Evolving State Attitudes Towards Sovereignty in Counterterrorism: The Case of Interpol

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Introduction

States apply sovereignty in the service of national interests, for sovereignty is a function of the state. One of the more intriguing contemporary intersections of state sovereignty and national interest lies in the arena of counterterrorism. The relevance of sovereignty for counterterrorism has long been recognized, as states confront the limitations imposed by sovereignty upon their ability to overcome the threat of international terrorism. Yet the mere fact that sovereignty has long played a role in the struggle against terrorism does not mean that its role has not evolved. Over the past several decades, the emergence of transnational terrorism has fundamentally enhanced the significance of sovereignty as a factor in counterterrorism. In consequence, contemporary states have no choice but to reconsider longstanding counterterrorism assumptions in light of new realities. In some states, the process of reassessment may not produce radical revisions in doctrine. Other states, however, will accept the necessity of modifying their application of sovereignty in counterterrorism. The underlying factors propelling these revisions are not transitory. They are newly entrenched features of the international system. It is crucial to appreciate their significance.

This paper argues that contemporary states are displaying a greater willingness to accept compromises on matters of sovereignty in pursuit of a more effective counterterrorism agenda. States do not attach an infinite value to sovereignty, but rather consider it within the context of broader national interest. Thus, the extent to which states actively protect their sovereign prerogatives is subject to the same framework as all other state decisions: the cost-benefit calculus. States weigh the costs and benefits of any
given policy or action and use the result as a guide for decision-making. In the present era, changing state attitudes regarding sovereignty and counterterrorism arise from a shifting balance between costs and benefits in combating international terrorist organizations. The rise of transnational terrorism has raised the costs of terrorist action, due to the scale of disruption that terrorism can achieve and the necessities imposed upon states striving for a successful counterterrorism response. By raising these costs, transnational terrorism has prompted a limited but nonetheless real reassessment of the proper equilibrium between sovereignty and counterterrorism. One of the first manifestations of this reassessment lies with the International Criminal Police Organization, commonly known as Interpol. In this decade, Interpol has developed a newfound operational capability, for which there is no precedent in its institutional history. The fact that its member states have sanctioned and utilized its operational instruments, despite the ensuing loss of sovereignty, signals that the escalating costs of transnational terrorism have the potential to exert powerful changes on accepted notions of state sovereignty.

The paper is structured through a logical progression that explains the implications of Interpol’s operational capabilities within the context of the international system. It begins with an overview of state sovereignty that defines the concept, justifies its relevance regarding jurisdictional matters, and explores the manner in which states interpret it. This section also introduces the notion that sovereignty is subject to state cost-benefit calculations. The next two sections concern Interpol’s configuration, fundamental principles and attitude towards counterterrorism. The main theme of these
sections is the nature of Interpol’s interactions with external actors. The next two sections
detail Interpol’s operational capabilities. They also explore their significance, both as
current tools in global counterterrorism and as unprecedented developments in the
relationship between Interpol and its member states. With the novelty of Interpol’s
operational capacity having been established, the following two sections posit an
explanation for these changing state attitudes by observing the rise of transnational
terrorism and the corresponding escalation in the costs of terrorist activity. This prepares
the foundation for the paper’s penultimate section, which links the rise of transnational
terrorism to the evolution of Interpol by arguing that states confront a sovereignty
tradeoff in determining whether to accept Interpol’s augmented role. As the costs of
terrorism increase, the tradeoff shifts in favor of engagement with Interpol. Finally, the
paper concludes with the potential ramifications of Interpol’s operational capability for
the broader sphere of state sovereignty and counterterrorism.

State Sovereignty: A Negotiable Value

State sovereignty has many dimensions. It can be defined in the context of any
number of state interactions with people, political institutions, fellow states, or
international institutions. A common definition, however, links the concept of
sovereignty to the notion of authority. In this framework, the condition of sovereignty
bestows absolute authority upon a state as the expression of the underlying political
community.¹ Sovereignty thus acquires practical significance as an indicator of state
primacy; the position of the state as the primary authority within its distinct boundaries

derives from the sovereignty it wields. Moreover, the absolute nature of sovereign authority extends to the various manifestations of state power. Sovereignty is as much a question of jurisdiction as influence. As states compromise their exclusive authority in matters of jurisdiction, they alter the functional reality of their own sovereignty.

Sovereignty is composed of internal and external elements. Internal sovereignty refers to the right of a state to determine its domestic arrangements without external interference. The insulation of domestic political, social and economic settlements from outside intrusion is as much a function of state sovereignty as the insulation of physical territory. External sovereignty refers to the legal status of the state as a member of the international community. Sovereign states possess a unique identity within the international system, and sovereignty bestows specific rights, privileges and responsibilities upon its owners. The integrity of sovereign holdings is held to be inviolate. Mutual expressions of respect for sovereignty underpin the network of connections that characterize state behavior. Indeed, it is the condition of sovereignty that formally defines the boundaries of multi-state interaction, regardless of normative conventions. Sovereignty thus occupies a dual role, simultaneously validating the internal authority of the state and demarcating the legitimate extent of its external autonomy. At its core, sovereignty is a concept of delineation.

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5 N.L. Wallace-Bruce, Claims to Statehood in International Law (New York: Carlton Press, 1994), 58.
States tend to zealously protect the integrity of their sovereignty, for reasons of policy - as a measure of governmental authority – and politics, since any perceived infringement of sovereignty risks sparking an outcry of nationalistic pride among the populace. Therefore, for the most part, preserving a maximum degree of sovereignty aligns with the national interests of states and the parochial interests of state governments. Yet this principle reveals an underlying logic that is often neglected. State sovereignty is a function of national interest. From the perspective of a given state, sovereignty is merely one factor – albeit a highly privileged one – along a spectrum of concerns. This is reflected in the frequent evolution of state sovereignty over the centuries. The basis of sovereignty broadly shifted from dynastic identity in the eighteenth century to the structure of government in the nineteenth to the legitimacy of national self-determination in the first half of the twentieth, even before present times. In each instance – indeed, throughout the modern history of sovereignty – the shift in the nature of sovereignty arose from the interests of states as much as their characteristics. Thus, while “impersonal” factors such as changing notions of legitimacy and international order played a role, so too did the “personal” factors of deliberate state intention, as particular interests compelled states to offer novel interpretations of sovereignty. State interests are the root of the application of sovereignty.

Furthermore, the mechanism for states to determine the relationship between sovereignty and national interest in any given context is the classic mechanism of the

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7 Ibid, 104-105.
rational actor: a calculation of costs and benefits. States conduct constant reassessments of their own sovereignty, measuring the costs and benefits of rigidity against the costs and benefits of flexible interpretation. While the balance often falls on the side of rigidity, it is not unprecedented for state sovereignty to give way in the face of other concerns, as the development of the European Union powerfully demonstrates. The degree to which states safeguard their sovereign responsibilities bears constant observation. This is particularly true in matters of counterterrorism. Traditionally, states have valued law enforcement issues as core national responsibilities and defended their authority as such. Given the array of interests at stake in counterterrorism – impacting security, politics, economics, and internal stability – it is not difficult to grasp the rationale for states to maintain absolute control over counterterrorism policy. Yet the fact of Interpol’s newfound operational role in counterterrorism undermines the notion that states view their own sovereignty in counterterrorism as a non-negotiable asset. Interpol is the starting point for an assessment of sovereignty in contemporary counterterrorism.

Interpol: Structure and Fundamental Principles

Interpol was founded in a decidedly different world in 1923, but much of the organization remains unchanged. At present, Interpol consists of 187 member countries. It is the only transnational policing institution with global jurisdiction, although it lacks a

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formal origin in international law. Interpol was not created by any treaty; rather, the representative police agencies of the founding member states simply agreed to form the body and established a General Assembly to determine its mandate. Subsequently, prospective member states have merely been required to designate a police agency in order to join the organization, subject to the ratification of the General Assembly. The position of Secretary General was formed in 1932, followed by the establishment of an Executive Committee in 1949 and the adoption of a modern Constitution in 1956. This institutional structure remains in effect to the present day. Interpol’s liaison with its member states occurs principally through agencies entitled National Central Bureaus (NCB’s). These agencies, which are designated by the member states, exist within the primary law enforcement institution of each state and serve as the link between Interpol and national law enforcement. Their status is sanctioned by Article 32 of the Interpol Constitution.

Interpol’s internal structure is characterized by three components of decision-making: an Executive Committee, a General Assembly, and a General Secretariat. The Executive Committee, consisting of thirteen members, is essentially an advisory and

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12 Ibid, 118-119. The founding police agencies represented sixteen countries: Austria, Belgium, China, Egypt, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Romania, Sweden, Switzerland, the United States, and Yugoslavia. Interpol achieved formal standing as an international organization in 1949, when it was granted consultative status as a non-governmental organization by the United Nations. It was not until 1971, however, that the United Nations formally recognized Interpol as an intergovernmental organization.
13 Ibid, 118-119.
coordinating body, charged with preparing the agenda for General Assembly sessions and ensuring that the General Secretariat is properly executing the decisions of the Assembly.16 The General Assembly, which convenes annually, is the supreme body of the organization. Its far-reaching responsibilities, as defined by Article 8 of the Interpol Constitution, include the authority to craft Interpol’s “principles and…general measures,” to elect its chief officers, and to adopt resolutions and offer recommendations to member states regarding criminal matters within Interpol’s area of operation.17 Each member state delegation receives one vote, and most outcomes are determined by a simple majority vote.18 Finally, the General Secretariat represents the core of Interpol’s active capabilities. It implements the judgments of the General Assembly, promotes the organization’s objectives among its member states, and manages organizational programs and initiatives.19 The General Secretariat is led by a Secretary General who serves as the organization’s chief full-time official and functions as Interpol’s primary spokesperson and representative abroad.20

Interpol’s relationship with its member states is complex and nuanced. Yet the bond is defined by one crucial principle: Interpol’s authority is not legally binding upon the states.21 Interpol is not a supranational organization with independent investigatory

18 Ibid. The exceptions are proposed amendments to the Interpol Constitution and the proposed accession of new members, both of which require two-thirds majorities in the General Assembly for passage.
19 Interpol Constitution, art. 26.
21 Deflem, “Global Rule of Law or Global Rule of Law Enforcement?” 245.
and prosecutorial powers. It is essentially the coordination center for a global network of autonomous police officials, fostering voluntary collaboration between independent police agencies across international boundaries. Each member state determines its own level of access to Interpol data networks. More importantly, each state governs the legal value of an Interpol initiative within its borders, whether that initiative is an advisory resolution suggesting procedural reforms or a formally issued notice transmitting another member state’s request for the arrest and extradition of a suspect. This reality is formally acknowledged in several clauses of the Interpol Constitution, most prominently Article 9, stating that “Members shall do all within their power, in so far as is compatible with their own obligations, to carry out the decisions of the General Assembly [italics added].” In effect, Interpol cannot impose obligations on its member nations; it may ask, urge or encourage them to act in a certain manner, but its authority is limited by state sovereignty as manifested through national legislation.

At the same time, certain elements of Interpol’s governance structures safeguard the organization’s independence from its member states. One of the chief components of Interpol’s autonomy rests upon the lack of transparency over its financial accounts. Similarly to many international organizations, Interpol depends upon the receipt of

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22 Deflem, “Global Rule of Law or Global Rule of Law Enforcement?” 245.
23 Deflem, “Global Rule of Law or Global Rule of Law Enforcement?” 245; Sheptycki, 109.
26 Interpol Constitution, art. 9.
annual dues from its member states in order to function.\textsuperscript{28} Despite this fact, Interpol has resisted opening its finances to outside observation. Before 1990, member states lacked any right to access Interpol’s financial accounts at all.\textsuperscript{29} Reforms granted limited state oversight over Interpol’s budget, but even today, financial transparency remains incomplete.\textsuperscript{30} Moreover, despite serving as the sole source of Interpol’s funding, member states have no voice in determining Interpol’s financial expenditures. Once the dues have been paid, state influence over Interpol’s financial administration vanishes altogether.

Interpol is similarly unaccountable to its member nations in the realm of data protection. Not surprisingly, Interpol’s member states consider the existence of adequate safeguards for data and intelligence collected by the organization to be a matter of grave concern. States have a crucial interest in guaranteeing that the confidentiality of sensitive information shared with Interpol will be protected. Yet the extent of state supervision over Interpol’s data protection mechanisms is limited to an ineffective “Supervisory Board.”\textsuperscript{31} Thus, in terms of both financial expenditure and data security, external accountability is essentially superficial. As a consequence, Interpol remains largely unobserved by its own members in key areas of its internal governance. This serves to insulate Interpol from potential state interference in its internal affairs; however, it also increases state uncertainty in entrusting Interpol with sensitive tasks and information. Such a tradeoff achieves even greater significance in light of state attitudes towards Interpol’s newfound operational role.

\textsuperscript{29} Sheptycki, 121.
\textsuperscript{30} Ibid, 121.
\textsuperscript{31} Ibid, 123.
Interpol’s Counterterrorism Posture: History and Current Stance

The emergence of an operational role for Interpol in global counterterrorism represents the culmination of a long and convoluted organizational shift. International terrorism was a matter of concern for the international community decades before it arrived on Interpol’s agenda. While the first international regulation of terrorism occurred in 1937 in the form of a League of Nations Convention, Interpol studiously avoided any role in counterterrorism activity for several decades thereafter.\(^{32}\) The rationale for this reluctance was both philosophical and legalistic. Philosophically, Interpol feared that actively intervening in counterterrorism would ensnare the organization in subjective political disputes, thereby dispossessing it of the apolitical legitimacy that was perceived to be so vital in the fulfillment of its mission.\(^{33}\) Legalistically, Interpol believed that it was barred from engaging terrorist organizations by Article 3 of the Interpol Constitution, which defined the legal scope of Interpol activity by prohibiting Interpol from undertaking “any intervention…of a political, military, religious or racial character.”\(^{34}\)

Without an internationally recognized definition of terrorism, Interpol considered itself unable to intervene due to terrorism’s ambiguous nature. For the first half of its existence, it preferred to focus exclusively on acts of a universally accepted criminal nature.

Only in the early 1970’s did Interpol’s unwillingness to take part in counterterrorism investigations begin to weaken. The cause of this shift was primarily political. As international terrorist organizations gained increasing prominence through a

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\(^{32}\) Deflem, “Global Rule of Law or Global Rule of Law Enforcement?” 244.

\(^{33}\) Barnett and Coleman, 609-612.

\(^{34}\) Interpol Constitution, art. 3.
series of high profile attacks – and as the issue of international terrorism acquired greater political import – Interpol found itself unable to resist the entreaties of its member states.\textsuperscript{35} Interpol’s organizational culture remained obstinate, however, and its initial response was characterized by a desire to assume as minimal a role as possible. The grudging nature of Interpol’s attitude – as well as continuing fears of violating Article 3 prohibitions - manifested itself in the decision to break down terrorist incidents into their constituent parts and intervene solely against those aspects of terrorism defined and accepted as criminal elements.\textsuperscript{36} Interpol, in effect, still asserted that it had no authority to participate in counterterrorism; rather, it would identify the criminal components of terrorist acts and consider them as isolated crimes, avoiding any hint of political interference. In practice, this doctrine produced a series of resolutions throughout the 1970’s and early 1980’s confirming Interpol’s role in combating specific crimes that served as the instruments of international terrorist organizations. These resolutions authorized Interpol to assist member state investigations into hijackings (1970), hostage taking (1971), acts of violence that “seriously jeopardize general public safety (1979),” and the global production, distribution, sale and storage of explosive substances (1981).\textsuperscript{37} Interpol steadily progressed into a partner for state counterterrorism while denying any formal right to intervene against terrorism at all.

\textsuperscript{35} Barnett and Coleman, 609-612.
By 1984, however, even this position was no longer sufficient to protect Interpol against the political pressure to embrace a more active role. The escalating violence of terrorist attacks throughout the 1970’s and early 1980’s led the United States and the nations of Western Europe to demand that Interpol vigorously assist their counterterrorism efforts or risk marginalization; several Western European countries threatened to create a new international policing organization that would supplant Interpol, initially in counterterrorism but perhaps more generally in the future.\(^{38}\) Additionally, Interpol’s institutional outlook towards terrorism had shifted over the past decade and a half. By 1984, the organization had finally come to terms with the realization that the threat posed by international terrorism necessitated an Interpol response if the organization was to maintain its credibility in international policing.\(^{39}\) The philosophical objections of an earlier era faded into the background.

Nonetheless, despite Interpol’s newfound willingness to play an active role in counterterrorism, it was still necessary to overcome the legal prohibitions that had long been used to justify Interpol’s disavowal of counterterrorism responsibility. The result was a 1984 General Assembly resolution concerning “Violent Crime Commonly Referred to as Terrorism,” as well as a follow-up resolution, which mandated an analysis on a case-by-case basis to determine whether a terrorist act or threat was subject to Article 3 limitations.\(^{40}\) In other words, Interpol finally claimed the right to evaluate whether the character of a terrorist attack \textit{as a whole} was “political, military, religious or

\(^{38}\) Barnett and Coleman, 609-612.
\(^{40}\) Deflem, “Global Rule of Law or Global Rule of Law Enforcement?” 245-246.
racial,” or whether it could be classified as criminal, thereby authorizing Interpol intervention. The 1984 resolutions represented a landmark in Interpol’s engagement with international counterterrorism.

Moreover, the resolutions established several principles that redefined Interpol’s interpretation of Article 3 and created a legal rationale for a substantial broadening of the organization’s role in counterterrorism. Foremost among these was the Theory of Predominance, which came to serve as the chief lens through which Interpol viewed its position in respect to terrorist activity. In effect, the Theory of Predominance asserted that if the “predominant” character of a terrorist attack was criminal, rather than political, military, religious or racial, Interpol was free to act against it without violating Article 3. Thus, it no longer had to accept that even a small hint of a political agenda could bar it from assisting its member states in their response to an attack. Instead, the organization merely had to determine whether the criminal nature of a terrorist attack stood in preponderance to its “subjective” elements. The Theory of Predominance created a flexible framework in which Interpol could offer meaningful assistance to its member states in their struggle against international terrorism.

The Theory of Predominance also raised the inevitable question of the means by which Interpol would calculate the relative weight of a terrorist act’s criminality. In response to this challenge, Interpol resolved to evaluate terrorist attacks through the connection between the objectives of the perpetrators and the nature of the victims.

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41 Barnett and Coleman, 612.
42 Deflem and Maybin, “Interpol and the Policing of International Terrorism: Developments and Dynamics Since September 11.”
that end, it devised three criteria for judging the predominant character of terrorist acts: the geographic location of the act; the status of the victims; and the scale of the crime.\(^{43}\)

The importance of the first criterion, geographic location, is captured by the other major doctrine to emerge in 1984, known as the “Doctrine of the Conflict Area.” This doctrine stated that any terrorist attack committed outside of the “conflict area” – or otherwise lacking a direct connection to the physical objectives of the terrorist cause – would be considered predominantly criminal, even if the terrorist organization possessed a clear political motivation.\(^{44}\) Through the doctrine, Interpol asserted that terrorist organizations lost all claim to legitimacy upon departing from the immediate geographic nexus of their grievances. The second criterion, the status of the victims, captured the widely-shared belief that non-combatants and innocent civilians could never serve as legitimate targets in terrorist attacks, whatever motivation might lie behind them.\(^{45}\) Interpol asserted that any act of terrorism targeting such groups was predominantly criminal. The final criterion, the scale of the crime, reasoned that any terrorist attack reaching beyond a certain level of violence and destruction could not be considered a reasonable expression of a legitimate grievance.\(^{46}\) Terrorist attacks of such brutality would therefore be classified as criminal acts.

Armed with a newly expanded mandate and heightened institutional will, Interpol expanded its position within the framework of international counterterrorism. In 1985,

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\(^{43}\) Deflem and Maybin, “Interpol and the Policing of International Terrorism: Developments and Dynamics Since September 11.”

\(^{44}\) Sheptycki, 131-132.

\(^{45}\) Deflem and Maybin, “Interpol and the Policing of International Terrorism: Developments and Dynamics Since September 11.”

\(^{46}\) Ibid.
the organization created the Public Safety and Terrorism sub-directorate for the purpose of fostering cooperation in combating international terrorism. After a number of prominent terrorist attacks seized the attention of the international community during the 1990’s, Interpol adopted a Declaration Against Terrorism in 1998 that labeled international terrorism a threat “to security and stability…also to the State of Law, to democracy and to human rights.” The following year, Interpol officially confirmed the defeat of international terrorism as one of its primary objectives, a statement that reflected how far the organization’s attitude towards terrorism had shifted in the preceding three decades. And the Interpol General Assembly passed a resolution elevating the disruption of terrorist financing to one of the organization’s aims.

These post-1984 policies demonstrated that by the end of the Twentieth Century, Interpol possessed the necessary legal and philosophical foundation to fully mobilize its resources in the struggle against international terrorism. None of Interpol’s counterterrorism initiatives before 2001 were operational in nature; the organization still maintained its traditional position as a facilitator of state cooperation and a nexus for information. Yet the pillars upon which an operational role could be built were already standing. The structure was in place. Only the will, ambition and political momentum

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47 Deflem and Maybin, “Interpol and the Policing of International Terrorism: Developments and Dynamics Since September 11.”
49 Deflem, “Global Rule of Law or Global Rule of Law Enforcement?” 246.
50 Deflem and Maybin, “Interpol and the Policing of International Terrorism: Developments and Dynamics Since September 11.”
were lacking, a situation that proved to be short-lived in the aftermath of the terrorist attacks of September 11, 2001.

In the immediate wake of September 11, Interpol justified its presence in the response by arguing that the attacks were global and non-political in nature.\textsuperscript{51} It declared the attacks to be “attacks against the entire world and its citizens,” and issued fifty-five Red Notices for terrorists linked to the attacks.\textsuperscript{52} It also significantly reorganized its internal structure over the next several years to improve its traditional capabilities for counterterrorism purposes. Among other initiatives, Interpol created a September 11 Task Force to organize and distribute international criminal police intelligence related to the attacks; opened a Financial and High-Tech Crimes sub-directorate to disrupt terrorist money laundering; and created an International Terrorism Watch List to streamline the access of police agencies to information regarding terrorists subject to outstanding Interpol warrants.\textsuperscript{53}

The organization has continued to extend its counterterrorism capabilities throughout this decade. For example, a recent Interpol initiative sought to create a facial recognition database that would allow immigration officials to take digital images of travelers and immediately cross-check them against a database of the names, pictures and “identifiers” of 9,000 terrorist suspects (as well as other international criminals and

\textsuperscript{51} Deflem and Maybin, “Interpol and the Policing of International Terrorism: Developments and Dynamics Since September 11.”
\textsuperscript{52} Deflem, “Global Rule of Law or Global Rule of Law Enforcement?” 246-247. A Red Notice is an international Interpol warrant. After one member state issues an outstanding warrant for a suspect’s arrest, the Red Notice informs all member states of the warrant’s existence and encourages them to arrest and extradite the suspect if he is found within their borders. However, a Red Notice possesses no binding authority and cannot compel states to uphold the warrants of other states.
\textsuperscript{53} Ibid, 248.
fugitives) as they engage in international travel. Interpol is also attempting to persuade its member states to shift their model of counterterrorism cooperation from the bilateral sharing of intelligence to the pooling of intelligence with Interpol. And it recently instituted “Interpol-United Nations Special Notices,” warrants designed to search for and locate individuals linked to Al Qaeda and the Taliban. These policies represent the continuing development of Interpol’s traditional counterterrorism prerogatives.

Since September 11, 2001, Interpol has inextricably linked itself to the framework of global counterterrorism. It has transformed itself into an organization that plays a role in every phase of the counterterrorism effort; its presence is felt before, during and after terrorist attacks. In the wake of a terrorist act, Interpol now expects its member states to share the entirety of their accumulated information – the specifics of the investigation, individuals that have been arrested, organizations definitively linked to the attack – in order to coordinate a global response. And Interpol’s contributions to global counterterrorism manifest in a number of ways that correspond to traditional modes of behavior. It oversees a full-time communications system, I-24/7, that allows real-time communication between different police agencies along secure lines. It also maintains five core databases – Nominals, Stolen Travel Documents, Stolen Motor Vehicles, DNA and Fingerprints – that serve as valuable tools for member state investigations into

56 Andriani, 8.
58 Deflem and Maybin, “Interpol and the Policing of International Terrorism: Developments and Dynamics Since September 11.”
59 Andriani, 7.
international terrorist organizations. These initiatives reflect the extent to which Interpol’s traditional authority has enabled it to play an effective role in counterterrorism.

Yet there is an entirely separate dimension to Interpol’s newfound standing as an actor in the counterterrorism arena. For in the aftermath of the attacks of September 11, 2001, Interpol also forged ahead in the creation of an operational role. This departure represented more than just the organization’s aspiration to actively engage in counterterrorism. It also hinted at fundamental changes in state calculations of national interest in the era of transnational terrorism. Interpol’s operational policies provide a glimpse of changes in state behavior to come.

Interpol’s Operational Capabilities

For virtually its entire history, Interpol possessed no operational capabilities whatsoever. It could encourage member state cooperation, urge domestic legal reform, request the arrest of international fugitives, and project an image of unity among international law enforcement agencies; yet it was utterly incapable of actively pursuing its objectives, even in partnership with willing member nations. Yet within a few years of the terrorist attacks of September 11, 2001, Interpol’s past aversion to operational initiatives crumbled. In its stead arose several new programs – a Command and Coordination Center, Interpol Response Teams, and Criminal Intelligence Analysis – that imparted to Interpol a genuine operational capacity, both in terms of assisting the law

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60 Kersten, 42-44. In 2005, the databases had already achieved considerable size: the Nominals database contained over 166,000 international criminals, the Stolen Travel Documents database around 5.8 million stolen documents, the Stolen Motor Vehicles database around 3.2 million stolen vehicles, the DNA database around 14,125 DNA profiles, and the Fingerprints database over 40,000 fingerprints. The databases have continued to increase in subsequent years.
enforcement institutions of its member states and in terms of an independent capability in its own right. These policies, while applicable in a wide array of law enforcement circumstances, are particularly relevant as instruments of Interpol’s counterterrorism agenda. In the eight years since September 11, they have already evolved into an established part of global counterterrorism.

The first program, Interpol’s Command and Coordination Center (CCC), has transformed the organization from the overseer of a bureaucratic intersection of information into the operator of a full-time operational center, offering assistance to its member states during the course of operations. The CCC was formally launched on January 1, 2004 with the intention of supporting law enforcement agencies by acting as a conduit for the rapid exchange of information during sudden crises. It operates twenty-four hours a day, seven days a week, and 365 days a year, as well as functioning in all four of Interpol’s official languages. Its stated purpose is to serve as a “first point of contact” for state NCB’s and other law enforcement agencies seeking Interpol’s assistance, and it links all 187 member states with Interpol’s central organization by connecting three different levels of the law enforcement network: the Interpol General Secretariat, the Interpol regional bureaus and the NCB’s. Since the CCC must be

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62 Kersten, 45.
63 Ibid, 45. Interpol’s four official languages are English, French, Spanish and Arabic.
64 Interpol, “Command and Coordination Center,” Operational Police Support Services, http://www.interpol.int/Public/CCC/default.asp. Interpol operates seven regional bureaus, in Abidjan, Cote d’Ivoire; Buenos Aires, Argentina; Harare, Zimbabwe; Nairobi, Kenya; San Salvador, El Salvador; Yaounde, Cameroon; and Bangkok, Thailand. Regional bureaus are considered permanent departments of the General Secretariat. They fulfill the same functions as the General Secretariat, but operate exclusively with a regional scope.
prepared to mount a rapid response to a request from any of its member states, it is authorized to monitor all Interpol messages exchanged between member states.\textsuperscript{65}

The CCC possesses three core functions in the service of its mission. First, it is charged with assessing the priority importance of all messages received by the General Secretariat from member states, as well as leading Interpol’s real-time response.\textsuperscript{66} Second, it is tasked with coordinating the “exchange of intelligence and information” during operations involving the law enforcement agencies of multiple nations.\textsuperscript{67} Finally, in instances of extreme crisis and upon receipt of a request from a member state, it is authorized to form a temporary Crisis Management and Support Group for the purpose of directly assisting the member state in managing the crisis.\textsuperscript{68} CMS groups consist of General Secretariat staff members and experts provided by other state law enforcement agencies; while none have yet been created in response to major terrorist attacks, a large group was formed at the request of several governments following the 2004 Tsunami.\textsuperscript{69} In addition to these core functions, the CCC also supervises the General Secretariat’s deployment of specialized units in areas such as forensic science, DNA analysis and incident management.\textsuperscript{70} While the CCC functions in support of a wide array of law enforcement tasks, international terrorism constitutes the \textit{raison d’être} for its creation.

The CCC also oversees the second operational program to develop this decade: Interpol Response Teams (also known as Incident Response Teams). IRT’s, first

\textsuperscript{65} Interpol, “Command and Coordination Center,” \textit{Operational Police Support Services}.
\textsuperscript{66} Ibid.
\textsuperscript{67} Ibid.
\textsuperscript{68} Ibid.
\textsuperscript{69} Kersten, 45-46.
\textsuperscript{70} Interpol, “Command and Coordination Center,” \textit{Operational Police Support Services}. 
conceived in 2002 in the wake of September 11, are specifically designed rapid response units that can be “briefed, equipped and deployed” to any member state within twenty-four hours of an incident. Similarly to Crisis Management and Support Groups, IRT’s consist of a mixture of General Secretariat staff members and law enforcement experts from member states, as well as appropriate support staff. They are created at the request of a member state, and tailored in light of the specific nature of the incident; thus, the personnel of a counterterrorism IRT differ significantly from the personnel of an anti-narcotics IRT. IRT’s do not supplant state activities, but rather harness the expertise of Interpol’s specialized personnel to fortify the efforts of state law enforcement agencies in combating the criminal or terrorist threat. In other words, IRT’s work alongside police agencies in order to enhance state capabilities.

In cases of terrorism, IRT’s are empowered to offer a range of investigative and analytical support services, including the on-site issuance of international notices for fugitive terrorists, the use of Interpol’s Fingerprints Database to quickly identify terrorist suspects, and immediate access to the Interpol Stolen Travel Documents Database. More generally, they are authorized to coordinate the investigation in specific areas of expertise such as ballistics and victim identification; to manage the inquiry into potential money laundering as a source of terrorist financing; and to provide general assistance in analyzing and reviewing the terrorist attack as a whole. IRT’s are the most invasive aspect of Interpol’s operational capacity. They act directly in conjunction with state law enforcement authorities.

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72 Ibid.
73 Ibid.
74 Kersten, 45.
enforcement agencies, not as a conduit for information but as an assertive agent in determining the course of the response. At times, they can even assume a leadership role in specific aspects of the relationship.

Finally, a third program further extends Interpol’s operational reach. Many elements of Interpol’s Criminal Intelligence Analysis (CIA) are not operational; indeed, initiatives such as conducting training seminars for intelligence analysts from member states would hardly seem out of place in an earlier era of counterterrorism policy.75 Yet there is also a large operational component of CIA, such as the dispatch of intelligence experts under Interpol’s banner to assist in ongoing intelligence assessments.76 Interpol formally divides its CIA into tactical analysis – which seeks specific law enforcement outcomes, such as asset seizure and arrests – and strategic analysis, which aims to inform policymaking at the highest levels by providing expert evaluations of criminal or terrorist threats.77 In a similar manner to IRT intervention, CIA is only provided to member states at their request and regarding explicitly designated areas.

These operational programs have been used extensively over the past eight years in the context of counterterrorism. The Command and Coordination Center has frequently acted in conjunction with member states. For example, Interpol recently deployed a member of the CCC to several Middle Eastern countries in order to reinforce their pledges to share intelligence regarding the Mumbai terrorist attacks of November 2008.

76 Ibid.
77 Ibid.
with Pakistan’s Federal Investigation Agency. Interpol similarly authorized the application of CCC resources in September 2008, when the NATO-led coalition in Afghanistan requested assistance with the establishment of a comprehensive fingerprinting system for the Afghan police to identify terrorist suspects. And IRT’s have been deployed in no less than fourteen instances in response to terrorist attacks or threats since their creation, as the following table summarizes:

**IRT Counterterrorism Deployments Since 2002**

<table>
<thead>
<tr>
<th>Location of IRT Deployment</th>
<th>Date of IRT Deployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bali, Indonesia</td>
<td>October 2002</td>
</tr>
<tr>
<td>Casablanca, Morocco</td>
<td>August 2003</td>
</tr>
<tr>
<td>Jakarta, Indonesia</td>
<td>August 2003</td>
</tr>
<tr>
<td>Riyadh, Saudi Arabia</td>
<td>November 2003</td>
</tr>
<tr>
<td>Istanbul, Turkey</td>
<td>December 2003</td>
</tr>
<tr>
<td>Madrid, Spain</td>
<td>March 2004</td>
</tr>
<tr>
<td>Tashkent, Uzbekistan</td>
<td>March, July 2004</td>
</tr>
<tr>
<td>Jakarta, Indonesia</td>
<td>September 2004</td>
</tr>
<tr>
<td>Bali, Indonesia</td>
<td>October 2005</td>
</tr>
<tr>
<td>Amman, Jordan</td>
<td>November 2005</td>
</tr>
</tbody>
</table>

Interpol’s operational role is firmly established within the framework of global counterterrorism.

**Interpol’s Operational Role: A New Departure**

There is no precedent in Interpol’s institutional history for an operational role; nor is there a precedent in the record of state attitudes towards Interpol as an organization. Moreover, these operational initiatives do not represent the culmination of a longstanding campaign on the part of Interpol to achieve operational status. While the groundwork for operational policies was prepared in the late 1990’s, the scale, scope and acceptance of the policies as they took shape in the years following September 11, 2001 cannot trace their roots to any political decisions of the pre-September 11 era. Interpol’s operational role is fundamentally new.

This fact demands an explanation. From Interpol’s perspective, the desirability of the operational breakthrough is clear: for a decade and a half, the organization’s institutional mores had steadily prodded it towards an expanding role in counterterrorism, thereby laying the groundwork for a forceful response to the massive scale of the September 11 attacks. While Interpol’s operational policies represented a technical and material novelty for the organization, they were nevertheless a continuation of an
ideological shift that had been taking place since the landmark resolutions of 1984. For Interpol, an operational role in the aftermath of September 11 was logical and desirable.

But Interpol is only one element of the consensus that has developed over its operational capability. The other element – the element in which one might expect to encounter protest, if protest were to surface at all – is the collection of member states that control Interpol’s ability to intervene. Member states possess several possible remedies, should they ever feel as if Interpol is moving too aggressively. Most drastically, they can withdraw from the organization. As a more measured response, however, they can also withhold dues, withdraw their delegation from the Interpol General Assembly, or – in a straightforward but devastating stroke, given the nature of Interpol – simply cease requesting its assistance. These steps would be difficult for Interpol to resist, and if organized as a protest by a bloc of states – especially the larger states that provide a substantial proportion of Interpol’s dues, such as the United States and France – would threaten the core objectives of Interpol’s mission.

One would not have been shocked to see such a response after the establishment of Interpol’s operational role. Initiatives such as the CCC, IRT and CIA may not infringe state sovereignty in a narrow sense, as Interpol still cannot compel state action. But in a broader sense, the initiatives do infringe state sovereignty by depriving states of total control over the information raised in the course of joint investigations and programs. Once Interpol becomes an operational partner with state law enforcement agencies in counterterrorism, the state essentially loses its monopoly over the information gleaned through Interpol’s expertise. Since Interpol controls all of the information within its
database independently of any state oversight – and since Interpol is largely insulated from external state accountability in areas such as financial expenditures – it is not difficult to imagine member states possessing serious reservations over Interpol’s expansion into operational counterterrorism. In fact, however, no such doubts were ever raised. Member states made no effort to impede or disrupt Interpol’s development of an operational capacity, and in subsequent years, a number of member states have consciously accepted the tradeoff of compromised sovereignty for Interpol assistance in pursuing counterterrorism objectives. Such acceptance – limited as it certainly is – hints at a deeper underlying motivation for state behavior. It is this behavior that must now be explored, as well as the phenomenon that created it.

Transnational Terrorism: Development and Characteristics

Terrorism has always existed in one form or another. Yet even in its current, recognizable form, it has undergone a number of evolutions that have altered the nature of the threat. Modern international terrorism can be traced back to the 1970’s, as technological advances and the rise of an international media market created new incentives for terrorist action of an international character in longstanding ideological and political conflicts.\footnote{Audrey Kurth Cronin, “Behind the Curve,” \textit{International Security} 27, no. 3 (Winter 2002/2003): 37.} Organizations such as the Palestine Liberation Organization and the Irish Republican Army had already employed terrorism as a tactic in their various struggles before the early 1970’s. Yet starting in that decade, they began to take advantage of the new tools at their disposal to develop an international dimension. During this period, terrorist groups created international networks to support their primary
missions. They established intimate ties with supporters in émigré communities around the world; forged fundraising connections with sympathetic individuals and associations; recruited widely across national boundaries; and spread their propaganda through international media outlets to reach an unprecedented audience of global public opinion.\textsuperscript{82}

The significant degree of international activity attained by these terrorist organizations should not be underestimated. Indeed, it was the presence of their notorious attacks on the international stage that eventually compelled Interpol to commit itself to a role in counterterrorism. Yet despite their international reach, these groups never deviated from their core aims, which were invariably local. For a group such as the PLO or the IRA, international operations – whether violent attacks, fundraising support or media outreach – were a valuable means to an end, but a means nonetheless. The desired end remained tangible victory in the central sphere of conflict, which often translated into a particular national struggle against a perceived occupier or invader.\textsuperscript{83} Thus, even as terrorist organizations cast out internationally, they remained focused on the contested land or region.

This fact illustrates the distinction between the international terrorism of an earlier era and the transnational terrorism of the present period. Transnational terrorism is defined by two novel elements: the technological forces at its disposal, and the physical structure that has arisen from the exploitation of those technologies. In many ways, it is a direct – albeit unintended – outgrowth of the technological achievements of globalization over the past two decades. For the same forces that have acted as such remarkable

\textsuperscript{82} Cronin, 37.
\textsuperscript{83} Ibid, 37.
engines of economic growth since the late 1980’s – new communication technologies, new transportation technologies, expanded financial flows, the increasingly unfettered movement of goods, money and people across international boundaries – have also proven to be malleable instruments of terrorist activity.  

The increasing power of information technologies – such as the internet and mobile phones – has allowed terrorist organizations to communicate safely, cheaply and with ease; to improve operational coordination among disparate factions; to boost recruitment and access larger numbers of potential sympathizers; and to increase fundraising while strengthening the reach of propaganda. Information technology has thus created new opportunities for transnational terrorist groups in transporting arms, laundering money, creating covert logistical networks, and rapidly sharing information. The newfound ease of cross-border movement in a variety of areas – including more permeable borders, less restricted trade of goods and services, greater immigration and travel flows, and less hindered financial transactions – has facilitated terrorist organizations in establishing cells within multiple countries, acquiring intelligence from a greater variety of sources, evading law enforcement disruption, and confusing state efforts to track terrorist infrastructure and identify the source of terrorist attacks.

The emergence of the globalized economy, and the consequent broadening of financial actors with international reach, has provided terrorist organizations with access

84 Cronin, 46.
86 Asal, Nussbaum and Harrington, 19.
to a range of financial sources, including legal enterprises such as nonprofit organizations and charities; legitimate companies funding illegal terrorist acts; and illegal enterprises that are themselves increasingly international, such as the production and smuggling of narcotics, bank robberies, fraud, and large-scale extortion and kidnapping schemes.\textsuperscript{88} Transnational terrorist groups have also learned to manipulate and disperse their funds through international banks, commodities such as gold, and even local or informal lending systems.\textsuperscript{89} The importance of the technological means available to international terrorism cannot be underestimated; indeed, they have revolutionized the nature of international terrorist organizations by elevating the potential scale of terrorism in terms of direct casualties, economic damage and the danger to state stability.\textsuperscript{90} Technological advances have provided transnational terrorist groups both the means and the opportunity to act internationally on an unprecedented scale.

Closely related to the technological spur of transnational terrorism is the physical structure that transnational terrorist organizations have adopted with increasing frequency over the past two decades. Transnational terrorism is truly a global phenomenon.\textsuperscript{91} Transnational terrorist groups resemble multinational organizations; unlike the international terrorist groups of several decades ago, they are globalized in form and therefore largely unhindered by geographical attachments to particular territories or

\textsuperscript{88} Cronin, 49.
\textsuperscript{89} Asal, Nussbaum and Harrington, 23.
\textsuperscript{90} Edward Marks, “Terrorism in Context: From Tactical to Strategic,” \textit{Mediterranean Quarterly} 17, no. 4 (2006): 47.
financial links to particular sponsors.\textsuperscript{92} With increasing frequency, transnational terrorism has adopted parallel vertical and horizontal structures of organization: vertical in the sense that a traditional central leadership still exists to offer guidance, yet horizontal in the sense that a transnational terrorist group is, in fact, a loose collection of terrorist cells, crafting operational decisions independently of each other (and of the overall leadership).\textsuperscript{93} Indeed, such groups are held together not so much by formal institutional arrangements as by a generally shared ideology. They are dispersed across nations and benefit from a decentralized physical structure in their ability to evade state countermeasures.\textsuperscript{94}

Transnational terrorist groups depend upon international mobility to an unprecedented degree, and have proven adept at manipulating systems of international travel through an array of fraudulent techniques.\textsuperscript{95} They have embraced ties with local organizations, and often forge operational relationships with groups that possess either common ideological motivations or a common enemy.\textsuperscript{96} Moreover, they benefit from a diverse network of financial support – both geographically and institutionally – that allows cells to operate widely, thus establishing roots in disparate communities and supplementing the recruitment efforts of the central leadership over new information technologies such as the internet.\textsuperscript{97} While transnational terrorist organizations sometimes provide direct financial and operational assistance to member cells, they are just as likely

\textsuperscript{92} Pillar, 103-105.
\textsuperscript{94} Pillar, 103-105; Smith, 36.
\textsuperscript{95} Smith, 41-42.
\textsuperscript{96} Asal, Nussbaum and Harrington, 18.
\textsuperscript{97} Cronin, 42 and 45.
to forswear such support in the expectation that individual cells will plan and fund their own activities.\textsuperscript{98} The top hierarchy of transnational terrorist organizations does not so much direct its affiliates as inspire them through a shared ideology and a common conception of adversaries.\textsuperscript{99}

Finally, transnational terrorist groups are increasingly intertwined with transnational crime syndicates. Terrorist organizations are displaying a frequent willingness to make common cause with international crime organizations in areas such as piracy, kidnapping, human trafficking, contraband smuggling, document fraud, money laundering and the narcotics trade.\textsuperscript{100} These links represent significant sources of funding for terrorist organizations, and in some cases have evolved into a primary operational function of the particular group.\textsuperscript{101} The technological and physical components of transnational terrorism have given rise to a distinct threat. Crucially, this threat manifests itself in an altered state cost-benefit calculus. It is here that state sovereignty comes under stress in the realm of counterterrorism.

**Transnational Terrorism: Raising the Costs of Terrorism**

Before the rise of transnational terrorism, the relatively small-scale and symbolic nature of international terrorism produced a state cost-benefit calculus that centered more upon the larger political dispute than the physical impact of the terrorist attacks themselves. In other words, states viewed international terrorism as a threat because of

\textsuperscript{98} Smith, 37.
\textsuperscript{100} Marks, 52-53.
\textsuperscript{101} Ibid, 52-53.
political implications. This form of international terrorism largely represented a form of communication, as the terrorist group sought to win popular allegiance and strike at the legitimacy of the state.\footnote{Rees and Aldrich, 911.} The aim of the terrorist acts was not mass killing \textit{per se} – although casualties were often substantial, especially the accumulated casualties of conflicts that extended over long periods of time – but rather the political message or protest that was contained in the mere fact of an insurrection against the state and its policies.\footnote{Cronin, 43.} Thus, states measured the cost of such attacks as one factor in the broad spectrum of issues defining the dispute.

Transnational terrorism contains an element of this political motive as well. Yet due to its distinctive nature – the decentralized political structure that unbinds it from specific ethnic and nationalist causes, the ease of international travel and communication that allows it to extend the reach of its propaganda, and most importantly, the profoundly new scale of violence that it can achieve – transnational terrorism has altered the state cost-benefit calculus. The seemingly indiscriminate violence committed by transnational terrorist groups has certainly weakened their ability to influence specific political disputes, lowering the cost to states in that area.\footnote{Rees and Aldrich, 911.} However, the magnitude of terrorist attacks has escalated to the point where they no longer need to serve as a means in some larger political struggle in order to threaten the state. Instead, they can function as an end in themselves.\footnote{Ibid, 911.} Transnational terrorism has transferred the chief impact of terrorism into the realm of physical destruction; in consequence, the costs of the actual terrorist acts
have emerged as the primary threat to states. This cost displays itself in four crucial areas:
the immediate cost of a terrorist attack; the long-term cost of an attack in terms of its
disruption of financial markets and transportation networks; the cost of the necessary
counterterrorism response; and the inherent threat to state legitimacy.

The immediate costs of a terrorist attack – loss of life, destruction of property and
short-term interruption of economic activity – have multiplied by several degrees since
the emergence of transnational terrorism. Technological advances have lessened the
financial resources required to launch attacks on a mass scale, to the point where many of
the most prominent attacks recently carried out by transnational organizations have been
achieved for less than $50,000.\textsuperscript{106} And since the financial base for terrorist activity has
widened, the lethality of terrorism has increased correspondingly. Thus, despite the fact
that there were fewer terrorist attacks in the 1990’s than in the 1980’s, the later decade
witnessed more casualties because the deaths ensuing from each attack were significantly
higher.\textsuperscript{107} Transnational terrorist groups have also proven adept at targeting the vital
transportation and communication networks, in attacks such as the Madrid train
bombings and the London transit bombings, upon which modern economic and social
interaction rests. And transnational organizations – lacking strong ties to particular
national issues within the targeted state – are not averse to mass casualties because they
do not seek to build a political constituency, and are therefore not afraid to alienate wide


\textsuperscript{107} Cronin, 43.
swaths of the population. As a result of these factors, the direct physical costs of terrorist attacks have exploded since the advent of transnational terrorism. The International Monetary Fund estimated that the attacks of September 11, 2001, cost the United States up to $75 billion – 0.75% of annual GDP – for that year alone, in addition to nearly 3,000 lives lost. Indonesia may have lost more than half a percent of annual GDP following the Bali attacks of October 2002, as well as over 400,000 jobs. Even Spain, which had tolerated the terrorist threat of the Basque separatist movement for decades, suffered severe economic damage in the aftermath of the Madrid train bombings of March 2004 that took 191 lives.

As shocking as the immediate costs are, particularly in terms of the magnitude of the loss of life, they fail to take into account the long-term costs of transnational terrorism. These costs filter into the health of financial markets, the solvency of insurance industries, the vigor of tourism industries, the functional efficiency of transportation networks, and countless other economic and social sectors. Once these costs to the state are considered, the scale is staggering. Financial markets must grapple with the continuing threat of large-scale terrorist attacks, in addition to the acts already perpetrated, and the loss of investor confidence can undermine market recovery for

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108 Rees and Aldrich, 911.
110 Noble, “Confronting the Terrorist and Transnational Crime Challenges of the 21st Century: Are We Prepared?”
months or longer in the aftermath of major attacks.\textsuperscript{112} Insurance payouts arising from the September 11 attacks exceeded $65 billion.\textsuperscript{113} Tourism in Indonesia declined by 2.2\% in the year following the Bali attacks, carrying an overall loss of one percent for the country’s GDP in addition to the aforementioned short-term consequences of the attacks.\textsuperscript{114} The London transit bombings were estimated to produce a loss of over $400 million for the tourism industry during the period following the attacks.\textsuperscript{115} And while it is more difficult to quantify the diffuse long-term impact of terrorist attacks that create significant disruption in transportation networks, such as the Spanish rail system, such networks that have fallen victim in recent attacks have failed to recover to pre-attack levels for months, with extensive consequences for local and national economies.

Transnational terrorism is thus uniquely constituted to threaten states with the prospect of tremendous short and long-term costs.

Yet these costs still fail to provide a complete portrait of the burden confronting states in their efforts to counter the threat of transnational terrorism. In addition to the costs of recovery, there are also the costs of prevention. Counterterrorism has always been a prerogative of the state, and coordinated counterterrorism agendas were common in earlier eras of international terrorism. But the threat of transnational terrorism, combined with the complexity of overcoming a terrorist organization that can fit so seamlessly into the crevices of the international system and wreak such havoc with

\textsuperscript{112} International Monetary Fund, \textit{World Economic Outlook: The Global Economy After September 11}, 23-29.
\textsuperscript{113} Noble, “Confronting the Terrorist and Transnational Crime Challenges of the 21st Century: Are We Prepared?”
\textsuperscript{114} Euroweek, “Bali Blast Fractures Southeast Asian Economic Hopes,” October 18, 2002.
\textsuperscript{115} Noble, “Confronting the Terrorist and Transnational Crime Challenges of the 21st Century: Are We Prepared?”
relatively limited resources, has compelled many states to devote unprecedented resources to their counterterrorism programs. For transnational terrorist groups, despite their flexibility, still require certain means to launch a campaign of terrorism, namely the ability to collect and distribute funds; to acquire weapons, whether small-arms or resources for indiscriminate bombings; to recruit and train supporters in the necessary operational skills; and to maintain effective communication between cells and the central leadership, among cells, or between a few key leaders and important financial backers.\textsuperscript{116}

As a result, states have launched a number of counterterrorism initiatives in response to the makeup of transnational terrorism. Some of these are relatively inexpensive, such as disrupting terrorist fundraising, prosecuting suspected terrorist front organizations, and infiltrating terrorist recruitment networks.\textsuperscript{117} Others, however, are unavoidably resource-intensive, including enhancing border security; mandating tighter security procedures at airports and other transportation hubs; and compelling the private sector to adopt security measures.\textsuperscript{118} Moreover, the heaviest costs come in the military realm if a state feels obligated to increase its defense spending and mount a military response – either domestically or internationally – in order to fully confront the terrorist threat.\textsuperscript{119} Over the past several decades, these counterterrorism costs have expanded and now present states with significant obligations. Since September 11, 2001, the comprehensive counterterrorism efforts of the United States alone are estimated to have

\textsuperscript{116} UN General Assembly, Sixtieth Session, \textit{Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy}, Report of the Secretary General, A/60/825, April 27, 2006, 8.
\textsuperscript{119} Wanandi, 186.
surpassed one trillion dollars, with much of that coming in the form of significantly increased defense budgets.\textsuperscript{120} The costs of stronger airline security measures, and the longer delays that subsequently ensued, reached eleven billion dollars annually in the middle of this decade.\textsuperscript{121} The costs to the private sector of protecting itself against terrorist activity in areas such as logistics, insurance and workplace safety, reaches well into the tens of billions of dollars, and such costs ripple throughout the economy in the form of higher prices and reduced profits.\textsuperscript{122} Extra trade security measures, passed in the wake of the September 11 attacks, reduced trade flows in North America between one and three percent, thereby increasing the annual costs to traders by anywhere from $5.6 to $16.8 billion.\textsuperscript{123} While these measures can reap future dividends in a reduced terrorist threat and its consequent benefits, they undeniably impose a burden on state fiscal health and economic activity.

Finally, all of these economic calculations – while crucial to understanding the costs of transnational terrorism – fail to reflect the full measure of the threat. For there is a final element to state costs that cannot be quantified but is no less tangible: the threat to state legitimacy, whether through popular resentment at the state’s inability to maintain security, the tension placed upon longstanding values, or a combination of both. One of the fundamental responsibilities of any state is to protect its people. For autocratic states lacking democratic, ethnic or religious legitimacy, the preservation of security and

\begin{footnotesize}
\begin{enumerate}
\item Noble, “Confronting the Terrorist and Transnational Crime Challenges of the 21st Century: Are We Prepared?”
\item Joint Economic Committee, \textit{The Economic Costs of Terrorism}, 107th Cong., 2nd sess., May 2002.
\item Ibid.
\end{enumerate}
\end{footnotesize}
stability emerges as one of the chief rationales underlying the regime’s claim to authority. A persistent terrorist threat, punctuated by recurring outbreaks of mass violence, poses a fundamental threat to the regime’s standing. Transnational terrorist organizations are particularly acute threats in this regard because they exist outside of any traditional bargains or compromises that the regime has established with important constituencies. As such, it is difficult to reach any kind of understanding that might spare the state from further attacks, or from the heightened costs of aggressive counterterrorism.

In democratic states, the legitimacy of the political system does not come under assault in the same manner as a result of its solid foundation in political consensus and popular assent. Yet the potential scale of violence – and the resulting imperative to guarantee security – can produce a troubling incentive for such states to compromise longstanding rights and liberties for the sake of security. Whether in the realm of defendants’ rights, prohibitions against state surveillance, or law enforcement prerogatives, democratic states confront pressure in the aftermath of terrorist attacks to adopt any measures necessary for the provision of security, whatever the cost in core political values. It is these costs that have convinced democratic states to view transnational terrorism as a threat to fundamental national values, in addition to human security and economic prosperity.124 Thus, despite differing motivations, states across the political spectrum confront an altered cost-benefit calculus regarding counterterrorism.

124 Wolfendale, 76.
Transnational Terrorism, Interpol and the Sovereignty Tradeoff

Transnational terrorism has increased the costs of terrorist acts to such a degree that some states are beginning to reconsider the importance of sovereignty in the face of a terrorist threat. It bears mentioning that this is not a universal phenomenon. Throughout this decade, polls in the United States have consistently demonstrated that the American public views terrorism as a greater danger than other potential sources of mass destruction, such as natural disasters. Yet this has not altered America’s attitude towards its sovereign counterterrorism prerogatives in the least; instead, it has responded to the ascending costs of transnational terrorism with a sweeping expansion of law enforcement and intelligence authority to buttress its counterterrorism capabilities (even as this response carries substantial costs of its own).

Despite this, however, a certain group of states have indeed looked towards compromises in sovereignty in exchange for assistance from an external actor. Even within this smaller group, the reaction has not been homogenous; for example, European states have opted to strengthen the European Union’s supranational security policy apparatus in counterterrorism, notwithstanding the fact that such a policy expands security integration at the cost of state sovereignty. But there remains an assorted group of nations, outside of the security arrangements of the European Union and lacking in the security resources of the United States and a few other nations such as Australia and Canada, which have been forced to look elsewhere for assistance in managing the

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125 Wolfendale, 78.
126 Ibid, 75.
higher costs of transnational terrorism. It is these states – especially those mentioned previously in the context of requesting Interpol Response Teams in the aftermath of terrorist attacks – that have proven amenable to the tradeoff between sovereignty and operational assistance implicit in Interpol’s newfound capabilities.

Interpol’s operational capacity has established the organization as a credible option for states that seek to lessen the burden of sustaining a counterterrorism campaign. Interpol’s status as an international organization positions it admirably to fill some of the counterterrorism gaps created by rigid state sovereignty. Such gaps – sealed borders that inhibit law enforcement agencies from pursuing terrorist groups, differing national laws that open loopholes in which terrorist groups can maneuver, a lack of cooperation among law enforcement and intelligence agencies that obstructs investigations – highlight both the weakness of sovereignty in confronting transnational threats and the benefits of working with an institution that can at least partially compensate for these structural impediments.¹²⁸ For example, the Command and Coordination Center – in addition to helping states deal with looming terrorist threats – is also able to draw on Interpol databases in real time as crises unfold, thereby bridging one of the major gaps of the international system.¹²⁹

Interpol’s operational capacity can also lessen the costs of counterterrorism by facilitating and improving the quality of a state’s response to terrorist activity. Interpol Response Teams aid states in managing the immediate aftermath of an attack, hopefully

¹²⁸ Gerspacher, 422; Derek S. Reveron, “Old Allies, New Friends: Intelligence-Sharing in the War on Terror,” *Orbis* 50, no. 3 (Summer 2006): 453.
minimizing any loss of life and reducing short-term economic harm.\textsuperscript{130} They also augment the quality of law enforcement’s investigation of the attack, resulting in a more effective long-term response.\textsuperscript{131} Moreover, by using its own resources to finance the IRT’s, Interpol does not add to state cost burdens. In effect, Interpol’s operational tools provide a means by which states can improve the quality of their counterterrorism response without the onus of higher costs. For states under threat from transnational terrorist groups, the gravity of the threat renders this a tempting proposition indeed.

Interpol’s operational assistance is appealing enough to persuade states to accept limited concessions of sovereignty in order to gain access to it. As previously discussed, there are a number of reasons for states to hesitate before authorizing Interpol’s operational intervention. The response to international terrorism has always been monopolized by states, with regulations and policing procedures created and implemented at the national level; any voluntary diminution of that control exposes states to popular accusations of failing to discharge their duty in the event that counterterrorism efforts fail.\textsuperscript{132} Where states do cooperate on the international level, that cooperation has traditionally manifested in the form of bilateral ties and agency-to-agency collaboration, thus requiring a further break from the past for states to accept Interpol’s operational role.\textsuperscript{133} Moreover, since states possess very little oversight over Interpol’s internal processes, the decision to request its operational assistance must be reached with the complete understanding that any information discovered in the course of a joint operation

\begin{flushleft}
\textsuperscript{130} Interpol, “Interpol Response Teams,” \textit{Operational Police Support Services}.
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\textsuperscript{131} Ibid.
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\textsuperscript{132} Martin Rudner, “Hunters and Gatherers: The Intelligence Coalition Against Islamic Terrorism,” \textit{International Journal of Intelligence and Counterintelligence} 17, no. 2 (Jan 2004): 195.
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\textsuperscript{133} Reveron, 454-455.
\end{flushleft}
will be available to Interpol, while the manner in which Interpol uses that information will rest outside the power of the state itself.  

It is in spite of these obstacles that a varied cross-section of states – from developed democracies such as Spain and Germany to emerging democracies such as Turkey and Indonesia to autocratic states such as Saudi Arabia and Uzbekistan – have accepted the inherent tradeoff of sovereignty for counterterrorism assistance by requesting the deployment of Interpol’s operational tools. Their decision is based upon a new cost-benefit calculus. For these states, transnational terrorism has raised the costs of terrorism beyond the point at which Interpol’s assistance can be rejected. They perceive Interpol’s operational initiatives as favorable to their interests because the concrete benefits that Interpol imparts outweigh the costs of opening up sovereign counterterrorism to an independent organization. The genuine assistance that Interpol is able to provide overcomes the longstanding desire of states to maintain absolute control over the discovery and flow of information in the realm of counterterrorism. States in this context accept Interpol’s operational role because they further their self-interest in doing so. Confronted with the threat of transnational terrorism, the clarity of costs and benefits demands no less.

**Conclusion**

The rise of Interpol as an operational actor in global counterterrorism thus reflects the altered calculations of costs and benefits that confront contemporary states. It is important to note that the significance of this fact lies as much with broader trends as

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134 Barnett and Coleman, 596.
with the actual impact of Interpol upon the international system. While Interpol’s operational policies bestow real benefits upon the states that choose to utilize them, their effect upon state sovereignty remains limited for the time being. It is true that state requests for the assistance of the Command and Coordination Center or the deployment of an Interpol Response Team represent state concessions of the monopoly over counterterrorism activities within their borders, therefore signifying a voluntary relinquishment of traditional state privileges in a sensitive and politically charged field. Despite this, however, the actual degree of sovereignty that has frayed thus far is relatively minor. Interpol still cannot enter the territory of a member state without explicit authorization. Interpol’s jurisdiction is still established by the order of the state. A number of states in recent years have suffered major terrorist attacks from transnational terrorist groups and declined to appeal to Interpol, preferring to mount a conventional response; in these instances, Interpol has no recourse and cannot intervene. Most crucially, Interpol still does not possess coercive authority over its member states. It cannot compel behavior within a state, among states or between states and Interpol itself. In consequence, the compromises in sovereignty that states have thus far complied with remain limited. In and of itself, Interpol is not a mechanism for fundamental change in the international state system.

Yet while Interpol’s specific impact should not be overestimated, the trend that it illuminates must not be underestimated. Any consistent behavior on the part of multiple states to trade sovereignty for another value – however limited that tradeoff may be – demands close analysis. The underlying conditions that have impelled this trend –
namely, the rise of transnational terrorism and the new cost-benefit calculus of counterterrorism – are not temporary flickers on the international stage. Rather, they are rooted in permanent changes to the international system, based upon new developments in communication, transportation, financial transaction, material threats, and a host of other areas that have transformed physical and economic interaction in the past several decades. This represents a long-term reality that will not simply vanish. Indeed, if anything, it may accelerate. The technological progress that functions as the engine of these changes is not abating, and states may find themselves facing even more acute balances of costs and benefits in their struggle against the escalating danger of transnational terrorism. If present conditions continue – if states confront rising costs and ever greater pressures to ensure the security of their people and contain the terrorist threat – the sanctity of sovereignty is not likely to survive in its historically inviolate form. Interpol’s operational capacity reveals that state sovereignty is subject to the same cost-benefit reckoning as any other instrument of national interest. The mere fact of its existence portends further compromises in the future. At present, state costs and benefits in counterterrorism reside at an equilibrium where a limited compromising of sovereignty in exchange for Interpol’s operational assistance is acceptable. This equilibrium must change as its input factors – costs and benefits – change as well. State sovereignty will find itself under increasing pressure, as the threat of transnational terrorism provides new incentives for states to forgo traditional prerogatives as never before.
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