has been controlled by Muslims, a territory—especially an Islamic sacred place—cannot become non-Muslim (for example, Spain and East Timor), regardless of states’ decisions. Hence, the recognition of Israel’s sovereignty is unlawful and a source for jihadis’ criticism of Saudi Arabia, the Palestinian Authority, and other Arab regimes. In bin Laden’s words, “the creation of Israel is a crime which must be erased. Each and every person whose
hands have become polluted in the contribution toward this crime must pay its price, and pay for it heavily.”

Bin Laden’s criterion of what constitutes a legitimate state is not external recognition or the meeting of some “standards of civilization.” Instead, legitimacy comes from the strict application of God’s injunctions. Thus, in the Muslim world only states like the Taliban’s Afghanistan (which received international recognition only from Saudi Arabia, Pakistan, and the United Arab Emirates) are legitimate. This example illustrates the huge distance between prevailing norms of state behavior in the current society of states and the religiously sanctioned vision of the al Qaeda–led jihadi movement. The jihadi’s rejection of the authority of states (as exercised directly or through international organizations) to grant recognition, and its appeal to a different source of authority for such recognition, represent a challenge to the international society.

**International law.** International law identifies the society of sovereign states as the supreme organizing principle of political organization; outlines the rules of coexistence among states; and helps in achieving compliance with the rules of the international society. Therefore, the rejection of international law and its role in international affairs (rather than simply of its application in particular cases) is evidence of the jihadis’ approach toward the international society.

Al Qaeda rejects international law on a clear doctrinal basis. According to the jihadis’ interpretation of the principle of *tawhid* (unity) in Islam, only God is sovereign to create law; any law that cannot be linked directly to the Qur’an and the shari’ah is a manifestation of unbelief. Any man-made law is invalid because, according to the jihadi narrative, those who create law actually try to make themselves partners and equals to God. Such a perspective implies that states lack the discretion to make domestic law, let alone international law.

International law is renounced not only as the creation of men, but also because it is shaped by non-Muslim states and reflects Western norms that are antithetical to what Islam prescribes for Islamic countries and Muslim people. Bin Laden makes it clear that international law is incompatible with Islamic law; Muslim leaders who refer to international law are automatically in opposition to the shari’ah and to the teachings of the prophet. As will be discussed below, the jihadis also reject international law because it frequently stems from UN resolutions.

**The United Nations.** The UN is an important symbol of the society of states; therefore, actors’ attitudes towards it indicate their attitude towards
the international society. The UN is a source of broad jihadi criticism. Many of al Qaeda’s grudges against it appear to be directed at its specific practices, but a closer reading reveals that the jihadis’ resentment goes much deeper and reflects a rejection of the basic premises upon which the institution is constructed.

In his declarations, bin Laden attempts to unmask the UN’s true nature as a tool that serves the narrow interests of the strong powers while violating the principles on which it was founded. Instead of working to achieve its declared goals, the UN has become “an instrument of crime against Muslims,” cooperating with the aggressors, the strong powers, in the suppression of the weak, mainly Muslims. It ignores the aggressors’ deeds but hastens to convict the weak who are trying only to defend themselves. It ignores the “torture” and killings of Muslims in Kashmir and Chechnya while supporting the U.S. military campaign against innocent people in Afghanistan. The UN is accused of providing the cover for Islam’s enemies to prevent Muslims under attack from obtaining weapons for their defense (this is an allusion mainly to the weapons embargo on the parties to the war in Bosnia). It also forced the separation of East Timor—a part of the Islamic world—from Indonesia, and in 1947 decided on the division of Palestine and thus “surrendered the land of Islam to Jews.”

Some of these accusations could be legitimately construed as being directed at the practices guiding UN action; but the depiction of the UN as representing an international order that is alien to what can be acceptable for Muslims, as well as the denial of some UN actions, represents a deeper and more fundamental hostility. The UN is called “an organization of infidel [countries] that shapes the nature of the relations between the lords of the veto, headed by America, and the slaves of the General Assembly, and then speaks mendaciously and distortingly of justice, equality, and freedom.” Thus, this is not an organization that has lost its way but could be repaired if states remained loyal to the principles upon which it was founded. Instead, the jihadis view the UN as another manifestation of a conspiracy to perpetuate a world order serving the evil wishes of the “infidels” and preserving the alleged submission of Muslims to the Crusaders’ alliance, allegedly led by the United States.

The global jihadi movement also rejects the common roles that states have granted the UN. As a natural derivative of their refutation of states’ right to provide external recognition to the sovereignty of other state actors, the jihadis also deny the significance of a state’s admittance to the UN and other organizations, which is generally viewed as the ultimate external recognition of a state’s sovereign status and concomitant inter-
national legitimacy. Moreover, the jihadis object to the practice in which some states (especially decolonized states) have acquired their independence and sovereign status directly through UN resolutions. The most bothersome of such cases in the jihadis’ eyes are the UN decisions to grant independence to Israel and East Timor. Both were harshly decried by bin Laden as part of a UN-led conspiracy to divide and annihilate the Muslim world.\footnote{44}

Another feature of the UN that is incompatible with the jihadi worldview is its symbolic role as the place where states achieve international collective action, anchor their foreign policies in international norms, and appeal for international legitimacy. Bin Laden argues that the desire for international legitimacy contradicts, at least with respect to the Arab leaders, the legitimacy and superiority of the Qur’an and Islamic law. As discussed earlier, al Qaeda also rejects the role of the UN and its organs in the creation of international law. Moreover, the norms on which the UN rests are Western and antithetical to Islam. Hence, in bin Laden’s opinion, those who seek the UN’s support deny the legitimacy of the Qur’an, providing further evidence of their betrayal of Islam.\footnote{45}

A change in UN practices could not render it more legitimate or compatible with the jihadi visions. Its foundations, as well as those of other international institutions and universal conventions (including the Geneva Convention and other human rights treaties), are simply deemed un-Islamic,\footnote{46} and consequently could never be compatible with the religious requirements that guide the jihadis’ actions.

**Democracy and democratic elections.** In the current international society, a state does not have to be a democracy in order to be a member; but if one extrapolates from the manner in which the norms of human rights slowly become causes for intervention in states’ domestic affairs, it is reasonable to assume that in the future the presence of a certain level of democratic characteristics may become a normative precondition for membership in the international society. Thus, the jihadi movement’s approach to democracy can serve as an additional indicator of its compatibility with the international society.

For the jihadi movement, the trend of democratization in the Middle East, no matter how slow, is a serious threat. Once again, doctrinal concerns dictate the movement’s objection to the democratic process. The jihadis view democratic reforms as the continuation of the Western plot against Islam. But strategic considerations are also present in their opposition to democratic reform, as they feel that the spread of democracy might hinder their attempts to capture power in Muslim states.
In December 2004, ahead of a wave of elections in the Middle East—in Iraq, the Palestinian Authority, and Saudi Arabia—bin Laden raised his objection to the electoral process and to democracy in general, invoking three main themes. First, he declared that participation in governmental legislative bodies is prohibited because such bodies legislate for the people, thus assuming God’s prerogatives and trying to become like God. Both candidates and voters are deemed apostates. Legislation, bin Laden had asserted in an earlier statement, “is one of the main characteristics of godliness. Hence, he who wittingly endorses this [Iraqi] council and this constitution will then reject Allah the Almighty.”

A second, and secondary, reason to oppose democratic elections in the Muslim world is the belief that they do not represent genuine attempts to reform Muslim countries or to award people their rights. Rather, the electoral process is just another disingenuous act taken by ruling elites with the purpose of perpetuating their control of Arab states. A third reason bin Laden raises is that elections held under occupation cannot be legitimate—as with the elections in Iraq, which were ordered by the United States. In the same vein, bin Laden had opposed the presidential elections in the Palestinian Authority because “the land is under occupation, the constitution of the land is jahili, made by man . . . and the candidate Mahmoud Abbas is a Bahai [i.e. not a Muslim] who was brought in . . . under the Oslo Accords.”

Yousef al Ayiri, one of al Qaeda’s most prominent ideologues—who died in a gun battle in Saudi Arabia in June 2003—also warned that secular democracy is a form of unbelief that aims to destroy Islam. Democracy, he argued, is even more dangerous than modernism, nationalism, and socialism—other manifestations of unbelief—combined, because democracy has “seductive capacities.” It persuades people that they are in charge of their destiny, thus leading them to ignore God’s “unalterable laws.” Its threat makes the fight against the democratic experiment in Iraq particularly crucial because if democracy succeeds in Iraq, it will spread to the whole Muslim world and lead Muslims to abandon jihad.

To reiterate, al Qaeda’s attitude towards the basic tenets of the international society puts it in direct conflict with that system. The members of the network reject the state system, refuse to accept the concept of state sovereignty and its role as an organizing principle in the international society, deem the UN, other international organizations, and the institution of international law as contradictory to the divine message, and object to democracy and in particular its spread throughout the Middle East. In the next section, I will show that the jihadists also refuse to obey international norms concerning limitations on the use of
force, in particular the prohibitions on targeting noncombatants and the use of WMD.

The Jihadi Approach to WMD

In order for the jihadi movement to become a tangible threat, its attitudes and ideology must be supplemented by capabilities. Thus, this section will focus on al Qaeda’s pursuit and willingness to use WMD. Al Qaeda has never disguised its desire to acquire weapons of mass destruction, including nuclear capabilities. Bin Laden himself has stated that it is a religious duty for those fighting a jihad to acquire the most effective weapons available, including WMD. Furthermore, “it would be a sin for Muslims not to try to possess the weapons that would prevent the infidels from inflicting harm on Muslims.” Following India’s nuclear tests in 1998, bin Laden called on the Muslim nation in general and Pakistan in particular to prepare for jihad, including a Muslim nuclear bomb. The Muslim nation, he argued, has at least the same right as Israel and the “Christian West” to possess nuclear weapons.

An abundance of evidence proves that al Qaeda has been actively seeking to obtain WMD. After initially focusing exclusively on the acquisition of nuclear weapons, the network gradually began to consider biological and chemical weapons as well. Al Qaeda tried to buy radioactive material for nuclear weapons as early as 1994. But according to the information available, at each attempt it either failed to find a seller or was scammed. The last in a string of frustrating efforts preceding 9/11 came in August 2001 when two Pakistani nuclear scientists met bin Laden and his lieutenants in Afghanistan to discuss the requirements of a nuclear project. The scientists also examined and dismissed the radiological material that the network had acquired through the Islamic Movement of Uzbekistan as unsuitable for manufacturing nuclear weapons. These scientists appear to have given bin Laden a road map for building nuclear weapons in addition to recruiting other scientists to assist al Qaeda. The efforts to obtain nuclear capability proved especially costly for the network in 1996, when one of al Qaeda’s three founders, the Egyptian Abu Ubaydah al Banshiri, drowned in a ferry accident in Lake Victoria while on a mission to obtain material for the production of nuclear weapons, or at least for a dirty bomb.

Al Qaeda had only modest success with the other elements of its WMD program. Its chemical weapons program in Afghanistan consisted of laboratories where it succeeded in producing cyanide and in developing crude procedures for making mustard agents, sarin, and VX; but it
had made little further progress when the American invasion disrupted its operations.\textsuperscript{59} Al Qaeda also launched a biological weapons program in 1999; it planned a training program and tried to obtain equipment for a laboratory, but had little success in obtaining a needed sample of deadly anthrax. Biological weapons experts assert that al Qaeda knew which materials and equipment it required, but that its handling of the program at that stage was not sophisticated enough.\textsuperscript{60} Failing in these efforts, al Qaeda proceeded with the 9/11 plot but maintained its aspirations to obtain WMD and use them in the later stages of the conflict.

The tremendous difficulties the network faced in pushing forward its nuclear program before 9/11 only increased after it lost its base in Afghanistan. Lacking the needed equipment and laboratories, al Qaeda could obtain nuclear weapons either off the shelf or by purchasing enough fissile material to assemble a crude nuclear device. Experts agree that while the threat is real, neither method is likely to bear fruit for the network in the short term.\textsuperscript{61} Consequently, its main drive since 9/11 has been toward the acquisition of biological and chemical weapons, as the technology for their development is comparatively easy.\textsuperscript{62} Specialists are confident that al Qaeda will eventually gain the expertise to launch a small-scale biological attack resulting in mass casualties.\textsuperscript{63} The route to chemical weapons is expected to be even easier.\textsuperscript{64}

Although al Qaeda had decided to pursue WMD almost a decade before the 9/11 attack, internal disagreements impeded the formulation of a clear strategy for their use. The hardliners among its leadership (led by Abu Atef and al Banshiri) advocated obtaining them and storing them on U.S. soil for use immediately after an American attack on Afghanistan. According to a member of al Qaeda’s leadership, these hardliners viewed the possession of WMD as a means to punish the United States should it use similar weapons against Muslims, and in particular against Afghanistan. Part of the debate surrounded the permissibility of harming civilians. The hardliners argued that killing civilians was inevitable due to the nature of modern armament and because civilians are an integral part of the overall scene. When the “moderates” claimed that the use of WMD could create negative public opinion in the West against the mujahideen, the hawks responded that the West was already using depleted-uranium bombs that allegedly have caused effects similar to those of nuclear weapons in terms of fatalities and environmental contamination.\textsuperscript{65} The debate was not resolved. Instead, bin Laden approved the efforts to acquire WMD, leaving the question of how they might be used to a later stage.
While prior to 9/11 al Qaeda’s WMD-related statements concerned its right and obligation to obtain such weapons but not how they would be used, after 9/11 the jihadis explicitly declared their right to use WMD. Preparing the ground, al Qaeda spokesman Sulayman Abu Ghayth declared that under the principle of reciprocity, Muslims were allowed to kill four million Americans, half of them children. He insisted that under this principle the Muslims had the right to fight the United States “with chemical and biological weapons, to cause them to catch lethal, strange and bizarre diseases that have struck the Muslims because of their [the Americans’] use of chemical and biological weapons.” A few months later, at the end of 2002, the moderator of a radical Islamic Internet forum published a short article in which he called for the use of nuclear weapons to destroy the United States. The author asserted that the use of nuclear weapons was justified because they were the only way to kill large numbers of Americans, and because the United States itself was allegedly using “the most violent weapons” to bomb civilians in Afghanistan and Iraq.

This change may result from the growing understanding that in order to succeed in its battle, al Qaeda will need stronger means of violence. A member of bin Laden’s close circle criticized him after the fall of Afghanistan for underestimating U.S. power. Because bin Laden dismissed the United States, he believed that a few hits would be sufficient to bring about its collapse; therefore he failed to strategize for the possibility that his rosy scenario could fail to materialize. The defeat of al Qaeda and the Taliban in Afghanistan led al Qaeda to recognize that WMD should take a more prominent role in its plans.

In November 2001, bin Laden sent deterrence threats to the United States and its allies, declaring that he possessed nuclear and chemical weapons and would use them if Washington employed such weapons in their campaign against him. Western sources do not believe that al Qaeda possesses the bomb, and it appears that this was a bluff to intimidate the Americans; but the reference attests to WMD’s growing significance after 9/11. A book by Abu Musab al Suri, one of the movement’s main ideologues, confirms the growing importance of WMD in the jihadis’ thinking. Al Suri argues that WMD are the only means by which the jihadis can fight the United States from a point of equality; he even criticizes bin Laden for failing to use them in the 9/11 attack. The use of WMD, he argues, could shorten the struggle and could also serve to retaliate against Washington’s “barbaric behavior.” Dismissing the usefulness of alternative means, al Suri states that “the ultimate choice is the destruction of the United States by operations of strategic symmetry through weapons of mass destruction.”
The growing emphasis on WMD was coupled with increased public discussion about the permissibility of their use. To legitimize the use of WMD, al Qaeda sought a religious edict by an Islamic scholar, and obtained it in 2003. The fatwah was needed due to the indiscriminate nature of such weapons, which conflict with Qur’anic verses that prohibit the killing of innocents. Since even the permissibility of suicide bombing is hotly debated (though its extensive use by Palestinians against Israelis made it relatively acceptable to large numbers of Muslims in the Middle East), it is no wonder that the use of WMD raises serious religious questions. It is difficult to convincingly repeat the claim that noncombatants killed during attacks are no more than collateral damage; the scale of WMDs’ destruction and lethality requires stronger arguments.

The fatwah—the first direct Islamic ruling about the use of WMD—was issued by Sheikh Naser bin Hamad al Fahd, one of the young scholars among the Saudi Islamist opposition forces. In the ruling, al Fahd paves the way for a religious discussion of WMD by first dismissing attempts to anchor the answer in international law and traditional political discourse. He argues that because international law is not part of the Islamic divine law, and because the proscription of WMD belongs to God and not to humans, any reference to international law is unwarranted.

Al Fahd then dismisses the reference to nuclear, biological, and chemical weapons as WMD, arguing that mass destruction could also be caused by bombs that are classified as conventional. In his opinion, the classification of WMD stems from the interests of Western countries, not from a wish to defend humanity. The West wants to protect itself and monopolize its control over these weapons under the pretext of banning them internationally. Al Fahd criticizes this alleged monopoly and argues that if the United States and other nations are allowed to possess such weapons, they cannot be prohibited for Muslims.

Al Fahd uses a number of justifications for WMD. First, he states that under the principle of reciprocal response, Muslims are allowed to kill as many of their enemies as were killed by those enemies. More specifically to the possibility of attacking the nuclear-armed United States, he argues that the mujahideen should attack their “aggressor by identical force.” Since the United States killed, he claims, ten million Muslims, it is permissible to bomb it in a way that will kill ten million people as well. Second, al Fahd relies on the words of the Prophet that “if you are ordered to do something—do it according to your best ability.” And “Allah has ordered you to do everything perfectly. Hence, if you kill do it perfectly, and if you slaughter, do it perfectly. Everyone should sharpen his blade and ease his slaughter.” From these sayings, al Fahd infers that
if WMD is the perfect weapon to defeat the enemy, and if this is the only way to defeat that enemy (especially one “who attacks religion, soul, honor, mind, and homeland”), then WMD constitutes every means possible. Third, al Fahd contends that need could also render the use of WMD permissible even if civilians, including innocent Muslims, could be killed. In his opinion, necessity surpasses all prohibitions. Al Fahd’s opinion appears to reflect a consensus among jihadi circles. It was not followed by debate in the many radical jihadi Web sites, forums, and chat rooms. If anything, one can find expressions of hope in those forums that al Qaeda will use WMD against the West.

Recently jihadis have escalated their claim that the United States is employing such weapons against the mujahideen. Such claims were probably intended, among other things, to prepare the ground for the future use of WMD by al Qaeda. After all, if the United States is using such weapons, then retaliation using such weapons will be much less controversial among al Qaeda’s audience. A number of other considerations also suggest that once al Qaeda obtains WMD it is likely to use them. First, as discussed above, it is quite clear that international norms regarding the use of force, of which the norm against the use of WMD is one, do not affect the jihadis’ calculations. Al Qaeda has proven repeatedly that it finds the norm against targeting civilians meaningless. The jihadis indiscriminately kill noncombatants including women, children, and the elderly. They also do not shy away from massacring Muslims. If the jihadis do not respect the norm against targeting civilians, it seems unlikely that they will respect the norm against the use of WMD.

Second, even before obtaining the fatwah, the jihadis unapologetically presented a set of explanations that supposedly justify the mass killing of civilians. When mass killing is justified in principle, its scope can easily be extended to cover the use of WMD. Moreover, if the establishment of the Islamic caliphate requires annihilating all Jews and Christians, as a lead article in al Qaeda’s online magazine has maintained, the use of WMD would be only reasonable.

Third, there have been specific schemes to use WMD. Most but not all were thwarted in their early stages; but they suffice to confirm the jihadis’ intentions. In 2003, British authorities prevented a poison attack by al Qaeda–trained operatives who planned to place ricin on handrails and in lavatories on the Heathrow airport express train. Jordanian authorities claimed to have thwarted a larger chemical attack by al Zarqawi’s affiliates that could have killed thousands of people; the main designated target was the headquarters of the Jordanian intelligence department. However, it is not clear how advanced were the network’s
efforts to produce the chemical weapons for the planned attack. Al Zarqawi himself vehemently denied that the plot included the use of chemical weapons. Another foiled plot concerned a planned attack on a nuclear facility in the Netherlands.

Fourth, because al Qaeda does not have a territory-based constituency—authority and control over the Muslim world are still reserved to states—the calculations of deterrence are too uncertain and circumstantial. It is unlikely that the United States could retaliate with WMD against a Muslim country just because al Qaeda has strong popular support in that country. Such retaliation is possible only against countries that actively help and harbor al Qaeda leaders. In such a case, we are back to interstate relations and traditional deterrence considerations. Indeed, unless the network gains a tangible asset, it is hard to imagine that a credible threat could be directed against it.

Despite significant evidence that the al Qaeda–led jihadi movement poses a systemic threat, the jihadis’ references to specific resentments can mask the incompatibility between the principles they advocate and the fundamental principles guiding the society of states. Instead, some of the jihadi declarations may focus attention on policy disagreements. In the following section I will argue that policy adjustments by states will not be sufficient in dealing with the jihadi threat.

Jihadis and U.S. Foreign Policy?

One of the main objections that could be made to my argument that the al Qaeda–led jihadi movement represents a systemic threat is that al Qaeda resists only the foreign policies of specific countries (in particular the United States) and could accept the continued existence of the international society. If this is indeed the case, the way to resolve the conflict is relatively straightforward: simply amend the policies to which the jihadis object. I argue that while policies constitute a significant element in al Qaeda’s resentment, their importance as the underlying cause for al Qaeda’s existence should not be overstated.

Al Qaeda holds extreme views about the manner in which Islam should be reflected in the lives of Muslims, and about Islam’s role in humanity in general. Naturally, when the vision conflicts with reality, the disparity takes on both ideological and visible dimensions. Just as the allegedly unjust situation takes concrete, tangible form and is manifested in visible signs and events, so the hoped for “just order” would feature visible indications. To emphasize the observables without con-
necting them to the jihadis’ ideological program would lead to a partial understanding of the threat and to a misguided approach in addressing it. After all, it is the broader ideological framework that gives the jihadis the lenses with which to interpret reality.

Bin Laden’s statements and interviews provide numerous indications that one should look beyond policy complaints. The jihadis’ list of grievances stretches back in time to periods when U.S. involvement in the Middle East was marginal at best. For example, bin Laden connects the current conflict to the Sykes-Picot agreement between France and Britain, which divided the Middle East after World War I and allowed the colonial powers to instate rulers of artificially created states. Furthermore, he claims that the United States’ alleged aspiration to conquer and divide Saudi Arabia did not originate in Washington, but rather that Britain passed the plot to the United States when the latter assumed leadership of the Western world after World War II.  

But the global jihadis do not see the United States as just the heir to the colonial powers; their perspective extends further back in history to the beginning of time. For them the clash with the United States is just another phase in a cosmic struggle between the forces of truth, represented since the prophet’s days by the Muslim ummah, and the agents of falsehood. Bin Laden has proclaimed that “the confrontation and conflict between us and them started centuries ago. This confrontation and conflict will continue because the conflict between right and falsehood will continue until Judgment Day.”

Often the conflict is framed in religious and ideological terms. Names of states are mentioned, but they belong to wider groups whose identity markers surpass national boundaries. The targeting of the region’s states by malevolent external enemies does not stem merely from the enemy states’ simple instrumental interests. It is primarily the consequence of the Muslim identity of the alleged victims and the “infidel,” “Christian crusader,” or Western identity of the attackers. The unfolding events are the result of a Zionist-crusaders conspiracy against Islam. Therefore it is not merely an attack on Muslim states, but an attack on Islam and the whole Muslim ummah. In bin Laden’s words, “the battle is between Muslims—the people of Islam—and the world Crusaders.”

Shortly after the beginning of the U.S. assault on Afghanistan in 2001, bin Laden tried to rally all Muslims to the cause by declaring the conflict a religious rather than interstate war. “Under no circumstances should we forget this enmity between us and the infidels. For the enmity is based on creed.” Bin Laden finds partial support for this claim in President Bush’s
innocent use of the term “crusade”—a common colloquialism that represents commitment to struggle, which lost much of its religious connotation many years ago—to depict the campaign to uproot al Qaeda and its associates. If the enmity is based on religious differences, it cannot be stopped by political means. Consequently, for the jihadis the only way to end such a conflict is by the victory of one religion and the submission of the other. Bin Laden sees the outcome as inevitable, as it is ordained in the Qur’an that Islam will eventually dominate the world and its occupants.

In numerous declarations, the network’s spokesmen warn that hostility towards Islam has acquired a global dimension. That hostility, they argue, now manifests itself in a coordinated global campaign to eradicate Islam from the face of the earth. Before officially joining with al Qaeda, al Zarqawi’s network in Iraq argued that the main goal of the United States is “to completely destroy Muslims, erase their ideology, and occupy their land to steal their wealth.” Therefore, all Muslims throughout the world must join forces and “assume their full responsibilities in facing this attack by the Crusaders and the Jews.”

Al Zawahiri credits the mujahideen with bringing to light the hostility towards Islam, as Islam’s enemies understand the rise of a robust mujahideen force to be antithetical to the existing world order and a factor that requires them to change their strategy. “Of course the world order was not going to accept the existence of this growing phenomenon of Arab Afghans that is rebellious against it and a threat to its existence, especially after Western and, later, communist occupation made continuous efforts over an entire century to subjugate the Muslim nations with regulations, laws, forged elections, states of emergency, and immigration and naturalization laws.”

Al Zawahiri argues that the emergence of the mujahideen as a force to be reckoned with compelled the United States to intervene directly in events in the Middle East, lest Egypt fall. But the American intervention cannot be attributed merely to the intrinsic value of Egypt to the United States. According to al Zawahiri, the United States was convinced that with the fall of Egypt “this spirit of jihad would most likely turn things upside down in the region and force the U.S. out of it. This would be followed by the earth-shattering event, which the West trembles at the mere thought of it, which is the establishment of an Islamic caliphate in Egypt. Such a state . . . could lead the Islamic world in a jihad against the West. It could also rally the world Muslims around it. Then history would make a new turn.” From this analysis, al Zawahiri concludes that the United States will open battlefronts against the mujahideen all over the
world in order to repel any Muslim force that might threaten the existing order. Naturally, the response of the Muslim ummah must be in accord with the onslaught—that is, it must also be global.

If the struggle were just about political grievances, there would be room for compromise. But some of the Qur’anic quotes regularly used by the jihadis suggest that the end of this conflict hinges on the elimination of the enemies or their submission to Islam, either by conversion or by accepting its rule and the position of a tolerated and subordinated minority within a Muslim entity. Bin Laden’s decision to open his declaration titled “Exposing the New Crusader War” with verse 9:5 of the Qur’an is illustrative. “Then when the sacred months have passed, then kill the polytheists wherever you find them, and capture them and besiege them, and prepare for them each and every ambush. But if they repent and perform Salah and give Zakah, then leave them free. Verily, Allah is oft-forgiving, Most Merciful.” Note that bin Laden uses this verse without providing any context that could mitigate its interpretation, signaling that he indeed views it in its most extreme interpretation.

The American presence in Saudi Arabia, its support for Israel, and its occupation of Iraq and Afghanistan top the jihadis’ list of grudges. If the grievance is mainly about policies, providing a solution to these contentious issues should in theory terminate the jihadi campaign against states outside the Muslim world. In reality, however, the focus on these policy concerns, though real, is misleading. The jihadis’ argument about the American presence in Saudi Arabia is weak because the United States maintains only a limited and unexceptional presence there. One may then revert to the argument that the problem goes beyond physical presence, focusing on U.S. influence in the Muslim world; but this negation of the legitimacy of any influence between states would force us to alter conventions and historical practices in international relations.

It is no surprise that the jihadis do not explain what their demands from the United States entail in practice. They settle for insisting that it “desist from aggressive intervention against Muslims in the whole world.” The list of claims leveled against the United States suggests that nearly every aspect of American foreign policy can be and is construed as an attack against Islam and Muslims warranting a violent response. Bin Laden accuses Washington of attacking Muslims in Somalia, though that mission was a humanitarian one to which it subscribed only reluctantly. The United States is also blamed for supporting the Russians in Chechnya, despite the lack of evidence of any tangible American involvement. The jihadis also refuse to acknowledge that U.S. leverage over Russia is
severely limited. Indeed, bin Laden fails to explain how the United States should respond to the events in Chechnya, thus strengthening the sense that his hostility goes beyond foreign policy disagreements.

Bin Laden also maintains that the United States supports India in its “oppressive” acts against Muslims in Kashmir. In these accusations he ignores reality once again: the United States allied with Pakistan and not India for most of the Cold War; its relations with India prior to 9/11 were usually characterized as distant. The U.S. failure to prevent the nuclear race on the subcontinent strongly illustrates the significant limitations of its influence on India; but the jihadis’ conspiracy-driven worldview prevents them from entertaining this possibility. Taken together, these examples suggest that the policy changes al Qaeda demands represent nothing less than the subordination of U.S. policies to bin Laden’s agenda, making the United States responsible for actively advancing the jihadis’ conception of Islamic interests.

The accusations regarding U.S. relations with the regimes of the Middle East further illustrate the open-ended nature of the jihadis’ grudges. Bin Laden blames Washington not just for supporting oppressive regimes in the region, but also for ordering the oppression and supervising the regimes’ policies to guarantee their continued subjugation of the region’s people. Such extensive conspiracy does not easily lend itself to corrective behavior. Moreover, since the United States is charged with direct responsibility for Muslim suffering under these oppressive regimes, any outcome short of the complete realization of the jihadis’ agenda will be attributed to malevolent U.S. action. In this way, the United States is in fact held captive by the regimes themselves: as long as they continue to confront the jihadis and not capitulate to their wishes to establish Islamic law in their own style, the United States will be held accountable and be considered a legitimate target for attacks.

Bin Laden’s “Letter to America” is instructive of the real nature of al Qaeda’s goals. It seeks to address two questions: why does al Qaeda fight the United States, and what does it expect Americans to do to end the conflict? Bin Laden lists seven demands which, if met, will lead the mujahdeen to stop targeting it. Two of these requirements are particularly relevant to our discussion. Bin Laden’s first demand—hardly a foreign policy issue—is a call to Islam. This demand is followed by a call for Americans to stop the “oppression, lies, immorality and debauchery that has spread among you. We call you to be people of manners, principles, honor, and purity; to reject the immoral acts of fornication, homosexuality, intoxicants, gambling, and trading with interest.” While some of those traits
affect U.S. foreign policy, the call is a blanket demand for internal change inside the United States and for revolutionizing American society.

David Cook argues that the connection between jihad and the policies of non-Muslim states is overstated. For the jihadis, jihad is much more than an instrumental attempt to change the policies of Islam’s rivals. It is a building block of Islamic society, an obligation equal to the five pillars of Islam (declaration of faith, prayer, charity, pilgrimage, and fasting), and, for many, even more important. In the words of the late Egyptian radical leader Abd al Salam Faraj, it is the “neglected duty.” A jihad-based society is one that will enforce the boundaries between belief and infidelity, and create the environment in which the Islamic faith can be practiced in its entirety, “where the Muslim will stand proud and dominant rather than weak and submissive.”

Conclusions

In this chapter I have shown that the al Qaeda network and the global jihadi movement it leads represent a threat to the international society. Al Qaeda’s worldview is antithetical to the principles on which the international society is based; it rejects the rules and institutions that derive from those principles and presents an alternative organizing principle, based on religion, for world politics. In the process of becoming a systemic threat, the jihadis have abandoned the traditional doctrine of jihad and created one that expands the justifications for jihad, its geographical scope and targets, and its role in Islam. The result is a belligerent vision that is irreconcilable with the norms and rules of behavior that guide actions in the international society.

The jihadis’ rhetoric, particularly in their statements to uncommitted audiences and non-Muslim crowds, may create the false sense that the motive behind al Qaeda’s acts is resistance to specific foreign policies. But such a perspective misses the ideological foundation that underlies some of these complaints, the strategic considerations that dictate some ambiguity about the network’s goals, and the statements jihadis make when they feel free to express the full scope of their vision. Al Qaeda’s ideology constitutes a substantive part of my argument about the nature of the threat the jihadis pose. But ideology is only a necessary, not a sufficient, condition for the emergence of a systemic threat. The al Qaeda–led jihadi movement represents a threat to the international society because in addition to its ideological rejection of that society, it actively seeks WMD with the intention of using them. Thus the combination of ideology,
attitudes, and considerations of capabilities leads to the conclusion that the jihadis pose a threat to the whole system.

When faced with a systemic threat, states band together and cooperate to repel it. The following chapters are dedicated to the response of the members of international society. I will show that they have indeed responded collectively, designed a comprehensive strategy against the jihadis, and taken costly measures to confront them.
Several decades after a global jihadi movement evolved on the killing fields of Afghanistan and in Pakistan’s border territories, its tentacles took root around the globe. Zealous radical Muslims have been fighting “infidels” in Kashmir, Chechnya, and Afghanistan. Meanwhile, their comrades in various Arab countries have been struggling to topple “un-Islamic regimes” or recovering from clashes with authorities and reorganizing to launch more clashes. Cells of jihadis have been spreading throughout the West, many taking advantage of lax asylum laws and strong freedom-of-speech legislation in European countries. Meanwhile, al Qaeda has been devoting enormous efforts to strengthening connections between various radical groups and individuals, to broadening the ranks of the jihadi movement, and to igniting a “clash of civilizations.”

Al Qaeda was a systemic threat years before 9/11. The powder keg that exploded on September 11, 2001, had been in place long before; it was only ignited on September 11, thus providing a vivid demonstration of the danger posed by the jihadi movement. In chapters 2 and 3 I have traced the evolution of the globalized jihadi movement and discussed the systemic threat the al Qaeda–led movement represents. In this chapter the focus shifts from the
threat to the manner in which states respond to it. This chapter elucidates the rationale behind this collective endeavor and prepares the ground for discussing five spheres of state action that are linked to the war on terrorism: the regime to prevent terrorist financing; the regime to deny non-state actors access to WMD; the tightening of states’ control over their borders; modifications to the doctrine of self-defense in interstate relations with the aim of denying terrorists existing and potential state support; and democracy promotion. The exposition of these general guidelines for multilateral action will be used later to explain variation in the quality of states’ cooperation on these five subjects as a function of the consistency between the courses of action proposed and the constitutive principles of state sovereignty and nonintervention.

This chapter comprises four sections. In the first I discuss changes in the international society’s approach to counterterrorism following 9/11. The second section presents the principles guiding the war on the global jihadi movement: state sovereignty, state responsibility, interstate cooperation, and the bolstering of the state. In the third section I discuss the role of U.S. hegemony and the UN in the campaign against the jihadi movement. And in the fourth, I highlight the enormity of the task taken on by states in their attempt to repel the jihadis. Because the scope of the antiterrorism project does not lend itself to quick results, I argue that its progress should be assessed not only in light of the threat, but also in light of the task.

Antiterrorism Before 9/11 and After

Terrorism was on the international agenda prior to September 2001, but it was perceived as neither an urgent problem nor a collective one. Had all states been targeted, and by the same entity, they would have been more likely to sense a shared threat and see their mutual interest in fending it off. But not all states were exposed to terrorism, and those who were had been hit by a variety of terrorist entities. Consequently, rather than viewing terrorism as a threatening phenomenon that requires comprehensive collective treatment, states tended to identify as terrorism only the threats against themselves and their close allies. Outside their small universe, they normally saw only a host of separate conflicts between states and local groups that manifested local grievances through violence. Even when states did consider terrorism as a phenomenon, their divergent views on what constituted terrorism and who could be considered a terrorist, as well as on its causes and how best to confront it, obstructed any meaningful, broadly collaborative action.
Despite a considerable increase in states’ interest in terrorism since the 1970s, little has been done to confront the problem systematically. Action on the UN stage has reflected states’ inability to translate the growing awareness of terrorism’s implications into robust, urgent measures. According to Edward Luck, the great potential of politicizing the topic made the UN “anything but enthusiastic about taking on a larger role in countering terrorism.” The claim that terrorist tactics are the weapon of the weak struck a chord in many parts of the developed world and limited the UN’s ability to lead a campaign to uproot terrorism.² Even increased recognition of the threat’s severity did not result in sufficient practical input by the world body. For example, in 1996 the General Assembly took a step forward and established a new ad hoc committee with the goal of identifying gaps in the global legal framework that deals with terrorist activity, and helping to close these gaps. But the committee’s record was mixed: while it succeeded in finalizing two thematic universal treaties on the suppression of terrorist bombings and financing, its main effort, the conclusion of a comprehensive antiterrorism treaty, faltered.³ The Security Council, too, shied away from robust engagement with the question, putting it on its agenda for the first time only at the beginning of the 1990s.⁴

States’ failure to agree on a common definition of terrorism stood out as a critical obstacle to collaboration. The colonial experience of many newly independent states, in particular those in the Muslim world, delineated the fault line in states’ approaches to such a definition: most postcolonial states saw as legitimate any action taken during struggle against foreign occupation with the goal of achieving self-determination, regardless of the means used.⁵ These countries objected to the focus on killing civilians, regarding it as an effort to delegitimize the right of the oppressed to resist. Meanwhile, they insisted that state terrorism should become the central target of any antiterrorism campaign, thereby distancing themselves further from the position of most Western countries.

Absent the demonstration of unarrested terrorism’s fatal implications, states rigidly adhered to their uncompromising ideological stands. Consequently, multilateral action based on clear, agreed-upon principles failed to materialize prior to 9/11. Instead, the little collective action that took place was guided by a thematic approach that tackled only specific components of terrorist activity such as kidnapping, aviation, and maritime terrorism.⁶ This approach resulted in twelve antiterrorism conventions, most with limited scope and no verification or enforcement mechanisms. In reality they required little more than a verbal commitment;
but many countries chose not to make even such a modest gesture, and declined to join.

This pre-9/11 approach fell far short of successfully establishing a normative rejection of terrorism or designing a holistic strategy to confront the threat. As argued in the report of the High-Level Panel on Threats, Challenges, and Change—sixteen internationally recognized and highly-reputed figures charged with analyzing the challenges of the twenty-first century and making recommendations to the members of the international society—“there is a clear difference between this scattered list of conventions and little-known provisions of other treaties and the compelling normative framework understood by all, that should surround the question of terrorism.”

The 9/11 attack was a wake-up call for the international society. It signaled to its members that they were facing a rival of distinct nature. As before, states repeated the ritual of condemning the use of violence and voicing solidarity with the victims. But unlike in the past, most members of the society perceived the attack as being directed not only at the state that had been “physically” hit—the United States—but at the international society as a whole. Although statesmen rarely use the same terminology as scholars, precluding the use of “systemic threat” to characterize the al Qaeda network, states’ reactions indicated their recognition that the jihadi threat was not limited to the United States or to a mere rejection of its policies; they perceived the threat as being directed at the international society and the fundamental elements of order.

The Norwegian ambassador to the UN declared, “Yesterday’s attacks were not only directed against targets in the United States, but against freedom and democracy itself. The shameless terror was an effort to undermine the values that constitute the very foundations of the civilized world. The attacks were therefore directed against all of us.” The Irish representative declared that “respect for the human rights of each and every person, for the right of every nation and every human being to live in freedom and dignity: these are the fundamental principles for the United Nations. It is these values that the perpetrators of yesterday’s crimes seek to destroy.” The Egyptian foreign minister said, “There is war between bin Laden and the whole world.”

Elaborating, the Lebanese minister of foreign affairs stated that the perpetrators of the attack “are working to consecrate what can be referred to as a new world disorder and a global instability.” The president of the Philippines, Gloria Arroyo, concurred, noting that “these are not people you talk to; these are people you fight.” Arroyo then declared that “there will be no future if our side does not prevail in this fight—at
least no future that any of us will care to live in.” Some states highlighted more general lessons: “The magnitude of yesterday’s act goes beyond terrorism as we have known it so far. With the new technologies and the changed nature of the world in which they operate, a handful of angry Samsons and disciples of apocalypse would suffice to cause havoc.” Therefore, “new definitions, terms and strategies have to be developed for the new realities.”

A number of factors made members of the international society view 9/11 as turning the tables on previous assumptions regarding terrorism and how to confront it, thus ushering in a new stage in the struggle between states and violent non-state actors. Bin Laden was seeking to destroy the myth of U.S. power, mainly in order to awaken and empower Muslims around the world. But his signal was also perceived by the wider international society. States saw U.S. vulnerability and the enormous cost terrorism can inflict even on the strongest country; they understood the fragility of the international order, the vulnerability of the international society, and the price states would pay unless they confronted the threat. In addition, the economic fallout from the 9/11 attacks was felt immediately around the globe, emphasizing even the indirect consequences of terrorism.

The society of states responded by striking back. Members pooled their resources and began taking action as a group to fend off the threat. Following a universal condemnation of the attack, they adopted, under the aegis of the Security Council, a series of principled and operational resolutions. The day after the attack the Security Council passed Resolution 1368, which recognized “the inherent right of individual or collective self-defense,” thus reversing the years-long refusal of states to legitimize militarized action against terrorism. A few weeks later, the Council adopted Resolution 1373, which articulated the international society’s attitude towards terrorism and derivative behavioral prescriptions. In the words of two observers, “instead of the twelve international treaties that bind only those states that accede to them, this landmark resolution for the first time creates uniform obligations for the organization’s 191 member states.” Close to twenty additional resolutions to support the war on terrorism were adopted in the following six years.

A dramatic attitude change regarding the antiterrorism conventions was also evident. The international community overwhelmingly committed itself to them; whereas before 9/11 only two states had become parties to all twelve, by 2005 the number of signatories totaled 58. A little over three years after the attack, 99 states were party to ten conventions or more. Conventions addressing specific realms of terrorist
activities, such as the Convention for Preventing and Punishing Crimes against Internationally Protected Persons, have had a 20- to 40-percent increase in their rate of ratification.17

The rate of ratification was even more dramatic for two recent and highly significant conventions on the suppression of terrorist bombing (1997) and the suppression of terrorism financing (1999). Only 28 countries ratified the first one before 9/11; in the four years after the attack, an additional 87 states joined them. By November 2007 membership had increased to 153 members.18 Similarly, by September 2007, 155 states had joined the four countries that had ratified the convention on the financing of terrorism prior to September 2001.19 Even more countries are now engaged in the process of acceding to and ratifying both these treaties.

In 2005, members of the international society adopted a thirteenth measure, the International Convention for the Suppression of Acts of Nuclear Terrorism. This treaty entered into force in July 2007. By November, 29 parties had joined the convention and 115 countries had signed it.20 Complementing the universal conventions, numerous regional declarations and treaties were adopted around the globe. The Dakar Declaration on Terrorism, adopted by the conference of African heads of state on October 17, 2001, is one of many examples.

In the military sphere, shortly after the attack, members of NATO invoked for the first time its mutual defense clause, which views an attack on one member of the organization as an attack on all members. While NATO’s role in toppling the Taliban was marginal, it rapidly agreed to take a leading role in the stabilization and reconstruction phase of the mission. In addition, for a few months AWACS aircraft from NATO countries even patrolled U.S. skies—an ironic twist to the cold war model of American forces protecting Europe. Overall, 136 countries offered a range of military assistance to the United States, including overflight and landing rights and accommodations for U.S. forces.21 Additional evidence of multilateral efforts and successes will be presented in the following chapters.

Yet despite the enhanced interstate cooperation, states’ responses have been conditioned by disagreement over the definition of terrorism, diverging perceptions of its causes, lack of established mechanisms to readjust the international society and its institutions—mainly international law—to changing circumstances, and worldwide deficits in states’ capacities. Although the 9/11 attack changed states’ perception of the threat posed by al Qaeda and its associates, clarified the identity of the
foes of the international society, and shaped states’ willingness to collaborate over and above their habits, important contentious questions could not be solved overnight. Clearly, divergent opinions on terrorism are not simply a reflection of instrumental considerations. Rather, they often reflect genuine disagreements—expected in a thin international society—that are based on dissimilar cultures, identities, prevailing norms, and historical experiences.

Indeed, the definitional problem that hindered cooperation before 9/11 did not dissipate after the attack, especially with the second Palestinian intifada in full force. Consequently, despite their revolutionary nature, Resolutions 1368 and 1373 did not contain a definition of terrorism. This lack also remains one of the main obstacles to the completion of a comprehensive universal treaty against terrorism, which would provide an encompassing framework for all antiterrorist actions. Numerous states called for the completion of this treaty—the Comprehensive Convention on International Terrorism—in the wake of the attack, but they have failed so far to settle their differences. Although states involved in the process declare that progress is being made, the same sticking points that prevented the conclusion of a draft treaty prior to 9/11 continue to delay the adoption of the treaty today. In addition to the disagreement over the definition of terrorism, the main other complications have been the exemption of armed forces from the scope of the convention, and the question of whether that exemption should extend to armed resistance groups fighting colonial domination and foreign occupation.\textsuperscript{22}

Without a doubt, cooperation is being hindered by the entanglement of the problem of terrorism with such contentious issues as the right of resistance, colonialism, and the North/South divide. Although significant interstate cooperation against the jihadi movement proceeds even while conflict persists on other subjects, the ability to disentangle terrorism from other controversial issues is reduced when the focus shifts to confronting conditions that provide a permissive environment for its growth. Addressing terrorism’s root causes and the conditions that nurture it requires first finding what those root causes are,\textsuperscript{23} and probably solving problems such as poverty and inequality that have plagued the international society. Thus, moving beyond counterterrorism would require structural change in the international society in the form of a grand bargain among its members—one that would redefine the balance between order and justice as well as the nature of states’ duties toward each other. It would probably also require reinforcing the amount and depth of the norms states share—thickening the international society.
Nevertheless, the gravity of the jihadi threat after 9/11 did not allow states the luxury of waiting to solve all their differences before responding. Thus, they proceeded with practical action against the jihadi movement even while disagreement persisted over the general scope of the fight against terrorism. Absent an agreed-upon definition, the rapid response relied on the assumption that states would be able to identify their rivals when they saw them, and also on a less contentious focus on actors affiliated with the jihadi movement. This approach cannot be dismissed out of hand. Even without a common definition, members have taken significant and costly steps to fight the jihadis; the success scored so far testifies to the merits of this approach.

Note that these partial and temporary solutions did not prevent states from persisting in their efforts to reach a common definition of terrorism. The definition promoted by UN Secretary-General Kofi Annan views terrorism as any action that intends “to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act.” In an attempt to circumvent differences that had previously prevented reaching an agreement, Annan justified refraining from any reference to “state terrorism” on the grounds that the use of force by states was already sufficiently addressed under international law. Similarly, he argued that the right to resist occupation could not be an excuse for disagreement on a definition of terrorism because such a right does not permit the deliberate targeting of civilians.

Evidently, these efforts still have not borne fruit; until the members of the international society agree on a common definition, they are bound to act less effectively.

Principles for a War on the Global Jihadi Movement

The collective effort against the al Qaeda–led jihadi movement is based on the reinforcement of the international society. Contrary to popular arguments about the retreat of the state, it features a project to strengthen the institution of the state and the international society as a whole. And in contrast to the alleged transition to a system of global governance on the ruins of fading states, in this effort states seek to address the jihadi threat by basing worldwide cooperation on preserving and strengthening the society of sovereign states. The bolstering of the international society can be broken down into a set of agreed-upon principles, all compatible with the fundamental tenets under which the society operates. Its response to the threat is multidimensional and cannot be reduced to any
one policy, but it is guided by four general elements in its reassertion of the state’s primacy in the international system: bolstering the institution of the state, state sovereignty, state responsibility towards fellow states, and interstate cooperation.

The states’ collective effort to combat the jihadi threat is based on the preservation of the organizing principles of the existing state-based system while adjusting some of its practices to meet operational needs. The goal is to improve the society’s ability to face the threat, without deviating from the system’s fundamental features and inadvertently creating a new type of system.

Thus, the members of the international society reiterated the state’s importance as the fundamental unit in world politics and as the foundation for any collective response. The UN secretary-general reaffirmed the role of sovereign states as the “basic and indispensable building blocks of the international system,” and the High-Level Panel echoed this approach: “If there is to be a new security consensus, it must start with the understanding that the front-line actors in dealing with all the threats we face, new and old, continue to be individual sovereign states, whose role and responsibilities, and right to be respected, are fully recognized in the Charter of the United Nations.”

The preservation of the state’s prominence in international politics requires the preservation of the principle of state sovereignty as well. The legitimacy and independence of a state’s action within its borders and the principle of nonintervention were confirmed, though moderated slightly to set guidelines for state action in the framework of the war on terrorism and also to guarantee that no state intentionally acts against the international society. Intentional subversion of the society would turn a state into pariah and justify external intervention—not unlike the approach of states and societies toward citizens who collaborate with their enemies during wartime. Clarifying this modification of the limits of sovereignty, a high-level American official explained that “Sovereignty entails obligations. One is not to massacre your own people. Another is not to support terrorism in any way. If a government fails to meet these obligations, then it forfeits some of the normal advantages of sovereignty, including the right to be left alone inside your own territory.”

The international society sets certain requirements each state must follow to achieve the desired success against the jihadis; but states also maintain a significant level of independence regarding the specific manner in which they fulfill their duties. For example, while all states must arrest members of the al Qaeda network, they reserve the right to determine the duration of detention before bringing official charges, or the
minimum and maximum jail terms suspects may serve. This approach recognizes that states vary in their legal systems, national traditions, and cultural norms, and allows them significant freedom to cooperate while preserving their unique identities. Notwithstanding this freedom of action, their compliance with instructions that emanate from the international level renders even these independent actions a form of collective action.

At the same time, a number of issues pertaining to terrorism remain the sole responsibility of states, with hardly any intervention from above. Take, for example, the role of education in perpetuating extremism and hatred. Despite the acknowledgment that educational systems in various countries indoctrinate youth to extremism and serve as breeding grounds for terrorism, measures in the field of education were excluded from the universal collective effort. Education remains the responsibility of local governments. In some cases there could be external pressures on states such as Pakistan, Saudi Arabia, and Yemen to reform their school curricula; but the pressure emanates from particular states—usually the United States—on a bilateral basis. The international society does not sanction these pressures or offer states specific guidelines on how to change.

In order to mitigate states’ fears that international supervision over their antiterrorism measures will undermine their domestic authority, the organizations responsible for external oversight base their work on the principles of transparency and engagement with member states rather than on coercion and threats of punishment. This approach mitigates the tension between the need to create mechanisms above the state level and the commitment to the principle of state sovereignty.

The tools excluded from the international society’s response are also good indicators of the importance of both U.S. hegemony and the preservation of sovereignty. In the weeks immediately after 9/11, several states floated the idea of recruiting the International Criminal Court to the fight with the jihadi movement—although such a move would have required extending the court’s explicit jurisdiction to terrorist activities. Proponents of the ICC point out that its establishment through the traditional treaty process gives it greater legitimacy in comparison to the Security Council’s small and unequal membership. They also argue that the court is the appropriate institution to persecute acts of international terrorism because such acts represent “serious crimes of international concern”; the 9/11 attack meets the description of “widespread or systematic attack against any civilian population” in Article 7 of the Rome Statute.30
However, even prior to 9/11 the ICC’s far-reaching encroachment on states’ sovereignty generated objections by numerous states including the United States, China, and Russia. The United States, in particular, hesitates to participate in multilateral arrangements, especially in the field of security, that undercut its sovereignty and reduce its freedom to defend itself in the manner it finds most suitable.31 Thus, the ICC was dropped from the list of potential tools in the war on terrorism because it goes beyond the norms of a pluralist international society and because U.S. hegemony would not support its use. Although U.S. support and leadership are necessary for adopting a policy or including an institution in the war on terrorism, the cases of the regime to deny non-state actors access to WMD and the U.S. campaign to promote democracy, discussed in chapters 6 and 8, both prove that U.S. backing alone is insufficient and must be coupled with ideational consistency between the policy or institution and the fundamental principles of the international society.

The other elements in the fight against the jihadis are based on an analysis of the threat and the corresponding requirement of an effective response. The jihadi movement’s global breadth and transnational composition render multilateral response a necessity. Indeed, in his plan to reform the UN, Secretary-General Annan declared that the challenge necessitates joint action because “in today’s world, no state, however powerful, can protect itself on its own.”32 The members of the High-Level Panel concur: “in the twenty-first century, more than ever before, no state can stand wholly alone. Collective strategies, collective institutions and a sense of collective responsibility are indispensable.”33 Statesmen throughout the world have been repeatedly conveying this message as well. In practice, such multilateralism is manifested in the formulation of overarching guidelines and international legal frameworks for state action alongside more specific interstate cooperation in thwarting attacks, disrupting the movement’s operation, and arresting and prosecuting suspects.

States’ mutual dependence gives rise to the concept of state responsibility as a prominent principle for the war on the jihadis. Membership in the society of states implies more than rights; it includes some obligations as well. Sovereignty, explains American Under Secretary of Defense Douglas Feith, “means not just a country’s right to command respect for its independence, but also to take responsibility for what occurs on one’s territory, and in particular, to do what it takes to prevent one’s territory from being used as a base for attacks against others.”34

The idea of state responsibility is not new: when the international society grew from Europe to the rest of the world, its European members
demanded that candidates demonstrate aptitude and willingness to subscribe to “standards of civilization.” The concept of responsibility was associated with stability and predictability, all aimed at facilitating order in the international society. States were expected to adhere to three complexes of rules: constitutive normative principles, rules of coexistence, and rules regulating interstate cooperation. But with time, the standards for membership in the international society were lowered. When the Western powers could no longer sustain their colonial empires due to resource constraints and normative changes, and demand for independence in the third world increased, the prerequisites for statehood and participation in the system became more normative than actual. Many new states received external recognition despite failing to demonstrate effective control over their territory, let alone showing “good citizenship” in the society of states. As long as general peace within the society was maintained, its members tolerated minor violations of the society’s principles or handled them on an individual basis.

The moderated concept of responsibility after the demise of colonialism reflected the quest for restraint or inaction in international relations rather than the prescription of actual steps for advancing the goals of the international society. The society accepted “quasi-states” that were unable to maintain its goals, as long as they did not hinder its operation. But as the society came under attack, avoiding harmful state action was no longer sufficient; states had to take positive action in defense of the system. The renewed focus on states’ responsibility asserts their obligations toward each other and toward the society. In the context of the war against the jihadis, the United States promoted this principle by making the Taliban an example for the punishment that would be inflicted on states that did not realize their responsibilities and instead chose to harbor entities that challenged the international society. But the invasion of Afghanistan and the toppling of the Taliban was not simply a story of American power. U.S. actions were accepted by other governments as legitimate, further strengthening the principle of states’ responsibility.

The Security Council also clarified that states’ obligations to the international society include the following requirements. First, a state must not cooperate or give sanctuary to enemies of the system. Second, a state must take effective action to prevent the use of its territory by terrorists, even when it is not the intended target of the attack. It is also obligated to prosecute terrorists or extradite them to other countries. Third, 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 to help other states identify best practices and adopt them for the general good.\textsuperscript{38}

Yet, agreement on what constitutes responsible behavior does not guarantee that states will follow through. Intentions cannot be inferred only on the basis of behavior; states’ compliance is not only a matter of will but also of capability. The lax requirements for gaining statehood since the end of colonialism have produced numerous states that are unable to assume their responsibilities even if they wish to. States’ weakness not only inhibits the whole system’s response to a wide range of threats, including terrorism; it is also a major facilitator of such threats. Transnational terrorist groups prey on weak states for sanctuary. They flourish in chaotic environments where states fail to control their territory or where corruption is pervasive. Such states cannot prevent terrorists from turning their territory into safe havens and bases of operations. This weakness only increases the threat of terrorism and concomitantly expands the scope of action required of these states.\textsuperscript{39}

Thus, the weakness of scores of states makes bolstering the state and its institutions a prerequisite for rolling back transnational terrorism; it also explains why an effective response to the threat has inevitably been slow to emerge. To reestablish mutual responsibility in the international society, states must achieve capacities sufficient for meeting their obligations. Not referring exclusively to the threat of terrorism, Secretary-General Annan proclaimed: “[I]f states are fragile, the people of the world will not enjoy the security, development and justice that are their right. Therefore, one of the great challenges of the new millennium is to ensure that all states are strong enough to meet the many challenges they face.”\textsuperscript{40} Hence, strong states bound by common norms and interests are the only guarantee that the goals of the system and of the world’s citizens—protection from systemic threats included—will be realized.

But on 9/11, such capacity was beyond the reach of many states. This capacity gap threatened to compromise any collective action because states that lack the required capacity are reluctant to support an agenda that is likely to expose them to punishment for being uncooperative. The solution required mitigating weak states’ apprehensions and providing aid from capable states to help them reach the capacity to meet their obligations. Thus, international cooperation—particularly in the field of capacity building—became a central feature of the war on terrorism, with states offering mutual assistance and sharing best practices. The appeal for aiding weak states did not fall on deaf ears; analysis of reports of the steps taken by 131 countries, conducted in 2004, shows that 64
of them declared that they could provide assistance to others. Later reports document how states’ willingness to assist has been translated into active interstate cooperation.

Note that the bolstering of the state did not refer merely to its material capabilities; the effort was nested in a broader project to reinforce the legitimacy of states’ dominance. The primacy of the state had been damaged over the years, as governments failed to serve the societies they were supposedly representing and to readjust to the changing nature of international life. The crisis appears to have been especially grave among newly decolonized states governed by oppressive and unfit governments. The decline of the state paralleled the ascendance of domestic and transnational NGOs, which hurried to fill the vacuum. Nevertheless, the relationship between reestablishing the state’s legitimacy and reinvigorating its capacity is inseparable: rehabilitating the normative stature of the state would support the capacity-building effort. Even so, normative changes take longer to consolidate than action on the ground. Therefore, whereas both kinds of change are essential, concrete steps to reinvigorate states’ capabilities would more quickly become visible.

In sum, the multilateral confrontation with the global jihadi movement relies on the view that states remain the primary actors in international politics, with continued adherence to the principle of state sovereignty. But at the same time, states emphasize that they are part of the international society. This affiliation, together with the nature of the threat, results in highlighting states’ mutual responsibilities and the concomitant need to bolster the institution of the state and strengthen interstate cooperation.

The Roles of U.S. Hegemony and the UN

U.S. leadership has been critical for the joint confrontation with the jihadis. Only the hegemon has enough power and influence to wheel members of the international society to action. At the same time, the hegemon possesses veto power that could undermine any plan it does not support. Being the direct target of al Qaeda’s attacks, the United States did not need to be convinced of the need for action after 9/11. But it was its role as an institution of the society of states that shaped the actions it proposed as significantly multilateral and generally compatible with the society’s fundamental principles. With a sense of urgency, the United States devised—with some contribution from other leading states—a joint response that shifted the international society from a state of declaratory commitment to fight international terrorism, accompanied by
a few unsatisfactory measures, to a stage where a genuine attempt to confront the threat was taking place.

For some, the assertion that the United States fulfills this role may sound counterintuitive; but it relies on an acknowledgement of the multifaceted nature of the war on terrorism, its distinct design which allows for cooperation and autonomous action to coexist, and on less-publicized aspects of U.S. actions. In order to deal with the jihadi threat, states must take steps in numerous fields. They must regulate the flow of money through their financial systems, revamp their legal systems, reorient and reorganize law enforcement bodies, increase oversight over educational systems, create tools to monitor cyberspace, increase surveillance and supervision over religious institutions and religious expression, and also do many other things. To provide an encompassing response to such a multidimensional phenomenon as terrorism requires significant flexibility and a variety of tools. Indeed, observers would easily identify great variety in the measures used by states, some cooperative and others autonomous. Even an examination of cooperative arrangements reveals significant variations in scope and in number of participants; evidently some cooperation is global and some is regional, while still other arrangements are bilateral in nature.

But there is considerable order in this myriad of activities, with multilateralism being the guiding principle. The general principles for state action originate from international bodies and instruments such as Security Council resolutions and universal conventions. And yet, adherence to the fundamental principles of the international society provides states with considerable freedom to design and implement counterterrorism measures on their own, and it limits intrusiveness into the concrete actions they take. Moreover, as stated earlier, spheres of action whose regulation inherently implies significant intrusiveness—for example, education—are left as the responsibility of each state. This framework reflects a recognition of states’ dissimilar characteristics and circumstances, along with the need to establish sufficient uniformity across states. But the design of the war on terrorism also reflects attempts of the United States to maximize efficiency and adhere to the tradition of preserving its freedom of action.

The support and leadership of the United States is necessary for the adoption of any Security Council resolution and international convention, or even for the simple formulation of guidelines for state action. But the U.S. role does not end there. As the following chapters demonstrate, in each sphere of action there are multiple cooperative arrangements that complement action on the global level. The United States
provides its support and sponsorship to these arrangements, even actively contributing to many of them—for example, training forces from western African countries in border security. It also partakes in more bilateral agreements than any other state, mostly in regions with considerable interstate conflict or few traditions of regional cooperation. It also commonly enters into bilateral agreements with states that suffer from great capacity deficits and cannot meet their obligations to the international society without assistance.

Although some unilateral steps the United States takes fit perfectly within the general framework of the war on terrorism, its policies sometimes deviate from the agreed-upon principles discussed earlier. On occasion the temptation to pursue particularistic interest is too great to resist; at other times there is the belief that its policies will enhance the general good. After all, the unique position of the United States makes it a natural candidate to identify gaps in the accepted rules of “rightful conduct” in the international society—particularly rules that are obsolete or that fail to meet the needs of changing times and circumstances—and to promote their alteration. Such changes have taken place in the past and are part and parcel of a dynamic international society. The U.S. stand regarding the legal status of captured jihadis and the derivative derogation from accepted standards for treating detainees should be understood as an example of an American attempt, poorly carried out, to readjust the established laws of war to what Washington now sees as new aspects of warfare that traditional rules are ill suited to address.

Regardless of the motivation behind controversial U.S. policies, as part of the society of states it is constrained by the society’s principles, rules, and norms, which are often guarded actively by secondary states and, as discussed below, through the UN. The hegemon’s “role strain,”\(^\text{42}\) in particular, makes such checks and balances an important element in the society’s operation. Evidence suggests that on a number of subjects, states have sensed that the United States has overreached and have acted to change its policies, either through direct resistance or by denying it legitimacy and concrete support. Consequently, even in the war on terrorism we observe cases in which the United States has failed to gain broad support for its policy and had to change course. The opposition to the war in Iraq, and to U.S. efforts to focus on the link between states and terrorist organizations in providing non-state actors access to WMD, is an example of secondary states trying to rein in the hegemon and curb its apparent departures from the agreed-upon principles for the war on terrorism. Thus, while in general the United States has exercised leadership and led a multilateral endeavor against the jihadi movement, on oc-
multilateral action and terrorism

Because the response to the jihadi threat is global and includes a broad range of subjects, its planning and coordination require an international framework. The international society has been relying largely on existing cooperative frameworks. These frameworks serve as the arena in which states work together to analyze the threat, design a response, bridge differences between their diverse perspectives, coordinate concrete steps to take, and ensure that all contribute to the collective effort.

This inevitable reliance on international institutions, especially those that possess relevant technical knowledge, does not necessarily undermine state authority. Usually these are intergovernmental organizations in which the dominance of the state is unchallenged and distance from NGOs can be preserved. In fact, NGOs play a very small role in the struggle with the jihadis. They maintain a high profile mainly on human rights issues, attempting to reduce the danger of human rights abuses taking place under the guise of the war on terrorism. Naturally, this focus often puts NGOs in direct opposition to states’ actions.

From the start the UN stood out as the natural candidate to be a focal point for the international component of the war on terrorism. A symbol of independent statehood and acceptance into the global international society, the UN is the only international organization that encompasses all states, contains a mechanism to authorize action in any sphere, and is consequently recognized as the principal source of legitimacy in the international arena. Moreover, the UN has many subsidiary organs that can provide needed technical and bureaucratic assistance.

From its inception, the UN was designed to provide a framework for collective security, aiming to facilitate and preserve peace throughout the international system. Thus, while collective action does not require the stamp of UN legitimacy, a true collective effort would, at minimum, seek its auspices. The UN offers important political clout. Consequently, if consensus can be reached on principles guiding cooperative action, there is no reason to avoid its cloak of legitimacy. However, despite the legitimacy the UN framework offers and the contribution of its organs, especially as switchboards that facilitate interstate cooperation, the bulk of concrete action depends heavily on smaller institutions and frameworks for financial and technical resources. Some of these, for example the World Bank and the IMF, reflect the unique power position of the United States better than the UN does. More important, when it comes to concrete measures these organizations are considered more efficient than the UN bodies, which regularly come under attack by Washington.
If the United States sees the UN as useful mainly in offering legitimacy and a needed legal framework, other members of the international society seek to anchor their antiterrorism actions there because they see it as a counterbalance to American hegemony. They acknowledge the necessity of American leadership, but at the same time they are fully aware of the United States’ “role strain” as both an institution of the international society and a provider of internal particularistic interests. The UN, then, serves as an additional instrument to promote the society’s collective goals and to safeguard it from any abuse by an overreaching hegemon.

Despite the appeal of recruiting the UN to the general effort of the war on terrorism, the institution cannot be completely divorced from its members, the states. Its level of preparedness to counter threats reflects the preparedness of the international society as a whole: when the hegemon and other members of the society of states are unready for the task, the UN is expected to exhibit similar weakness. Prior to 9/11, the UN was unprepared to tackle the threat of transnational terrorism. Built on the wreckage of two devastating world wars, it conceived of states as being the main sources of instability and erosion of peace. The reality of the post–cold war years, however, no longer corresponded to the challenges that occupied the founders of the UN; the 9/11 attack in particular demonstrated the potency of stateless networks and provided a vivid and terrifying example of the ability of non-state actors to disrupt peace and wreak havoc.

Despite the UN’s limitations, states have acknowledged the institution as an indispensable actor in the war on the jihadi terror and have selected it as the primary institution to legitimize and direct the project. To improve its ability to perform its role, the primary responsibility for antiterrorism was shifted from its General Assembly to its Security Council. In this way, the UN is able to promote rigorous action that it could not have taken earlier because of the General Assembly’s size and narrow mandate. The responsibility shift marks a real change in the approach of the American-led international community, signaling its intention to confront transnational terrorism with seriousness and determination.44

The Security Council accepted the challenge and, within its limitations, has been trying to design a blueprint for a global assault on the jihadi movement. It does not shy away from relying on Chapter VII of the UN Charter to increase the pool of instruments in its disposal and to signal its commitment and resolve. The Security Council relies in its mission on a host of subsidiary UN bodies. It has established various committees to oversee states’ compliance with the council’s resolutions and to serve as switchboards providing assistance to states in need, mostly by
matching them with donor countries. It has also established a directorate to assist in coordinating the work of the various bodies among themselves and with the member states. Already-established UN bodies such as the Office on Drugs and Crime also contribute to the general effort. In addition, a multitude of other intergovernmental organizations—such as NATO, the World Bank and many regional organizations—have been integrated into the general effort as force multipliers.

*Mines on the Road to Success*

The efficacy of antiterrorism steps, already limited by the definitional problem, is restricted further by the highly complicated and multifaceted nature of terrorism. States have yet to grasp the full scope of the phenomenon and its implications. The continuous evolution of terrorism adds a stream of new issues that require states’ attention. Even if all aspects of terrorism were acknowledged, states could still disagree on their relative importance and fail to reach an agreement about the best way to confront them. Whether priority should be given to eliminating terrorist networks or to addressing the root causes of terrorism in order to “dry the swamp”—that is, its habitat—is just one such dilemma.

The payment of ransom to terrorists in exchange for the release of hostages is an example of a subject that did not receive attention when the war on terrorism was launched; but because it is consequential, states are slowly acknowledging the need to solve it. The question touches normative and legal aspects of the war on terrorism. While many states feel committed to the safe release of their captured citizens when they pay ransom, their payments provide terrorists with resources that allow them to continue attacking civilians. They also signal that terrorists can take hostages with impunity, and thus help to perpetuate the practice. Thus, by saving the lives of some people, a blackmailed state may endanger the lives of others. Further, from a legal standpoint one may argue that by paying ransom, states have violated the Security Council resolutions and international treaty on terrorism financing. Acknowledgement of this problem came late, and only after Germany paid an Algerian Islamist group $6 million to release European tourists taken hostage. Claims that Italy, France, Germany, and some other countries ransomed hostages in Iraq were unconvincingly denied, and this contributed to growing awareness of the problem.

The extensive use of cyberspace for recruitment, training, incitement, and indoctrination is another aspect of the war on terrorism that did not come to the fore in its initial phase. But in the aftermath of the war
in Afghanistan, the jihadis lost their territorial base and major training
ground, and consequently chose to relocate a considerable part of their
operations to cyberspace. As a result, states’ priorities have been altered;
they are now giving this subject extensive attention, including the adoption
of related Security Council resolutions.

The effectiveness of the war on terrorism is also a function of the
enormity of the task. Strengthening the state system is an extremely com-
plicated endeavor that cannot bring immediate results. The reassertion
of the state’s primacy and control over its territory and inhabitants is
an intricate bureaucratic process. On the national level, a state must re-
adjust its legal system and engage in partial restructuring of its homeland
security and law enforcement organs. This task proves extremely daunt-
ing even in a country that is advanced, resourceful, and fully aware of
the need for change, such as the United States. Bureaucratic inertia and
turf wars result in further impediments. Naturally, the task is even more
strenuous in many developing countries, where even the legal and bu-
reaucratic foundations necessary for taking nonviolent steps against the
state’s enemies may be absent. This lack of capacity forces some of those
countries to rely on external help to structure, in a process that takes
years to complete, a basic functioning system. Compounding the diffi-
culties are the high costs of such an endeavor and the need to overcome
the corruption that is pervasive in many poor countries.

On the international level, effective response requires a significant
amount of uniformity and compatibility between the practices and laws
of different states—but the creation of such compatibility is technically
hard to achieve. Cultural and ideological differences may further slow
the process. For example, developing nations may be unenthusiastic
about replicating Western structures, practices, and norms; European
countries may be reluctant to infringe on civil rights and suspend some
of the legal defenses they traditionally grant suspects.

Underscoring the complexity of a coordinated global war on terror-
ism, the UN designed a “Global Program against Terrorism” under the
auspices of its Office on Drugs and Crime. Rather than aiming for im-
mediate but unattainable maximum results, the program outlines three
stages of action. The first emphasizes legislation in every country to cover
all aspects of Resolution 1373 (which among other things requires states
to criminalize terrorism and its financing, and to prosecute and freeze as-
sets of people and entities involved in terrorism); speedy promotion of
a process for becoming party to the twelve (now thirteen) antiterrorism
international conventions; and introduction of effective executive ma-
achinery for preventing and suppressing terrorist financing.48
In the second phase, the program aims to enhance the executive machinery for implementing the resolution. This includes active attempts to prevent terrorist groups from recruiting members, moving from place to place, or establishing safe havens. To achieve this goal, states need effective police and intelligence structures, improved border controls, and strengthened capability to prevent terrorists’ access to weapons.

The third and last phase involves interstate cooperation at the bilateral, regional, and international levels. Such cooperation should expand to the judicial sphere and aim at improving states’ ability to bring terrorists to justice. The plan also sees the expansion of collaboration to tackle the links between terrorism and other security threats, such as organized crime.\(^{49}\) It is impossible to determine with confidence when or even whether the second and third phases would be fully realized, but there are clear indications that an overwhelming majority of states are making genuine efforts to achieve the desired goals.\(^{50}\)

The big leap from the measured approach to counterterrorism prevalent before 9/11 to an accelerated, even hasty attempt to construct an effective, new, and encompassing global regime forces the members of the international society to adopt an approach of “learning through practice.” For that purpose, they rely on a vast number of international forums in which they can exchange information about their experiences and best practices. Periodic meetings of the Security Council—attended also by interested parties not holding seats on the council—and other less formal meetings of its members serve as the most important forums for consultations because the council is the framework chosen to lead and direct much of the global campaign. The operation of the Security Council’s monitoring groups also embodies the spirit of the self-critical approach. These teams evaluate the effectiveness of measures taken, particularly the sanctions against individuals and entities linked with terrorism, and they recommend ways to enhance their effectiveness. The comprehensive analysis focuses both on state actions and on improving the efficiency of the relevant UN mechanisms.

The constant reevaluation of the sanctions regime also stems from the elusive nature of the enemy, which makes effective sanctions hard to design and update. For example, various reports have indicated that the weapons embargo is ineffective, and have called for a rethinking of its design.\(^{51}\) In addition, the dynamic nature of the enemy demands awareness of changing circumstances in order to make the proper adjustments. For example, after states’ pressure crippled al Qaeda’s ability to carry out attacks, the network evolved from a relatively structured group to an overarching ideology, an ideological umbrella for groups and individual
Muslim radicals with loose or sometimes no tangible connections.\textsuperscript{52} In a more concrete change, al Qaeda responded to the growing pressure on its finances by shifting its financial activities to the least-regulated areas in Africa, the Middle East, and southeast Asia, where authorities are falling behind in regulating and tightening states’ grip on financial systems.\textsuperscript{53}

Despite its rocky start, the multifaceted international structure to fight transnational terrorism is slowly increasing in its competence. In light of the tremendous obstacles, it is remarkable that the international society has managed to make such considerable progress in a few years’ time. The progress has been uneven; in some aspects it is more tangible and easy to observe than in others. But efforts and progress have nonetheless been real and indicative of the international society’s preservation-seeking quality. These achievements are particularly noteworthy because they have also been costly.

For some states, participating in the war on terrorism implies an increased risk to their security. Although the jihadi threat is systemic, not all states are targeted at the same intensity or from the start. But when these states take action against the jihadis, it leads the jihadis to pay them particular attention and increases the likelihood that the state will be targeted. Furthermore, cooperation is not cost-free even in non-security spheres. Imperatives imposed at the international level may result in policies that are unpopular within a state, and this may nullify international cooperation.

The war on terrorism imposes a level of reform on states that can incur substantial economic and social costs. For some regimes, it could pose risks to their own survival. For example, charity-giving, one of the five pillars of Islam, had been practiced without inhibition or regulation for hundreds of years before the 9/11 attacks. Thus, it is no wonder that Muslim countries are now reluctant to regulate the collection and distribution of funds by charity organizations. Furthermore, the close association of charities with humanitarian relief has made governmental regulation and oversight a very sensitive matter.\textsuperscript{54} Similarly, attempts to bring traditional methods of money remittance, such as the Hawala system, under state control are potentially very costly.

Western countries, on the other hand, are very sensitive to questions of human rights. Consequently, they are loath to employ policies that may reduce civil liberties or restrict their liberal asylum systems. Nevertheless, new thinking started to emerge after 9/11. Britain went the farthest by derogating from its obligations under the European Con-
vention on Human Rights, arguing that the convention and the torture ban were incapable of meeting the challenge from terrorism, because circumstances were now “very different” from when the treaty had been drafted. Prime Minister Tony Blair insisted that “traditional civil liberty arguments are not so much wrong, as just made for another age.” Britain was not alone: renditions, indefinite pretrial detentions, and restrictions on detainees’ rights to legal consultation, almost unthinkable for most European Union countries before the attack, now became more prevalent throughout the union. Special antiterrorism legislation was introduced in many countries. Stricter asylum standards, greater willingness to deport aliens, readiness to extradite suspected terrorists, and less tolerance of radical imams preaching hatred and violence under the guise of “freedom of expression” all became part of EU states’ reality.

Conclusions

Even though a consensus on the definition of terrorism has been elusive, the 9/11 attack shocked states into action against the global jihadi movement. This action is orchestrated by the United States in cooperation with secondary powers, and it relies on the UN for legitimacy, political influence, and logistical services. States’ action against the jihadi movement is guided by four principles: state primacy and sovereignty, state responsibility, the bolstering of the state, and interstate cooperation. All of these elements can be found in the spheres of action that will be explored in the next four chapters.

While significant measures have already been taken, important obstacles that are attributed mostly to the enormity of the task and the low starting point of countless states render progress slow. Yet the overall trend is positive and it supports the English School’s prediction that facing a systemic threat, the members of the international society will exhibit unprecedented willingness to cooperate. Cooperation itself, however, requires compatibility between the policies offered by the hegemon and the fundamental principles of the international society. As the following chapters demonstrate, when proposed U.S. policies adhere to the principles guiding the collective effort, cooperation takes place. But when a seemingly self-serving policy is promoted, members of the society of states are more reluctant to side actively with the hegemon.
The Suppression of Terrorism Financing

Insufficient regulation and lack of oversight exposes the global financial system to exploitation by transnational criminals and terrorists. During the 1990s, victims of terrorism started paying closer attention to its financial aspect and concluded that the terrorist threat could be reduced by blocking terrorists’ access to funding sources. Moreover, following the money trail would offer valuable assets to intelligence and law enforcement agencies. An effort to promote international action to curb the financing of terrorism followed, even resulting in the creation of a universal instrument. But due to the nature of the financial system, a successful effort required worldwide collaboration that failed to materialize; only a few countries assigned the issue the required significance, and even fewer had the will to take on expensive, bureaucratically complicated, and politically sensitive obligations. Consequently, progress was extremely slow. The situation changed radically after 9/11. Under the leadership of the United States and through the services of the UN and many intergovernmental organizations, members of the international society developed a comprehensive regime to prevent terrorism financing.

This chapter details the process by which this regime was created and the manner in which it evolved over time.
It comprises four sections. In the first, I trace the evolution of the antiterrorism financing regime from the 1990s and after the 9/11 attack. The new regime’s achievements are discussed in the second section. Compliance with its rules and imperatives among Muslim countries is at the center of the third section. These countries’ cooperation, despite the complex demands of the regime and the significant price they incur, reinforces my argument that facing a systemic threat, members of the international society show high inclination for interstate cooperation and willingness to collectively face the threat. The fourth section of this chapter explains the limitations of the new regime.

**Targeting the Financing of Terrorism Before and After 9/11**

Prior to 9/11 there was no coordinated, multilateral effort on a global scale to suppress terrorism financing. Most states were not alarmed by the threat and assigned it low priority. The sporadic measures that had been taken against terrorism financing were inadequate to deal with the multidimensional nature of the challenge, and were not accompanied by a true commitment to move beyond words to robust action. Consequently, they did little to halt terrorists’ abuse of the global (formal and informal) financial system. The members of the international society did agree on the International Treaty for the Suppression of Terrorism Financing, intended to serve as a building block for an antiterrorist financing regime. But the convention—adopted by the General Assembly on December 9, 1999—was slow to gain adherence. Prior to 9/11 only forty-two countries had signed it, and only four had deposited instruments of ratification with the secretary-general.

In the aftermath of the 1998 embassy bombings in Africa, the Security Council increased its involvement in the fight against transnational terrorism. In the following three years it adopted six resolutions in which it imposed sanctions on the Taliban regime that harbored al Qaeda, and also on the network itself. Yet the sanctions, of which the financial aspect was the main component, were relatively modest. They targeted only some individuals with ties to terrorism and did not represent a comprehensive framework to eradicate the phenomenon of terrorism financing. After demanding in December 1998 that the Taliban stop harboring terrorists, and warning that failure to comply would result in sanctions, the Security Council scaled up its pressure and in October 1999 passed Resolution 1267. This resolution obligated states to freeze all Taliban financial resources under their jurisdiction and to deny permission for any
aircraft serving the Taliban to take off or land in their territories until the Taliban stopped providing safe haven to terrorists and handed over Osama bin Laden.³

To oversee the effectiveness of the sanctions, the Security Council established the 1267 Committee, which was tasked to seek and examine information from states about their implementation of the resolution and to report periodically on the impact of the sanctions. A year later, in Resolution 1333 (December 2000), the Security Council expanded the scope of the sanctions to include, among other measures, the freezing of assets belonging to bin Laden and his associates, an arms embargo on the Taliban, and a reduction of the number and levels of staff at Taliban offices abroad. The 1267 Committee was asked to maintain and regularly update a list of individuals and entities designated as targets of the sanctions.⁴

Though clearly demonstrating a growing commitment to countering the threat, the measures taken by the Security Council were still meager. The sanctions were narrow, attempting to target the specific threat posed by bin Laden without acknowledging the global scope of the al Qaeda phenomenon. Attached to the traditional paradigm that focused on state sponsorship of terrorism, the sanctions targeted the Taliban, thereby overlooking both the nature of the relations between the Taliban and the al Qaeda network and the emergence of violent NGOs as an independent threat. The members of the Security Council were also slow to comprehend that the threat extended beyond bin Laden and his close associates and required a systemic approach that covered the whole jihadi movement and transnational terrorism as a phenomenon. The proposed remedies failed to go beyond the financing of specific designated terrorists or to address the vulnerability of the global financial system to abuse by violent actors.

Indeed, the work of the 1267 Committee in this initial period reflected a lack of strategic thinking. Security Council members did not consider it a framework for combating transnational terrorism, and the pursuit of the committee’s main function—creation of a list of people and entities to which the sanctions would apply—was rudimentary. The committee did not even have specific standards to guide states in proposing names for designation. Its ad hoc approach was adopted from other sanctions committees, despite the fact that the focus of those committees—people with clear relations to a state apparatus, contained within a restricted geographical area—had not been comparable.⁵

The consolidation of a regime to suppress the financing of terrorist acts was accelerated as a result of 9/11. The guiding rationale was that
cutting the money line to terrorists was crucial to curtailing their activities generally, and to preventing terrorist acts specifically. A focus on the money trail provides important information that could help in thwarting ongoing terrorist plans and capturing terrorists; it could also advance investigations in the aftermath of attacks and provide valuable information about how the network and individual cells operate. The regime relies on the International Convention for the Suppression of the Financing of Terrorism and on a number of Security Council resolutions, but it is more comprehensive in scope. It requires states to assume responsibility and, within their own jurisdictions, to take radical measures to curb terrorism financing. Multiple organizations—thirty-two were counted in August 2004—support these states’ actions, providing direct assistance and coordinating interstate collaboration.

The regime is based on the principle that states are obligated to refrain from providing any support to terrorists and must take steps to prevent terrorist acts. To meet this responsibility, states must criminalize terrorist financing, prosecute those engaged in it, and freeze the relevant financial assets. Those principles had already been articulated in the international convention, but for most states they were no more than empty words prior to 9/11. In the wake of that attack the United States and Great Britain led the Security Council to address terrorism financing in a more systemic and comprehensive way that would be in accord with the treaty. The council went so far as to incorporate the treaty’s main principles into binding Security Council resolutions (beginning with Resolution 1373, adopted on November 28, 2001), thereby forcing states still disinclined to join the treaty to subscribe to its principles. The sanctions regime authorized under Resolution 1267 was preserved, but also strengthened and expanded to better reflect the global nature of the jihadi movement. It now complements the international treaty and the post-9/11 security resolutions. Those resolutions did not reflect merely the interests of the five permanent Security Council members; they were adopted unanimously and enjoyed broad support throughout the international society, despite their revolutionary nature and the threat that they would tip the balance between the Security Council and the General Assembly by awarding the Security Council legislative authority.

Resolution 1373, and other resolutions that followed, imposed on member states a strict and continuous reporting obligation. While no state was threatened with sanctions, the text of the resolution referred to Chapter VII of the UN Charter to emphasize the gravity of the matter and the importance of compliance. To monitor and assist in the implementation of the resolution, the Security Council established the Counter-
Terrorism Committee (CTC) composed of the council’s fifteen members. In a departure from long-established practices, representatives of the permanent members of the Security Council preside in turn, along with representatives of the non-permanent members. The high-profile involvement of the permanent members in the initial phase of the committee’s work energized it and boosted its reputation.\textsuperscript{10}

Guidelines and procedures for the operation of the committee were shaped under the active leadership of the CTC’s first chairman, British ambassador Sir Jeremy Greenstock.\textsuperscript{11} Greenstock encouraged consensus-building among the committee’s members to reduce discord and politicization of the committee’s work. He was also instrumental in pushing for transparency; states’ reports are made public and posted on the Web.\textsuperscript{12} The CTC does not see itself either as a sanctions committee or as a “tribunal for judging states,” and therefore would not prosecute or condemn states. It also shies away from becoming an arena for political debate.\textsuperscript{13} Its approach is nonthreatening and its contacts with member states are based on nonconfrontational dialogue. For example, before the CTC sends follow-up questions to their earlier reports, it offers them the opportunity to discuss the draft and seeks clarification.\textsuperscript{14}

Along with its supervising role, the CTC seeks to help build the capacity of states to implement Resolution 1373, acting as a switchboard for the provision of technical assistance to countries in need. It sets up a directory of available help, and matches states that need assistance with potential donors who have the needed expertise. Lacking sufficient financial and professional resources to take on the enormous mission of capacity building, the CTC instead reaches out to international, regional, and subregional organizations that have considerable technical knowledge and finances. It also acknowledges that some of these organizations uniquely understand specific regional conditions in a way that can be used to benefit the whole international society.

In an attempt to manage expectations, the Security Council acknowledged the complexity of constructing such an encompassing regime and maintaining it in the face of a continuous yet very dynamic terrorist threat. Echoing this sense, Greenstock stated early on that the CTC’s work is an ongoing and open-ended process. Therefore, he clarified, states should not expect to receive a card of compliance signaling an end to their engagement with the Security Council.\textsuperscript{15}

To some extent, the open-ended effort of the Security Council and its organs stems from the nature of the conflict, in particular the terrorists’ ability to adapt and find innovative ways to fund their activities. In a pattern resembling that of past races between offensive and defensive
Chapter Five

Weapons, states identify means by which terrorists fund their operations, and terrorists counter by circumventing the defensive measures and devising alternative means to which state actors must then find a response. For example, after the international community reduced the jihadis’ ability to use the formal financial system, the terrorist network increasingly switched its focus to alternative means of remittance. In response, members of the international society directed increased attention to cash couriers, leading a growing number of states to require the declaration of cash being transported across their borders in excess of a specified limit.\(^\text{16}\)

Awareness of the struggle’s complex nature also led the Security Council to establish monitoring teams to evaluate the functioning of its own subsidiary bodies, and states’ compliance with the council resolutions. These teams are also requested to explore ways to improve states’ performance. In an example of how it translates awareness into concrete steps, in March 2004 the Security Council approved Resolution 1535, which revitalized the CTC by establishing the Counter-Terrorism Committee Executive Directorate (CTED) and reinforced the committee’s professional staffing.\(^\text{17}\) The CTED has also been subjected to scrutiny, resulting in readjustments of its structure and work plan.

The Achievements of the Regime

In a few years the antiterrorism financing regime scored some important achievements. This progress represents the realization of the first stage of the Global Program against Terrorism. Cautiously, assessments of the regime—including those made by external bodies that one might expect to be more critical than UN organs—highlight slow, gradual, and meaningful progress.\(^\text{18}\) In fact, by the end of 2004 the Analytical Support and Sanctions Monitoring Team declared that work on combating the financing of terrorism has “a momentum and seriousness that now may need less input from the Security Council beyond endorsement and encouragement.”\(^\text{19}\)

Perhaps the most notable accomplishment is the wide acceptance of the International Convention for the Suppression of the Financing of Terrorism. At the beginning of September 2001, only hopeless optimists would have predicted that the convention, at that point ratified by only four states, would enter into force as early as April 2002. However, in the aftermath of the attacks on New York and Washington, states heeded the repeated calls of the Security Council to join the treaty. The response was remarkable: by January 2005, 132 states had signed the
treaty and 117 had become full parties.\textsuperscript{20} By the end of 2007, the number of parties to the treaty had increased to 159.

Success went further than mere expressions of verbal commitment: in compliance with the treaty and Security Council resolution on a global scale the international society created a legal framework for freezing assets of terrorists and terrorist entities. In fact, by the summer of 2004 only three states had failed to take this step. These numbers are especially remarkable when compared to the situation in December 1998, when only twelve countries had laws enabling them to enforce financial sanctions.\textsuperscript{21} The significance of a worldwide uniform rejection of the lawfulness of terrorism financing cannot be overstated. Beyond the intrinsic value of such a global infrastructure, measures taken by individual states serve to signify and solidify a universal norm against the funding of terrorist acts.

The level of states’ commitment may also be inferred from the large number that have already appealed for some kind of technical assistance from the CTC. By the end of 2003, more than 160 states had requested or received capacity-building assistance. By June 2004 the CTC had facilitated the drafting of legislation against terrorist financing, the support of banking supervisory bodies, and the establishment of financial intelligence units (FIUs) in almost sixty cases. Training in the countering of terrorist financing has been provided to seventy-one countries.\textsuperscript{22} The support extended to the CTC by other international frameworks is evidence of the importance of the capacity-building project. At the Evian summit in June 2003, the G8 established a Counter-Terrorism Action Group (CTAG) to help the CTC coordinate its capacity-building assistance.\textsuperscript{23} The International Monetary Fund and the World Bank also assist the CTC in its efforts. Such assistance mitigates the chronic budgetary constraints that the CTC, like many other UN organs, suffers from.

In numerous other initiatives, strong states help weaker ones build their capacity to fulfill their international responsibilities by suppressing terrorist financing. Despite the potential for weak states to take a free ride on American power, most of their technical and financial assistance actually comes from secondary states, not from the United States. Given the geographic and demographic breadth of the war on terrorism, the capacity-building contribution of any single state has low presentational value and would not strengthen its position in American eyes. This rules out flattery as an explanation for these states’ behavior. Instead, the evidence suggests that their cooperation results from a sense of community. Indeed, in the spirit of mutual assistance, sixty-four states with diverse levels of strength (as reported in October 2004) declared that they could
assist other countries in various elements of the counterterrorism sanctions regime.\textsuperscript{24}

Multilateral initiatives have also facilitated considerable improvement in states’ regimes against money laundering. The international drive led some governments to put anti-laundering legislation in place for the first time. In this context, the Financial Action Task Force deserves special attention. FATF is a thirty-three-member intergovernmental organization established by the G7 in 1989. It was mandated to set up international anti-money-laundering standards and to get states to apply those standards in practice. After 9/11, the task force broadened its agenda: on top of its forty recommendations on money laundering, it published Eight Special Recommendations on Terrorism Financing. A ninth recommendation was added in October 2004.\textsuperscript{25} Through “naming and shaming,” FATF’s blacklist of uncooperative countries pressures states to comply. Its success is impressive: of the twenty-three jurisdictions designated as uncooperative in 2000 and 2001 only one, Myanmar, remained on the list in 2006.

FATF’s importance and contribution ended discussions about its continued operation,\textsuperscript{26} and led to the renewal in May 2004 of its mandate for a period of eight years, as opposed to five previously. Its role in assessing the compliance of states with its recommendations was also expanded.\textsuperscript{27} Furthermore, the IMF and the World Bank adopted FATF’s methodology for assessing compliance, and its forty-nine recommendations were recognized as the international standard for combating money laundering and terrorist financing.

FATF-style regional bodies (FSRBs) are also proliferating. Such organizations have been created throughout the world, and additional ones are being established. The list includes the Caribbean Financial Action Task Force (CFATF), the Asia/Pacific Group on Money Laundering (APG), Moneyval (for the non-FATF members of the Council of Europe), the Eastern and Southern African Anti-Money-Laundering Group (ESAAMLG), the South American Financial Action Task Force (GAFISUD), the Eurasian Group (EAG), the Middle East and North Africa Financial Action Task Force (MENAFATF), the Intergovernmental Group of Action against Money Laundering in West Africa (GIABA), and the Action Group against Money Laundering in Africa (GABAC).\textsuperscript{28} Overall, more than 150 states have already become members of the various FATF-style regional bodies, taking upon themselves the political commitment to implement FATF recommendations. They amount to nearly 90 percent of the world’s population and monitor close to 95 percent of the world’s economic output.\textsuperscript{29} As the number of FSRBs increases, the ability of any one actor, namely the
United States, to play a central and direct role in each is diminished. Collaboration, then, signals the impact of U.S. leadership rather than its coercive power.

FIUs are a significant factor in the progress from establishing a legal infrastructure to combat terrorism financing to actually preventing that financing. A 1995 initiative by a number of states, known as the Egmont group, to combat financial crimes led to the establishment of FIUs. These units are critical for gathering intelligence in the sphere of terrorism financing and for sharing that information between states. They analyze suspicious transaction reports filed by financial institutions and obligated nonfinancial entities, and then disseminate that intelligence to the appropriate authorities for investigation or prosecution. They proliferated after 9/11, and their number has already reached over 150. They are still under-resourced and unable to realize their goals as envisioned, partly due to the enormous number of transactions reported every day. However, as understanding of terrorism finance improves and governments' cooperation with the private sector becomes more efficient, FIUs are slowly growing in competence. They also take part with central banks and other relevant national authorities in the ad hoc counterterrorism committees and task forces that have been established in more than fifty states.

In order to prevent abuse of the financial system by terrorists, states also had to enhance their cooperation with the private sector. Examination of their compliance, concluded in October 2004, shows that the Security Council's list was circulated to financial institutions at a very high rate. According to compliance reports submitted by 131 countries, the list was circulated to banks in 125 countries and to non-bank financial institutions in 107. “Know your customer” rules were established for banks in 97 countries and for non-bank financial institutions in 89. Over 100 member states require banks to file suspicious transaction reports, and 94 have extended that requirement to non-bank financial institutions. Implementation of those same rules for designated nonfinancial businesses and professionals (DNFBPs) is much weaker.

The number of reports submitted to the CTC also attests to the cooperative approach adopted by states. By September 30, 2004, the CTC had received first reports from all 191 member states; second reports from 160, third reports from 117, and fourth reports from 49. The incomplete compliance is usually attributed to technical difficulties, confusion over the many reporting duties on overlapping subjects, and reporting fatigue. Noting these problems, the Security Council is now trying to find a way to address them. So far it has rejected suggestions that the
The quality of reports to the CTC has improved over time. They are valuable in assessing the implementation of the Security Council’s measures, yet they are far from perfect. Since the CTC lacks independent means to verify states’ actions, some states may have been tempted to focus on positive self-presentation rather than on accurate reporting. However, the continuous reporting obligation makes self-presentation less tenable and instead forces states to provide genuine responses. On-site visits by members of UN subsidiary bodies provide the CTC with a valuable tool to examine states’ compliance and further reduce their incentive to cheat.

As expected, early reviews of the antiterrorist financing regime were highly critical of states’ performance. But a gradual improvement is noticeable. For example, whereas in the first round of reports many states relied on their legislation against money laundering as being sufficient to also criminalize the funding of terrorist activities, the CTC clarified the difference between the two and persuaded these states to take more specific action against terrorism financing. As a result, most states have since done so. It is interesting to examine the reports of nations that Washington terms “rogue states.” U.S. hostility toward these states is so strong that cooperation with the antiterrorism financing regime would not provide them any benefits, even in their relations with the secondary powers. Furthermore, one should look at rogue states that are not targeted by the jihadi movement and therefore have no intrinsic interest in protecting themselves from its menace. Collaboration by such countries, particularly for a sustained period, would reinforce the English School’s assertion that states’ cooperation should be attributed to an aspiration to protect the international society.

For example, by November 2006, Myanmar had already submitted five reports pursuant to Resolution 1373. Its third report details the legal provisions that put it in compliance with the resolutions of the Security Council. In this report Myanmar also announces its formation of an FIU, its circulation of the CTC’s list among state-owned and private banks, and its intention to accede to additional antiterrorism conventions. By June of 2003, North Korea had also submitted three reports. On May 13, 2004, Cuba submitted its fourth report to the CTC—a long report of twenty-four pages in which it declared, among other things, that the FATF’s recommendations had been considered in its drafting of regulations against money laundering and terrorism financing. In an-
nexes attached to the report, Cuba provided the CTC with the text of legislations and regulations it had adopted. By June 2006, it had submitted five reports. Note that the reports of these three countries are mostly technical and, surprisingly, largely devoid of political statements.

States’ willingness to confront the operation of alternative remittance systems to finance terrorist activities is another indication of their commitment. Alternative remittance systems are those based on trust, whereby money is sent from one location to another without instantaneous physical transfer. These systems are faster and cheaper than conventional banks, and leave little paper trail. The amount of money transferred this way annually, mostly by honest migrant workers sending money back home, is estimated in tens of billions of American dollars. The World Bank estimated that in 2002, $80 billion was transferred through alternative remittance systems, up from $72 billion the year before. Only a tiny fraction of the money transferred through the system reaches terrorists. The most popular alternative remittance system is the hawala system, which is widespread in the Middle East and Central Asia.

The willingness of the main source states and principal receiving states of the alternative remittance systems to act to prevent abuse and increase their state control over money transfers is highly significant, even if the effectiveness of their measures is hindered by disagreement over how the problem should be addressed. States that are principal sources have been responsive to the need for robust measures. They have taken concrete and relatively effective steps to enforce the registration of every money transfer, to implement “know your customer” rules, and to file reports on suspicious transactions. Principal remittance-receiving states, however, prefer a soft, incentive-based approach that seeks to improve public access to the formal banking system. UN analysts have warned that such an approach does not provide a short-term solution, and they have decried the limited cooperation between source states and receiving states. Since attention has turned to alternative remittance systems only recently, and since most states on the receiving side suffer from low capacity—probably the reason why they prefer the softer approach—there is good reason to expect that with external assistance the receiving states would end up adopting a stricter approach as well. Nevertheless, in the absence of evidence that regulation and oversight of alternative remittance systems reduces the threat of terrorism and justifies the high cost involved, progress will remain limited.

The abuse of charities and charity money represents another area where, despite the acknowledgement of the threat and the will to confront
it, states still have not reached a consensus about the best and most appropriate way to deal with the problem. Terrorists abuse charities in two main ways. First, they take control of legitimate charity money and divert it to their own causes. Second, they establish or take control of charities, creating vessels through which they can channel money for terrorism purposes. Such abuse has been documented for over twenty years. During the war against the Soviets in Afghanistan, the system had become a considerable source of funding for the mujahideen. In succeeding years it has been continuously extended and invigorated. It also has been imitated by other Islamist groups, including nationally based terror organizations such as the Palestinian Hamas.

Dealing with charities is a politically sensitive issue. States recognize the importance of charities in relieving the plight of poor people, in advancing commendable social goals, and as a pillar in various religions, particularly Islam. Designers of the regime against terrorism financing agree with other interested observers that the operation of charities must be allowed to continue, but they are also concerned by the charities’ exploitation by terrorist groups, even if such exploitation is relatively rare.

States report different types of actions taken to address the problem. For example, some have created national authorities to monitor the activities of charities. Several have obligated charity trustees to notify authorities when they receive funds from or remit funds to foreign entities or individuals. But numerous states fail even to report which measures they have taken. Although some charities appear on the 1267 list of al Qaeda associates, several states do not report having frozen their assets. A similar lack of uniformity is evident in state actions against listed charities that operate internationally. For example, the al Haramain Foundation is registered in thirteen countries; but of the ten that submitted compliance reports, only two declared having implemented the freezing order. Similarly, of twenty-four states where the Global Relief Foundation is listed, nineteen submitted reports; only three indicated having frozen its assets.

Clearly, the lack of a coordinated approach reduces the effectiveness of the response. The UN monitoring team has recommended that states impose registration and accountability obligations and other regulatory controls. For example, in all states charities should be obligated to register, licenses should restrict their specific activities and locations, the charities should be obligated to renew the licenses periodically, they should meet financial accountability standards, and they should at least check the names of their trustees and employees against the UN
list. The members of the international society still have not agreed on a comprehensive program to tackle this problem. Nevertheless, action taken in some Middle Eastern countries to confront the abuse of charity money, discussed below, suggests that the source of the problem is not states’ lack of will to cooperate, but the enormity of the task and the belated attention it has received. Moreover, complaints by jihadis suggest that while states’ measures do not bring optimal results, they do have impact—especially when specific charities are targeted on the basis of strong and actionable intelligence.

**Compliance among Muslim Countries**

The examination of compliance among Muslim countries is a useful way to evaluate the level of overall compliance with the regime against terrorism financing, and also to determine whether the reason for taking the prescribed steps is states’ narrowly defined, short-term self-interest or their membership in the international society, manifested in their will to protect the system. Examining Muslim countries is a hard case, because by and large they have not developed the legal, administrative, and governmental infrastructures to confront terrorism financing. Moreover, some of the actions they are required to take are politically risky, touching upon Islamic values such as charity-giving and deep-rooted traditional institutions like the *hawala* remittance system. At the same time, al Qaeda is likely to focus its financial activity in those countries because of the underdevelopment of their financial supervisory tools and because of their Muslim identity. Those countries are also relatively likely to be the home of many al Qaeda sympathizers.

In 2004 a research team from the Targeting Terrorist Finances Project at the Watson Institute for International Studies, at Brown University, concluded a study that compared implementation of the international standards for financing among ten Muslim countries in the Middle East, North Africa, and Asia. The countries surveyed were Saudi Arabia, Egypt, Indonesia, Jordan, Malaysia, Morocco, Pakistan, Tunisia, the UAE, and Yemen. While these countries differed in their performance, they had all made noticeable progress since the establishment of the regime. The researchers gave Indonesia, Morocco, Saudi Arabia, and Tunisia the highest marks possible for the legal framework category, signifying criminalization of terrorist financing, creation of the authority to freeze funds without prior judicial action, and membership in the terrorist financing convention. Saudi Arabia’s legal framework has been reformed and now meets the highest international standards. For example,
the Saudis now possess the legal authority to freeze suspected terrorists’ assets expeditiously and without separate judicial authorization, as the Egyptians do. Saudi Arabia can now take immediate action to suppress terrorism financing, and it has signed the convention against it.

None of the ten states fared well enough in the category of creating or enhancing administrative infrastructure, which signifies having in place a FIU, allocating additional resources for building institutional capacity, and requesting and receiving external assistance. Yet seven countries were given the second highest mark possible, and none received the lowest mark. Saudi Arabia established a FIU; but the extent to which it has committed additional resources to fighting terrorism financing is still unclear. It should be noted that seven of the ten states requested assistance in developing financial law and practices. For example, in September 2003 the FBI and the Internal Revenue Service Criminal Investigative Division launched a program of antiterrorism training for Saudi officials.

Yemen and the UAE got the highest marks in the category of regulatory measures, with Egypt, Malaysia, and Saudi Arabia close behind. This category concerns implementing lists that go beyond those disseminated by the UN, introducing measures that concern banks and other financial institutions, regulating alternative remittance systems, and regulating and supervising the operation of charities. Countries such as the UAE and Pakistan have made use of the extensive list of individuals and entities associated with bin Laden. Saudi Arabia has settled for the more limited UN Security Council list. Egypt, Malaysia, and Saudi Arabia have taken steps to notify domestic banks of their obligations and to impose reporting requirements on banks and non-bank financial institutions. They have also extended assistance to those institutions in implementing the new legal and administrative measures.

The UAE requires that charitable assistance abroad be provided in goods and services rather than money, to reduce the risk that donations are diverted. Saudi Arabia has begun to regulate the hawala system. The UAE has gone even further in developing and implementing measures to improve the accountability of hawala institutions by imposing registration, reporting, and record-keeping requirements upon hawala operators. Meanwhile, countries such as Morocco have continued to deny the existence of hawala operators within their borders, and others such as Jordan have yet to impose basic transparency requirements on hawaladars. Saudi Arabia has also been active in the contentious task of regulating charities.

The poor performance of Jordan and Morocco in the domain of regulatory measures is noteworthy. Among the ten countries in the survey,
they are politically the closest to the United States. As compared to Saudi Arabia and Egypt, two other staunch U.S. allies, Morocco and Jordan are less able to withstand U.S. pressure and are inclined to show the highest level of cooperation. Indeed, the U.S. has intimate relations with the security services of these countries and praises their contributions to the war on the jihadists. Thus, their low performance is probably an indication of bureaucratic and financial difficulties, and not evidence for lack of political will. Reading the evidence against this background, one should award greater significance to the high marks received by other states.

None of the ten states got the highest mark possible in the category of enforcement—which focuses on the freezing of funds and on arrests related to financial violations—but Pakistan, Saudi Arabia, and the UAE came very close. This progress is especially evident in the increased number of terrorism-related resources they froze, with Pakistan leading the group, followed by Saudi Arabia. Saudi Arabia also established a joint task force with the United States to investigate terrorist financing in the kingdom. The task force includes two components, one focused mainly on intelligence and the other on financing. On the financial side, the two countries share investigative leads and handle requests for bank records, account information, and so on. Of significance is the center’s location in Saudi Arabia: according to press reports, this is the first time that U.S. law enforcement officials have been stationed in the kingdom for antiterrorism purposes, with direct access to Saudi accounts, witnesses, and other evidence.

Most countries fared much worse in the enforcement domain. Once again the weak performance of Jordan and Morocco, this time joined by many of the other countries examined, indicates that when it comes to the financial aspect of the war on terrorism many states, including enthusiastic U.S. supporters, are still unprepared to effectively implement the measures needed. In light of Muslim states’ disadvantageous starting point, and the designation of enforcement measures as part of the third stage in the constitution of the regime, the results achieved so far should be evaluated more positively.

In a development that indicates the growing seriousness of Middle Eastern countries in confronting terrorism financing, fourteen states formed the Middle East/North Africa Financial Action Task Force. By the summer of 2007, almost three years after its establishment, this multilateral body had held five plenary sessions, the last one by the Dead Sea in Jordan in July 2007. While it is too early to determine the organization’s level of effectiveness, an American official observed that “the
indications so far demonstrate considerable enthusiasm and energy.\textsuperscript{57} In addition, the Gulf Cooperation Council (GCC) joined FATF, putting its members under more rigorous scrutiny and upping the standards that must be met by Gulf states.

The Saudi action to suppress terrorism financing deserves further elaboration. In a demonstration of its goodwill and self-confidence, the kingdom subjected its anti-money-laundering and counter-terrorism-financing regime to international scrutiny. Saudi Arabia enacted a new anti-money-laundering law in 2003 and issued rules for its implementation in early 2004. Among the specific measures are more comprehensive criminalization, improved reporting and record-keeping requirements for the formal financial sector, new mechanisms for interagency coordination, and the establishment of an FIU. The kingdom also imposed mandatory licensing requirements for the \textit{hawala} system, backed by additional legal, economic, and supervisory measures.\textsuperscript{58} At the same time, Saudi Arabia is trying to make the formal banking system more attractive to discourage people from using the alternative systems. It has already designated certain bank branches for remittance at reduced fees.\textsuperscript{59} The government also launched a new training program for judges and law enforcement officials on measures against money laundering and terrorist financing.\textsuperscript{60}

Saudi Arabia’s actions against the abuse of charities to finance terrorism are particularly noteworthy. It has crossed an important barrier, initiating comprehensive new restrictions on the financial activities of Saudi-based charities and instituting stronger government oversight of their operation. In fact, an FATF official involved in the assessment of Saudi performance was quoted as saying that the new regulations designed to crack down on abuses at Saudi-based charities “probably go further than any country in the world.”\textsuperscript{61} These measures include limitations on overseas transfers from charities’ accounts in Saudi Arabia; a requirement that charitable accounts be opened in Saudi riyals; consolidation of charitable banking activities into one principal account through which withdrawals and transfers must be serviced; announcement of the formation of a governmental High Commission of Oversight of Charities; announcement of the creation of the Saudi National Entity for Charitable Work Abroad; the announced completion of audits of all Saudi-based charities; prohibition of unregulated cash donations in local mosques; and the removal of cash collection boxes from shopping malls.\textsuperscript{62}

The Saudi regime also launched a crackdown on the Saudi-based al Haramain Foundation and designated eleven of its branches abroad as
sources of terrorist funding. That designation was followed up by an even stronger move when the Saudis announced the dissolution of the foundation and other charities and the creation of a nongovernmental organization to coordinate private Saudi charity-giving abroad.63

However, Saudi Arabia’s negative record in its past treatment of radical Islamists, and in particular its willingness to play a double game by allowing their operation in return for quiet at home, leads many experts to view the encouraging developments with caution. They warn that taking the required administrative steps does not constitute evidence of strong action. They point at Saudi Arabia’s failure to hold elites accountable for financing terrorism, as well as the incomplete scrutiny of charities implicated in terror financing, as evidence that the kingdom is still far from meeting its obligations.64 Indeed, these are all reasons for concern. However, in comparative perspective, it is evident that Saudi Arabia has changed its attitude toward the financing of terrorism and taken significant steps, many of them unimaginable before 9/11. Viewing the actions taken so far against the background of the kingdom’s conservatism, which is known there as a recipe for policy paralysis, highlights the difficulty of change and amplifies the meaning of what has already been accomplished.

Roadblocks on the Path to Success

Despite some strong evidence of success, the fight to curb terrorism financing is not a clear case of a robust and effective sanctions regime, or of perfect interstate cooperation. In fact, the creation and evolution of the regime were often characterized by uncertainty regarding the best course of action, which ultimately affected states’ collaboration. Reservations about the utility of some financial controls for combating terrorism, and their opportunity costs, can hamper cooperation even before states calculate the political cost of compliance. Doubts regarding the objectives of the U.S. in promoting this regime have been rare so far,65 but critics highlight its important deficiencies, such as the contested legality of the procedures to freeze terrorists’ assets and their implication for human rights. More broadly, they question the regime’s effectiveness and point out the low ratio between its tremendous material cost and its fruits.66

In seeking a universal framework for action, members of the Security Council presented their vision of an ideal system under states’ tight oversight. But they did not articulate specific and attainable objectives for
the regime. Drying up the resources available for terrorism is a common mantra, but its usefulness as a guide for action is limited. The fact that attacks can be carried out inexpensively renders many of the measures to trace money transfers irrelevant for thwarting terrorist plots, while the prescribed measures themselves can be an expensive strain on resources with serious opportunity costs, particularly for poor postcolonial states. Some of the measures may be useful for undermining the ongoing operation of terrorist organizations (training, facilities, salaries, etc.) but they probably would have had stronger impact if applied against al Qaeda prior to 9/11, before it assumed its current more nebulous and decentralized form.

Clearly, the Security Council did not study the relative importance of the sanctions regime’s various components, or their cost and feasibility. It also did not prioritize the regime’s different objectives or consider the possibility that different regions might require dissimilar emphases. Recent studies alluded to this shortcoming by underscoring the importance of tailoring financial controls to regional conditions. For example, given the funding sources and financial channels (e.g., hawala systems) used by terrorist entities in east Africa, measures that focus on banking institutions will have very little impact on terrorist financing in that region.67

The lack of clear objectives, or of any coherent strategy to attain them, can also be inferred from the inconsistent American approach to the anti-terrorism-financing regime. Although its first tangible measure in response to the 9/11 attacks was in the sphere of terrorism financing, the United States did not follow a carefully thought-through strategy. Building on existing ideas that shaped the international treaty and the financial sanctions against al Qaeda and the Taliban, it was quick to promote the creation of a legal infrastructure to fight terrorism financing. But as its modest financial contribution to the CTC indicates, the United States had too little trust in UN organs to invest in their ability to play a more rigorous role in pushing the implementation of the relevant Security Council resolutions. The United States turned to the UN to establish norms against terrorism financing, and it valued that contribution, but it apparently does not have confidence in the UN as a means to build a robust global mechanism for technical assistance. While it has not abandoned the UN’s subsidiary bodies, the United States has chosen to focus on about twenty countries of concern, and has directed the bulk of its efforts to targeting specific groups and individuals.68

The greatest likelihood is that U.S. policy reflects a learning process concerning U.S. preferences, attainable objectives for the emerging re-
The suppression of terrorism financing and effective instruments for its implementation. After all, since the Bush administration found itself rushing to create the regime in response to the 9/11 attacks after only nine months in office; its actions were not the result of careful and comprehensive deliberations. The shift of its focus away from the UN and toward other intergovernmental institutions probably contributed to the declining usefulness of UN organs, but this was not an unreasonable step given the organization’s malaise. As observers note, UN action against jihadi terrorism has been characterized by a proliferation of programs and initiatives that have produced overlapping mandates, turf battles, duplication of work, and a confusing multiplicity of reporting requirements. Regardless of the cause for the American inconsistency, when the hegemon is not sure in which direction to go, interstate collaboration is likely to suffer.

The case of the 1267 Committee illuminates a number of additional problems that plague the anti-terrorism-financing regime. While compliance with the reporting obligation to the 1267 Committee has been high, it has been insufficient. By October 2004, 131 states had submitted reports in accordance with Resolution 1455, which had been passed in 2003. By June 2005 the number of reporting states was 140. While more than two-thirds of the states have reported to the 1267 Committee, almost one-third has failed to do so. The number of reported measures to freeze al Qaeda assets is hardly satisfying either. In most cases partial compliance can be attributed to lack of necessary capabilities and human resources to meet the reporting requirements—which is likely to be the case for countries the size of Saint Lucia, Tuvalu, and Cape Verde. Often the problem is compounded by lack of national authority to supervise and coordinate the relevant organizations in collecting the necessary information.

But the problems go further. The value of the 1267 Committee and the list to the prevention of terrorist attacks is not self-evident. The evolution of the jihadi threat since 9/11 suggests that the list has mostly normative significance. It has only marginal impact on the amount of money available for jihadis. It can be easily circumvented, it has little impact on terrorist plots in the making, and it may even divert attention from more fruitful instruments to curb terrorist financing. Shortcomings in the committee’s work also undermine financial sanctions; they largely account for the relatively small number of states that have proposed names for designation, and also for the great discrepancy between the number of names on the list and the thousands of individuals who have been detained on terrorism charges throughout the world. The list’s efficacy is hampered by technical issues, such as lack of information on individuals
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(some of whom are listed only by their first names)\textsuperscript{73} and difficulties in the spelling of names that are transliterated from one language to another.\textsuperscript{74} These problems discourage states from submitting names for designation, and also reduce their trust in the list’s effectiveness.

The methods by which states freeze assets may become obstacles also. Overall, states that rely on administrative authority are better positioned to implement freezing orders.\textsuperscript{75} Some have incorporated the sanctions regime into their national legislation, but may face legal challenges to the laws and their implementation due to questions regarding procedures and evidence requirements. In December 2004, the Analytical Support and Sanctions Monitoring Team warned that legal challenges “pose a serious impediment to the success of the sanctions regime.”\textsuperscript{76} Earlier reports alerted the Security Council that many states require judicial findings before freezing assets, thus prolonging the time needed to carry out seizure orders and crippling their effectiveness. In its June 2005 report, the monitoring team harshly criticized such practices as providing courts with potential veto power over mandatory decisions made by the Security Council acting under Chapter VII of the UN Charter.\textsuperscript{77}

The lack of adequate procedures for the 1267 Committee’s work has increased the magnitude of judicial impediments. In the first two years after 9/11, states found it much easier to add people to the list than to remove them upon finding that they were wrongly designated. Legal challenges proved that a number of people were unjustifiably included, but only after several states expressed their concerns did the Security Council create a mechanism to facilitate the de-listing of designated people and entities. Some states now complain that the mechanism is still deficient,\textsuperscript{78} leading them to hesitate before submitting names.

Observers suggest that some states are reluctant to submit names of Islamic groups and individuals due to domestic sensitivities, such as the fear of being accused of being anti-Islamic.\textsuperscript{80} Given the confidence deficit from which the 1267 Committee suffers, states may be justified in being slow to take action without sufficient evidence. Constraints on their ability to implement the sanctions, particularly when the legal infrastructure is still unaccompanied by sufficient implementation capacity, may also account for their hesitancy.

In response to its damaged reputation and the deficiencies pointed out by member states, the 1267 Committee has been making a real effort to engage with states and improve its work.\textsuperscript{51} Indeed, this effort has been matched by a modest increase in the number of states producing terrorist designations. The number of people listed as terrorists is also increasing; as of June 2008 the list includes 493 entries, including 238 in-
individuals and 113 entities associated with al Qaeda, and 142 individuals and 1 entity associated with the Taliban. The quality of information on these parties has also improved; as a result, governments appear more inclined to initiate blocking orders on the assets of designated individuals and entities.

Conclusions

The regime to curb terrorism financing is a building block in the war on terrorism. Although expectations that it could solve the problem of jihadi terrorism are exaggerated, the regime represents an important component in an encompassing counterterrorism enterprise. Financial controls cannot prevent the occurrence of terrorist attacks altogether, but they do deter some sympathizers from financing jihadi groups. They also complicate the planning and execution of terror operations, thus generating more opportunities for intelligence gathering. They are especially important for curtailing the network’s ability to carry out a spectacular strike on the scale of 9/11, and for discouraging more expensive plans to use WMD. Even if the regime’s impact were simply to prolong the process of WMD acquisition, its contribution would be invaluable in terms of giving states more time to uncover and thwart such attacks. Financial controls are useful for understanding the modus operandi of jihadi cells, and they are also invaluable for intelligence and post-attack investigations and prosecution. The regime was in the making before the 9/11 attack, but it was developed, reinforced, and consolidated only in its aftermath. Vital to that process was states’ recognition that the al Qaeda–led jihadi movement represented a systemic threat and had to be confronted by them collectively.

The new regime is based on the four principles described in chapter 4: state primacy and sovereignty, state responsibility, bolstering of the state, and interstate cooperation. The construction and strengthening of the anti-financing regime has been slow and has involved many difficulties and complications, but there is consistent and meaningful progress in the face of an enormous task. Indeed, the members of the international society, under the leadership of the American hegemony, have already succeeded in creating a legal framework for freezing the assets of terrorists and terrorist entities on a global scale. Every single member of the international society has taken steps to improve its ability to prevent the financing of terrorism. Indeed, numerous states have signed the anti-financing convention and taken steps to comply with the relevant Security Council resolutions. These measures strengthen states’ oversight
in the financial sphere; in many cases they represent their first attempts to regulate their financial systems and trace monetary transfers. Such a low starting point has often required international mobilization to assist weak states in realizing their commitment to the society of states and to enhance their ability to suppress terrorism financing. Strong states have assisted weaker ones. Moreover, even states with little or no institutional capacity in the field of finance regulation have sought to extend assistance where they could. Even more important, progress is evident among Muslim countries, which have taken measures that are sensitive both politically and culturally.

U.S. leadership was instrumental to the consolidation of this regime. Yet after a legal infrastructure was established worldwide and the norm against terrorism financing was strengthened, the United States scaled down its efforts to reinforce the regime globally. It let secondary states and intergovernmental organizations continue solidifying the regime while focusing American resources on implementing it in specific countries of special concern.
Since 9/11, the use of nuclear, biological, and chemical weapons, also known as weapons of mass destruction, has been portrayed as the most dangerous and devastating threat to the international society.¹ Practitioners and scholars alike have suggested that the conditions that produce deterrence among states and prevent them from employing WMD may not apply to non-state actors. Consequently, a consensus has emerged that states must not allow non-state actors to acquire WMD.

There is little doubt that al Qaeda aspires to obtain WMD. The only disagreement concerns the time frame in which the network could obtain such weapons. As a result, the debate concerns the urgency of the threat, the size of the window of vulnerability, and the means to address it. The discovery in 2003 of the global black market in nuclear weapons and related technology, headed by A.Q. Khan, father of the Pakistani nuclear program, increased the sense of urgency and gave impetus to the efforts to curb the proliferation of WMD and related material and technology. The breadth of the operation, and the realization that such rogue actors may assemble enough material and knowledge to construct a nuclear device even without direct state sponsorship, were accepted with substantial apprehension.
This chapter discusses the construction of a regime to deny non-state actors access to WMD. It shows that despite its overwhelming power and strong interest—as the most likely target for a WMD attack—in curbing proliferation to the jihadis and consolidating a regime that reflects American preferences, U.S. hegemony encountered considerable obstacles. The United States’ first vision for the regime, which focused on states’ sponsorship of terrorism, was met by strong resistance and was therefore abandoned. Only when it altered its strategy and advanced a design centered on denying non-state actors access to WMD did Washington obtain the support of the society’s members. After the United States changed course, other states, rather than trying to free ride, chose to cooperate and even to take costly steps to do so.

This turn of events demonstrates that material considerations do not suffice in explaining the construction of the regime. I argue that we should turn instead to the English School for a compelling explanation. For cooperation to take place, the hegemon must persuade others that it acts in the benefit of the collective. Material power by itself would be insufficient in producing the desired collaboration; it must be coupled with leadership and a strategy compatible with the principles on which the international society is based.

The chapter illuminates the difficulties the United States faced when it attempted to tailor a response to the threat, the reasons for its eventual success in structuring a nonproliferation regime, and the specific shape that regime took. I argue that the efforts to design a universal regime to prevent terrorists from obtaining WMD have inevitably been entangled in the broader interstate arms control agenda. For decades, states have been debating the future of WMD and particularly nuclear weapons; while the nuclear powers have been promoting nonproliferation initiatives focused on ensuring that no other states would obtain nuclear weapons, the non-nuclear states prefer complete nuclear disarmament and suspect the nuclear powers of trying to perpetuate their nuclear monopoly. These disagreements have affected states’ preferences on the question of preventing such deadly weapons falling into the hands of terrorists. They have been detrimental to the American effort to impose an agenda that was incompatible with the principles of the international society, focusing mainly on the nexus between what it terms “rogue states” and terrorist entities. The clash between the hegemon’s agenda and the preferences of other states reached its climax in the depiction of Iraq, North Korea, and Iran as the “axis of evil,” and the consequent invasion of Iraq. The war particularly exposed the limitations of the hegemon’s ability to advance its agenda.
These policies of the United States further damaged its leadership image, increased distrust in its motives, and distracted attention from other means by which terrorist actors might obtain WMD. Nevertheless, despite the hegemon’s failure, the political sensitivity of WMD-related policies, and the consequent considerable interstate disagreements, a regime to prevent proliferation to non-state actors was eventually created. Since states shared the understanding that WMD in jihadi hands constituted an intolerable danger, they collaborated once the hegemon promoted a strategy in line with the international society’s principles. Indeed, they have taken some significant steps that are indicative of the inclination of the members of the international society to preserve the system.

The chapter starts with an examination of nonproliferation before 9/11, when the threat was not salient enough to push forward a strong multilateral effort. The steps taken in the years after the attack are examined in the second section. In the last section I use the English School to explain the various turns in the establishment of the regime, and its final shape.

Nonproliferation and Non-State Actors before 9/11

A number of universal anti-proliferation treaties date from before 9/11. While they do not focus on non-state actors, they include elements that partially address the threat posed by them. The Chemical Weapons Convention (CWC, signed 1993, entered into force 1997), for example, does not refer to the risk of terrorism directly—but by prohibiting states from possessing chemical weapons altogether, it reduces the risk that such weapons would end up in the hands of terrorists. Nevertheless, the CWC has not provided a foolproof response: elimination of all chemical weapons has yet to be completed. In addition, chemicals and know-how are still widely available for non-state actors.

The Biological Weapons Convention (BWC, signed 1972, entered into force 1975) presents analogous prohibitions on the possession and use of biological weapons, but this convention also suffers from substantial shortcomings. It lacks verification and enforcement mechanisms and has often been ignored by member states. For example, prior to 9/11 only a small number of states passed domestic legislation that would prohibit and penalize offensive biological weapons activities, and the Soviet Union continued to develop its biological program even after it signed the BWC.

The Non-Proliferation Treaty (NPT, signed 1968, entered into force 1970) is the main universal convention in the nuclear arena. Its central
objective was to prevent any increase in the number of nuclear states beyond the five powers that had conducted nuclear tests and held nuclear weapons before the treaty was signed: the five permanent members of the UN Security Council. The NPT was designed at a time when the risk that a non-state actor might acquire nuclear weapons was unimaginable. It is no wonder, then, that the treaty, which was ineffective even in preventing some non-nuclear signatories (i.e., Iraq, North Korea, and Iran) from pursuing their nuclear ambitions, left gaps that decades later could be abused by non-state actors. It limited the number of nuclear states; but many states continued to possess nuclear technology and material without guaranteeing the security of nuclear facilities, material, and knowledge or safeguarding them from non-state actors. Furthermore, countries that refused to join the treaty and developed nuclear capabilities (e.g., Pakistan, Israel, South Africa, and India) remained a largely unchecked proliferation risk.

The Convention on the Physical Protection of Nuclear Material (signed in 1980, entered into force in 1987) went some way to reduce the risk that nuclear material would fall into the wrong hands, but it failed to cover activities that were essential for the protection of nuclear material and facilities from non-state actors. In 1997, in response to calls to amend the convention, the International Atomic Energy Agency (IAEA), convened an experts’ group to discuss possible revisions, but no negotiations between states took place before 9/11.

In a separate development, in December 1996 the UN General Assembly, reflecting growing interest in terrorism during the 1990s, established an ad hoc committee to prepare drafts for the treaty on the suppression of terrorist bombing, and later for a treaty on nuclear terrorism. The discussions about the convention on terrorist bombing were swift; the treaty was adopted in December 1997 and opened to signing in January 1998. It does not make direct reference to WMD; but by prohibiting the discharging or detonation of “an explosive or other lethal device,” it covers the use of such weapons.

Following the adoption of the convention on terrorist bombing, the ad hoc committee began its discussions on the draft of the nuclear terrorism treaty, which had been proposed by Russia. In its explanatory note, Russia urged states to understand the severity of the threat and consequently the urgency of concluding the convention as soon as possible. However, the negotiations soon ran into serious difficulties. When terrorism hit New York and Washington, little progress had been made and the conclusion of a draft appeared to be a distant goal. Clearly, prior to 9/11, normal politics had prevailed.
Bilateral action was also taken to address the threat from nuclear terrorism. The most important efforts to prevent the theft or sale of nuclear, chemical, and biological weapons were made by the United States and focused on weapons left in Russia and other former republics of the Soviet Union. The 1991 Soviet Nuclear Threat Reduction Act (later renamed the Cooperative Threat Reduction Program) was initiated by Senators Sam Nunn and Richard Lugar to secure loose weapons from the former Soviet Union. Within the framework of the program, large numbers of nuclear weapons and material were dismantled, and new security systems that included the locking of nuclear material and the establishment of security parameters around storage sites were installed in over fifty facilities. As critics pointed out, however, the program’s usefulness was limited by insufficient funding and bureaucratic infighting. The program covered only a small part of the unsecured facilities in the former Soviet Union, and the pace of its implementation was sluggish. More than a decade after the program’s inauguration, only half of Russia’s nuclear weapons have been adequately secured.\(^8\)

This short review of nonproliferation politics before 9/11 suggests that states had begun acknowledging the threat posed by non-state actors equipped with WMD and the inability of the existing instruments to provide a sufficient response. But disagreements reflecting “normal politics” resulted in little progress.

**Nonproliferation and Non-State Actors after 9/11**

Then came 9/11, demonstrating al Qaeda’s lethality, ruthlessness, sophistication, and global reach. Connecting the dots, observers throughout the world, most importantly state officials, understood that if al Qaeda acquired WMD it would be more likely to use them to kill rather than as a deterrent weapon. As the threat became transparent, there was an increasing sense that strong action was required. However, since the international atmosphere surrounding arms control and disarmament had grown increasingly sour in the years preceding 9/11, the efforts to confront the unveiled threat from al Qaeda took place against a background of hostility and distrust between nuclear and non-nuclear states, as well as among the nuclear states themselves. This section will outline the steps taken in the nuclear sphere since the attacks on New York and Washington.

**The Convention on the Physical Protection of Nuclear Material.** Before 9/11 only 68 countries were members of the Convention on the Physical Protection of Nuclear Material. Following the attack and the concomitant
Security Council call for states to accede to the existing universal antiterrorism instruments, there was a noticeable increase in the convention’s membership. By June 2007, 128 states had become parties to the treaty, an addition of 60 states, representing nearly a 90 percent increase since the attack. The most significant of those new members were India and Israel. These two nuclear states, notorious for their reluctance to participate in universal conventions in the nuclear sphere, preferred a costly measure over remaining with impunity outside the treaty framework. Another noteworthy addition was Kazakhstan, which inherited a large number of nuclear facilities whose condition has been a source of worry since the disintegration of the Soviet Union.

In another important development, the convention was amended in September 2005. Whereas the original treaty required states to protect nuclear material only in international transport, the amended version expands the obligation to that of protecting such material in domestic use, storage, and transport. It also calls states to commit to criminalizing specific acts, both during international transport and while in domestic use, storage, and transport. In addition, the treaty encourages states to expand their collaboration regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offenses. However, given that effective global security standards have not been set, considerable work has yet to be done.

The Nunn-Lugar Program and the G8 Global Partnership Program. The condition of the Nunn-Lugar program has improved in the aftermath of the 9/11 attacks. The program is still underfunded, especially when compared to the overall increase in the U.S. defense budget; but there has been noticeable progress. For fiscal year 2006 the Bush administration proposed a budget of $982 million to control nuclear warheads, materials, and expertise around the world—an increase of over $175 million from the previous financial year. Overall, the administration requested that Congress authorize $1.312 billion for all cooperative nuclear, chemical, biological, and missile threat reduction activities, nearly 25 percent higher than its request the year before. Also encouraging was Congress’s support for these multiple programs, which led it to allocate funding over and above the administration requests for fiscal year 2005. There is continuous progress, as more facilities and material classified as being at risk are secured each year. The pace of this progress has also accelerated.

The G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction further boosts attempts to secure WMD ma-
terial and weapons in Russia. The program, adopted at the 2002 Kananaskis summit, is one of several new counterterrorism measures taken by the G8. It is designed to support cooperation projects to address non-proliferation, disarmament, and counterterrorism and nuclear security issues in general, and it helps to divide the financial burden of financing such an enormous endeavor. Its most important clause was a commitment to invest $20 billion, half of it from the United States, over ten years to finance security measures and the destruction of nuclear and chemical weapons and material in Russia and other countries of the former Soviet Union.15

The members of the G8 invited other countries to join the initiative and received positive responses from many states. In the following year, Finland, the Netherlands, Norway, Poland, Sweden, and Switzerland pledged about $200 million to specific projects.16 Among the countries that later joined the initiative were Australia, Belgium, the Czech Republic, Denmark, Ireland, South Korea, and New Zealand.

Multiple cooperative programs are taking place under the global partnership initiative, among them nuclear submarine dismantlement and spent fuel management; nuclear security and physical protection; nuclear material safeguards; construction of fissile material disposition facilities; decontamination and reconversion of chemical weapons facilities; chemical weapons destruction; and construction of railway lines to chemical weapons destruction sites.17 In addition, the initiative supports former weapons scientists by redirecting and employing them in peaceful civilian projects, largely through transferring institutes and scientists to sustainable income-producing activities.18 As the progress reports clearly indicate, after a slow start due to difficulties in concluding the required legal agreements (on issues such as liability in case of accidents), the program is making tangible progress in turning political pledges into concrete projects.19

The program is also expanding to other former Soviet countries besides Russia. The 2005 annual report details numerous such projects, among them the decommissioning of fissile material in Ukraine and Lithuania; spent-fuel disposition projects in Kazakhstan; projects to improve the safety of nuclear installations in Kazakhstan, Armenia, Uzbekistan, Belarus, and Ukraine; export control projects in Kazakhstan; and the return of highly enriched uranium fuel from Uzbekistan. In addition, efforts have focused on redirection and employment of nuclear scientists in Ukraine; biosafety and redirection of biological and chemical weapons scientists and facilities in Georgia, Armenia, Azerbaijan, Belarus, Kazakhstan, Tajikistan, Ukraine, and Uzbekistan; and elimination of
delivery systems for strategic nuclear arms in Ukraine. The program may soon expand even beyond the states of the former Soviet Union and include redirection and employment programs for Iraqi and Libyan scientists.

Despite signs of progress, the risk from unsecured highly enriched uranium and weapons-grade plutonium remains significant. Russia is challenging Western assessments of the threat, and denies the urgency of additional steps. Legal disagreements between Russia and the Western donors concerning liability in case of accidents further slow international efforts. In addition, the risk expands well beyond the former Soviet Union to facilities and material in other locations, particularly Eastern Europe. Moreover, even the United States, which leads the overall endeavor, has failed to recover the highly enriched uranium it provided to other states in the last four decades in support of their peaceful nuclear programs. This uranium could be enough to create about one thousand nuclear weapons.

Although this global partnership program is the flagship of the G8 counterterrorism initiatives, the G8 action extends further. At the Evian summit a year after the initiative was announced, the G8 issued an action plan that sought to guarantee the protection of radioactive material. At the 2004 Sea Island summit, the G8 members decided to develop additional measures to prevent the export of sensitive nuclear technology, in particular uranium enrichment and plutonium reprocessing technology, to states that might hand them over to terrorists or use them to develop weapon programs. While working to develop criteria for technology transfer, G8 members decided, and reasserted at the 2005 summit, that they would not inaugurate any new initiatives involving transfer of enrichment and reprocessing technologies to other states. They also reported progress toward an arrangement to provide nuclear fuel to states that would forgo the nuclear fuel-cycle and meet all of their nonproliferation obligations.

The Nuclear Terrorism Treaty. After seven years of negotiations, the members of the international society finally overcame the impasse and finalized the International Convention for the Suppression of Acts of Nuclear Terrorism. The convention was opened for signing in September 2005 and entered into force less than two years later, in July 2007. By the end of that month, 115 states had already signed the convention and 24 had deposited instruments of ratification with the secretary-general of the UN, thus becoming full members. Numerous additional states are now in the process of ratifying the treaty.
The treaty requires states to cooperate in preventing or prosecuting acts of nuclear terrorism, whether aimed at their own territory or at another country. This includes, for example, adopting legislative and technical measures to protect nuclear material, facilities, and devices and to prevent unauthorized access to them by non-state actors. States are obligated to criminalize the possession of radioactive material, the creation or use of a radioactive device, or the damaging of a nuclear facility with the intent of causing harm or compelling states and other legal persons to do or refrain from an act. The convention applies exclusively to individuals and non-state actors. Its scope excludes proliferation and use of nuclear weapons by states.

A growing sense of urgency to conclude the treaty in the aftermath of 9/11 was translated into a more constructive and compromising approach by the negotiators. Despite this, it still took nearly four years after 9/11 before the treaty was concluded. Two thorny issues, the definition of terrorism and the use of nuclear weapons by military forces, hindered progress and prevented the treaty’s rapid adoption. Many non-nuclear states, particularly among members of the Non-Aligned Movement, insisted that the text of the convention must not legitimize the use of nuclear weapons; specifically, they opposed the explicit exclusion of the activities of state authorized armed forces. Eventually a compromise was achieved that did little to satisfy the goals of the non-nuclear states: the use of nuclear weapons by armed forces was excluded from the scope of the treaty, but the convention asserted that this exclusion did not legitimize any use of such weapons by states. The definitional problem was solved, as in many other cases, by avoiding any definition of terrorism.

**Security Council Resolution 1540.** On April 28, 2004, the UN Security Council unanimously adopted Resolution 1540, a cornerstone of the regime to prevent terrorists’ access to WMD. By adopting this resolution, the Security Council assumed a critical role in the struggle to combat terrorism with nonconventional weapons.

The resolution focuses on preventing the proliferation of WMD and their delivery systems to non-state actors, defined as an “individual or entity, not acting under the lawful authority of any State in conducting activities that come within the scope of this resolution.” The reference to non-state actors rather than terrorists is exceptional, yet particularly with regard to WMD it seems to be a logical choice. The myriad of international conventions have created a nearly universal prohibition of the possession of WMD. Since states are the building blocks of the international order, it is only natural that a ban on the possession of such deadly weapons
would cover not only states but non-state actors as well. Whereas the right to use violence may be contested, and leave some room for non-state actors to use force against occupation and for the sake of self-determination, none of that makes the possession and use of WMD lawful. Besides being logical, the reference to non-state actors instead of terrorists allows states to avoid having to agree on a definition of terrorism. It also allows the inclusion of actors such as A.Q. Khan’s network, which may aid terrorists for money and not necessarily for political motives.

In the resolution, the Security Council expressed its concern that non-state actors may “acquire, develop, traffic in or use” WMD and their means of delivery. Therefore, it decided that all states must refrain from “providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use, nuclear, chemical or biological weapons and their means of delivery.” To meet this obligation, states are required to criminalize any such activity, prosecute any violators, develop effective measures to secure any WMD or related facilities and material, and develop border controls and law enforcement capabilities to detect, deter, prevent, and combat the illicit trade and trafficking of such weapons and materials.

To assist in implementation, the Security Council established the 1540 Committee. Established initially for a two-year term, the committee is mandated to collect states’ reports and inform the Security Council on the implementation of Resolution 1540. The establishment of the 1540 Committee is comparable to other committees created in support of the council’s antiterrorism measures. However, this commissioning was accepted with many more reservations because of the political sensitivity of WMD, and because some states feared that the nuclear states might seek to reinforce the committee’s authority at the expense of existing international institutions (such as the IAEA) in which non-nuclear states have a stronger voice and the influence of the leading powers is more constrained. Despite these doubts, at the end of two years the Security Council decided to extend the committee’s mandate, and in April 2008 it was extended again.

In line with other antiterrorism resolutions, particularly those concerning terrorism financing, the Security Council acknowledged that some states may need help in implementing the provisions of the resolution. It therefore called upon capable states to provide assistance to weaker states that lack the legal and regulatory infrastructure, the technical knowledge, and the resources needed for compliance.

Taken under the auspices of the Security Council, the resolution is compulsory for all states. Furthermore, to make it unequivocally legally
binding and to send a powerful political signal that the council regards the subject matter and compliance with extreme seriousness, Resolution 1540 was adopted under Chapter VII of the UN Charter.\textsuperscript{32} It parallels the method employed in Resolution 1373, which focuses on the suppression of terrorism financing, by imposing practical obligations, which are covered in part by existing universal instruments, even on states that have refused to join those treaties. Thus, Resolution 1540 turns the implied prohibition, contained in the CWC and BWC, on assisting non-state actors with any aspect of technology related to biological and chemical weapons into a universal obligation—binding even on those countries that have not yet acceded to the treaty. The resolution is also an effective response to the slow procedure of treaty construction and acceptance, having been reached after only months of deliberations, rather than years as is common with universal treaties. It imposes obligations that states can take on under the nuclear terrorism treaty without having to wait for the treaty to enter into force and gain universal adherence.

The resolution also represents an important reinforcement to existing export-control regimes. All previous such arrangements have been informal, voluntary, and not legally binding.\textsuperscript{33} Resolution 1540, on the other hand, is legally binding and universal in scope. The demand for states to protect WMD and related facilities and material, irrespective of whether they took on similar obligations under the NPT or consented to the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, is another strong step representing a real departure from previous conceptions of nonproliferation regimes.\textsuperscript{34}

Despite many similarities to earlier antiterrorism resolutions, Resolution 1540 caused much more contention among member states. Apprehension about its content and implications led a few states to request an open debate in the Security Council in which fifty-one states participated. During the meeting member states, especially those belonging to the Non-Aligned Movement, raised a number of concerns in which three subjects were prominent: first, the fear that the Security Council was turning into a legislative body; second, apprehension that the reference to Chapter VII could serve as a pretext for using coercive means against states that failed to follow the resolution’s text; and third, that the resolution came at the expense of aspiring to complete disarmament.

Many delegates argued that by placing all states under obligation, the Security Council had assumed a legislative authority it did not legitimately have. Thus the Algerian representative argued that the UN Charter did not give the council a “mandate to legislate on behalf of
the international community.” The Indian ambassador expressed his country’s concern that the balance of power between the General Assembly and the Security Council was thereby being eroded, leaving the council unmonitored.

Furthermore, numerous states reminded the council that the normal means to creating universal commitments was through treaty writing, which provides all states with the opportunity to shape an agreement, raise objections, and judge for themselves whether to join the treaty once it is adopted. In comparison, a Security Council resolution gives to a nonrepresentative body dominated by five states the power to create law and obligate all states’ compliance—a radical departure from the principle of sovereign equality. As the Cuban representative stated, international obligations “must not be imposed upon member states without their participation and their sovereign acceptance.”

Some countries argued that the specific nature of Resolution 1540 and the obligations it set rendered the council’s role even less legitimate. The Pakistani ambassador noted that the council, “where five states, which retain nuclear weapons, also possess the right to veto any action, is not the most appropriate body to be entrusted with the authority for oversight over non-proliferation or nuclear disarmament.” Therefore, some participants urged alternative means to combat the threat of terrorism with nonconventional weapons, specifically calling for reinforcement of the existing instruments as a more competent response. Summarizing the apprehension of many states, the Nepalese representative stated that the Security Council “should resist the temptation of acting as a world legislature, a world administration and a world court rolled into one.”

On the other hand, most council members, backed by additional states outside the council, defended the Security Council’s intervention. Some observed that the council was assuming legislative authority, but none argued that a precedent might be set. Instead, they maintained that the Security Council was increasing its involvement due to a gap in international law that had to be addressed urgently. As the Swiss ambassador argued, “it is acceptable for the Security Council to assume such a legislative role only in exceptional circumstances and in response to an urgent need.” While a universal treaty would be a better course of action, it could take years to negotiate, and “time is not on our side.” Therefore, the Security Council’s action should be viewed as provisional, taken until a multilateral alternative materializes, and perceived as being in line with the council’s responsibility to confront threats to international peace.
States also challenged the invocation of Chapter VII. Rather than viewing it as a sign of the international community’s resolve to confront the threat, they deemed it unnecessary and possibly even risky. Brazil, for example, argued that there was no need to invoke Chapter VII, since the UN Charter already rendered the Security Council’s resolutions binding. Indonesia argued that the use of Chapter VII suggested a coercive course of action, whereas the preferred course should be cooperative, with the coercive option serving as a last resort. Nepal suggested that by invoking Charter VII, the council was trying to reserve the option of imposing the council’s will on member states, potentially compromising their sovereign rights.

With the cloud of the Iraq ordeal still hanging over the council (in particular the American claim that Resolution 1441 provided legitimacy to use force against Iraq even without further authorization by the council), Switzerland warned that basing the resolution on Chapter VII must not be understood as preauthorization for states to resort to unilateral sanctions. Cuba went even further, arguing that “it cannot be ruled out that some power might interpret the adoption of this text under Chapter VII of the United Nations Charter to be a preauthorization or a justification for the unilateral use of force against given states because of alleged suspicions of proliferation of weapons of mass destruction or their components.”

In response, the sponsors of the resolution stressed that they only intended to send a signal of resolve, clarifying that the invocation of Chapter VII was not intended to facilitate the imposition of sanctions. They emphasized that the draft resolution was not about enforcement, and highlighted the cooperative spirit of the endeavor. Britain even explained that the reference to Chapter VII would give states the increased authority they needed to introduce robust domestic measures without deciding for the member states what those steps should be.

Several members of the Non-Aligned Movement also expressed their concern that the new regime would replace existing universal nonproliferation instruments and institutions and that, in its focus on nonproliferation, the resolution would divert the international community away from the goal of disarmament. They argued that the goal of preventing non-state actors’ access to WMD would be best served by measures to rid the world of these weapons. To some, the focus on nonproliferation appeared another indication of the nuclear states’ attempts to avoid concrete measures to realize their commitment to eliminate all nuclear weapons.

The resolution’s proponents took pains to emphasize that it did not replace any existing international instrument, but rather complemented
those frameworks and agreements. They included in the resolution an article in that spirit, even paying tribute to the goal of disarmament. The resolution’s advocates also emphasized that the focus on nonproliferation in the draft reflected a realistic reading of the international situation. The Spanish representative explained that a resolution focused on disarmament would not cause states possessing WMD “to comply more swiftly with their disarmament obligations under international treaties, or cause non-parties to such treaties to accede to them.”

Adopting a realistic perspective, the Security Council preferred to focus on the urgent threat of non-state actors equipped with WMD, rather than futilely trying to advance an agreement on disarmament and potentially jeopardizing the international society’s ability to confront terrorist threats in a timely manner. Thus, for the sake of addressing a pressing need, the sponsors of the resolution, some of which were not nuclear states, chose a measure that did not force nuclear states to disarm. Whereas all previous Security Council resolutions on antiterrorism explicitly called for adherence to the universal antiterrorism instruments, this resolution did not even call on states to accede to nonproliferation treaties (although it did appeal to member states to comply with their international commitments). The Council also left states’ past behavior behind, preferring a forward-looking approach in which the resolution “sets a standard for how nations should act in the future rather than judging past actions.”

To dispel the fears of nonmember states, and in an attempt to gain broad support for the resolution’s text, Security Council members engaged apprehensive states, revised several provisions, and added articles to address the concerns. Indeed, throughout the process many states, including some that expressed the loudest objections to the resolution, praised the willingness of its sponsors to listen to the reservations and to address them as much as possible. Clearly, all of these steps reflect the importance of persuasion rather than unrestrained application of power by the Security Council’s strongest powers. While these powers have assumed authorities unprecedented before 9/11, their aspiration to make the resolution not only authoritative by international law standards but also legitimate led them to try to bring on board as many member states as possible, so as to prevent long-lasting disagreements about the nonproliferation agenda from hampering the response to the threat of WMD terrorism.

The resolution creates a universal obligation for members of the international society; but its reliance on each individual state for implementation and reporting is consistent with the principles of state sovereignty and responsibility to the society of states. The resolution sets standards
and seeks to increase uniformity among states without determining the specific legislations they must enact, thus leaving states freedom to follow their own national mechanisms. It does not even determine exactly which materials would be proscribed. What it does do is to transform states’ interest in such a regime into a legal and normative obligation and give impetus to vigorous steps designed to curb the threat. Indeed, when one observes the discussions in the UN, it is evident that most disagreements were unrelated to the general goal of addressing the threat of WMD terrorism. Most participants in the debate, including those that were not expected to experience the jihadi threat in the short run, lent support to the overall goal and conceded that the threat was real and required quick action. This shared understanding led to the adoption of the resolution by consensus. Even Pakistan, which would incur high costs and had been the most vocal opponent of the resolution’s components, joined the supporters, thus facilitating the resolution’s unanimous acceptance.

While still in its early stages, the resolution has already helped to push through comprehensive legislation in many states, aimed at preventing and outlawing the proliferation of WMD and related materials.\textsuperscript{54} As of April 2007, 137 states had submitted reports to the 1540 Committee. Notable among those states are India, Pakistan, and Israel—countries traditionally reluctant to discuss their nuclear programs or join relevant international instruments. In their reports, twenty countries asked for assistance, while forty-six countries and twelve intergovernmental organizations offered to extend it.\textsuperscript{55}

**The Proliferation Security Initiative.** During a visit to Poland on May 31, 2003, U.S. President George W. Bush announced the commencement of the Proliferation Security Initiative (PSI), a multilateral operation to combat the transportation of WMD. Under this operation the United States and a number of its allies conduct searches of planes and ships suspected of carrying illegal weapons and missile technologies. The main goal is to prevent, deter, or delay states and terrorist organizations from obtaining WMD by focusing on the shipment of prohibited weapons and material. The members of the initiative recognize that the complete denial of trade in such items is not feasible; nevertheless they try at least to make such trade costly enough to dissuade actors from pursuing it.

Initially this plan comprised eleven states, all European with the exception of the United States, Australia, and Japan.\textsuperscript{56} Later, the core group expanded to fifteen states and increased its geographical reach
with the addition of Russia, Singapore, Norway, and Canada. Politically, the PSI already includes four of the five permanent members of the Security Council; only China remains outside, mainly due to concern that its protégé North Korea would become the initiative’s main target.

As an activity rather than an organization, the PSI welcomes any state that subscribes to its principles. It allows varying degrees of participation: some states commit themselves to assist, while others may cooperate on an ad hoc basis. Growing support for the PSI is evident in the large number of states, more than ninety, that have already endorsed it and committed to interdicting shipments of proliferation concern. Observers also note that the speed with which PSI members reached out to nonmembers to explain the initiative and seek their support is remarkable, particularly in comparison to the exclusivity of most multilateral export control regimes that predate 9/11.

The initiative is an important example of interstate cooperation. Its partners interdict shipments, exchange information, and take part in training exercises together. In the period between September 2004 and June 2005 they cooperated on eleven successful efforts, and they now are working to improve their ability to cooperate in interdiction missions. By June 2008 over forty multilateral exercises had been conducted with the participation of the initiative’s core states and new participants. These exercises take place in various geographical regions and have diverse emphases in accordance with the initiative’s missions. For example, a land interdiction exercise cohosted in May 2005 by the Czech Republic and Poland and attended by twenty-eight states was followed a week later by an air interdiction exercise hosted by Spain.

The PSI’s operation is based on a statement of principles adopted by the initiative’s founding members. In the statement, member states declare their commitment to deny attempts to make their ports, airfields, or other facilities into transshipment points for the transport of WMD, their delivery systems, and related materials to and from states and nonstate actors of proliferation concern. The members also commit to inspecting any mode of transport located in their territory that is reasonably suspected of carrying such illegal cargoes. Furthermore, they agree to board and search, at their own initiative or at the request of another state, any such vessel flying their flag “in their internal waters or territorial seas, or areas beyond the territorial seas of any other state,” and to seize any prohibited cargo. Each state also confirms its willingness to seriously consider approving the boarding and searching of its own flag vessels by other states, and the seizure of any WMD-related cargoes. Fi-
nally, states pledge that when early information exists, they will deny the transit rights of suspicious vessels in advance.\textsuperscript{61}

The interdiction of suspected cargo, especially on the high seas, is legally complicated: international law allows such interdictions only in unusual cases. A state wields substantial power to stop and seize cargo within its own authority, but this power diminishes as one gets further from the state’s shores and is virtually nonexistent on the high seas.\textsuperscript{62} Since a ship is considered an extension of the state in which it is registered, the principle of state sovereignty implies that a ship can be boarded on the high seas only by the authorities of its own state.\textsuperscript{63} The United Nations Convention on the Law of the Sea, however, articulates additional exceptional circumstances under which a ship may be forcefully boarded. These include instances when there is reasonable suspicion that the ship is engaging in piracy or slave trade, or when it is not registered in a single country, flies no flag, or is broadcasting in an unauthorized manner to the state wishing to board.\textsuperscript{64}

Respect for state sovereignty and freedom of navigation could undercut nonproliferation efforts, but the PSI provides a solution that significantly improves states’ abilities in that area. It encourages states to temporarily compromise their sovereign rights when there is a threat that vessels using their flag may be used for proliferating WMD and related material. This approach increases the number of ships that can be inspected, and it also goes some way toward establishing collective sovereignty on all contracting states’ nonmilitary vessels at sea, for the purpose of preventing WMD proliferation. It is further evidence that states are willing to absorb costs they would not have otherwise: they adopt an elastic conception of sovereignty in which one contracting state may withdraw its sovereign rights to allow another to board a suspected ship flying its flag, thus temporarily extending the sovereignty of the latter state.

Furthermore, the PSI’s multilateral nature serves as a force multiplier: rather than leaving each country to cover areas according to its own capabilities and inspect only ships flying its own flag, the initiative facilitates coverage of a much broader area by a much higher number of ships, thus ensuring the inspection of many more vessels. In addition, it facilitates rationalizing the deployment of inspecting vessels to make the most efficient use of pooled assets.

The PSI is structured to allow its members significant flexibility. For example, by not specifying its targets, it allows participants the freedom to decide at the time of interdiction whether circumstances warrant considering the sender or the recipient of the cargo to be a proliferation concern. Its
wording also allows flexibility over time: a state deemed a proliferation risk at one point may later change its international behavior, allowing PSI members to cease targeting that state’s vessels without having to go through the exhausting bureaucratic and political maneuvers for official “de-listing.”

Another element of the PSI is bilateral ship-boarding agreements. By January 2008 the United States had signed eight such agreements—with Liberia, Panama, the Marshall Islands, Croatia, Belize, Mongolia, Malta, and Cyprus—and it now is reportedly negotiating the conclusion of agreements with dozens of other states. Such agreements regulate boarding the ships of nonmembers and substantially extend the reach of the program. In its bilateral efforts, the United States prioritizes agreements with the world’s largest ship registries. Those countries usually offer easy registration at low cost and with few regulations, rendering them susceptible to abuse by proliferators. By signing agreements with them, the United States increases the cost for using these countries’ flags and boosts proliferators’ risks. With these bilateral agreements added to the boarding agreements inherent in the PSI, over 60 percent of the global commercial shipping fleet’s deadweight tonnage is subject to possible boarding, search, and seizure.

The PSI has an added benefit in its contribution to the development of a norm against proliferation of WMD: if the practice of active steps to prevent such proliferation continues to spread, it could over the long run gain the status of customary law. The PSI has already gained further legal legitimacy through its call, included in Security Council Resolution 1540, for states to cooperate, in keeping with international law, to prevent the proliferation of WMD and related materials. The text of this resolution triggered declarations of support for the PSI from additional states. In addition, because the shipment of WMD-related equipment and materials is not yet universally condemned as a violation of the right of “innocent passage” included in the Law of the Sea Treaty, interdiction has yet to be recognized as being derivative from that treaty. But if support for the PSI increases, then such a development cannot be ruled out. Evidently, a considerable number of states, including those concerned over the possible loss of sovereign rights, view the benefits of the initiative as justifying the price.

Not all observers praise the PSI. In addition to the unsubstantiated accusations that it could contradict international law, some observers have doubts about its effectiveness. They note that in comparison to the number of illicit trafficking incidents of nuclear-related material between 1991 and 2001, the number of interdictions under the auspices of the PSI—which claims a scope that covers far more than just this type of
material—is extremely low. This could be the result of ineffective coordination, of monitoring the wrong shipping routes and methods, or of insufficient intelligence or information sharing.69

One must be careful in assessing the meaning of the low number of interdictions reported. Members of the PSI are reluctant to publicize information about the particularities of specific interdictions, fearing that it might reveal methods of operation that could be then used by proliferators to circumvent the allies’ efforts.70 Moreover, one must remember that the PSI provides only one layer of protection against the acquisition of WMD by terrorists, and that the initiative is still only taking its first steps. Given its short existence, its results should be evaluated realistically. As states improve their channels of information sharing and operational cooperation, the PSI is expected to bring a higher payoff. One may also consider whether the gap between the strengthening of a norm and the number of interdictions should be attributed to PSI’s targeting of both states of concern and non-state actors. If its members can reach a consensus on which countries constitute “states of concern” to justify interdiction, or if they abandon the focus on states in favor of increased emphasis on non-state actors, the PSI may achieve better results.

Explaining States’ Policies after 9/11

Since September 2001, states have taken significant steps to curb the risk that WMD would fall into the hands of terrorists. Yet the regime has evolved slowly and unevenly. Its construction has been clouded by the ongoing decades-old controversy about the future of WMD in interstate relations, and has inevitably become entangled in states’ divergent positions on this topic. The threat from non-state actors may have been perceived as serious and requiring urgent action; but other security concerns, mainly regarding interstate wars, have not disappeared. Consequently, each step taken to confront the terrorist threat has been deliberated with states’ comprehensive security vision in the background.

A prerequisite for collective response is that states reach consensus on the severity of the threat to the international society. But a consensus on strategy and its compatibility with the society’ fundamental principles is necessary as well. Normally, strategy is articulated by the hegemon but must be perceived as serving the general good in order to gain legitimacy and induce states’ adherence and cooperation.

The obstacles to a collective effort were high to begin with, as the universal nonproliferation regime was weakened continuously during the 1990s. The revelations that Iraq and North Korea had military nuclear
programs in violation of the NPT demonstrated that treaty’s weakness. At the same time, the five nuclear powers proved reluctant to accelerate the pace of disarmament or to guarantee that they would relinquish the manufacturing of nuclear weapons and the development of new weapon designs.

Many non-nuclear countries were increasingly discontented with the lack of progress towards disarmament, particularly after the evaporation of the rivalry between the superpowers, the main justification for the nuclear build-up. These non-nuclear states came to view the early disarmament commitment of the nuclear states in the NPT as no more than lip service. The discontent climaxed in 1995 at the NPT review conference, where an indefinite extension of the treaty was discussed. The pressure on the nuclear states to commit themselves to concrete steps towards disarmament, and to provide assurances that they would not attack a non-nuclear state with nuclear weapons and would come to the aid of a non-nuclear state attacked by nuclear weapons, bore little fruit. The nuclear states provided conditional negative assurances that they would not attack non-nuclear states with nuclear weapons, but this move was not enough to stem the resentment of the non-nuclear states. Eventually, the treaty was extended indefinitely, but only after a dubious process that did not help in mitigating anger toward the nuclear states, particularly the United States.

The NPT review conference was only one episode. Overall, non-nuclear states, especially among the Non-Aligned Movement, have come to view the United States as obstructionist and as a bullying force that tries to reinforce its dominance while paying little attention to the interests of other actors. It is perceived as a serious impediment to the promotion of additional treaties beyond the NPT, particularly the Comprehensive Test Ban Treaty (CTBT) and the Fissile Material Cut-off Treaty (FMCT). Naturally, there is enough blame to go around: the United States does not bear sole responsibility for the failure to promote international instruments and the erosion of nonproliferation regimes. However, because no progress is possible without its consent and because it is the easiest target, the United States is perceived by many states as the main obstacle.

Not only did the United States fail to demonstrate willingness to take accelerated steps towards disarmament, but soon after George W. Bush took office his administration’s actions suggested a desire to reinforce U.S. reliance on WMD, with apparent disregard for previous agreements. Early in Bush’s first term, his administration abrogated the 1972 Anti-Ballistic Missile (ABM) agreement—a building block of sta-
bility between the two superpowers during the Cold War—and declared its intention to create a shield against ballistic missiles. The U.S. image was also damaged when at the end of 2001 it called for research into new types of nuclear weapons and outlined new uses for them, and then made an announcement one year later in which it declared for the first time that it would preemptively attack foes thought to possess WMD.73

Thus, when the United States was hit by al Qaeda, its stance on WMD was internationally unpopular. After the attack, its strategy to prevent terrorists from acquiring WMD only aggravated the situation, hindering consensus and effective action. Many states around the world agreed with the United States’ threat assessment, but instead of an agenda to deal with the terrorist WMD threat without further undermining the interstate nonproliferation regimes, Washington pursued a strategy that differed significantly from many states’ understanding of the threat. In considering the various means by which terrorists might acquire WMD, the Bush administration focused on the risk that states would provide direct assistance to non-state actors. Conveniently, in his 2002 State of the Union address, President Bush emphasized the “axis of evil”—Iraq, Iran, and North Korea—arguing for action to prevent these “rogue states” from providing al Qaeda with WMD.

The emphasis on rogue states—particularly states with which Washington had long histories of hostile relations—appeared disingenuous, considering the lack of evidence to substantiate the allegations. The confrontation with the “axis of evil” states received priority over alternative routes to WMD, such as the theft of loose WMD or material from states that lacked effective controls, the purchase of such weapons and material on the black market, or the independent development of these weapons. Furthermore, despite public statements warning that non-state actors might use unconventional weapons, in the first two years after 9/11 there was little noticeable progress in preventing the acquisition of WMD by these alternative means, and the programs created for that purpose were underfunded74—all while the U.S. defense budget skyrocketed.

Under these circumstances, the United States appeared to be pushing in a self-serving direction. Furthermore, its negative attitude toward universal treaties made it difficult for it to project leadership or signal a willingness to take other states’ considerations and concerns seriously. It is no wonder, then, that the United States failed to marshal the required international support. Its focus on targeting states came at the expense of measures directed more specifically at preventing non-state actors from obtaining WMD, and this hindered its ability to elicit cooperation. Not only did the hegemon fail to convince peer states that its proposed
strategy would serve the collective interest, it also generated fears that it sought to increase its own primacy.

Nowhere was this disagreement over strategy clearer than in the showdown over the war in Iraq. The strong opposition to the war did not prevent the United States, backed by a “coalition of the willing,” from invading Iraq. But while American hegemony was able to project its power, it could not legitimize its action to the extent it wished. Instead of reflecting a consensus of the international society to curb the threat of WMD falling into the hands of al Qaeda and its operatives, the invasion was perceived by many states as a manifestation of independent American interests that not only failed to advance order in the international system but actually undermined that order and violated fundamental principles such as nonintervention, respect for international law, and the rejection of wars of aggression.

The failure to locate the alleged WMD in Iraq seriously damaged the United States’ reputation and the credibility of its intelligence services. Unable to pursue its goals without broad international support, it slowly backtracked from its focus on state actors as the main solution to the danger of WMD terrorism. With this policy direction basically blocked, its efforts to suppress WMD proliferation to non-state actors were directed to policies that were regarded as compatible with the international society’s fundamental principles, and which could thus gain broad support. The United States did not abandon its conviction that Iran and North Korea should not be allowed to possess nuclear weapons; it continues to bracket together the proliferation of WMD to states and non-state actors. But this connection between states and non-state actors is no longer the center of the U.S. program. In recognition of the limitations of its power, the United States adopted a different approach in dealing with the Iranian and North Korean nuclear programs, demonstrating greater willingness to cooperate with other states and consider compromise solutions. As a result, it has moderated international suspicion and probably made progress with non-state actors easier.

The strategy that now guides the WMD nonproliferation regime follows the same parameters of the general counterterrorism strategy. It focuses on the adoption of general guidelines for state action, but emphasizes states’ sovereignty and responsibility toward the international society. It also highlights and encourages interstate cooperation as a prerequisite to successfully confronting a transnational threat. Such a strategy is perceived to be in line with the international society’s basic principles, and also to be of value in denying terrorists access to WMD. As a result, it encourages
states to take costly steps and it produces interstate cooperation of the extent and type that the English School predicts.

The English School’s explanation is useful in three main respects. First, it explains the motive for collective action by anchoring cooperation in a sense of community under attack, which leads the members of the international society to overcome the conflicts and divergences of interest that characterize international life in order to protect the system. Thus they are willing to overcome “normal politics” and take costly measures even under circumstances when realists would expect them to pass the buck.

Second, the English School explains why the United States, despite its hegemonial status, failed to advance a strategy that emphasized proliferating states. According to this explanation the hegemon, in order to generate international support, must persuade the international society’s other members that the strategy it is pursuing is in line with the society’s fundamental principles, and serves the collective good rather than only the hegemon’s intrinsic interest. When the hegemon is persuasive, its agenda is perceived as legitimate and its position is perceived as being one not merely of primacy but of leadership. In the absence of legitimacy, mere preponderance of power will be insufficient and the hegemon will fail to achieve its goals.

Third, the English School explains why the chosen nonproliferation strategy did eventually gain international support and legitimacy. It argues that the strategy was accepted because it corresponded to the fundamental principles in which the operation of the international society was grounded. Moreover, it explains that because the society’s members cooperate to protect the system, their actions are expected to focus on (1) reinforcing the state and its capabilities by improving its control over weapons and material in its territory and building legal and bureaucratic infrastructure with which it can trace, prosecute, and punish entities that seek, trade, transfer, or produce such items; 2) targeting non-state actors, who represent the threat to the system’s survival; (3) preserving the primacy of states’ sovereignty while emphasizing their responsibility to the international society; and 4) encouraging interstate cooperation to improve states’ ability to realize their responsibilities, because the threat’s borderless nature necessitates increased cooperation.

Some of these elements were presented by Linton Brooks, American ambassador to the IAEA, in that agency’s conference on nuclear security. Brooks stated that the foundation for preventing terrorists’ access to nuclear weapons is for each state to realize its responsibilities as a sovereign
state, “whether that is trade and border or regulation of nuclear materials or nuclear facilities that are in conformance with international regimes.” At the same time, Brooks argued that the weakness of the existing nonproliferation regimes and the lack of coherence among different treaties and arrangements hindered progress towards a robust regime.76 The steps taken after 9/11 address this gap through multilateral channels that highlight states’ sovereignty and responsibilities.

The misguided direction in which the United States tried to lead after 9/11 explains its slow progress in trying to advance a regime to prevent non-state actors’ access to WMD. For such a regime to succeed, strong encouragement and direction by the hegemon were needed. But the United States failed to convince the international society’s other members that it was not pursuing its own hegemonial interests rather than those of the collective. As a result, the international society was left with neither a clear strategy nor the leadership needed to advance such a strategy. Some steps had been taken, particularly those designed to secure WMD and related material in the former Soviet Union and Eastern Europe; but they were the exception rather than the rule, and progress made on that front during the first three years after 9/11 was meager. Most of the action was taken after the United States had already occupied Iraq, around the time when the hegemon was forced to acknowledge the limits of its own power. Only when states’ expectations converged on a policy perceived as serving the collective interest could the new regime move forward. Note that even after the United States changed course, it still had the primary influence over the shaping of the emerging regime. Indeed, the strategy for action that was adopted reflected the U.S. inclination to work within the multilateral framework, but without compromising its freedom of action by handing too much authority to international organizations.

A close reading of the new regime’s components further reveals the superiority of the English School explanation. Security Council Resolution 1540, for example, is a pathbreaking step in the field of WMD nonproliferation. Many states expressed their apprehension about the procedures in which the resolution was adopted and the precedent it might create. Some states worried that the Security Council was assuming legislative authority, imposing treaty-like obligations on states without allowing them the right to refuse. But instead of strongly resisting the resolution, most states put their fears aside and conceded that the international society faced a grave threat requiring quick action. They also acknowledged that gaps in the existing universal instruments to prevent
proliferation required immediate and unconventional remedy, which Resolution 1540 could provide.

Consequently, the resolution’s critics were won over and the Security Council members adopted the resolution unanimously. They also agreed to establish the 1540 Committee despite the fears it evoked. The members of the Non-Aligned Movement were vocal in their call for the total elimination of WMD as the best way to confront the threat; but they eventually joined the consensus, gaining nothing beyond a vague reference to the importance of disarmament and noncommittal statements that the resolution would not be abused. The consensus on this resolution must be seen against the background of a very divided council in which even small states were not easily intimidated by the United States and demonstrated their willingness to vote against resolutions with which they disagreed, as the events leading to the war in Iraq attest. Resolution 1540 enjoyed the support of the nuclear states outside the NPT framework (India, Israel, and Pakistan), which, due to their nuclear status and reluctance to support multilateral efforts in the nuclear sphere, tended to be anxious about the expanding role of the Security Council. These states have already taken steps to comply with the resolution; India and Israel even joined the Convention on the Physical Protection of Nuclear Material.

Certain aspects of the PSI also lend support to the English School explanation. The PSI is completely voluntary, yet states take steps that could suspend their sovereignty rights and even put them in uncomfortable situations if prohibited cargo were found on a vessel carrying their flag. Despite these risks they chose to cooperate, even though many of them could easily withstand the hegemon’s power if they wanted to.

The substantial increase in signatories to the treaty on physical protection of nuclear material, the amendment of that treaty, and in particular the conclusion of the nuclear terrorism treaty all further support the English School explanation. While the process of treaty construction could have enabled the Non-Aligned Movement to derail efforts to conclude the nuclear terrorism treaty, those countries chose not to do so despite the lack of side payments. Evidently, systemic necessities proved stronger than any aspiration to use the treaty as leverage to promote global disarmament. Instead, the members of the Non-Aligned Movement chose to support a treaty that entailed additional international obligations, required high expenditures, and provided little short-term payoff. Likewise, instead of seeking to avoid cost and take a free ride on the hegemon, many secondary states have been willinglyshouldering the burden of securing nuclear material in the former Soviet Union.
Conclusions

The regime to prevent non-state actors from obtaining WMD and related material is evidence of the inclination of the international society’s members to preserve the system, and of their ability to cooperate as a result. The uniqueness of this case stems from the sensitivity and complexity that has existed in nonproliferation politics since long before the emergence of the al Qaeda threat. To create this regime, members of the international society had to disentangle the risk of proliferation to non-state actors from that of proliferation among states. Further complicating their efforts was a rift between the American hegemon and certain other members of the international society, which instead of unquestioningly accepting the hegemon’s leadership feared that it was abusing its power.

The English School explanation elucidates the dynamics that characterized the emergence of the new regime. It shows the importance of elements such as persuasion, appropriate action, leadership, and the good of the collective. Indeed, it demonstrates how international cooperation against the threat of possession of nonconventional weapons by non-state actors would require the American hegemon to propose an agenda compatible with the fundamental principles of the international society.

While states may have argued about strategy, they have also shared the perception of threat. Thus, once a proposal met the accepted parameters of how the society of states should address the threat posed by non-state actors—uniform general policy guidelines, confirmation of states’ sovereignty, emphasis on states’ responsibilities towards other states, and the promotion of interstate cooperation—the states started collaborating and demonstrated their willingness to incur costs. Even states not exposed to acute and immediate threat are taking part in the collective effort. Thus, the newly emerging regime to deny non-state actors access to WMD provides further evidence that facing a systemic threat, the members of the international society are inclined to band together to fend it off.
Border Controls

States’ control over their borders is a fundamental requirement for defeating the jihadi movement. Bolstering border security was identified as a major element in the war on terrorism from the start. Article 2(g) of Security Council Resolution 1373—the cornerstone for many of the steps that have been taken against the jihadis—explicitly requires all states to “prevent the movement of 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.” The resolution also calls upon states to ensure that their asylum systems are not being abused by terrorists.

Not only is the enforcement of border security a critical component in the war on terrorism; it is also one of the most difficult tasks to accomplish. The astonishingly low starting point of numerous states, the tremendous financial burden, the technological backwardness of large segments of the international society, and contentious ideational questions—particularly regarding personal freedoms and the limits of a state’s power over its citizens—represent some of the complexities involved in this
endeavor. However, the importance of the goal in states’ eyes is attested to by their cooperation in bolstering border security, which has included measures unthinkable before 9/11 and has continued despite disagreement over questions such as the war in Iraq. That states continue to report border security as one of the areas in which external assistance is particularly needed—despite the investment of considerable efforts and resources since 9/11—testifies to the magnitude of the task.\(^3\)

Indeed, consequent to 9/11, states have been investing sizeable resources in improving control over their borders and in increasing their capabilities to monitor transborder movement of people and goods. Varying geographical conditions, economic states, and levels of technological progress may account for dissimilarities in the measures on which states focus—physical security of border areas, technology to manage and monitor border crossings, or reform of immigration and asylum laws—but the general trend is undeniable. Whether through multilateral initiatives, bilateral cooperation, or independent action in compliance with Security Council resolutions, the drive to narrow the gap between states’ extensive authority and the much more limited control they exert in reality is ever-present.

**Borders and Terrorism**

In the absence of central authority, states divide the global terrain among themselves with borders demarcating the separation lines. Each state possesses exclusive sovereign authority over a specific bounded territory but is devoid of any rights outside of that land. The aspiration for stable interstate borders and territorial property has been an important element of the Westphalian formula, but it is rejected by the al Qaeda–led jihadi movement. This rejection derives from the movement’s denial of the institution of the state and of the legitimacy of the international society, with its emphasis on orderly interstate coexistence. According to the jihadi worldview, states and their borders are an arbitrary artifact whose existence is attributed to politics and power factors and has little legitimacy. Because interstate borders help to solidify the current order, thus obstructing the emergence of the only kind of legitimate order—the Islamic order—they must be eradicated. The jihadis see modern borders as a scheme of the “Christian West,” designed to divide and weaken the Islamic ummah and thus prevent it from realizing its universal mission.\(^4\)

At the same time, the jihadis are convinced that as an artificial creation, borders are temporary; they will inevitably crumble and be washed away by the rising Islamic tide. As the ummah advances, interstate borders will
gradually lose importance and mark only the separation of the Islamic ummah from the rest of the world. But the Islamic rule in Dar al Islam is bound to expand even farther until Islam vanquishes Dar al Harb and eradicates all political borders in the process. The principled negation of interstate borders is accompanied by their dismissal in practice. The jihadis’ theater of operations spans the entire globe. Borders have no sanctity; they are facts that must be taken into consideration, representing obstacles but also operational opportunities.

Borders allow each state only a partial glimpse into the global anti-systemic threat. Moreover, they mark a change of state authority and thus disrupt anti-jihadi action. Consequently, effective response requires states to ensure that borders do not become blind spots where state action stops and the flow of information is blocked. The jihadis are well aware of the limitations that borders impose on the international society’s response, and they seek to take maximum advantage of these constraints. Often they plan terrorist acts while residing in one country and carry them out in another. They are also inclined to concentrate their operations in lawless border regions where they can take advantage of states’ weakness, the support of local groups (especially tribes) that also reject states’ understanding of borders, or inhospitable topographic conditions that make some border areas unruly and virtually impossible to seal.

But borders also represent obstacles for the jihadis. Every border crossing increases the likelihood of capture. Borders could make the operation of jihadis even more difficult when states act in concert. In fact, borders could be of value to states in their efforts to rationalize the response of the international society. They delineate geographical spheres of responsibility, with each country holding primary responsibility to monitor and prevent the operation of terrorists within its own territory. Such a division of labor focuses states’ attention and resources. Interstate borders also provide “roadblocks” where states could stop the movement of terrorists and the material they use. Effective border controls would hinder the transfer of enemy resources—mostly people and weapons—to areas of need, restrict the operation of each jihadi cell to a smaller area, and consequently improve states’ ability to trace and capture enemy elements.

Turning the artificial discontinuity of the global terrain into a means for disrupting transnational terrorist activities, rather than a source of systemic weakness, would strengthen the response to jihadism. Therefore, states’ responsibility to effectively control their borders must be established. This responsibility would be accompanied by the creation of
uniform global standards and rules for border-crossing regimes, alongside the development and deployment of interoperable systems capable of integrating data possessed by various state agencies and between states. Where it is deficient, a state’s capacity to fulfill its obligations to the international society should also be established.

Note that the fight against terrorism is only one reason why states would want to establish or reinforce control over their borders. Countries may wish to block the influx of illegal immigrants, reduce abuse of the asylum system, thwart illicit trade, and dismantle the smuggling rings of transnational crime networks. Those motivations predate the war on the jihadi movement, but by themselves are not sufficient to produce the actions we have witnessed since then; the terror threat has provided the bulk of the impetus. Moreover, different states have dissimilar interests in bolstering border control; fighting terrorist anti-systemic forces is the only interest they all share. Thus, while the importance of additional interests should not be dismissed as an explanation for states’ actions, those interests should be seen as auxiliary.

Although the requirements are lucid, the task itself is highly complex. The most fundamental problem is that many states start from an extremely low position. From the inception of the state system, the ability of states to control their borders has been uneven. Many, particularly the decolonized states of Africa, have had only nominal attributes of domestic sovereignty. Their statehood has often resulted from external recognition rather than from domestic legitimacy and control; their borders have often been a fictitious creation of colonial powers, delineated according to political considerations and bargaining among those powers rather than according to geographic logic or the concentration of a cohesive social group. As a result, many states have long, porous, and often unmonitorable borders. Where these borders divide local populations, their legitimacy is not based on popular consent; instead, it is mainly legalistic. Such legitimacy, based only on legal practices and interstate agreements, must rely on state power to be respected by the local population. Where such power is absent, populations arbitrarily divided by the borders are inclined to ignore their existence. Many nomadic tribes, for example, continue their traditional ways of life in defiance of the state’s attempts to impose borders. But border control is a problem even for much stronger states that are capable of exerting authority and control. For example, consider the United States: if the strongest power in the world demonstrates an embarrassing inability to control its own land borders, it is no wonder that less well-endowed states continue to struggle with the same task.
In the case of developed states, some of the problems emanate from an earlier conception of the role of borders that did not take into account the threat of terrorism and in which economic considerations overshadowed security concerns. Prior to 9/11 most developed states, seeing less risk for conventional interstate wars, had chosen to loosen their border controls in order to reap the benefits of a globalized economy. Reducing interstate barriers facilitated the smoother and faster movement of people and goods, thereby increasing states’ economic benefits. But relaxing the barriers to movement also eased the movement of “negative” elements such as smugglers and terrorists, as well as of harmful goods such as drugs and weapons. The more states aspire to integrate their economies, the more exposed they become to terrorists’ abuse of the relaxed controls. The problem of permeable borders is particularly evident in the EU, which practically abolished its land borders. A terrorist could enter the EU zone through a weak link—a country with deficient border controls or a lax asylum system—and move around almost unhindered. With the threat from porous borders looming, states are trying to strike a balance between security and economic considerations. They seek to improve their ability to restrict the jihadis’ movement while sustaining and even broadening international economic activities. Indeed, the G8’s Secure and Facilitated International Travel Initiative (SAFTI), accepted at the Sea Island summit in 2004, emphasizes the importance of considering economic interests alongside security at the borders.

The reinforcement of border controls manifests all four characteristics of the international society’s response to the jihadi movement. By strengthening border controls, states attempt to bolster the institution of the state and reduce the gap between their authority and actual control, with the aim of bringing the institution a little closer to the ideal Westphalian model. Bolstering the capacity of the state goes hand in hand with an emphasis on the principles of state sovereignty and state responsibility. Rather than erasing borders to facilitate a centralized global approach, the state is maintained as the primary unit, with each state designated the representative of the society under its authority. The international community sets the principles and the rationale for state action, but then holds only a supervisory capacity, whereas states preserve their freedom to design the means to secure their borders. States are not coerced to tighten oversight of transborder movement. Instead, they are persuaded to take action and behave as responsible members of the society of states.

The global nature of the threat and the inability of many states to independently meet their responsibilities have led to a significant concentration on interstate cooperation. This cooperation is designed to achieve
two main goals: to initiate a learning process through which states can make use of each other’s experiences to improve effective border control; and also to allow some states to overcome their weaknesses and, through external aid, reach a sufficient capacity to realize their responsibilities to the collective. The gap between developed and developing states, as well as the heavy reliance of developed countries on highly sophisticated technologies and professional law enforcement mechanisms to bolster their border controls, makes interstate cooperation imperative. Developing states need assistance in building law enforcement agencies, in training law enforcement personnel and border security units, and in obtaining, deploying, and operating technological means of border control.

American hegemony plays a vital role in support of the task. Beyond articulating the goals of improved border controls and specific requirements for state action, the hegemon has also helped to improve weaker states’ ability to control their borders, inducing them to participate in specific cooperative enterprises and providing them with much-needed resources. For example, in Africa, the United States has initiated programs in fifteen countries designed to reinforce military capabilities for controlling borders and capturing terrorists. It also leads a special naval task force that patrols the seas between Pakistan and the Horn of Africa. Among the countries participating—and even alternating in leading the mission—are states that objected to the Iraq war, such as Canada, Germany, and France.

**Border Controls: The Physical Dimension**

Traditionally, border security focused on a state’s frontier and its close vicinity. However, as the conception of borders and security threats evolved, and as the means of border control became more diverse and sophisticated, border security increasingly turned into a multilayered endeavor in which states compiled financial, military, and technological resources to use in diverse ways and locations. Many security measures are being carried out far from the border, stretching deeper into states’ territories. None of these measures is expected to provide a full solution, but governments anticipate that in combination, they will significantly improve states’ ability to protect and control their borders.

As in the past, but with greater impetus, states seek to channel all entry through official and supervised gateways while blocking passage through unauthorized routes. Such measures include marking of state borders, erection of barriers between states (e.g., border fences), and patrol of maritime boundaries. Once people and goods have arrived at the
official checkpoints—land border posts, airports, and seaports—border security includes steps designed to prevent “negative” elements and unauthorized material from crossing the border. These measures at the official checkpoints can include increases in the number of government agents; but normally they rely on improved technological instruments. Numerous functions have been shifted away from the border to allow more rigorous security checks. By undertaking security measures from afar, a state gains additional time to examine an individual, his travel documents, and the purpose of his travel, thus gaining a better starting point to identify threats and respond to them properly and effectively. Pushing some security functions outward was not merely a response to changing security needs, but also an economic imperative, as states sought to facilitate quick and smooth border crossing of the “positive” elements that are required for sustaining and strengthening economic activity.

The urgency of the threat and the inability to close capacity gaps between states promptly result in variation in the types of border security measures that are prevalent between developed and developing countries. Outside the industrialized world, states focus on improving the physical protection of their borders. For many of these states, especially in Africa and Central Asia, this is a Herculean task because topographic conditions, as well as long and arbitrary borders set by colonial powers, render total physical border control virtually impossible, and put governments at odds with restive segments of their population. Indeed, Pakistan’s intention to construct a barrier on its frontier with Afghanistan, and to mine the area close by, encountered strong condemnation from Pashto tribes on both sides of the border.

Nevertheless, initiatives taken by countries such as Yemen and Saudi Arabia illustrate both the magnitude of the task and the seriousness of states’ efforts to overcome nearly insurmountable obstacles. A significant transit state for weapons between the Arab peninsula and the Horn of Africa, Yemen has more than twelve hundred miles of coastline and more than nine hundred miles of difficult desert land border with Saudi Arabia. It also lacks the resources to patrol these borders by itself. While still far from capable of fulfilling the mission effectively, it is building its coastal guard with American assistance. Recently, after many years of controversy, it reached an agreement with Saudi Arabia on the demarcation of their shared border.

As for Saudi Arabia, it has invested billions of American dollars in improving its border security. For example, its budget for border protection more than doubled from 1.8 billion riyals in 2004 to 4 billion
riyals (more than $1 billion) by August 2005. In addition, Saudi Arabia intends to build a 560-mile security fence on its border with Iraq, with an estimated cost of $500 million. Its other plans to secure the Iraqi frontier include the construction of fences on either side of a 100-meter “no-man’s land” containing concertina wire obstacles, ultraviolet sensors, night-vision cameras with facial-recognition technologies, and buried motion detectors. Command posts, helipads, and observation towers, all linked with access roads, will be positioned along the frontier. The entire security strip will be preceded by sand berms at the Iraqi border and will include 135 electronically controlled gates. The strengthening of the border is an ongoing process still far from completion. Yet, by 2006, Saudi officials had already noted a 30- to 40-percent decline in infiltrations across the Saudi/Iraqi border. This sort of physical hardening of states borders takes place far from the Middle East too. For example, Mexico has enhanced staffing and surveillance along its border with Guatemala.

The high seas also remain areas of potential discontinuity of anti-terrorism measures. They do not belong to any state, but instead represent a global commons. In this way, they combine qualities of both borders and buffer zones. Terrorists could use them to transfer people, financial resources, and weapons, and even as an arena for attacks. Consequently, the international society must establish some oversight to prevent the high seas from turning into a dangerous black hole. As illustrated by the case of the Proliferation Security Initiative, discussed in chapter 6, the United States has been leading “coalitions of the willing” (and of the able) to patrol the high seas, interdict vessels carrying terrorists and weapons, and deter terrorists from abusing the right of free movement in the commons. Such missions are especially important along traditional smugglers’ routes. Although the United States plays a leadership role in most of these arrangements, not all require its participation. For example, some EU countries—France, Italy, Spain, Portugal, and the UK—have been operating joint naval patrols of the Mediterranean since September 2003. Their main purpose is to stem the influx of illegal immigrants to Europe’s shores; but terrorism has also served to generate and justify the initiative.

The physical strengthening of states’ control over their borders takes place throughout the world, but it is especially important in Africa. The prevalence of dysfunctional states and the chaotic situation in large parts of the continent make the incorporation of African nations into the collective effort against the jihadis particularly challenging, and a natural
arena for American hegemony to exhibit its leadership role. Thus, Africa presents good evidence to support the overall argument of this chapter.

African states have agreed, in the framework of the African Union’s plan of action, to take a number of ambitious steps in the field of policing and border controls. Due to the rudimentary passport systems and absence of population lists in most African states, many of these measures are difficult to implement, thus requiring these states to focus on physical control of frontier regions. The obstacles are still tremendous; many borders are located in barely accessible desert regions, and harsh weather conditions make the regular presence of state agents hard to maintain. These conditions render U.S. assistance to the region even more urgent. The United States provides Algeria and other states with satellites and drones’ images, as well as nighttime reconnaissance equipment to substitute for human resources. It also trains thousands of African troops in desert and border operations, and assists in linking states’ militaries with secure satellite communications.

A number of programs to improve border security in Africa have been launched since 9/11. Between November 2002 and March 2004, the Pan-Sahel Initiative provided $7.75 million in training and equipment to the armed forces of Mauritania, Chad, Niger, and Mali with the goal of improving their border security and preventing the use of their territories by terrorists and criminals. This initiative’s activities were divided into sessions of two months each, in which U.S. soldiers trained about 150 African soldiers in basic infantry tactics, map reading, and the use of global positioning system (GPS) equipment also provided by the Americans. Overall, the modest training provided basic knowledge and practice. Beyond increasing direct border control capabilities, the initiative assisted in creating a rapid reaction force in each country to pursue terrorists.

In June 2005, this initiative was transformed into the Trans Sahara Counterterrorism Partnership (TSCTP). Nine countries participate in the TSCTP, with Senegal and Algeria joining the four participants of the Pan-Sahel Initiative as full partners and Morocco, Tunisia, and Nigeria joining as observers. The TSCTP is significantly better funded, with $500 billion in U.S. funds allocated over seven years. It also includes a much greater scope of activities—mostly the addition and expansion of education and health programs, as well as plans for economic and social development which now account for about 40 percent of TSCTP money. During the first phase of the program, U.S. special forces led 3,000 ill-equipped Saharan troops in tactical exercises designed to
better coordinate security along porous borders and strengthen patrols in ungoverned territories.\textsuperscript{22}

The expressed objective of the Pan-Sahel Initiative and its successor TSCTP has been to enhance the capacity of each participating state to control the full expanse of its own territory, including its borders, through U.S. training. African forces are to be trained and equipped to conduct rapid-reaction operations to stem the flow of illicit arms, goods, and people across borders and to preclude terrorists from establishing sanctuary in the Sahel region.\textsuperscript{23}

Various U.S.-sponsored bilateral and multilateral agreements and cooperative activities among the region’s countries have been incorporated under the TSCTP umbrella. For example, in July 2003, Nigeria, Niger, Chad, and Algeria signed an agreement on cooperation and joint operations for counterterrorism and law enforcement; Mali and Algeria have agreed to coordinate counterterrorism efforts along their shared borders; Mali and Niger have agreed to conduct joint border patrols; and Mali is working with Mauritania on coordination of counterterrorist tactical activities along their borders.\textsuperscript{24}

The United States is also very active in other parts of Africa. In 2003 it created the $100-million East Africa Counter-Terrorism Initiative (EACTI), which provides key states in the Horn of Africa with military training to bolster coastal, border, customs, airport, and seaport security.\textsuperscript{25} But the most important initiative in the area is a naval-oriented mission, the Combined Joint Task Force–Horn of Africa (CJTF-HOA). The eastern African coast, in particular the Horn of Africa area, has been known historically as a route for trade and smuggling to and from the Arab Peninsula, and jihadi elements had a strong presence in the region during the 1990s. Thus, in the aftermath of 9/11, Djibouti agreed that U.S. troops would be deployed on its territory. The current joint task force consists of ships from Australia, Canada, France, Germany, Italy, Pakistan, New Zealand, Spain, and the UK, and is staffed by 1,200 to 1,800 soldiers who provide a long-term interdiction and strike force. In addition to its interdiction missions, the CJTF-HOA has conducted a series of outreach programs to the region’s states. The focus of most of these programs has been border security, counterterrorism training, coastal security, and intelligence sharing, especially for border control issues.\textsuperscript{26}

Another program focuses on Africa’s western coast. In 2003, the United States European Command (EUCOM) proposed the initiation of the Gulf of Guinea Guard, which would offer assistance and training programs to improve control of coastal areas, enhance physical security
of national ports, and promote cooperative maritime security off the western coast of Africa. In October of 2004, EUCOM brought together the region’s naval chiefs of staff, who had never met before as a group, for a coastal security conference in Naples, Italy.\textsuperscript{27} The Gulf of Guinea Guard Initiative was officially launched in February 2005 with the participation of ten west African countries: Angola, Benin, Cameroon, Equatorial Guinea, Gabon, Ghana, Nigeria, the Republic of Congo, Sao Tome and Principe, and Togo. Its goal is to develop or improve participants’ maritime security over the course of ten years.\textsuperscript{28} The United States also held joint naval exercises with Nigeria, the most important country in that region, in an attempt to bolster the preparedness of Nigerian naval forces and improve coordination between the two militaries.\textsuperscript{29} Another initiative concerning the Gulf of Guinea states comes from the International Maritime Organization (IMO), which has recently forged an alliance to provide technical assistance to more than twenty ports in the gulf in order to promote compliance with the International Ship and Port Facility Security Code.\textsuperscript{30}

\textit{The Legal and Regulative Dimension}

The evolution of the concept of borders, together with the growing importance of the rule of law as a defining feature of statehood, renders legal and regulative instruments central components of the drive to bolster states’ borders. Whereas in the past they were conceived as physical barriers separating states, borders are now viewed in terms of legal jurisdiction as well as territorial demarcation.

Looking at legal jurisdiction allows identifying the location of the “new borders” and marks one of their modern roles: that of dividing different legal authorities. The principle is straightforward: what lies within a state’s jurisdictional authority takes place within its borders, but a state’s jurisdictional authority does not fully overlap with its territorial demarcation.\textsuperscript{31} Such a conception follows John Ruggie’s call to unbundle territoriality from authority.\textsuperscript{32} Therefore, borders pertain not only to territory but also to people, and they are located where states decide to accept or decline legal jurisdiction over people. Such a conception allows for pushing them inward and outward: for example, a state’s borders could be located outside its physical territory, such as when the right to entry is given in one of its embassies abroad. Borders could also be located within the country, as when a state considers asylum requests after granting initial entry, or when it preserves the right to revisit and revoke residency permissions. In both cases the individual—the subject
of the decision—actually remains “on the border” even while physically present inside the state’s territory.

Such an extension of the conception of borders has the effect of anchoring border security in legal instruments that define who may enjoy the right to cross the border and in what capacity. But the legal dimension of borders becomes meaningless when states lack strong legal systems and effective control over their physical borders. Consequently, the legal and regulative aspects of border controls are more likely to be found among developed countries. They include rules that states adopt regarding who may be granted refugee status, the grounds and time frame for revoking this status, and the physical location of the asylum seeker when his or her request is being considered. They also address questions such as who may be granted a visa and for how long.

In the context of the conflict with the al Qaeda-led jihadi movement, the legal and regulative dimension of border controls centers around the danger that terrorists will abuse states’ asylum laws. Signs of the obsolescence of the asylum and migration systems among wealthy modern states—particularly EU members—were in abundance prior to 9/11; but the exposure of the magnitude of the terrorist threat on that day gave special impetus to the drive to fix the system. Indeed, although the motivation to reform immigration goes beyond terror-related considerations, most of the measures taken so far suggest that counterterrorism has an independent role. Despite the growing urgency to think immigration through—mostly in regard to the manner in which it affects states’ social fabric and national identity, or the ways to address migration’s root causes— the challenge is still far from resolved. While comprehensive solutions to broken immigration systems are still being debated, the bulk of measures taken have concerned immigration’s security aspects. States are incorporating security concerns into this system, and they concomitantly labor to strengthen border security.

Throughout the 1990s, European countries gave asylum to large numbers of refugees from Middle Eastern countries. To receive asylum and generous social benefits, these immigrants needed to show little proof that their life and health would be at risk if they returned to their home countries. While most asylum seekers made genuine claims and sought refuge, some from the jihadi movement took advantage of lax immigration systems to escape the wrath of Middle Eastern regimes and establish new bases within Europe from which to continue their acts of subversion. Britain was particularly hospitable to Islamists, to the extent that the capital became known among jihadi circles, as well as by crit-
ics of the British government, as “Londonistan.” But as the operation of the Hamburg cell that carried out the 9/11 attack demonstrated, immigration systems were ineffective against security threats elsewhere as well. As awareness of the threat spread following the attack, European countries found themselves ill-equipped to provide an effective response with pre-9/11 tools. New tools were needed.

The securitization of immigration in Europe and beyond is consistent with Security Council guidelines. In Article 3(f) of Resolution 1373, the Security Council called upon all states to “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.” This call was repeated in subsequent resolutions. Nevertheless, in line with the grand design of the war on terrorism, the Security Council did not specify a solution, leaving the individual states to design their own responses.

States, especially industrialized ones, are working to create a better balance between economic considerations and humanitarian values on the one hand, and security needs on the other—one that will mitigate security risks. But strengthening security is not easy, particularly when states’ constitutions and international commitments constrain their governments’ freedom. The problem is especially acute in Europe, where the EU’s unique structure and rules reduce states’ sovereignty but do not transfer full authority to Brussels. As a result, immigration policy often falls between different authorities with contentious or overlapping mandates. EU states are now discussing common legal migration standards that would include guidelines for rejecting asylum seekers while attempting to attract skilled labor. The EU aims to have the new system in place by 2010. In the meantime, most states are gradually altering their laws by inserting restrictive security considerations that often challenge legal boundaries set by local constitutions and liberal courts. The trend toward liberalization of the EU’s immigration policy was brought to halt after 9/11, and securitization of migration and refugee policy once again set the agenda, resulting in policies that considerably restrict people’s access to refugee status.

Many European countries hardened the criteria for granting asylum, mostly by broadening the grounds for refusal. For example, German authorities are now obligated to refuse a residence permit or visa if the foreigner is deemed a threat to the free democracy or security of Germany,
takes part in acts of violence for the achievement of political goals, advocates violence in public, or is a member or supporter of an association that supports international terrorism.  

Some countries prioritize security considerations, so that some asylum requests are denied before their merits are considered because the applicant failed to pass the security bar. In this way, states introduce new exceptions to protection from deportation as laid down in the Geneva refugee convention. In Germany, protections shall not apply if there are justifiable grounds to assume that a person has (a) committed an offense against peace, a war crime, or a crime against humanity, (b) committed a serious nonpolitical crime outside Germany prior to being admitted as a refugee, or (c) committed acts in contravention of the objectives and principles of the UN (which determined after 9/11 that international terrorism constituted a threat to world peace). In Britain, a person certified as an international terrorist (a designation that does not require legal prosecution and in some cases could be based on the suspicion of terrorist activities) can be deported even before the completion of the asylum procedure and without regard to the risk that the person would face persecution as a result. Also, since 2006, appeals to deportation orders given on national security grounds must be made from outside the United Kingdom. In a final example, the Canadian Supreme Court ruled that engaging in terrorism and posing a danger to the country’s security may be accepted as exceptions overriding refugee protections.

To prevent the premature release of asylum seekers into society before their applications can be adequately processed, states have extended the period of time during which a foreign national who is not legally present in the country may be detained in a temporary reception center to assure the truthfulness of his or her identity and overall claims and to confirm that he or she does not pose a security threat. In the past, identification difficulties, lack of adequate examination of asylum claims, and lax security in processing centers had facilitated the entry and disappearance of terrorism suspects. Western countries are addressing this problem. For example, Italy has doubled the maximum detention time from thirty to sixty days. Meanwhile, states throughout the world are exchanging information on applicants in order to process asylum requests more accurately and efficiently.

Border security is also enhanced as states strengthen their ability to reconsider an individual’s refugee status. One could consider this the extension of the time period during which asylum seekers are kept “on the border.” The new policies not only allow states to continue surveillance and remedy mistakes, such as wrongly granting refugee status, but
also serve as a deterrent against deceitful asylum requests and unlawful behavior after admittance. German authorities now allow for the expulsion of any third-country national who knowingly gives false information with the intent of extending his or her permit to stay. Furthermore, the grounds for mandatory expulsion have been extended and include, among other things, the provision of incomplete or false information about an applicant’s connections with individuals or organizations suspected of supporting international terrorism. At the beginning of 2005, Germany instituted an even tougher immigration act that gives the government previously unheard-of power with regard to deportations, including preemptive deportations. The new act allows the deportation of terrorism suspects, returnees from Afghanistan, and imams who incite violence and hate. It also limits the legal recourse to fight deportation orders. Countries such as France, Austria, and Italy have adopted laws that allow them to expel foreign radical imams for incitement.

In order to facilitate follow-up examinations, European countries have increased the amount of information they gather during the asylum procedures and the amount of time it may be stored after the final recognition of a foreigner as a refugee. In Germany it may now be kept for ten years following the completion of the asylum process, and may be shared with other public authorities in pursuit of their tasks. Britain, too, preserves this information for ten years instead of destroying it once a decision is made.

Pre-9/11 obligations created under various international frameworks represent a significant challenge to developed countries that seek to prevent the entry of a suspected asylum seeker coming from the Middle East. Members of the EU, in particular, are constrained by the European Convention on Human Rights, in which they have committed themselves to the non-refoulement clause which forbids a state from deporting a person back to his country of origin if it will put his life at risk or expose him to the threat of torture (in its expansive Western conception). The poor human rights records of most Middle Eastern countries, which are home to many asylum-seeking jihadis, leave liberal states little freedom to decide: unless they can prosecute the suspect in their own courts, they may have to admit him. Such prospects render these states even less enthusiastic to continue past practice of making the bulk of asylum-related decisions while the petitioner is already residing in the host country.

One way EU states deal with this difficulty is by attempting to minimize the number of asylum cases discussed after the petitioner has already entered EU territory, so that the host country’s legal jurisdiction will not reduce its ability to deny asylum status to undesirable elements.
The solution some European countries prefer follows the Australian model, establishing transit processing centers outside the borders of the EU where asylum seekers reside until their status is decided. One of the earlier British proposals, clearly motivated by more than the threat of terrorism, went even further by calling for the deportation to processing centers of asylum seekers already present inside the EU. Concrete plans are being negotiated with countries in north Africa and outside the EU’s eastern frontier. While the EU is contemplating EU-wide plans, some of its members sense more urgency: for example, Italy has already been promoting bilateral arrangements with Libya for a transit camp on the latter’s territory. According to Human Rights Watch, Italy has already deported hundreds of people without proper assessment of their asylum claims, probably to detention centers in Libya.

Some states reduce the load of asylum applications by strict enforcement of the “safe third country” rule, which allows states to send refuge seekers to claim asylum in the first safe country they passed through. This tool is especially appealing to countries in the heart of the EU, which do not border any non-EU state that could be deemed unsafe. It is also convenient for governments struggling to overcome legal challenges, especially when the applicant’s case may consequently be processed by states with less restraining legal systems. In this way Canada’s safe third country accord with the United States, through which about 40 percent of Canadian asylum seekers enter Canada, enhances its ability to deny undesirable immigrants and draw on the much tougher U.S. security provisions. There are also plans to help north African countries meet the criteria to be considered safe third countries, which may further reduce the European states’ conundrum.

Yet many governments still believe that legal constraints impede their ability to provide security. For various reasons, efforts to prosecute jihadis in court have known limited success. Extractions among EU member states may reduce the danger that legal constraints would force a state to release known jihadis. Instead, the jihadi would be channeled to the country where the prospects of successful prosecution and harsher punishment would be higher. For that to happen, there should be an EU state that has built a strong case, but a more efficient extradition system is also required.

The European Arrest Warrant (EAU) is currently EU states’ main tool in facilitating extraditions. Controversy prevented its adoption before 9/11; but that attack forced European leaders to overcome their disagreements and accept it. Among other things, it institutes short time limits for formal extradition procedures, abolishes some reasons for
refusal, and requires only one judicial decision for both arrest and surrender. Although implementation was delayed for some time, European Counter-Terrorism Coordinator Gijs de Vries has already praised it as a success story.\textsuperscript{55}

Another alternative has been deportation or extradition of jihadis to their home countries, where they can be more easily prosecuted. In the hope of circumventing non-refoulement commitments, European states have been seeking to sign memoranda of understanding with Middle Eastern countries in which the latter countries would guarantee that suspects expelled from European states would be treated in accordance with international humanitarian law and not face torture or the death penalty. However, a recent British court ruling that blocked the extradition of jihadis to Jordan and Libya renders Britain’s pacts with Jordan, Libya, and Lebanon irrelevant and suggests that similar pacts may face the same fate in other European states.

The American renditions program also provided a way to remove jihadis from European jurisdiction—and protections—but it suffered from the EU governments’ need to keep their assistance secret to avoid legal challenges and public outrage, and also from the weak U.S. performance that resulted in false identification of some suspects, clear traces of CIA involvement, and considerable loss of American credibility. As a result, European cooperation on renditions was only partial.\textsuperscript{56} However, there is little doubt that renditions continue outside of Europe.

\textit{The Technological Dimension}

Within the developed world, border controls rely heavily on technological means. The growing importance of technology offers interesting lenses through which to observe radical change in the way the concept of border controls has been securitized. The new securitization was shaped by the privatization of lethal large-scale violence. As the focus has shifted from traditional defense against military invasion to the risk of infiltration by individuals,\textsuperscript{57} so have the security requirements. Rather than systems designed to track foes’ large military formations, states’ focus has shifted to the identification of “undesirable elements,” which requires collection and storage of extensive information on individuals. Thus, border security now goes hand-in-hand with broad adoption of systems for mass surveillance.

Considerable technological means are used to support the physical bolstering of borders. Prominent among them are surveillance cameras, and noise and movement sensors. But the use of information systems and
biometrics, in particular, has gained unprecedented importance. Such technological means are used in various ways: the compiling and advance submission of information on incoming visitors; the creation of databases containing personal information (including biometric identifiers) to improve the process of granting entry and denial; the use of new instruments and databases to better identify forged and stolen documents; and the creation of interoperable databases on persons banned from international travel.

To improve screening of people seeking to cross borders, some states have reduced the number of countries participating in visa waiver programs. For example, Malaysia now imposes visa requirements for visitors from Middle Eastern countries. Canada has made its visa waiver program more uniform with that of the United States, imposing visa requirements on eight additional countries including Saudi Arabia and Malaysia. Many states have adopted more intrusive screening for visitors from non-waiver states (often involving a thorough investigation of the reasons for the visit, as well as the applicant’s background and intentions); expanded the substantive grounds under which visa applications can be denied; and limited the time period or number of entries granted under a visa.

To reduce the risk that jihadis holding passports from visa-waiver countries could cross its borders undetected, the United States also requires airlines to provide it with information on incoming passengers prior to takeoff to allow enough time for their screening. The question of passenger data on inbound flights has been a source of controversy in trans-Atlantic relations because of diverging opinions regarding how much and what kind of personal information should be gathered, the length of time it would be stored, and the circumstances under which it could be accessed and used. Most obstacles have resulted from decisions made by European courts in response to challenges by individuals and human rights advocates. Conversely, European governments and airlines have demonstrated receptiveness to the logic behind these measures from the start, and have been quite willing to cooperate. Finally, the United States and the EU recently reached an agreement that generally reflected the more demanding preferences of the United States.

To improve their ability to supervise who enters their territory, many states have created new computerized databases or expanded existing ones to keep more records and register far more information on each individual. States have also improved connectivity among various databases and even unified some. This increase in their use of mass surveillance could have serious implications for civil liberties. At the same
time, it confirms this study’s argument about the strengthening of the state.

One of the clearest manifestations of the use of advanced technology for border control is the increased use of biometric data in travel documents and databases. Some states still debate the efficacy of such means, struggle with their technological difficulties and high cost, and worry about their implications for civil rights. Lack of international consensus on the type of biometric data that should be recorded and shared is still a major impediment, but states appear to be past the fundamental debate about whether such means should be used at all; they increasingly accept the inevitability of such steps. The United States already takes fingerprints and photos of foreigners who arrive at its borders, and it is studying further technologies and means of identification. Even the EU has decided to introduce biometrics into all travel documents, and in the future it will store this information in a central database. Other states are heading in the same direction with biometrics, although they may differ with regard to scope of use and pace of adoption. The universal use of such data will enhance states’ ability to secure their borders from terrorists, but its enormous cost renders the realization of that goal remote. In the current stage of its adoption, advanced technological equipment is deployed in developed countries and slowly spreads elsewhere.

The most important feature of biometric information is its reliability. Enhanced border controls require the means to track deception. Since 9/11, travel documents and identification details have been monitored much more closely before passage has been granted. States have improved their ability to identify forged and stolen documents, and have developed means to verify travelers’ alleged identities. While states take independent steps to guarantee the authenticity of visitors’ claims and documents, the stronger powers, led by the United States, are pushing for a more comprehensive solution by attempting to establish international standards, including standardized practices for passport issuance and the accelerated development and spread of smart-chip passports and other identity documents. These standards would increase the efficiency of the collective response and mitigate the economic impact of increased security measures.

In the meantime, Interpol has become a crucial actor in promoting border security. To facilitate the global exchange of information, in 2002 it created a database of stolen and lost travel documents which it constantly updates. States, in turn, are showing a steady increase in their level of cooperation with Interpol, and their contribution to this database is on the rise. In the first six months of 2004, the number of
states contributing information to Interpol’s database of stolen and lost travel documents increased from 54 to 75 countries. By July 2006 the number of participating countries stood at 109. By 2005 the database held details of more than 7 million travel documents; less than two years later it contained information on nearly 12 million documents.70

Interpol also maintains a global database of names and photographs of suspected terrorists. As of January 2005, over 110 states were contributors to the database and together had provided over 8,000 names, as opposed to only 2,200 names in 2001. In addition, Interpol offers states the services of its I-24/7 Global Police Communication System, which provides secure communication to all law enforcement agencies and already connects more than 130 countries. The system’s usefulness has been demonstrated on several occasions; for example, it led to the arrest in Belgium of a Moroccan asylum seeker who was wanted by his home country—for his involvement in the Casablanca bombing of May 2003—and by Saudi Arabia.71

International coordination and the exchange of data are prerequisites to effective border control. To make use of the improved databases in states’ possession, members of the international society need more effective systems for information sharing—systems that would allow states almost instantaneous access to information. Thus, interoperability of data systems is critical. States face tough legal and technological challenges when they seek to connect local data systems to each other, but the introduction of interoperable systems is even more complicated when it is pursued internationally.

Interoperability of information systems is of particular importance among EU countries. To compensate for abolishing its internal borders, the EU has been working to reinforce its external borders. This goal predated 9/11; but many actual steps were prompted by the looming threat of terrorism. The main European-wide information system pertaining to border security is the Schengen Information System (SIS). At present, SIS is used to verify that individuals entering an EU member state, or caught up in that state’s criminal justice system, are not banned or wanted by another member state. The system, which works on a hit/no-hit basis, includes lists of people wanted for arrests and extradition, people to be refused entry to the Schengen area, missing and dangerous persons, people wanted to appear in court, and people to be placed under surveillance.

The plans for SIS II—the system’s new generation—have been affected considerably by 9/11. They now include broadening the system’s scope beyond police and immigration checks to a host of law enforcement and security functions. SIS II is likely to include the addition of new
categories of alert such as “suspected terrorists,” new categories of data such as biometric-based information, the interlinking of alerts (not possible under SIS), wider access to the system (for example, by “Europol,” prosecuting authorities, and security and intelligence agencies), and a common technical platform with the EU’s Visa Information System (VIS) currently under construction. Until SIS II becomes operational, member states have decided to add new functions to SIS, provide additional authorities access to the system, and increase information sharing.

Technology also facilitates the establishment of stronger safeguards for trade. Prior to 9/11, little attention was given to the threat that terrorists might take advantage of the voluminous international trade to smuggle weapons across borders. Shortly after 9/11, however, observers warned that while the United States must guarantee that no “negative” goods, in particular WMD, could slip into its territory, it was unable to screen more than a tiny fraction of the cargo that was entering its ports. Moreover, WMD must be identified before arriving at a U.S. port; a delay in detection could be devastating. At the same time, security needs must accommodate economic interests and not slow rapidly growing international trade.

In response, the United States has sought an integrated solution—the creation of “smart borders.” It has been allocating large sums to the development of technology that will facilitate more accurate and more efficient electronic screening of cargo while attempting to push that screening away from its borders. The Container Security Initiative (CSI), announced in January 2002, epitomizes the “forward deployment” of U.S. security apparatus in foreign ports. In this framework, cargo is pre-screened at ports of origin or transit rather than when it arrives in the United States. Information on the cargo must be submitted to the United States twenty-four hours before it is loaded onto a ship at a foreign port. This allows officers to identify, target, and prescreen high-risk shipments. The Department of Energy’s Megaport Initiative supplements the CSI. In the framework of this program, the United States installs radiation screening equipment at foreign seaports for the tracking of contraband, especially explosives and radioactive material. Although the program has suffered from a sluggish start, American officials are expecting substantial progress soon.

The main stated goal of the CSI is to secure U.S. borders, improving the identification of high-risk cargo using advance trade data and state-of-the-art technology. But protecting and facilitating global maritime trade is also considered a prominent goal. Despite the program’s America-first focus, the United States declares that it sees this initiative as only one step
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in the promotion of an international framework of standards covering data elements, host country examinations, risk management, and detection technology. Provision of advance information through foreign port authorities is central to the initiative. But the United States goes further and recruits the most important private companies shipping goods from those foreign ports to provide U.S. authorities with advance information, in return for a “fast lane” for their products once they arrive at U.S. ports. Thus, the United States also taps advanced private-sector logistics systems.\(^77\)

Canada was the first country to cooperate with the United States in this initiative.\(^78\) The program has expanded considerably since then: as of September 2006, fifty CSI ports throughout the world had become operational. These included the twenty largest-volume ports exporting to the United States, as well as several other ports of strategic importance. By 2007, approximately 90 percent of all transatlantic and transpacific cargo imported into the United States was subject to prescreening. The CSI’s diverse composition is additional evidence of the progress the program has made. Among the states participating are China, the Netherlands, the United Arab Emirates, France, Japan, Brazil, Germany, Singapore, South Africa, Malaysia, Honduras, Italy, Belgium, South Korea, Thailand, Argentina, Oman, Sri Lanka, Spain, the United Kingdom, Sweden, Greece, Jamaica, the Dominican Republic, and the Bahamas.\(^79\)

The CSI presents a clear illustration of the hegemon’s ability to use incentives—and their flip side, punishment by exclusion—to encourage other states to cooperate, thus providing a public good: enhanced global maritime trade security. The U.S. share of the global trade system makes the economic cost high for nonparticipating states, while inclusion in the program incurs advantages in the form of faster processing of cargo upon arrival at U.S. ports and quicker resumption of operation in case of a terrorist attack on U.S. territory. The United States itself emphasizes the compatibility of this program with the interests of other states; after all, all nations have a stake in protecting global trade and the global economy, and CSI offers additional protection. Moreover, the economic impact of an attack on the United States would have potentially devastating ripple effects worldwide.\(^80\)

In its attempts to turn CSI into the foundation for a worldwide regime, the United States encourages other members of the international society to increase their involvement in securing global maritime trade. For example, it offers participating countries the opportunity to send their own customs officers to major U.S. ports; Japan and Canada already do so. Moreover, under U.S. leadership the World Customs Orga-
nization unanimously passed a resolution in June 2002 that enables ports in all of its 161 member nations to begin developing programs along the CSI model. In April 2004, the EU and the United States signed an agreement calling for the prompt expansion of CSI through Europe.

**Conclusions**

To sum up the argument, the systemic nature of the jihadi threat requires that members of the international society clearly mark and supervise their territorial boundaries to prevent the movement of terrorists, their weapons, and their financial resources across borders. But the strengthening of border controls must not be equated with their hermetic sealing. The maintenance and growth of the global economy require the creation of “smart borders” to accelerate the movement of “positive” elements while excluding “negative” elements.

Yet challenges abound. The success of a society-wide enterprise to bolster states’ borders is only as strong as the system’s weakest link. When it comes to borders, the gap between states’ authority and control makes for many weak links. Once again we see how the uneven development of the international society lowers the starting point for many states and threatens to undermine the entire enterprise. States with the most urgent border-security needs are often those with the fewest resources to meet those needs.

Further complications stem from the inseparability of border security from problems of migration. From the perspective of state security, states share interest in the reinforcement of their borders. But such an overlap of interests is much harder to find, at least on a wide scale, when other aspects of migration and cross-border movement are at play. Non-security considerations may compromise border security and reduce states’ willingness to cooperate. Against this background, the fact that states still take such comprehensive action testifies to the importance of protecting the international society from its enemies.

Difficulties arising from economic, legal, and human rights considerations suggest that progress will be particularly slow. Complete success may be altogether unattainable. But states recognize the commonality of the problem and work both independently and together to improve the overall quality of the border control system. The result is a worldwide effort, but this effort is characterized by significant variation in the types of measures states adopt. The complex conception of borders results in many different security measures being brought under the umbrella of border control. States vary in the measures they take according to their
economic conditions, level of development, topographical considerations, and overall regional peacefulness. Measures taken in Africa focus on the physical dimension of border security, while in Europe they rely more extensively on technological means and reflect the region’s preference for legal instruments. These disparities render the overall enterprise more difficult to observe. Given the need for systemic synergy, they also pose a challenge to the effectiveness of the whole endeavor.
Military Interventions and Democracy Promotion

Despite the remarkable willingness of nations to collaborate, interstate cooperation has not been unconditional or automatic. The ability of U.S. hegemony to organize collective action across different aspects of the confrontation has varied. Hegemony has proved necessary for collective action, but it is insufficient and must be supplemented. In each aspect of the war on terrorism, cooperation requires that the proposed principles for action be compatible with the fundamental principles upon which order is maintained.

This chapter looks at two propositions that have been discussed in connection with the jihadi threat and are highly consequential for international relations: that in the face of terrorism the prerequisites for self-defense should be broadened; and that promoting democratic governance is the long-term solution to terrorism. It examines how these proposed adjustments to the principles and rules of the international society were received by its members, and it explains the dissimilar levels of support they incurred, partly due to the quality of their internal logic but mostly as a function of their compatibility with the society’s ideational design. I also examine and explain
variations in the international support for the military interventions in Afghanistan (2001) and Iraq (2003). Because both these campaigns were inextricably linked to shifting ideas about self-defense and the role of democracy in international society, the ideas and the events are discussed in tandem.

The discussion further elucidates the workings of an international society under hegemonial order. It explicates the conditions for interstate cooperation in the war on terrorism, demonstrates the limitations of hegemony, and displays the ability of other members of the international society—mainly secondary powers—to check and balance the hegemon’s use of its power. Specifically, I explain why the international society accepted modifications to post-attack self-defense while rejecting the doctrines of preemption and promotion of democracy as a solution to terrorism. In parallel, I explain the international support for the American intervention in Afghanistan and the absence of that support for its intervention in Iraq.

Military Interventions

The management of war—setting the conditions for its initiation and the rules for its conduct—has been a central component of the international society’s *raison d’etat*. Generally, the society of states seeks to limit war but also acknowledges its utility as a tool to protect the society’s existence and to establish order. This duality regarding the use of force, especially in its highest form—war—has particular importance under hegemonial order. The hegemon is the most important protector of the international society: it is the actor expected to guard the rules for declaring war, and the main force for reform when the society’s rules lag behind a dynamic reality. Its role is particularly vital when the society’s survival is at stake. But hegemony’s role strain includes its exposure to temptations to abuse its power and primacy by bending the rules when it needs to or, worse, by altering those rules to benefit itself at the expense of the international society.

Since 9/11, the United States has orchestrated two pivotal military campaigns that have generated questions about what constitutes a legitimate cause for war. American officials tried to legitimize both interventions as acts of self-defense: the attack on Afghanistan was justified as a measure taken by a state in response to an attack, directed against the terrorist entity that carried out the attack and the state that gave that entity safe haven. In the case of Iraq, the United States sought to expand
the concept of self-defense to include anticipatory attacks—preemption. In each case the American stand presented a break from past approaches and, in fact, amounted to potential modification of international law. This section examines the reconceptualization of self-defense; lays out the context in which modifications to the concept of self-defense were discussed (with focus on the two wars); surveys the level of interstate cooperation exhibited in each war as another indicator of the level of the amendments’ acceptance; and explains differences in the hegemon’s ability to mobilize states’ action. It explains why, in the Afghan case, the hegemon was able to elicit broad cooperation and even set new precedents for international law, while in Iraq it failed to generate collective action and had to rely on a “coalition of the willing.”

In contrast to past military alliances that served first as force multipliers, the enormous gap in capability between the United States and secondary states renders the value of coalitions built for military interventions mostly political. Interstate collaboration is still invaluable in the fields of intelligence and special forces, and the importance of overflight basing rights has also not diminished. But the magnitude and value of cooperation have been decoupled from the size of the military formations an alliance brings together.

From the start, the United States saw the management of both military interventions as primarily its own responsibility. It sought the cooperation of other nations, but militarily that cooperation was limited to supporting the main American effort. Aside from countries able to address specific operational needs, states’ cooperation represented political power. The size of the alliance was perceived as a reflection of the mission’s legitimacy; at the same time, it affected this legitimacy by encouraging or discouraging additional states from joining the coalition. Therefore, when judging international support for these wars, one must focus less on the amount of military hardware contributed by U.S. allies—quite marginal in comparison to U.S. capabilities—than on the allies’ political importance.

Collaboration with the hegemon can also be assessed by the manner in which U.S. justifications for the interventions were accepted. In an international society based on the quest for order (achieved largely through respect for state sovereignty, the norm of nonintervention, and the prohibition on wars of aggression), external interventions, particularly military interventions, violate norms of coexistence or, alternatively, represent modifications to the doctrine of sovereignty and thus require justification. The attitude of the international society to those
justifications and proposed modifications could testify to the magnitude of interstate cooperation, while allowing a glimpse into the process of negotiating change within the international society.

**Afghanistan and post-attack self-defense.** It took the United States little time to establish that the al Qaeda network had carried out the 9/11 attack. Afghanistan—which was ruled by al Qaeda’s partners, the Taliban—became an obvious, nearly unquestioned target for U.S. wrath. The neglect of the Afghan file during the 1990s left the United States with little ability to attack immediately, so while it developed an operational plan and recruited allies, Washington issued a list of demands from the Taliban. Among them, the Taliban were ordered to deliver to U.S. authorities Osama bin Laden and all al Qaeda leaders hiding in Afghanistan, to close all terrorist training camps, and to hand over every terrorist and every person in their support structure. Unless those demands were met, the United States warned, it would invade Afghanistan and appropriate the Taliban’s responsibility to itself. As anticipated, the Taliban refused to comply, and on October 7 the bombing campaign in Afghanistan started. On that same day, the United States informed the UN Security Council that it had “initiated actions in the exercise of its inherent right of individual and collective self-defense.” The actions, it noted, were “designed to prevent and deter further attacks.”

Article 51 of the UN Charter states that members of the UN have inherent right of self-defense in response to an armed attack. Normally, this right has been understood in the context of interstate relations as following from a state’s commission of an act of hostility. Prior to invading Afghanistan, the United States aspired to modify this rule in two pivotal ways: first, by arguing that al Qaeda’s attack constituted an “armed attack,” a characteristic that had been reserved to states, Washington advanced the notion that an armed attack could also be launched by actors other than states. Such a determination implies that terrorists can be considered “enemies” rather than “criminals,” and that the tools used against them may reflect a more militarized approach as opposed to the law enforcement which used to be the norm; and that therefore, terrorists can be killed in battle rather than prosecuted.

Secondly, and of greater significance, the United States sought to emphasize the principle of state responsibility and expand it to acts of terrorism undertaken from a state’s territory. From this standpoint, a state that harbored and assisted terrorists compromised its sovereign rights and could not fully enjoy protection from foreign interference in its internal affairs. If it was fully responsible for the terrorist actions, it could
become a legitimate target itself. If its links with the perpetrators were weak or unclear, it was still obligated to realize its duties to the international society and take actions against the terrorists. Failing to do so would be understood as collaboration with the terrorists and could result not only in the expropriation of the antiterrorists’ mission, but in a confrontation with the international society.

The principle of state responsibility was also qualified to account for capacity deficits. The responsibility for acts of terrorism primarily concerned states that actively sheltered and aided terrorists. Those states that were abused by terrorists, but lacked the capacity to face them independently, would not become targets if they acted responsibly by subscribing to the goals of the international society, choosing the “right side,” and seeking external help to address their inability to realize the state’s duties.

The United States presented the Taliban with a stark choice: fulfill your obligations, or be condemned for complicity in al Qaeda’s actions and pay the price. Since the Security Council had already demanded that the Taliban stop harboring bin Laden and his associates, the determination of the Taliban’s responsibility could have sufficed to punish it immediately. But Washington preferred to create the facade of a last pitch at a nonviolent solution in which it basically laid out the doctrines of state responsibility. The United States determined the Taliban’s responsibility, but also gave it the opportunity to abandon its old ways and stop sheltering and assisting terrorists. The Taliban’s refusal added credibility to the U.S. claim of necessity.

This was not the first time the United States had claimed to act self-defensively against other states in response to terrorist attacks. Such justification had been used for the bombing of targets in Libya in 1986, in Iraq in 1993, and in Afghanistan and Sudan in 1998. But the American response after 9/11 was received very differently. After the U.S. attack on Libya, the invocation of the right to self-defense had been countered by a Security Council draft resolution condemning the United States. After the draft resolution was vetoed, a similar resolution had been adopted by the General Assembly. In later cases no UN action had been taken at all. The picture changed, however, in the aftermath of 9/11 when, for the first time in UN history, the Security Council approved resolutions that explicitly invoked and reaffirmed states’ inherent right of self-defense in response to particular terrorist attacks. This departure from the past was even more radical in that it legitimized counterterrorism measures of a much greater scale than before. Prior to 9/11, even a short bombing campaign had produced wide international condemnation, whereas
The international acceptance of the modifications offered by U.S. hegemony translated into extensive cooperation in the intervention. Some eighty countries made specific offers of help to the United States. A week after the commencement of the air campaign, the Washington Post reported that thirty-six countries had offered troops or equipment, forty-four had granted overflight authorization, and thirteen had permitted storage of equipment. Space constraints do not allow for a full discussion of all elements of cooperation; but a brief summation is in order. In an unprecedented move, NATO invoked Article 5 of its treaty, which states that an attack on one member would be considered an attack on all. Paradoxically, NATO had been founded to cement U.S. commitment to its allies, not to be used to protect the strongest member of the alliance; but after 9/11, NATO aircraft helped in protecting U.S. airspace. In Afghanistan, NATO played mainly a supportive role, with little ability to shape the mission’s goal or the campaign’s operational plans. It contributed to the war effort by providing logistical support, early-warning aircraft, overflight clearance for U.S. and other allied aircraft, and access to ports and airfields on NATO territory. Members of NATO also provided individual help: British special forces and missile-firing submarines participated in assaults on the Taliban, while Germany declared that participation in such military operations was consistent with Germany’s responsibility to the world and, for the first time since World War II, deployed special forces outside of Europe. Canada deployed combat forces for the first time since the Korean War a half century earlier, with hardly anyone on the domestic front questioning the justice of the cause; Turkish, Spanish, and British bases (most importantly, the base on the Indian Ocean island of Diego Garcia) were made available for coalition forces. France, too, contributed fleet vessels, aircraft, and special forces to the region. In the phases following the war, NATO took on greater responsibilities and enhanced its military presence in Afghanistan. Despite repeated arguments within the alliance about unfair and unsatisfactory burden sharing and criticism of the mission’s effectiveness, thousands of NATO forces are still deployed in Afghanistan seven years later—many of them in spite of mounting battle casualties.

The assistance of central Asian states—Tajikistan, Kyrgyzstan, Uzbekistan, and Kazakhstan—was necessary for the success of the military campaign. These states housed U.S and coalition troops and served as bases from which to launch operations. Joining the coalition was danger-
uous for all of these states, due to the risk that refugees would flood their borders and destabilize them. For Kyrgyzstan, cooperation was even less obvious given that the Taliban presented little threat and the public opposed the war.\textsuperscript{14} Although all were offered positive incentives for their assistance, Uzbekistan—the country most affected by the Taliban’s control because of the Taliban’s support of Uzbek radical Islamic groups—was the only country that appeared bent on haggling to get the best possible deal.\textsuperscript{15}

Pakistani cooperation was even more essential. But Pakistan—especially its intelligence service, the ISI—was the Taliban’s patron and had a strategic interest in its success. Washington was ready to exert severe pressure on Pakistan, but was surprised to find all its demands immediately answered positively. Explicit pressure was unnecessary because Pakistan already understood the gravity of the situation and the ramifications of opposing the United States; it even removed Taliban supporters from among the ISI leadership.\textsuperscript{16}

Russia agreed to U.S. intervention in its traditional sphere of influence; not only in Afghanistan close to Russian borders, but also in the use of bases in the former Soviet republics. Normally, such an intervention would have generated a harsh Russian response; but President Vladimir Putin not only did not object to the deployment of American forces in Russia’s backyard, but even assisted Washington by talking to Central Asian governments, expressing support for the U.S. mission, and persuading them to grant basing and overflight rights. The Russians, with their stronger and better-developed intelligence assets inside Afghanistan, also sent a team with extensive on-the-ground experience to assist the United States in developing its operational plans.\textsuperscript{17}

Despite the hostility of Muslim and Arab public opinion to the United States and its operation in Afghanistan, Washington enlisted considerable support among Middle Eastern governments. Saudi Arabia and the UAE quickly cut their diplomatic ties with the Taliban—soon followed by Pakistan, the last of the three countries to have established full diplomatic relationship with the Taliban regime. Kuwait served as a launching pad for air strikes, while Saudi Arabia allowed air operations to be directed from Prince Sultan Air Base. Qatar, Bahrain, and Oman allowed use of their air bases and pre-positioning of equipment in their territories.\textsuperscript{18}

In conclusion, the international society agreed after 9/11 that a terrorist attack could constitute an “armed attack” that justified self-defense measures. The society also supported U.S. demands to hold accountable the state hosting the terrorists responsible for that attack. Members of
the society of states agreed that such a state had an obligation to either face these terrorists or relinquish its right to be free from external intervention. If the host state persisted in its refusal, it could legitimately become a target itself, all in the name of self-defense. This modification of the rules of the international society resulted in broad international support for the invasion of Afghanistan and eased operational constraints.

**Preemption and the war in Iraq.** In September 2002, the Bush administration released the National Security Strategy (NSS), which stated that reliance on a reactive posture was no longer tenable given the inability to deter new threats, their immediacy, and the magnitude of their potential harm. Consequently, the United States could use force preemptively against “rogue” states that possessed or had developed WMD and could provide such weapons to terrorists. As the President himself asserted during his State of the Union address in January 2003: “Today, the gravest danger in the war on terror, the gravest danger facing America and the world, is outlaw regimes that seek and possess nuclear, chemical, and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to terrorist allies, who would use them without the least hesitation.” Under such circumstances, “if we wait for threats to fully materialize, we will have waited too long.”

U.S. officials confirmed that not only would the United States take the initiative before such a threat fully materialized, but it was likely to do so based on incomplete knowledge of the state of the threat. Dismissing the idea that the United States should wait for information about an imminent threat before acting, Deputy Secretary of Defense Paul Wolfowitz argued that “anyone who believes that we can wait until we have certain knowledge that attacks are imminent has failed to connect the dots that led to September 11.”

Critical weaknesses hamper this new doctrine, rendering it logically incomplete. While U.S. officials have continually spoken about preemption, in reality the doctrine deals with prevention. This is not a mere semantic issue; the two concepts differ greatly in their implications regarding the amount of knowledge that must be acquired about a rival’s intentions before taking action. Consequently, they also differ in the magnitude of risk a state takes of being misperceived. A preemptive strike takes place when a state has information about an imminent enemy attack. Once violent conflict has become inevitable; the role of a preemptive strike is to give the defender the initiative. On the other hand, prevention implies a case of general hostility between states that makes
a violent conflict likely. Since it has no information on a specific plan to attack, the initiator of a preventive strike relies on the existence—or, often, on his perception—of hostile intentions.

A state is more likely to consider a preventive strike when the general perception of animosity is reinforced by a change in the balance of power—although such a change may reflect the rival’s own insecurity rather than aggressive intentions. War to prevent the rise of a rival power has always been a part of international politics, but from the perspective of international law the current legal foundation for preventive war is weak. In fact, while both preemption and prevention are contested in international law, preemption produces considerably fewer objections because it involves strict criteria. As shown by the responses to Israel’s preemptive strike against Egypt in 1967, the international society may accept preemption if circumstances of extreme necessity have been demonstrated.23

Thus, by declaring a doctrine of preemption rather than prevention, the United States mislabeled the crux of its doctrine. Logic suggests that the Bush administration tried to repackage prevention to make it more acceptable internationally. Its attempts to describe the new doctrine as preemptive have been at best misleading. After all, the preconditions under which the United States accepts the use of preemptive force are now so minimal that knowledge of a rival’s intention to launch a concrete attack—the precondition for preemption—becomes unnecessary. What has been coined “the one-percent doctrine,”24 that of preparing for the worst case as if it were the most likely scenario, is hardly compatible with the concept of preemption.

Another weakness of the doctrine is that it builds on dubious assumptions. The danger increases considerably when the policy prescription based on those assumptions is war. The argument that the logic of deterrence may not apply to non-state actors of the jihadi type may resonate throughout the international society, but the Bush Doctrine went further by also making judgments regarding the traits and likely behavior of “tyrants,” thus making their states, rather than terrorist entities, the target of military action. The new doctrine is based on three problematic presuppositions: that terrorist entities require state sponsorship to sustain a prolonged campaign and high threat level; that dictators are willing to provide WMD to terrorists; and that states would be unable to identify the source of a detonated WMD, thus precluding deterrence against dictators who would hand over such weapons to terrorists.

Articulating the first assumption, Douglas Feith, under secretary of defense for policy, admitted in 2003 that “one of the principal strategic
thoughts underlying our strategy in the war on terrorism is the importance of the connection between terrorist organizations and their state sponsors. Terrorist organizations cannot be effective in sustaining themselves over long periods of time to do large-scale operations if they don’t have support from states.” The continuous operation, with intensifying lethality, of the al Qaeda–led jihadi movement attests to U.S. failure to fully grasp the difference between the jihadis and traditional terrorist organizations, or to understand that the jihadi movement could be sustained and even grow without state sponsorship. This error led the United States to overemphasize the importance of states in this context, and generated conflict within the international society. The other two assumptions mentioned above were also not shared by the rest of the society; states agree that WMD in the hands of terrorists is a threat of tremendous proportions, but the assumption that terrorists would obtain such weapons from supportive dictators is, to date, unsubstantiated.

Given the importance that was assigned to unfounded and even flawed assumptions, the low bar of evidence required for anticipatory self-defense became even more worrisome. The Bush Doctrine implies that the United States does not even need to obtain evidence that a state is contemplating providing WMD to terrorists; ties with terrorists are sufficient—without distinction between statist terrorist groups that can be deterred and anti-systemic terrorist actors who are much less susceptible to deterrence. Indeed, for the Bush administration, it is enough that such “rogue states” *could* transfer WMD to terrorists. Active and proven support of al Qaeda may resonate as a legitimate reason to attack a state under the right of self-defense, as in the case of Afghanistan. But for the bulk of the international society, potential assistance to terrorists, especially those with limited nationalist objectives, does not constitute sufficient justification.

To make preemption legitimate, one must know that a country that is developing WMD is indeed considering transferring those weapons to its terrorist allies. Treating the mere possibility as a fact goes too far and threatens to destabilize the international society. After all, the society’s norms and rules are designed to mitigate states’ insecurity under anarchy. Lacking a central government, those norms and rules are critical for the working of a system whose components—states—can pursue goals shared by all humans and promote the fortunes of their people, rather than being debilitated by a constant effort to guarantee security and survival. By prohibiting wars of aggression, limiting the right of self-defense, and maintaining the principle of nonintervention, states intend to restrict the use of force and reduce the risk of violent conflicts. Therefore, the
Bush administration’s new expansive interpretation of self-defense and the absence of robust checks and balances on its exercise are likely to amplify the risks of misperceptions and miscalculations, which in turn greatly increase the risk both of wars of aggression and of inadvertent wars. In the absence of rules to prevent states from using force under the pretext of self-defense, states may be inclined to view their rivals’ actions as reflecting hostility, rather than insecurity or misperceptions.

The UN secretary-general alluded to the destabilizing potential of the Bush Doctrine: “This logic [of preemption] represents a fundamental challenge to the principles on which, however imperfectly, world peace and stability have rested for the last fifty-eight years. My concern is that, if it were to be adopted, it could set precedents that resulted in a proliferation of the unilateral and lawless use of force, with or without justification.”26 The High-Level Panel concurred: “in a world full of perceived potential threats, the risk to the global order and the norm of non-intervention on which it continues to be based is simply too great for the legality of unilateral preventive action, as distinct from collectively endorsed action, to be accepted. Allowing one to so act is to allow all.”27

The United States declared that it would not use force in all cases to preempt emerging threats, and it warned other states not to use preemption as a pretext for aggression;28 but that did little to reassure the rest of the international society. The new doctrine conflicts with fundamental principles that inform states’ policies without offering safeguards to guarantee that the hegemon will not abuse the right of preemption to promote its independent interests, that divergence from established practices will take place only on rare occasions, and that action will be regulated by clear rules so that a preemptive strike will take place only after agreed-upon conditions and procedures have been met.

The hegemon may have a privileged position in an international society, but its leadership role does not mean that its preponderance of power never raises states’ apprehensions. While American leadership may be seen in a positive light, U.S. power maintains the threat of overreach. Allies and foes may accept, even seek and welcome, U.S. leadership, but they also guard against hegemony’s imperial temptations. States may sympathize with the difficulty of producing clear-cut evidence that a state is allying with terrorists to the point of supplying them with WMD, but also they weigh the risk of terrorist WMD against the danger that U.S. hegemony will topple regimes on the basis of incomplete or inaccurate information or intentionally make false accusations against its enemies, with destabilizing results.
One way to mitigate these fears could have been to tie U.S. policies to international institutions and collective decision-making procedures, rather than accepting the hegemon as the sole actor entrusted with making such consequential decisions. But the United States never proposed a mechanism to include other members of the international society in making the decisions, or to guarantee that any departure from long-recognized principles would be properly justified. It promised only to coordinate—and only with allies—in assessing the threat. It also declared that the United States would “strive to enlist the support of the international community,” but added that it would act regardless.29

Note that there has not been a blanket rejection of the principle of preemption. The violation of states’ sovereignty has never stood out as a central reason to reject the Bush Doctrine. U.S. officials note that “the world has decided that sovereignty should not protect a government perpetrating large-scale crimes against humanity within its own borders,” but they also acknowledge that the boundaries of intervention are legitimately contested: “Should governments with troubling records of aggression, support for terrorism, human rights abuses and the like be allowed to invoke sovereignty to protect their development of catastrophic weapons that threaten the sovereign rights of others in the world? This is a question for which there is no simple, objective answer.”30

Preemption even received some qualified support outside of the United States: Australian Prime Minister John Howard expressed support for the principle of preemptive self-defense, even if taken unilaterally.31 Britain also expressed implicit support, although certain individual speakers qualified the use of preemption, arguing that it should be used as the last resort and only in the face of an imminent threat. The EU also signaled that it might consider accepting the use of military action against a WMD threat, but only in the framework of multilateral action in which the Security Council would have a central role.32 Despite these countries’ willingness to consider the appropriateness of preemption in the framework of collective security,33 and despite the benefits of a multilateral track—legally, Security Council authorization for collective self-defense allows much more far-reaching steps than are allowed under individual self-defense34—the United States, already distrustful of the UN’s ability to respond effectively to looming crises, never even suggested internationally mandated preemptive action. Instead, it emphasized that it would pursue its goals with or without international support.

The international reluctance to accept the new American doctrine was strengthened by the sense that the United States envisioned the right of
anticipatory self-defense as exclusively American. One observer even termed U.S. policies as reflecting a “disorganized hypocrisy” in which the hegemon attempted to limit other states’ sovereignty while exempting itself from constraints built into the Westphalian system. The hegemon did not seek to persuade members of the international society that it would not abuse its newly-taken rights. At the same time, states did not fail to notice that even in the midst of a collective enterprise against a systemic threat, the United States had not suspended the pursuit of other political interests. Washington offered little reason to think that the doctrine of preemption would be used only to promote the war on terrorism. These deficiencies in the formulation of the Bush doctrine and its clear connection to the U.S. wish to confront Iraq intensified a sense of “false advertisement.” Moreover, the attitude of President Bush’s first administration toward questions of the use of force signaled disinterest and disrespect toward the positions of the rest of the international society, thus giving rise to suspicions that the United States was not acting in good faith or for the common interest.

The new doctrine’s focus on dictators, rather than on non-state entities bent on the destruction of the international society, probably affected the international negative response as well. It shifted the discourse to the relationship between regime type and action in the international society. A pluralist international society accepts a diversity of regime types, including authoritarian. As long as the focus is on states’ actions—a state being confronted only if it acts against international rules—the pluralism of the society is maintained and international cooperation is easier to achieve. But when a state risks being attacked on this basis of its regime type, domestic sovereignty and the principle of nonintervention are challenged and order in the international society is undermined. Initiatives that target a certain regime type become even more troublesome to members of the society when they are proposed by a hegemon with strong ideological predispositions and unprecedented power.

Although President Bush’s plan to attack Iraq was probably not the cause for formulating the doctrine, the debate about preemption and the politics shaping the Iraq war had influenced each other. Iraq had been on the Bush administration’s radar prior to 9/11; but after the attack, the resolve to face Iraq intensified. Some American officials saw 9/11 as an opportunity to finally close the Iraq file. Others were reinforced in their conviction that in such a dangerous world, the prospects of peace depended on toppling the Iraqi leader. Some neoconservatives stated clearly that the war on terrorism would not be complete “until Saddam is successfully dealt with. And that means replacing his regime.”
The Iraq war, like the war in Afghanistan, was not originally conceived as a multilateral endeavor. Whereas the Afghanistan campaign had quickly been internationalized, the United States did not even consider using diplomacy in the Iraq matter—either as an alternative to force or as a means to mobilize international support for its use—until August 2002, nine months after President Bush had instructed Secretary of Defense Donald Rumsfeld to update the plans for war. After disagreements within the administration, Secretary of State Colin Powell convinced the president, over Vice President Dick Cheney’s objection, to ask for UN authorization, effectively internationalizing the Iraq question. On September 12, 2002, Bush stood before the General Assembly and declared that if the UN wanted to remain relevant, it would have to insist with all possible means that Iraq comply fully with all relevant Security Council resolutions. On November 8, after long negotiations, the United States secured Resolution 1441. This resolution, which was adopted unanimously under Chapter VII, determined that Iraq was in material breach and warned that it would face “serious consequences” if it failed to comply fully.

Bush took the Iraq issue to the UN around the same time as the release of a new National Security Strategy, whose logic informed the U.S. approach to dealing with Saddam. Washington argued that Saddam’s sponsorship of terrorism, his aspiration for developing WMD, and his demonstrated willingness to use them even against his own people required preemptive action to thwart the risk of an Iraqi-sponsored non-conventional 9/11. Bush declared: “Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own.” Advancing a weaker version of the Iraq-terrorism link, Wolfowitz argued unconvincingly that “disarming Iraq and fighting the war on terror are not merely related. Disarming Iraq’s arsenal of terror is a crucial part of winning the war on terror. If we can disarm or defeat a terrorist regime in Baghdad it will be a defeat for terrorists globally.”

However, Bush’s argument, along with the effort to link Iraq and the war on terrorism, failed to gain international support. There was little evidence to support American allegations of a close alliance between Iraq and al Qaeda. The existence of such an alliance was contested even within the administration. The long history of hostile relations between the United States and Iraq increased the belief that Washington was pointing at a spurious association, and it eroded international trust in the motives behind U.S. accusations.
Given the broad agreement that Iraq was years away from obtaining nuclear capabilities, observers doubted the necessity of immediate military action. Even when attention shifted to Iraq’s biological and chemical weapons, the United States was unable to demonstrate the existence of a great threat. Moreover, to persuade states of the need for preemption, Washington should have first exhausted alternatives to the use of force. The claim that Saddam Hussein might choose to provide WMD to terrorists did not hold sway over most members of the international society. Even his record of using such weapons in the past failed to convince states that he would take the risks associated with giving such weapons to terrorists. In the absence of compelling evidence for an alliance between Saddam’s regime and al Qaeda, states remained reluctant to support an attack on Iraq.

Although states are willing to consider modifications to the rules of the international society and adopt them when needed, they are unlikely to support measures that threaten to undermine order rather than enhancing it. When the Bush administration pushed too far and too strongly with modifications that appeared self-serving, destabilizing, and irrelevant to the war on terrorism, it suffered a backlash. Many states even considered the focus on Iraq a hindrance to the effort against the jihadi movement.

Interestingly, while the link between the Bush doctrine and the war in Iraq is undeniable, the United States did not rely on the doctrine of preemption when it turned to the UN to make the legal case for attacking Iraq. Key officials did not abandon the self-defense rationale, which had proven particularly powerful domestically. However, in making a legal case for war the United States, joined by its British and Australian allies, shifted the discourse from anticipatory self-defense to the less controversial stand, which anchored the call for action against Iraq in that country’s failure to comply with Security Council resolutions.

Following the adoption of Resolution 1441 and the reintroduction of UN inspectors in Iraq, the United States became entangled in a bargaining process within the Security Council. The shift of discourse did not lead the council to support the Americans’ desired course of action. When France made clear that it would veto any resolution authorizing war and all efforts to secure broad support for such a resolution crumbled, the U.S. decided to pull out of the UN process and, leading a “coalition of the willing,” it attacked Iraq. Despite great efforts to create the impression of a large and diverse coalition with legitimacy equal to a Security Council–supported effort, the White House was able to convince only forty-four countries to participate. Moreover, most of the enlisted states had promised little more than permission to put their names on the
list. Reluctance to join the coalition was so great that Bulgaria, while sending a team of experts in chemical and biological warfare and granting overflight rights, expressed concern about appearing on a public list of coalition members.

In sum, the doctrine of preemption and the intervention in Iraq demonstrate the limitations of hegemony and the capacity of the society, especially its secondary powers, to keep it in check. The war on the jihadi movement has been conducive to extensive international cooperation and even to readjustments in the operation of the international society, but a break from past rules and norms of behavior had to be accepted by the society’s members as serving to thwart the jihadi threat. Preemption might have received more international support had a compelling logic been presented. States needed to be convinced that the U.S. doctrine indeed related to terrorism, that it was likely to enhance the international society’s ability to fight the jihadi movement, and that the benefits of changing the rules would outweigh the costs. For the bulk of the society, the answer to all these questions was a resounding no.

Thus, when hegemony fails to present a compelling logic and chart a better recipe for order, and instead presents a doctrine that is feared to undermine stability, members of the international society resist it. The United States failed to bring the international society behind it. Not only did the doctrine not generate international support for attacking Iraq, but alternative justifications were dismissed, fueling a belief that the hegemon was not pursuing the interests of the international society but rather was falsely presenting its individual interests as the interests of the collective. Unable to restrain the hegemon from employing force, members of the international society denied it legitimacy.

Democracy Promotion

Ideological commitment to spread democracy was central to U.S. political identity and sense of national purpose long before George W. Bush entered the White House. Yet Bush did not run his election campaign on the democracy ticket; few would have predicted that promoting democracy and ending tyranny would become “the calling of our time” and the prominent element in his inaugural address as he entered his second term in office. It was the war on terrorism that led to this change. Framing democracy promotion as not merely an ideological commitment but also a security requirement, the president, who prior to his election in 2000 had called for a more humble foreign policy, added a strong ideological dimension to the war’s toolkit.
The process was gradual; democracy promotion did not stand out as a prominent component in the initial phases of the war on the jihadis. The Bush administration highlighted democratic values in the president’s first NSS (September 2002) and in the National Strategy for Combating Terrorism (February 2003), but this took the back seat to practical objectives and strategies. While the United States also announced the creation of the Middle East Partnership Initiative (MEPI) in December 2002, the minimally funded program was close in its spirit and goals to Clinton-era programs to boost reform.

Judging from the rhetoric, for reasons that are still not clear, this picture changed radically as the end of Bush’s first term neared. There is no compelling evidence that the change resulted from a need to save face after the WMD fiasco in Iraq by shifting emphasis to the democracy project in Iraq, although there is no doubt that the democratic agenda gained prominence after the war. Alternatively, one may hypothesize that a delay resulted from the need to address more urgent aspects of the war on terrorism before embarking upon forward-looking long-term strategies. But by the end of 2004, Bush was seeking an “optimistic, forward-leaning, idealistic call” to offer an ideological underpinning to the war on the jihadis beyond hunting al Qaeda. Either way, in the updated version of the NSS (March 2006), democracy promotion was already portrayed as a central component of U.S. strategy—although meaningful tangible measures appear to have lagged considerably behind the magnitude of the rhetoric, largely crippling the effort.

The logic behind democracy as a solution to terrorism is that if despair, poverty, and oppression are breeding grounds for terrorism, and if democracy embodies the answer to these ills, then promoting democracy, which is conceived as the opposite of tyranny, would undermine terrorism. Explaining the rationale, Secretary of State Condoleezza Rice declared that “The ‘freedom deficit’ in the broader Middle East provides fertile ground for the growth of an ideology of hatred so vicious and virulent that it leads people to strap suicide bombs to their bodies and fly airplanes into buildings. When the citizens of this region cannot advance their interests and redress their grievances through an open political process, they retreat hopelessly into the shadows to be preyed upon by evil men with violent designs.” Thus, President Bush argued, “As long as the Middle East remains a place of tyranny and despair and anger, it will continue to produce men and movements that threaten the safety of America and our friends.”

Emphasizing democracy has also been the natural American weapon of choice in the critical war of ideas. Since the conflict is “a decisive
ideological struggle,” freedom, expressed through democracy, is seen as the ideational competitor to the jihadi worldview. The introduction of a hopeful alternative is expected to strengthen the rejection of jihadism: “Ultimately, the only way to defeat the terrorists is to defeat their dark vision of hatred and fear by offering the hopeful alternative of political freedom and peaceful change.” Hence, the United States presented “ending tyranny” in the world as a long-term solution to terrorism. This goal is not misguided idealism, the president declared: “In reality, the future security of America depends on it.”

But the zeal for democracy expressed in high-profile events and pompous rhetoric did not predict the considerably more cautious policies that ensued. First, Washington stated that democracy was a long-term solution that required addressing short-term priorities first, thus signaling that states should not be alarmed. To create the space and time for democracy, the United States would operate to prevent attacks by terrorist networks, deny WMD to rogue states and terrorists, deny terrorists the support and sanctuary of rogue states, and deny terrorists control of any nation. If the successful realization of such a Herculean task was a prerequisite for the long-term solution, it would be an extreme exaggeration to fear a comprehensive and concerted democracy drive at this stage.

Second, to reduce international apprehension Washington explained that it would employ various strategies in promoting democracy, designing the means to suit particular circumstances. It would use various combinations of incentives and pressure, but it would rely on peaceful means and would not try to impose democracy, particularly not the American type, from outside. Bush emphasized that “The United States has no right, no desire, and no intention to impose our form of government on anyone else.” Moreover, when democracies take root in the Middle East they “will not look like our own, because they will reflect the traditions of their own citizens.” Rumsfeld added: “I don’t know people who are smart enough from other countries to tell other countries the kind of arrangements they ought to have to govern themselves.” The U.S. role would be to “help others find their own voice, attain their own freedom, and make their own way.”

Finally, in designing policies the United States would balance the advance of democracy with other vital interests, thus leaving itself enough freedom to cooperate with autocratic regimes, including some that actively suppressed local actors fighting for democratization. By acknowledging that conflicting interests must be balanced, Washington also attempted to mitigate fears that ideology had overrun realpolitik: ideology
may be the soul of a country, but it is far from being the ultimate determinant of state action.

The logic of promoting democracy as a means to solve the challenge of terrorism suffers from a few flaws. For example, available data do not show a strong relationship between democracy and an absence or reduction of terrorism.\(^73\) Furthermore, since jihadis view democracy as heresy, the focus on bringing democracy to Muslim states may become a focal point for jihadi resistance and exacerbate the threat. Instilling democratic regimes will also do little to discredit the jihadis’ worldview where it is most important—on the religious turf. In addition, it will not prevent jihadis from rejecting the legitimacy of the region’s regimes and denouncing their policies. For example, they will continue to denounce any foreign presence—even one approved by the local government and serving the state’s interests—as an occupation that warrants resistance.

One should also not ignore the fact that democratic societies offer terrorists important advantages by limiting authorities’ ability to follow, detain, interrogate, and persecute suspects. Meanwhile, democracies are likely to raise unrealistic public expectations for quick and successful fixes; when states fail to meet those expectations, terrorists can capitalize on public disapproval. The democracy argument also cannot hold for actors whose goals are inherently contradictory to democratic principles. Such a conflict makes giving them a stake in the political process an unrealistic and unattainable objective. These actors will continue to reject the political process and deny its legitimacy.

Even if one accepts democracy promotion as a powerful strategy, one must understand its various elements and prioritize the ones that could assist in curtailing terrorism. Democracy has many components, and the road to democratization could take various paths. In pushing democracy forward, the United States could adopt a government-focused approach or a bottom-up perspective;\(^74\) it could emphasize elections, the creation of liberal civil society, the empowerment of women and minorities, or the building of a network of political institutions. Each element may have an independent and dissimilar impact on the struggle with radical Islamic groups. But the U.S. emphasis on procedural democracy, in particular on the electoral process, was ultimately self-defeating. It did not attract the jihadis to the political process but bolstered other radical Islamic elements—in the Palestinian case even facilitating their rise to power. Consequently, one may argue that the push for democracy has been counterproductive and may have even strengthened terrorism.\(^75\)

The preservation-seeking hypothesis suggests that when facing a systemic threat, the hegemon will succeed in organizing a collective response
if it introduces strategies that are compatible with the fundamental principles of the international society. How, then, does democracy promotion relate to the fundamental principles of the international society? Some activists believe that a state’s poor democratic performance reduces its sovereign rights and legitimates external intervention. Advocates of democracy have slowly been trying to make democratic values and practices the norm in the international society. They have even succeeded in shaping a discourse that privileges democracy to the extent that authoritarian leaders persistently argue that they are running democracies. Democracy proponents have also succeeded in directing UN time and resources to advance the cause of democracy.

But the international society is still a pluralist one, tolerant also of nondemocratic regimes. As a result, the burden of proof is on democracy promoters to fend off accusations that they violate the principle of nonintervention. Repeated U.S. rejection of the use of force and external dictation in the cause of democracy advancement should be understood against this background. At least at the declaratory level, U.S. hegemony restricts the means to advance democracy in a way that largely preserves the United States in the fold of legitimate action. Nevertheless, its behind-the-scenes support for key civic and political groups that led the colored revolutions in formerly Soviet republics could be construed as being located in the gray area between legitimate influence attempts and violation of the principle of nonintervention. This serves as a cause for worry in various countries, particularly in Russia.

The association of the democratic agenda with the war in Afghanistan, but particularly the Iraq war, distorted U.S. initiatives, negatively affected perceptions about the role of democracy promotion in the war on terrorism, and reinforced claims that U.S. actions were not fully consistent with the principles of the international society. Suspicions regarding U.S. intentions appear to have intensified when, after the failure to locate the alleged Iraqi WMD, Washington shifted its war rhetoric to highlight the advancement of democracy, with democracy promotion as a code word for “regime change.”

To some extent, the association between democracy promotion and the military campaigns in Afghanistan and Iraq was inevitable, even though the wars did not stem from a drive to democracy. The United States intervened in Afghanistan in order to dismantle the infrastructure of al Qaeda in the country. The idea of invading Iraq was raised in the immediate aftermath of 9/11 before democracy promotion was adopted as a strategy, and American officials strongly denied that the cause for the planned invasion was the promotion of democracy. However, the
outcome of the wars—the toppling of the Taliban’s and Saddam Hussein’s regimes—required the creation of a new domestic order in both countries. Given that intervenors tend to externalize their own systems of rule regardless of their reasons for intervention, and given that the internal societal fragmentation of both Afghanistan and Iraq required a power-sharing style of arrangement, the future of these countries became inevitably embroiled with the democracy promotion project.

Consequently, the demise of these two dictatorial regimes marked the beginning of an enterprise to instill democracy in their stead. A strong American belief in domino effects gave the democratic experiment in these countries an additional impetus that has surpassed their intrinsic value. The Afghan and Iraqi democracies were expected to serve as beacons lighting the road for the rest of the region to follow. Their success was supposed to send ripple effects that would transform the greater Middle East. As Bush declared: “we will finish the historic work of democracy in Afghanistan and Iraq, so those nations can light the way for others, and help transform a troubled part of the world.”

As optimism about democracy in Afghanistan and Iraq started to wane, the zeal to encourage democratic reforms elsewhere subsided.

If democracy promotion remained largely within the fold of legitimate action, why did not we see collective action by the international society? The answer starts with the fact that democracy promotion as a counterterrorism tool has consistently been a unilateral American project, and one that received little support even within the Bush administration. In contrast to the attempt to position preemption within the framework of the international society’s rules, democracy promotion remained within the realm of American action. International support was encouraged and welcomed, but the United States stopped far short of attempting to incorporate democracy as one of the international society’s goals, or as a universally accepted tool to fight terrorism. An appeal to the G8 resulted in a declaration on the Broader Middle East and North Africa Initiative (BMEI) that focused on reform, not democracy, and did not mention terrorism.

Even had the United States tried to make democracy promotion one of the building blocks of the multilateral response to terrorism, it is unlikely that it could have gained significant cooperation. Overall, the strategy encountered a lack of international enthusiasm fueled by negative perceptions and suspicions of U.S. goals, as well as of its resolve to act in a principled manner. Other U.S. actions taken in the framework of
the war on terrorism—its detention without trial of suspected terrorists in Guantanamo Bay and covert U.S.-run prisons overseas, its renditions program, and its use of torture—severely damaged its reputation as a symbol of democracy and human rights, making its declarations regarding democracy ring hollow.\textsuperscript{84}

Moreover, doubts about the United States’ determination to pressure its allies to take the track to full-scale democracy have had solid foundations. American resolve has seemed reserved to its foes, while its autocratic and sometimes equally repressive allies—mainly Saudi Arabia, Pakistan, and Egypt—have been exempted from any strong pressure. Examining the historical record, Robert Jervis notes that these differences are not without precedent. Washington rarely pushes for democracy when doing so would destabilize friendly regimes.\textsuperscript{85} The emphasis on democracy, say critical observers, actually reflects the need to justify the continuing war in Iraq rather than a genuine commitment to the cause. It also serves U.S. strategic interests by increasing the pressure on Syria and Iran.\textsuperscript{86}

Strengthening skepticism and feeding perceptions of double standards, Washington has seemed to backtrack whenever a democratic process has failed to produce the desired outcomes. It campaigned to isolate the democratically elected Hamas government of the Palestinian National Authority, and it showed a weak stance on the suppression of the Muslim Brotherhood after that movement’s success in the Egyptian parliamentary elections—thus reinforcing local preconceptions about the disingenuousness of the American commitment to democracy in the Muslim world.

The logic behind seeking to “end tyranny” at a time when the United States needed allies—including allies from nondemocratic countries—is a little awkward and has had little credibility. The nature of the jihadi threat makes allies invaluable, regardless of their regime type. In fact, some autocratic allies are valuable specifically because of their dictatorial credentials. For example, the renditions program has allowed Washington to outsource torture. Moreover, a serious effort to promote democracy puts interstate cooperation at risk, as the United States cannot seek to change states’ regimes while asking them to cooperate.\textsuperscript{87}

The project of bringing democracy to the Middle East might be better understood as the American platform on the question of terrorism’s root causes. The U.S. approach to dealing with terrorism was criticized frequently as being short-sighted and dominated by coercive means. European countries insisted that the correct approach must also be forward-looking and address terrorism’s root causes, specifically focusing on
development. Such a division is a caricature of the American stand. The United States does not dismiss the importance of long-term solutions to terrorism, but it is critical of the idea that economic reform is the best way to address the problem, arguing that in Middle Eastern societies “it is illusory to encourage economic reform by itself and hope that the freedom deficit will work itself out over time.” Instead the Bush administration believes that root causes should be addressed through the promotion of human freedom individually and democracy institutionally.

Interestingly, the United States rarely uses the term “root causes.” This is because that term is associated with what it sees as an apologetic approach to terrorism that lifts some responsibility for acts of terror from their perpetrators and locates it elsewhere—in poverty, oppression, colonialism, and American foreign policy, to name a few options. Instead, official American documents tend to use the term “underlying conditions,” which suggests that terrorism is caused by terrorists but acknowledges the environmental conditions as meaningful: they are used by terrorists to justify their actions and expand their support. Changing some of those conditions would enable states to confront terrorists and reduce their ability to recruit and mobilize.

As a long-term strategy largely based on means short of violence, democracy promotion was likely to be perceived neither as undermining the international society nor as a focal point for collective action. That the United States would encourage democratic reforms was not surprising given its history. The association of democracy promotion and terrorism was novel, but it had very little significance in reality. Although the linkage between the U.S. agenda of democracy promotion and the democratic projects in Afghanistan and Iraq attracted some international attention, the apprehension that force would be used in support of democracy has little ground; both wars resulted from other causes. The level of interstate cooperation exhibited in those military campaigns—until the toppling of the regimes—had little to do with states’ attitudes toward democracy promotion.

Conclusions

This chapter has discussed the approach of the international society to three principled questions—post-attack self-defense, preemption, and democracy promotion—and two major events, the wars in Afghanistan and Iraq. Whereas the first principle received the support of the bulk of the international society, the other two did not; whereas the campaign in Afghanistan, though dominated by the United States, received wide
international support, far fewer countries stood behind Washington when it decided to attack Iraq. This variation sheds further light on the complexity of statecraft and is consistent with the conditions for cooperation in an international society facing a systemic threat.

For cooperation to take place, the hegemon needs first to actively seek international support for its views and partners that will assist in realizing its goals. Hegemony does not have to seek extensive international support for each undertaking. Within the design of the war on the jihadi movement, all states, including the hegemon, retain considerable levels of independence, mostly domestically but also in their foreign policies. If the hegemon formulates ideas and policies consistent with the international society’s fundamental principles and does not seek to alter directly the way in which states do business, then it may proceed with its policies without being compelled to elicit broad collaboration. After all, one cannot assume that because hegemony has such a wide range of interests and worldwide engagement, every new idea or policy change requires approval from the members of the international society. When the intentions of hegemony are limited and it does not seek collective action, collective action will not take place. The United States sought to change the rules managing the use of force in the international society: it asked to legitimize post-attack self-defense against terrorist entities and the states that harbor them. Later, it sought to extend self-defense to include preemptive strikes. However, when it presented its agenda of promoting democracy by nonviolent means, it did not seek to change the rules of the game. While it tried to interest other powers in reform initiatives, it was not compelled to gain international legitimacy for its stand and actions.

Although elements of collaboration can easily be found in the military campaigns in Afghanistan and Iraq, the scope of cooperation and its meaning varied substantially. The source of this difference is the distinction between two kinds of cooperation: one that is based on pure operational needs, and one that reflects adherence to multilateralism. The war in Afghanistan reflected multilateralism mostly in the broad international legitimacy of the principles justifying the invasion, translated in part into numerous offers of assistance. From a military standpoint, however, the war was largely a unilateral endeavor in which most participants answered specific operational needs rather than reflecting burden sharing and partnership. Often such cooperation was obtained in a bilateral context, as in the case of Pakistan and the Gulf countries.

Iraq, too, was seen by the Bush administration ultimately as an American operation. The main role envisioned for allies was to support the war effort by granting overflight, basing, and pre-positioning rights,
or by serving as launching pads for U.S. missions. However, once the United States decided to justify the planned war on the basis of Iraq’s failure to comply with UN decisions, it in fact multilateralized the Iraqi question. The quest for greater international cooperation did not reflect a change of operational requirements, but a shift in diplomatic and symbolic needs. Countries were asked to join the coalition and a good number of them responded positively, although those were few in comparison to the number of U.S. allies in Afghanistan or the 1991 war with Iraq; only Britain had a significant footprint on the ground. The minimal operational significance of the allies’ contribution was not surprising, as nobody expected the military battle to be decided by allies’ willingness to augment American power.

A second factor determining whether cooperation takes place is the quality of the logic behind the modifications of standard practice offered by the hegemon, and the compatibility of that logic with the international society’s fundamental principles. Whereas the amendments to post-attack self-defense were coherent, appearing as the logical extension of pre-9/11 rules, the doctrine of preemption was deficient because it threatened the same order it sought to reinforce. The holes in the logic the United States advanced and the unsubstantiated assumptions on which it was based probably did not improve the odds that the international society would rally around the suggested change. While it is hard to gauge the impact of this factor on the negative response to the doctrine—particularly since the preemption debate was muddied by practical considerations surrounding the Iraq case—the objections to the doctrine’s destabilizing effects were clear.

Finally, acceptance of U.S. ideas and cooperation in the wars it has waged have depended also on the degree of connection between the ideas and policies presented and the goals of the international society. Since a prominent goal of the society is to protect itself from violent NGOs seeking its destruction, ideas and policies that can be tied logically to the war on the jihadi movement and its design are more likely to be conducive to international cooperation. There was near consensus that the toppling of the Taliban and the targeting of the jihadis’ infrastructure in Afghanistan were vital parts of the war on terrorism. Similarly, a state’s responsibility for preventing terrorists from using it territory to attack other countries, and the consequences of denying this responsibility due to lack of will, were accepted as logical components of antiterrorism strategy. But the link between a war on Iraq and a war on the al Qaeda–led jihadi movement was more controversial, even giving rise to a sense that the United States was presenting a false picture, trying to abuse international
support to promote its own self-interest with little regard for the interests of others. Not only did many states reject the link as spurious, but some even warned that attacking Iraq would negatively affect the international society’s struggle with the jihadis. Thus, the hegemon’s failure to convincingly link Iraq to the war on the al Qaeda–led jihadi movement resulted in a lack of collective action.
Conclusions

The survival of international society is a prerequisite to the accomplishment of its other goals. It is curious, therefore, that English School scholars have neglected the self-defense mechanism of international society in their works. This study seeks to bring back this fundamental yet disregarded element. I have argued that when facing a systemic threat, the members of international society are inclined to act to protect the state-centered order. Thus, they rose collectively to defend the system from the al Qaeda–led jihadi movement: they took difficult and costly measures internally, and they helped each other externally. Even while collaborating, states do not stop debating, sometimes bitterly, on a range of issues; but they do minimize negative spillovers from the conflicts of “normal politics.” They can clash fervently over the invasion of Iraq while cooperating extensively against the al Qaeda–led jihadi movement.

States collaborate not merely because of immediate short-term material interests, but because of a broader interest in the survival of the system. They do not have to be directly and immediately threatened to take measures. Generally, they also do not need to be coerced by the strongest power. They pitch in to defend the society that provides the rules, norms, and practices that facilitate the achievement of their fundamental goals, allowing them to coexist relatively peacefully and even cooperate to realize shared ends.
Formulated within a society-based framework, the design of the war on al Qaeda and its associates takes a particular shape, relying on the fundamental principles on which the international society is based: sovereignty and nonintervention. It confirms the primacy of the state in world politics but also highlights the obligations, rather than just the rights, that accompany statehood. Emphasizing these responsibilities, members of the international society have strengthened the sense of mutual obligation in interstate relations: a state is not just an individual actor; it is also a member of a society. As such, it is obligated to play a constructive role in the collective and to advance the society’s goals. Understanding that there is a gap between the principle of state responsibility and the ability of many states to realize it in the war on terrorism, the society has been engaged in a Herculean endeavor to build capacity where there was little. The result has been a notable effort to bolster the institution of the state and reverse its alleged course of decline. In the process, members of the international society have exhibited surprising levels of comradeship as strong states help weaker ones contribute to the society’s fight against the jihadis.

States cooperate extensively across different domains of action. They collaborate to prevent the flow of financial resources to and among jihadis, and they have established a regime to protect the international society from WMD and related material falling into the hands of non-state actors. They have also been cooperating in tightening control over their borders. They have even increased their cooperation in the sensitive field of intelligence, sharing information, tipping each other, coordinating operations, and strengthening communication channels. In addition, their collective action has led to the creation of a legal infrastructure to combat terrorism which is slowly being institutionalized worldwide and which adds new layers to the structure of international order. Some alterations to international law have also been agreed upon, particularly legitimating states’ right to post-attack self-defense.

Despite the general cooperative mode, however, interstate collaboration has been more limited in some areas. This study attributes that variation to the actions of the United States. Serving as an institution of international society, U.S. hegemony has been providing leadership and orchestrating this multilateral effort to protect the society. Moreover, without this leadership it is doubtful that states would have undertaken this enterprise at all. But the United States has not always resisted the temptation to overreach; in some spheres of action it appeared intent to promote its self-interest with little regard for the interests of other states. At those times, the international society showed its constraining ability:
while it could not stop the United States from invading Iraq, it denied it the legitimacy it badly needed. The society also rejected the amendment of international law to legalize preventive war disguised as preemption. The society’s reluctance to sign up to the proposed U.S. strategy to deal with the threat of terrorist WMD led U.S. hegemony to change course, shifting from a strategy that focused on the link between “rogue states” and terrorists to one that emphasized denying non-state actors access to WMD. U.S. policies on numerous issues, from security to the environment, may still enrage other states and generate accusations of unilateralism; but the collective response to the threat posed by the jihadi movement continues to cohere.

Seven years after the attack on New York and Washington, the war on the jihadi movement is ongoing and the enemy of the state-based order appears far from defeated. Space does not allow a comprehensive explanation of the resiliency of the jihadi movement. Instead, I will dedicate the rest of this concluding chapter to discussing briefly some of the difficulties that hamper states’ efforts to confront the jihadi threat and reduce the effectiveness of the collective response, even while the international society’s inclination to protect itself remains.

**Defining Terrorism**

Even when members of the international society reach consensus on the values they should promote, they may fail to translate those values into workable definitions and operative plans. Consensus is particularly likely to break down when the values mean different things to different states, as they do in the case of terrorism. Once members of the international society identified the al Qaeda-led jihadi movement as a systemic threat, they were able to overcome their reluctance to cooperate, establishing an encompassing system to confront the threat. But that is only part of the story: if terrorism inherently challenges the existing interstate order, why would the international society focus on one set of actors rather than confronting the phenomenon as a whole? The rejection of terrorism has been universal; but states have not agreed on what terrorism actually means. The main source of friction concerns the question of which actions are permitted for people living under occupation and oppression. Any definition of terrorism that might deny freedom movements the legitimacy and legal right to fight their “oppressors,” and that would ignore—and thus allegedly legitimize—“state terrorism,” has been rejected by a bloc of postcolonial states, particularly among Arab and Muslim countries.
Unable to agree on a definition of terrorism (Security Council resolutions come close, yet still lack clear criteria) or conclude a draft of the convention on international terrorism, but forced to find solutions to urgent operational issues, states have often opted for a second-best option, going below and above “terrorism” as circumstances allow. Therefore, whereas on WMD the international society bypassed the concept of terrorism by focusing on the more inclusive category of “non-state actors,” the sanctions regime on terrorism financing focuses on the jihadi movement rather than on the general category of terrorism.

Although such partial solutions have shown positive results, states’ inability to break the stalemate could be consequential to the general endeavor. The establishment of a universal framework to face the jihadi threat is a remarkable success, but without a common definition of terrorism its usefulness is undermined; given that international law has been one of the defining institutions of our age, and that it is a critical pillar of the universal drive against the jihadists, an agreement about definition is of great importance. States have committed themselves to cooperation against terrorism, to legal action against terrorists, or to extradition of terrorists to other interested states. To realize such obligations effectively, however, they must share an understanding of what constitutes terrorism and who should be regarded as a terrorist. They should also write this understanding into laws that will facilitate action to fulfill their commitments. Leaving states to define what constitutes terrorism has created gaps that hinder the effectiveness of counterterrorism.

However, there is also room for optimism. Value change takes time, and therefore it is only logical that states have not yet reached a consensus about the definition of terrorism. But 9/11 has provided them with new impetus, leading them to make continuous efforts to bridge their differences. Extensive interstate cooperation has created multiple arenas for discussion, facilitating regular exchange of opinions and establishing epistemic communities that together could diminish interstate differences. Despite the difficulties, it is evident that reaching an agreement is more likely now than ever before.

Moreover, as the growing rejection of suicide bombing demonstrates, there are spillover effects from the attitude towards the jihadi movement to attitudes toward other terrorism entities and tactics. These attitudes are not restricted to practitioners, but are also prevalent in public opinion worldwide. Islamic groups find it increasingly more difficult to sway public opinion, even in the Muslim world, to the legitimacy of suicide bombing. The gruesome killings in Iraq and the deaths of hundreds of Muslims in suicide bombings in other Muslim states only reinforce this
tendency. States may still have difficulty agreeing on a definition of terrorism; but terrorist methods are slowly being discredited throughout the world.

**Battles on the Conflicts’ Fault Lines**

Success against the jihadi movement requires that the formulation of a set of principles to guide the war at the international level, as well as the establishment of international regimes, be complemented by strong state action internally. All states must contribute their share to the general effort, but some states are more important than others—namely, states located on the main fault lines of the conflict, where jihadis concentrate and where the reservoir of potential recruits is great. While the importance of European states as arenas of conflict has been growing steadily, the most consequential places in this conflict are still located in the Muslim world, particularly in jihadi source states. The actions of the regimes in these battleground states—both in spheres of action where the international society has provided general guidelines, and in the aspects left to individual states’ responsibility with no guiding collective framework—are of critical importance.

But these are also the states in which addressing the jihadi question presents regimes with the toughest dilemmas, because jihadis and their potential supporters are part of, and the product of, local societies. Because the jihadi problem is inextricably connected to the political, social, and economic conditions prevalent in these states, effective solutions often require a comprehensive examination of a state’s malaise along with radical measures extending far beyond police or military means, possibly including a transformation of the state/society relationship. States that do not address the deeper problems of their societies are unlikely to win the war on terrorism; at best they may be able to contain it. But their reluctance is understandable, because the potential costs of strong action are great. Moreover, their chronic crises of political legitimacy suggest that even tactical steps against the jihadis could become a tipping point at which the balance of popular support would tilt against their grip on power, and thus result in strategic losses.

Indeed, states standing in the center of the storm often face awful choices, each poisonous in its own right. Confronting the jihadis with full force is fraught with danger; unsure that they can beat the jihadis and restore stability, these regimes fear that instead they may only increase instability, maybe even resulting in the state’s collapse with the jihadis flourishing on its ruins. Clearly they hesitate not simply because
they worry for the good of the international society, but because they worry for their own survival. A state apparatus is heavily invested in its state’s survival, and therefore it seeks to guarantee that survival regardless of the interests of the international society. However, the long-term interests of regimes and those of the society often converge—although they can choose divergent means to the realization of those interests.

The jihadis’ safe haven in Pakistan’s Federally Administered Tribal Areas (FATA), where state control has never been more than nominal, presents the Pakistani regime with a particularly difficult dilemma. A full-scale confrontation with the jihadis and the tribes that protect them could undermine domestic order throughout the country. If the fighting were to spill over, it could result in the regime’s collapse and even allow radical Islamists to take over Pakistan’s nuclear arsenal. Given this risk, the quest for alternative means to deal with the problem may not seem so unreasonable even from the perspective of the good of the international society. Moreover, the regime’s reluctance to fight is understandable considering the deep penetration of radical Islamists into all government echelons—particularly into the ISI, its notorious and powerful intelligence service. Moreover, as repeated failed incursions into the area have demonstrated, Pakistani forces are ill-equipped for the mission; all attacks have brought abysmal results and have had counterproductive effects. This excludes military action as a viable option, at least for now.

Short of military action and security crackdowns on radicals, states could turn to long-term solutions that would address deeper local problems in order to eradicate extremism. As regimes face imminent jihadi threat, however, the feasibility of such measures is doubtful. For example, if states decide to open their political systems and loosen their hold on power, they would also limit their own ability to guarantee domestic security, further antagonize conservative religious forces, and hand the jihadis additional means to increase their own power. Middle Eastern governments abuse such arguments in an attempt to solidify and perpetuate their control of the state: under security pretensions, the Egyptian regime tries to strangle not only Islamic opposition but also liberal forces. Yet such abuse does not detract from the severity of their true dilemma.

Forced to take action, yet apprehensive about far-reaching consequences, some regimes may choose moderate measures that reflect an understanding of the jihadis’ and other Islamist groups’ appeal but are also replete with wishful thinking and unlikely to bring about the desired outcomes. The jihadis are not weakened, and state legitimacy is not bolstered. Pakistan’s attempt to reinvigorate traditional forces in
FATA, signing agreements with tribal leaders to curb jihadis’ actions in the tribal areas and deny them safe havens there, has been such a failed strategy.

The international society watches such a reality unfold with a sense of uncertainty. It is limited in its ability to force a state to invoke more comprehensive policies, and fears that the results may be even more detrimental. At the same time, it knows that no foreign power can perform the mission better than the state itself without violating international law. Soft intervention is unlikely to be welcomed, and as the scoreboard of foreign military interventions in places such as Afghanistan, Somalia, and Iraq suggests, the society’s ability to undertake such a task is undermined by a lack of understanding of local conditions, and locals’ resistance to foreign occupation—even if the intervention is benign in the eyes of the intervener.

More important, the international society’s involvement would be futile because the nature of the conflict requires that it be fought locally within the Muslim world. The war on the jihadi movement is not only a war for the future of the state-based order; it is also a battle over the future of Islam, and it will be won only when local leadership in Muslim countries—community and religious leaders, not just regimes—succeeds in defeating Islamic extremism. The jihadis present critical ideological and physical challenges to other Islamic schools of thought. They would not allow the pluralism that has characterized Islam since its inception to continue. Therefore, the fate of alternative views of Islam depends on the failure of Islamic radicalism. Environmental factors such as poverty, domestic oppression in Middle Eastern countries, or “unjust” American foreign policies may generate resistance; but the appeal of the jihadis’ ideology determines the form of such resistance and the objectives it pursues. Secular ideas embodied, for example, in calls for democracy may appeal to some of the dissatisfied in these countries; but the ability of such ideas to sway people who hold a religious worldview is extremely limited. Radical religious ideas can be defeated only by religious discourse and religious ideas. Thus, the battleground will be decided within Islam; as long as Muslim states and religious Islamic leaders do not address the religious power of the jihadi movement, success will be a distant prospect.

The jihadis’ ruthlessness may benefit them: they can impose order by brutal means. The relative peacefulness of Afghanistan under Taliban control and of Mogadishu under the control of the Somali Islamic Courts show that extreme and unapologetic terror can work. Jihadis’ dismissal of the legitimacy of any other Islamic approach leads them to
suppress any opposition with great zeal and deadliness. But benevolent interpretations of Islam still exist, with strong appeal among an overwhelming majority of Muslims around the world. These are the ideas that could facilitate the delegitimization of the radicals and minimize their recruiting power, but that requires action to be taken long before countries fall into a state of lawlessness under the hegemony of brute force and repression. There have been signs that major religious scholars are willing to assume greater responsibility. Indeed, leading Saudi scholars, including prominent religious figures not identified with the regime, have taken an increasingly strong position against the jihadis. But this trend is still too limited: Pakistani scholars have shown little inclination to confront the jihadi message.

In the framework of this inter- and intra-religious struggle, the reform of Islamic education should become a much higher priority for states' action, even though education is not part of the multilateral side of the war on terrorism. Due to the pluralist nature of the international society and the importance of education in shaping and reproducing states' national identities, education has remained the responsibility of each state and not a question to be solved collectively. At least on the declarative level, all states agree that expressions of hatred and racism should be excluded from school programs as a way to reduce the appeal of extremism. But when it comes to specific action, declarations sometimes appear as no more than lip service. Cultural and religious differences, as well as questions of national pride and fear of introducing cultural imperialism through the back door, prevent multilateral action. But some religious education systems and curricula have had devastating roles in fomenting interfaith and intra-religious hatred (for example, between Sunnis and Shiites), and religious educational institutions have become a reservoir of potential recruits for the jihadi movement.

Therefore, Muslim states must step up and take voluntary action despite the great sensitivities involved, particularly in the countries where action is most needed. In Saudi Arabia, reforming education could radically change the relationship between the state and its Wahhabi religious establishment, the foundation of social order in the kingdom. It could therefore erode the regime’s legitimacy and reinforce Islamic opposition. In Pakistan, closing extremist madrassas would entail a broader reform in a defunct education system that is poorly managed by a weak state. There, too, the repercussions could cause the erosion of internal order.

And yet some states have taken remedial steps, changing textbooks, instructing teachers about the value of peaceful coexistence among people from different religions, and bringing educational institutions un-
der state supervision. Qatar, for example, has completely overhauled its educational system. Saudi Arabia has removed some, though not all of the material, that could encourage violence against other religions. In Jordan, a program aimed at modernizing the educational system to make Jordanians more competitive in the world economy includes rewriting curriculums and textbooks as a response to the tide of extremism. Yemen, too, has increased oversight over its educational system; after the 9/11 attacks it also temporarily closed al-Iman University and sought to expel five hundred foreign students. But these steps are sporadic, sometimes halfhearted, largely ineffective, and in some cases the result of American pressure rather than of an intrinsic recognition that change is needed.

Even in matters where the international society provides the umbrella for states’ policies, local conditions and sensitivities affect the manner in which battleground states choose to realize their obligations to the collective. While the jihadis’ actions violate the societal norms of their states of origin, they and the measures they take nonetheless have strong roots in their societies. As a result, those states are forced to seek delicate ways to confront the threat—even if, to some foreign observers, those chosen strategies may not appear sufficiently forceful. In Algeria, for example, the government initiated a reconciliation pact as part of the effort to end a civil war and push the country further along the path to recovery. Since 1999 about eight thousand radical Islamists have renounced their ways and sought to reintegrate into society. However, the success of this project has been thrown into doubt by the recent resurgence of jihadism in Algeria following the official unification of the Salafist Group for Preaching and Combat (GSPC) with al Qaeda in the fall of 2006. Other Muslim countries—particularly Saudi Arabia, Malaysia, Indonesia, and Yemen—have initiated various programs that seek to bring jihadis, many of them high school dropouts, back into the fold of the state by focusing on altering their ideology. The basic premise guiding these projects is that many of the jihadis are victims of misguided education and indoctrination—souls who have been deceived and therefore could be dealt with by less confrontational means. Consequently, these programs are based on “reeducation plans” in which religious scholars confront jihadis’ religious ideas and seek to persuade them to abandon extremism. Often these efforts are accompanied by material incentives—primarily amnesty plans, usually early release from jail, as well as financial compensation and assistance in integrating into the workplace. Even the United States has been paying growing attention to such alternatives, and has initiated its own program for Iraqis.
The Role of Hegemony

The actions of hegemony, too, are critical to success in defeating the al Qaeda–led jihadi movement. Contrary to accusations that U.S. policies in the aftermath of 9/11 have been unilateralist and have reflected malign and parochial intentions, this book has emphasized the positive role of American hegemony in the war on terrorism. The hegemon sets the agenda, provides resources, and in its leadership maintains focus on the target. That states have taken on this tremendous enterprise should be attributed first and foremost to the working of hegemony. Without it, success would become even more elusive. Charges leveled at the United States reflect a narrow view of hegemony that leads to an oversimplification of its working and conceals significant aspects of U.S. policy in the framework of the war on terrorism. This book has demonstrated how the United States, even under the Bush administration, has been engaged in multilateralism to a much greater extent than is generally assumed.

Nevertheless, it is undeniable that Washington has not shied from independent action. Sometimes, acting unilaterally has reflected hegemony’s role strain—a failure to balance between its self-interest and the interests that stem from its role as an institution of the international society. As a result, the United States has overreached and, as in the case of the Iraq war, has even attempted to abuse its unique international position to promote policies harmful to the society of states and incompatible with its values and principles.

Yet, due to the specific design of the war on the jihadi movement, which provides states with room for independent action, not all unilateral actions have been in violation of international norms. In fact, most U.S. actions have been within the boundaries of states’ legal authority and have differed little from those of other states. Occasionally the United States has been criticized, unjustly, for controversial actions taken with the knowledge and consent of allies who simply preferred deniability to protect themselves from hostile public opinion should those actions be exposed. The most salient such case is the renditions program—especially the parts that have taken place on European land or have concerned suspects with ties to EU countries. Being a hegemon also means sometimes taking the blame rather than sharing it.

The reasons for under-acknowledging American-led multilateralism vary and cannot be elaborated here, but I argue that part of the erroneous interpretation results from understandable confusion regarding which measures are allowed within the framework of the struggle with
the jihadis, as well as from a failure to distinguish between U.S. actions taken in the war on the jihadis and those that concern other foreign policy issues where U.S. unilateralism has been pronounced. In its misguided attempts to portray Iraq as part of the war on terrorism, the United States has contributed to this confusion. The result—conflicting American approaches to cooperation—attests to the complex nature of world politics. But it should not come as a surprise that a state can cooperate on some issues and go it alone on others. Attempts to label all U.S. policies in one way or the other suffer from oversimplification, and their usefulness is extremely limited.

Yet such confusion alludes to a significant problem that deserves the attention of the Bush administration and its successor. Spillover among policy issues is almost unavoidable. There is not one administration for the war on terrorism and another for all other policy issues. Consequently perceptions of the administration, the goals it seeks to promote, and its preferred modes of action are carried over between different policy realms and could hinder, or at least limit, its cooperation with other states. The general perception that the Bush administration assigns little importance to international legitimacy—and that when it seeks such legitimacy, it does so due to instrumental considerations rather than for the social purposes of the international society—could limit the international society’s ability to pursue multilateral courses of action. Such negative repercussions have not been prevalent in the war on the al Qaeda–led jihadi movement, not only because there has been a consensus on the importance of the goal, but also because many of the war’s multilateral components do not require constant interaction at the highest levels. Once the foundations were laid—generally prior to the Iraq war, when hostility towards the administration was significantly lower—the focus shifted to cooperation among low level bureaucrats and experts. But negative perceptions of the Bush administration clearly do not help it to progress on issues such as the conclusion of a comprehensive anti-terrorism treaty, where diplomacy and agreement among officials at the highest ranks are more important.

Spillover effects are even more significant in view of the growing interdependence among policy issues. Often, actions taken outside the war on terrorism have a bearing on its progress and become part of it. Therefore, American disregard for the consequences of its actions could undermine the war on terrorism. The war in Iraq is a case in point: in addition to diverting resources from the fight against al Qaeda, the invasion intensified the appeal, and consequently the threat, of the jihadi movement—
in fact rendering Iraq highly relevant to the war on the jihadis. But opposition to the war has prevented numerous countries from shouldering the burden along with the United States. Some states have contributed forces to the mission in Afghanistan and have thus helped to relieve American forces for missions in Iraq; numerous states have also been attempting to detect recruitment networks working within their territories, prevent their citizens from traveling to Iraq to reinforce the ranks of the jihadis, and track the movements of returnees from Iraq. But such assistance, though important, still has not met American and Iraqi needs. To carry out the war on the jihadi movement effectively, Washington must be more attentive to the negative consequences of such spillover.

Moreover, attentiveness to the positions of other members of the international society will be particularly important if U.S. hegemony seeks to transform the collective endeavor from its current preventive nature into a more proactive and future-leaning approach. While states have sought to bolster the institution of the state, the focus of their counterterrorism policies has been largely short-term focused, designed to address immediate threats of attack rather than the motivations of terrorism. But cooperation will be more challenging if states seek to address terrorism’s root causes—or, depending on which side of the Atlantic one is located, its “enabling conditions” —which may require reform of the international society and could have a transformative impact on international life.

Thus, the rumors of evil steering in Washington by a malevolent and abusive hegemon are exaggerated; they do injustice to the United States and disservice to the rest of the international society for which the U.S. leadership is invaluable. At the same time, calls to restrain the American hegemony are not out of place. Supervising it is important in order to guarantee that it does not inadvertently threaten the international society by overreacting. Moreover, constraints on the hegemon are critical for countering its temptation to advance other particularistic interests under the guise of the war on terrorism. As this work has argued, American hegemony is already both more attentive and more constrained than observers tend to think. On issues easily defined as part of the war on terrorism, members of the international society have demonstrated considerable ability to influence and restrain U.S. actions; the design of the regime to deny non-state actors access to WMD and the modification of U.S. policies toward detainees are only two such examples. The war in Iraq presents a more complicated picture: the United States could not have been prevented from invading Iraq; but opposition to the war denied it the legitimacy and tangible assistance it badly needed, leading it to moderate its behavior in Iraq and on a host of other international
issues. Clearly, even outside the war on terrorism, the hegemon is not almighty and can be engaged. Such engagement and cooperative spirit is beneficial for all; a hegemon that takes the advice and preferences of other states into account is better positioned to promote the goals of the international society.
CHAPTER I


2. In this book I use the phrases “war on terrorism” and “war on the al Qaeda–led jihadi movement” interchangeably, mainly for practical reasons. They are not the same; terrorism is being carried out by numerous non-state actors, not all of them part of the global jihadi movement. But despite the inaccuracy, the United States has termed it a “war on terror,” and practitioners and scholars all around the world have adopted this terminology. While the global jihadi movement is the real target of international action—the jihadi are those representing a systemic threat, not the nationally-based terrorist groups which have comparatively modest goals and usually aspire to become members of the international society concomitant to the achievement of those goals—the terms “war on the jihadi movement” or “jihadism” have so far gained little purchase in the political and academic discourse. The adherence to the phrase “war on terror,” despite reservations, could be attributed to its catchy quality. It could also result from fear that an alternative term would provoke Muslim sensitivities and hamper the cooperation of Muslim states already pressed by internal constituencies that sympathize with the jihadi and are critical of the policies of the United States and its allies. Regardless of the reason, many steps taken in the confrontation with the jihadi improve states’ abilities against all terrorist entities. For example, the legal infrastructure
created to suppress financing of the jihadis and to prosecute them is comprehensive and applicable to all terrorist entities.

3. I define terrorism as acts of violence or preparations to carry out such acts, committed by non-state entities, targeting civilians in order to promote political goals. These acts aim to compel a state to take steps it would not have taken otherwise, or to divert it from measures it intended to take. This definition specifies non-state actors as the perpetrators of terrorism. States, too, are capable of terrorizing their populations or those of other states; but alternative conceptual frameworks are available to analyze such state actions. The politically correct extension of the definition to include states carries little analytical value; in fact, it may hinder our comprehension of terrorist entities. The term “entities” could encompass traditional terrorist organizations as well as networks of small cells or like-minded individuals with little stable affiliation or hierarchical order. In defining terrorism, I try to avoid making any moral judgment about the legitimacy of practices of states and non-state entities alike. The primacy of the state allows it to determine the discourse; states shape the rules of war and regulate their relationships in a manner that serves the system, and even more, the strongest powers. Whether or not this is morally justified is not of interest in this book. The definition of terrorism I propose here is restricted to the intentional targeting of civilians. Such a delineation makes it possible to preserve the distinction between terrorism and insurgency operations targeting military forces, while dismissing the argument that resistance to occupation cannot be classified as terrorism. The right of resistance is accepted under international law; but international law does not recognize a right to target innocent civilians. My formulation also avoids moral judgment about suicide bombings. While I find the use of suicide bombing abhorrent, for analytical purposes one must focus on the targets and goals, not on the techniques, of terrorism.


8. Ibid, chapter 1.


10. Ibid, 16–20. Note that occasionally, some of these goals may conflict.

11. Ibid, 17.

12. The literature on globalization and its effects on world politics is vast, but does not touch the possibility that members of the international society would rise against globalization to protect the state-based order. Globalization,
when seen as a challenge, is typically considered a benign challenge often facilitated and reinforced by states’ purposeful actions. This is not to say that it has no dark side. Terrorism and transnational networks of organized crime have benefited and gained strength due to globalization, but they previously had existed independently of it. Furthermore, the parasitic nature of transnational crime leads such networks to favor the existence, though in a weak form, of the state system.


16. Order in the international society is defined as a pattern of activity that sustains the society’s fundamental goals through shared values and interests, rules that states establish, and institutions that enforce those rules. See Bull, *The Anarchical Society*, 8–63.

17. Ibid., 67–70.


30. Buzan, *From International to World Society?*


33. For example, see Bull, *The Anarchical Society*, 106.


36. Ibid., 187.


42. Ibid., 148–58.


51. Little, *The Balance of Power in International Relations*.


54. Gilpin, *War and Change in International Politics*.


57. Deudney and Ikenberry, “Realism, Structural Liberalism and the Western Order,” 111.


66. This, however, is not always the case: the U.S. formed a “coalition of the willing” to invade Iraq because it had failed to persuade the Security Council to sanction the invasion. On the other hand, the Proliferation Security Initiative (PSI), which focuses on interdiction operations on the high seas, is structured as a coalition and is not sanctioned by the UN—not due to significant resistance to the initiative, but mainly in an attempt to avoid complex legal issues concerning
general principles of state rights on the high seas. For an elaborate discussion of the PSI, see chapter 6.

67. Cronin calls the difference between the hegemon’s roles as a leader and as a great power a “role strain.” See, Cronin, “The Paradox of Hegemony,” 111–15.


Chapter 2

1. On the evolution and meaning of jihad through time, see David Cook, Understanding Jihad (Berkeley: University of California Press, 2005).


4. On the interests of the three states to intervene in the war and to prefer Islamic opposition over the Afghan nationalist opposition, see Mohammad Yousaf and Mark Adkin, Afghanistan the Bear Trap: The Defeat of a Superpower (Havertown, PA: Casemate, 1992); Kepel, Jihad, 136–50; Ahmed Rashid, Taliban: Militant Islam, Oil and Fundamentalism in Central Asia (New Haven, CT: Yale University Press, 2001), 186; Jason Burke, Al Qaeda: Casting a Shadow of Terror (London: I.B. Tauris, 2003), 57–58; International Crisis Group, Can Saudi Arabia Reform Itself?, ICG Middle East Report no. 28 (July 14, 2004).

5. Burke, Al Qaeda, 57.


7. Burke, Al Qaeda, 58. Other telling statistics: According to one of the mujahideen’s journals, until 1988 the number of Arabs who died in fighting was no more than a few dozen. See Ahmad Muaffaq Zaidan, The “Afghan Arabs”: Media at Jihad (Islamabad: The Pakistan Futuristic Foundation & Institute, 1999), 13.

8. Among those few was Osama bin Laden, who years later would build a myth around a very small-scale battle in Jaji (1986). See Burke, Al Qaeda, 74.

9. According to CIA estimates, the overall number of Arabs who contributed to the general war effort (including support roles) was no more than twenty thousand. See Milt Bearden and James Risen, The Main Enemy: The Inside Story of the CIA’s Final Showdown with the KGB (New York: Random House, 2003), 366.

10. Burke, Al Qaeda, 68.


12. Burke, Al Qaeda, 75.

13. Saudi Arabia, for example, provided cheap one-way tickets to youth who wanted to travel to Pakistan to participate in the war effort. See Interview with Dr. Saad al Fagih, www.pbs.org/wgbh/pages/frontline/shows/binladen/interviews/al-fagih.html.


16. PBS, Interview with Dr. Saad al Fagih.


18. For a detailed account of the journal’s history and content, see Zaidan, The “Arab Afghans,” 36–49.


20. While the Muslim Brotherhood in Egypt sent volunteers to fight against Israel in 1948, that intervention was much more institutionalized and based on an organizational affiliation.


22. Quoted in Kepel, Jihad, 147.
33. Al Zawahiri, *Knights under the Banner of the Prophet*.
42. Burke, *Al Qaeda*, 80.
43. Such a version of takfir was so extreme that a few years into the Algerian civil war, bin Laden distanced himself from the GIA. To declare a ruler an infidel and attempt to topple him and his regime were one thing; declaring a large proportion of the population infidels and massacring them was too much for bin Laden. On bin Laden and the GIA, see Burke, *Al Qaeda*, 185, Wiktorowicz, “The New Global Threat”, 28.
45. See al Zawahiri, *Knights under the Banner of the Prophet*; Al Zayyat, *The Road to al Qaeda*.
49. Randal, Osama, 185–186, 250.
50. Coll, Ghost Wars, 222–223.
51. Al Zawahiri, Knights under the Banner of the Prophet.
54. In 1992, American forces headed to Somalia were attacked in Aden, Yemen. The next year a local Somali militia, allegedly trained by close associates of bin Laden, killed eighteen American soldiers. The real nature of the links between bin Laden and those attacks is still unclear, but it seems that bin Laden’s group played no more than a facilitating role.
56. Al Zawahiri, Knights under the Banner of the Prophet.
57. E.g., Interview with CNN, March 1997; Interview with al Jazeera, aired June 10, 1999.
59. Coll, Ghost Wars, 221.
62. Gunaratna, Inside al Qaeda, 58–60; Randal, Osama, 215–16, 246.
63. According to Michael Scheuer, the ratio of foot soldiers to trainees in terrorist methods was about 15:1. See Anonymous, Imperial Hubris: Why the West is Losing the War on Terror (Washington DC: Brassey’s, 2004), 62–63.
64. Sageman puts the number of volunteers who received such offers at 10 to 30 percent. See Sageman, Understanding Terror Networks, 121; Zachary Abuza, Militant Islam in Southeast Asia: Crucible of Terror (Boulder: Lynne Rienner Publishers, 2003), 8.
65. Ramzi Yousef, responsible for the bombing of the World Trade Center in 1993, is one such example. He trained in explosives and later became a trainer. See Reeve, The New Jackals, 138.
68. Gunaratna, Inside al Qaeda, 46–47; Burke, al Qaeda, 166.
69. Burke, Al Qaeda, 163–64.
70. Al Zawahiri, Knights under the Banner of the Prophet.
72. Burke, Al Qaeda, 163.
73. Michael Duran, “Somebody Else’s Civil War,” *Foreign Affairs* 81:1 (January/February, 2002), 23–24. The bombing of the destroyer *Cole* was intended to provoke a retaliation against Afghanistan that in turn would increase al Qaeda’s popularity and Muslim anger towards the United States. See Bergen, *The Osama bin Laden I Know*, 308.

74. Al Zawahiri, *Knights under the Banner of the Prophet*.

75. Cullison, “Inside al Qaeda’s Hard Drive,” 55–70.


79. Cook, “The Recovery of Radical Islam.” No doubt some of the less extreme Taliban leaders held grudges against al Qaeda too. Even before 9/11 they were worried that bin Laden’s growing influence over Mullah Omar would be detrimental to the success of the Taliban. See Cullison, “Inside al Qaeda’s Hard Drive;” Bergen, *The Osama bin Laden I Know*, 232–50.


81. Al Zawahiri, *Knights under the Banner of the Prophet*.

82. Al Zayyat, *The Road to al Qaeda*, 97.

83. Ibid, 99.


**Chapter 3**


2. Ibid, 122–23.


11. Ibid., 75–76.

12. Ibid., 62.

13. Ibid., 71–72.


24. Ibid., 182–84.

25. Ibid., 184–85.

26. Ibid., 188.


28. For a discussion of sovereignty as a two-layered concept, see Mendelsohn, “Sovereignty Under Attack.”

29. Zartman, “Islam, the State and Democracy,” 234.


31. Interview with ABC News.


33. For example, Ayman al Zawahiri, “Realities of the Conflict between Islam and Unbelief,” December 29, 2006. worldanalysis.net.


40. Ibid. See also Zawahiri, “Realities of the Conflict.”
41. Bin Laden, Declaration of War.
42. Address of Osama bin Laden, Al Jazeera, November 3, 2001.
43. “Osama bin Laden to the Iraqi People: It Is Forbidden to Participate in
Iraqi & PA Elections; Jihad in Palestine and Iraq is Incumbent upon Residents
of All Muslim Countries, Not Just Iraqis and Palestinians; Zarqawi is the Com-
mander of Al Qa’ida in Iraq,” Memri, Special Dispatch Series No. 837, December
44. On bin Laden’s approach to the independence of East Timor, see bin
Laden, “This War is Fundamentally Religious.”
45. Ibid.
46. Cook, Understanding Jihad, 149.
47. “Bin Laden’s December 16, 2004 Statement,” Jihadunspun, December
Memri, Special Dispatch Series No. 837.
48. “Complete Text of Sheikh Osama bin Laden’s Latest Message to Um-
50. “Osama bin Laden to the Iraqi People,” Memri, Special Dispatch Series
No. 837.
53. Peter Bergen, Holy War, Inc., Inside the Secret World of Osama bin
54. Osama bin Laden’s Interview with al Jazeera, June 10, 1999.
55. Robert Wesley, “Al-Qaeda’s WMD Strategy Prior to the U.S. Interven-
56. Ibid.; “Nuclear Capabilities May Elude Terrorists, Experts Say,” Wash-
57. David Albright and Holly Higgins, “A Bomb for the Ummah,” Bulletin
of the Atomic Scientists 59:2 (March/April 2003), 49–55.
58. “The Story of the Arab Afghans from the Time of Arrival in Afghan-
istan until their Departure with the Taliban,” part 1, Al Shark al Awsat, December
59. “An Easier, but Less Deadly, Recipe for Terror,” Washington Post, De-
60. Eric Lipton, “Qaeda Letters Are Said to Show Pre-9/11 Anthrax Plans,”
61. “Nuclear Capabilities May Elude Terrorists.”
62. On the efforts of the Zarqawi network, see “Zarqawi’s Network Mounts
64. “An Easier, but Less Deadly, Recipe for Terror.”
65. “The Story of the Arab Afghans from the Time of Arrival in Afghan-
istan until Their Departure with the Taliban,” part 2, Al Sharq al Awsat, December


72. During the planning stage of the 9/11 attack, al Qaeda considered hitting nuclear facilities with the hijacked planes but eventually decided that it would complicate the plan and preferred to keep this option for future plots. See Nick Fielding and Yosri Fouda, Masterminds of Terror: The Truth behind the Most Devastating Attack the World Has Ever Seen (New York: Arcade Publishers, 2003).


74. Cited in Paz, ibid., 83.


76. Anonymous, Imperial Hubris, 155–56.


79. Ibid., 6–7.


81. For example, see “Leader of Al Qaeda in Iraq Al Zarqawi Declares “Total War” on Shi’ites, States that the Sunni Women of Tel’afar Had Their Wombs Filled with the Sperm of the Crusaders,” Memri: Special Dispatch Series – No. 987, September 16, 2005.

82. On al Qaeda’s justifications for killing civilians, see Quintan Wiktorowicz and John Kaltner, “Killing in the Name of Islam: Al Qaeda’s Justification for September 11,” Middle East Policy 10:2 (Summer 2003), 76–92; Mendelsohn, “Sovereignty under Attack,” 64–66.


90. Bin Laden, “This War is Fundamentally Religious.”
94. Ibid., part 11, December 12, 2001.
96. Osama bin Laden’s Interview with CNN, March 1997.
98. Ibid.

CHAPTER 4


23. As von Hippel asserts, the ongoing disagreement about terrorism’s root causes is still far from resolved. See Karin von Hippel, “Improving the International Response to the Transnational Terrorist Threat,” in Boulden and Weiss, eds., *Terrorism and the UN*, 113–14.

24. In the words of the British ambassador to the UN (October 1, 2001): “There is a common ground amongst all of us on what constitutes terrorism.

25. While President Bush declared that the United States was committed to face “every terrorist group of global reach,” there was a clear understanding within the administration that the effort should focus first on al Qaeda and its associates, partly because going beyond the jihadis would expose disagreements within the international society. George Bush, “Address to a Joint Session of Congress and the American People,” September 20, 2001; Bob Woodward, Bush at War (New York: Simon & Schuster, 2002), 81, 200.


27. Ibid., 6–7.


35. Gong, Standards of Civilization; Bull and Watson, eds., The Expansion of the International Society.


37. Jackson, Quasi-States.


39. Some states may even actively support terrorists. Such assistance may take two forms. First, a state may decide as a policy to back terrorist elements, as in the case of the Taliban’s support for the al Qaeda network. Alternatively, terrorists may penetrate state apparatus or gain access to sympathizers or corrupted functionaries in power positions. As a result, the state may fail to take effectual action against terrorist networks. Pakistan is an example of this latter type of state assistance.


42. John Ikenberry states that the United States is both a provider of global governance and a great power that pursues its own national interest. G. John Ikenberry, “A Weaker World,” Prospects, November 2005, 33.


49. Ibid.


54. Ibid.


Chapter 5


23. Ibid., 10.


33. Ibid., 12–14.


46. Ibid., 27–29.
48. Ibid.
52. Targeting Terrorist Finances Project, “A Comparative Assessment of Saudi Arabia with Other Countries of the Islamic World.”
56. The first meeting was held in Bahrain (April 2004), the second in Lebanon (September 2005), the third in Egypt (April 2006), and the fourth in the UAE (November 2006). See the organization’s Web site, www.menafatf.org.

65. For one exception, see Ibrahim Warde, The Price of Fear: The Truth behind the Financial War on Terror (Berkeley: University of California Press, 2007).


71. Ibid, 9–10.


81. As a part of these efforts, the monitoring team increased the number of visits to member states. It visited sixteen states between December 2004 and June 2005. See Third Report of the Analytical Support and Sanctions Monitoring Team, S/2005/572.

CHAPTER 6

1. Radiological weapons (“dirty” bombs) are recognized more as a weapon of mass disruption than as WMD, and therefore will not be discussed in this chapter.


13. Ibid., 78–79.

14. For updated information on U.S. projects in the former Soviet Union, particularly in Russia, see Bunn and Wier, Securing the Bomb 2006.


17. For a list of projects sponsored under the global partnership program, see GPWG Annual Report 2005: Consolidated Report Data, June 7, 2005.


28. Ibid.

29. Ibid.


33. Among these export control groups are the Nuclear Supplier Group (NSG), the Wassenaar Arrangement (on dual-use material), the Australian Group (which deals with chemical and biological weapons and material), and the Missile Technology Control Regime (MTCR).


36. Ibid., 23.

37. Ibid., 30.

38. Ibid., 15.

39. For example, see the Egyptian and Nepalese representatives, The Security Council 4950th Meeting, Resumption 1, 2, and 14.

40. Ibid., 14.


43. Ibid., 25.
44. Ibid., 4.
45. Ibid., 31–2.
46. The Security Council 4950th Meeting, Resumption 1, 14.
47. Resolution 1441 called on Iraq to dismantle its prohibited capabilities and fully cooperate with UN inspectors.
49. Ibid., 30.
50. Ibid.
51. Ibid., 12.
52. Ibid., 7.
53. The American ambassador, ibid., 17.
56. The eleven states are Australia, France, Germany, Italy, Japan, Netherlands, Poland, Portugal, Spain, the United Kingdom, and the United States.
60. Rademaker, “The Proliferation Security Initiative.”
68. Demeyere, “The Proliferation of International Nuclear Law’s Actors.”
75. The mixed approach is evident in President Bush’s seven-point plan to strengthen the world’s efforts to stop the spread of deadly weapons. “President Announces New Measures to Counter the Threat of WMD,” Remarks by the president on weapons of mass destruction proliferation, National Defense University, Washington D.C., February 11, 2004. www.whitehouse.gov/news/releases/2004/02/20040211-4.html.

CHAPTER 7
2. Ibid.
5. Jackson, Quasi-States.


24. Ibid., 30.


31. This formulation is consistent but does not fully overlap with Thomas Biersteker’s conceptualization of modern borders. See Thomas J. Biersteker, “The Rebordering of North America? Implications for Conceptualizing Borders after September 11,” in Peter Andreas and Thomas J. Biersteker, eds., *The Re-


35. Which, one should recall, serve also to protect people’s right to life that is threatened by terrorism.


40. Britta Walthelm, Immigration and Asylum Policies in Great Britain and Germany after September 11: An Assessment of Policy Change in the Course of Anti-Terrorism Legislation. Thesis submitted to the University of Manchester, 31.


44. Ibid, 420.


46. Michael Radu, Foreign Imams and Terrorists (Foreign Policy Research Institute, August 2005).

47. Walthelm, Immigration and Asylum Policies in Great Britain and Germany, 29–33.


52. Crawley, “Europe Looks to Africa,” 25.
53. Note the inability of the British government to keep foreign jihadis it could not charge, but did not want to set free, in indefinite detention in the face of legal challenges. Following the court’s decision, the British government had to settle for restrictive orders. Already three jihadis under such orders have escaped and now pose a threat to EU citizens.


57. Or, as Peter Andreas eloquently puts it, “transnational law evaders.” See Andreas, “Redrawing the Line,” 82.


60. Even earlier detection is possible in states, like Australia, when first screening takes place at the time of the ticket purchase. Schoenholtz, “Transatlantic Dialogue on Terrorism,” 176–77.


68. G8 Secure and Facilitated International Travel Initiative (SAFTI).


73. Brouwer, “Data Surveillance and Border Control in the EU.”  
74. For example, see Alison, Nuclear Terrorism, 104–20.  
75. Ackleson, Border Security Technologies, 144–46.  
78. Ibid., 5.  

CHAPTER 8
2. The geographical location and topographical conditions of Afghanistan made it inaccessible to the United States unless allies allowed the use of their airspace and bases.  
7. Chantal de Jonge Oudraat, “The Role of the Security Council,” 159. Nor was the United States the only country to make such claims; Israel frequently justified its attacks on neighboring Arab countries by invoking the right of self-defense after terrorist attacks had emanated from those countries’ territories or with their support.  
10. The Organization of American States (OAS), too, passed a resolution determining that the 9/11 attacks were an attack against all American states and committing member states to extend assistance to the United States.
11. Hyde-Price, “Redefining its Security Role: Germany.” After the war, Germany also organized and funded a conference for the Afghan factions on the creation of post-Taliban political order.


20. George W. Bush, “State of the Union,” January 28, 2003. Note that the term “rogue state” is not an objective one but an American construct. In the NSS, the administration alluded to some shared attributes of rogue states: they “brutalize their own people and squander their national resources for the personal gain of the rules; display no regard for international law, threaten their neighbors, and callously violate international treaties to which they are party; are determined to acquire weapons of mass destruction, along with other advanced military technology, to be used as threats or offensively to achieve the aggressive designs of these regimes; sponsor terrorism around the globe; and reject basic human values and hate the United States and anything for which it stands.” See White House, *National Security Strategy* (September 2002), 13–14.


29. Ibid.

33. For example, see Annan, The Secretary General Address to the General Assembly.
37. Tenet, *At the Center of the Storm*, 305–6.
40. Ibid., 1–4.
45. Wolfowitz, Building the Bridge to a More Peaceful Future.
47. Even the Bush administration’s strongest ally, British Prime Minister Tony Blair, was cautioned by his advisors that the White House appeared to be shaping its intelligence analysis, particularly regarding the ties between Iraq and the network, to conform to its intentions. See Karen De Young, *Soldier: The Life of Colin Powell* (New York: Alfred A. Knopf, 2006), 404, 422.
50. The administration’s manipulations succeeded in convincing numerous Americans that not only did Hussein have ties with al Qaeda but he was also involved in the 9/11 attack. Linda Feldman, “The Impact of Bush Linking 9/11 and Iraq,” *Christian Science Monitor*, March 14, 2003.
52. De Young, *Soldier*, 457.


60. Observers note a number of reasons for the gap, in particular the lack of a blueprint for action, bureaucratic resistance at the State Department, and the power of realpolitik to force policy trade-offs. See Baker, “As Democracy Push Falters.”

61. Note that this perception is not unique to the Bush administration and was shared by prominent Democrats. See Gregory Gause III, “Can Democracy Stop Terrorism,” Foreign Affairs 84:5 (September/October 2005).


66. Ibid. In the same vein, Rice declared that “Supporting the growth of democratic institutions in all nations is not some moralistic flight of fancy; it is the only realistic response to our present challenges.” See Rice, “The Promise of Democratic Peace.”


70. Woodward, Bush at War, 220.

71. George Bush, Inaugural address.


78. For example, see Woodward, *State of Denial*, 77; Woodward, *Bush at War*, 99; Tenet, *At the Center of the Storm*, 306.
79. Lemann, “After Iraq.”
88. Rice, “The Promise of Democratic Peace.”

**Chapter 9**

4. Cordesman, “Winning the ‘War on Terrorism.’”


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