

Chapter 15

Prevention of Cross-Border Movements of Terrorists: Operational, Political, Institutional and Strategic Challenges for National and Regional Border Controls

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Securing borders is a realm of state activity that is frequently considered to be prone to vulnerability, especially in terms of how borders might provide opportunities for exploitation by terrorist actors. However, borders can also be utilized to disrupt and intercept terrorist threats. In crossing borders, terrorists potentially expose themselves to detection if their activities are properly monitored and recorded. It requires cooperation and collaboration between neighboring states, international institutions, and regional agencies. This chapter will begin by seeking to present three currently pressing regional situations that may reveal the most pertinent issues in terms of border security as these relate to terrorism. These are the European Union (EU) borders with Turkey and Syria as well as Africa, the southwestern border of the United States (US), and the Afghanistan-Pakistan-India borders. Next, it will analyze and evaluate political, institutional, and operational/technical obstacles to border security, specifically focusing on assessing the recently employed externalization strategy of the EU. The roles of immigration agencies, interagency cooperation, battlefield and military intelligence will also be examined, as well as technological factors and the usage of border walls.

Keywords: Afghanistan, border security, FRONTEX, foreign fighters, Mediterranean, Israel, Pakistan, returnees, terrorist infiltration, Turkey

Borders have traditionally been imagined by states, particularly in the contemporary globalized era, as sites of potential weakness. They are seen as permeable and vulnerable, generators of threat and risk. However, their utility for counter-terrorism (CT) operations has, in some sense, been underplayed in the CT literature, which is more concerned with finance, tactics, recruitment, and ideology than with mobility.¹ Transnational terrorists, by their very nature, require mobility in order to act. The challenges in countering terrorist infiltration across borders is significant. Strategies to prevent the cross-border movement of terrorists requires the need to first understand existing challenges and potential emerging threats.

Despite their perceived liabilities, borders are also locations of significant state strength. There are few other places, particularly in democratic countries, where the state is able to marshal a similar concentration of its own power in terms of technology, information gathering, official presence, enforcement prowess and surveillance capacity. Borders can be areas of vulnerability for terrorist organizations, especially when a comprehensive strategy is implemented to interdict, interrupt, and intercept terrorists and their plans through border security.

There are challenges, not least of which is that borders not only serve a security function. Any effective counter-terrorism border security policy must consider the economic, political, and social roles borders play within and between polities. Borders are permeable for a reason. They are not designed to hermetically seal the states they encompass, and so the frequent refrain of “more” and “harder” border security can only take us so far before it contradicts and ultimately undermines other critical border functions.

Beyond this, the question of security cannot be considered absent from a context which includes human rights, international law, and politics. Border security is too often conceived exclusively through a security-focused lens, precluding a more holistic understanding. Any attempt to “solve” border security, quixotic as that quest may be, will not be successful if it is advocated for only within narrow institutional and cultural siloes. An additional dynamic is that some states use borders as part of their strategic statecraft to exert influence over its neighbors. By allowing terrorists to cross borders, the potential for inter-state conflict and further regional instability increases.

Moreover, transnational terrorism itself is an implicit rejection of fixed jurisdictional and political sovereignty. It works, in part, by operating in the jurisdictional gaps created among agencies and organizations, exploiting the complex patchwork of mandates, remits, and authorities that exist across and between modern states and their security organs. Working to prevent transnational terrorism therefore requires a coordinated and comprehensive approach which cuts across established institutional and professional divisions.

This is not a new insight. A call for genuine multilateral and multi-agency collaboration was a central message of the 9/11 Commission in the US and has been a common recommendation in the literature ever since. That this is much easier said than done is a similarly hackneyed observation, but until border security practice is coordinated effectively, both between states and the various agencies responsible for CT operations and border enforcement, it will continue to have relevance.

¹ Ginsburg, Susan, ‘Countering Terrorist Mobility: Shaping an Operational Strategy,’ *MPI*, 2006. Available at: <https://www.migrationpolicy.org/research/countering-terrorist-mobility-shaping-operational-strategy>.

Another important aspect that may indelibly shape some parts of border security is the issue of public health, most recently in the form of the spread of COVID-19. Information infrastructures are even more crucial than before. Communicating risk factors and determining if terrorists are travelling from high-risk areas during pandemics, is difficult because the information and public health surveillance capabilities vary from country to country.

Based on interviews with dozens of border security officials, several common problems were identified:

- Substandard information sharing;
- Inability to comprehensively control the borders;
- Reactive rather than proactive approaches;
- Weak control mechanisms;
- Lack of training, technology, and intelligence.

The Challenges

It is important to ascertain and comprehend three important dynamics that can either hinder or support more effective multilateral and multi-agency CT border security operations. These are political, institutional, and operational/technical dynamics.

Political Dynamics

As stated, effective CT requires, by definition, collaboration and coordination between various governments. Politics has historically presented a significant barrier to more effective coordination and remains so to this day. The limitations of politically-mediated CT effectiveness was best illustrated through the fraught partnership between Pakistan and the US in the “War on Terror.” Both the Bush and Obama administrations expressed frustrations about the inability of the Pakistani military to contain the cross-border infiltration of the Taliban into Afghanistan.

Another example is the Visegrad Group’s broad opposition to an increased mandate for the European Border and Coast Guard Agency (Frontex).² The group, which included the Czech Republic, Hungary, Poland and Slovenia, have moved to block the expansion on the basis of national sovereignty and security concerns, arguing that border security should remain the prerogative and duty of sovereign states, rather than the EU. Hungarian President Viktor Orbán stated that increasing Frontex’ mandate would strip Hungary of “its right to protect its borders” and that there was “no need for Frontex to protect the Hungarian border in our place.”³

Political barriers to multilateral cooperation are intrinsic to the international system, and if border security strategies are made to be dependent on wholesale political change, they are unlikely to find success. This is not to suggest that politics is not a barrier to multilateral cooperation and more effective counter-terrorism border security practice, but rather that the

² Jopling, Lord, ‘NATO Draft Special Report: Border Security, Committee on the Civil Dimension of Security,’ *NATO*, 2019, p. 6. Available at: <https://www.nato-pa.int/view-file?filename=/sites/default/files/2019-11/134%20CDS%2019%20E%20rev.%201%20fin%20-%20BORDER%20SECURITY.pdf>.

³ *Ibid.*; Halász-Szabó, Miklós, ‘Orbán: ‘No Need for Frontex to Protect Border for Us,’ *Hungary Today*, 20 September 2018. Available at: <https://hungarytoday.hu/orban-no-need-for-frontex/>.

mechanisms through which political questions such as these will be resolved are distinct from those this chapter is primarily concerned with (this chapter focuses on the institutional and operational levels).

Ultimately then, while political tension and disagreement is the background noise against which almost all transnational CT operations are set, it is not the role of CT practitioners to address those problems. It is of course true that governments should work to address the political impediments to better border security, and that maximal effectiveness is impossible without it. The prescriptions here are both well-known and hard to achieve. A certain level of political constraint must be treated as a fundamental and inevitable aspect of the framework in which CT practitioners operate.

Institutional Dynamics

Ill-defined and cross-cutting institutional mandates and jurisdictional authorities are common features across CT focused border security. The European Border and Coast Guard Agency (Frontex) can again be used as an instructive example to illustrate this. Beyond the political challenges that Frontex faces, the size and scope of its mandate has been left, in part, unresolved by the agency's expansion following the 2015 refugee crisis.⁴ Similarly, complex jurisdictional patchworks are evident in the US, where intelligence gathering, analysis, and enforcement responsibilities should ideally be shared by the police, FBI, state governments and services, Department of Homeland Security (DHS), the intelligence services, Immigration and Customs Enforcement (ICE) and immigration services.⁵

Unclear jurisdictional responsibilities impede cooperation and information sharing by creating barriers to coordination. The problem can be exacerbated by issues of institutional mistrust and inter-departmental turf wars. Opposition to engaging with the legal technicalities of immigration service work combined with a general lack of trust in non-security personnel prevents the useful exchange of information between different agencies. Institutional blocks to effective coordination must be overcome in the border security context, where jurisdictional complexity and the presence of multiple government agencies is an essential part of the system.

Operational/Technical Dynamics

Even when agencies and governments overcome the political and institutional barriers to effective cooperation, they are faced with the practical questions of how, exactly, action can and should be coordinated. "Interoperability," much like "multilateral action," is talked about a great deal and very difficult to achieve. However, the lack of functioning technical and operational frameworks to knit together information collected, analysed, and stored by different agencies is a major impediment to improving CT border security.

Improving interoperability and technical effectiveness is critical because it is a protection against human fallibility. Border security agents frequently work under high pressure in time-sensitive environments where the requirement to check information against four or five

⁴ Angelescu, Irina and Florian Trauner, '10,000 border guards for Frontex: why the EU risks conflated expectations,' *European Policy Centre*, 2018.

⁵ Lewandowski, Carla, Jeff Rojek, and Victor M. Manjarrez, 'Using a Fusion Center Model to Manage and Improve Border Security,' *Journal of Applied Security Research*, 12(1) 2017, p. 161.

separately held databases through separate IT systems and collated by a diverse array of agencies can be onerous. As a consequence, some countries fail to carry out systematic checks against Interpol's databases as a vital part of their examination of refugee/asylum applications, for instance.⁶ Improving ease of use for frontline agents not only makes the border process more efficient, but it decreases the likelihood that mistakes will be made, and corners cut.

Existing Challenges and Emerging Problems

The Syria Legacy

From 2015 to the first quarter of 2016, around 920,000 people utilized the Western Balkans route to enter the EU, marking the height of the European refugee crisis in the region. The majority of migrants travelled via Greece or Turkey and then through Macedonia, Serbia, and Hungary. Since then, the number of migrants using the route has fallen drastically. Frontex estimates that 19,000 people travelled the Western Balkans route in 2017.⁷ This has been attributed to two factors. First, the signing of the EU-Turkey Statement in March 2016, which offered a liberalized visa process for Turkish citizens and around €6bn in funding in exchange for the closing of access to the EU for migrants travelling from Turkey.

Second, the hardening of borders by states on the eastern edge of the EU and transit countries along the route, which began with Hungary's decision to build a razor-wire fence along its Croatian and Serbian borders in 2015 and was then subsequently extended in 2017.⁸ However, while the migratory pressure has receded from crisis levels, refugees were, by mid-2019, still travelling towards Europe through the region, although predominantly utilizing a different route that runs via Albania, Montenegro, and Bosnia and Herzegovina.⁹

The general migrant numbers do not tell us a great deal about the potential for terrorist-related activity. However, terrorist organizations such as ISIS have made active use of the 2015/16 crisis to infiltrate the EU. A number of terrorist operatives submerged themselves within the migratory stream of hundreds of thousands of asylum-seekers fleeing conflict-ridden and destabilized countries for Europe since 2011.¹⁰

However, these cases comprised a small number of the overall refugee population that entered Europe. Yet they do serve to highlight the ways in which overloaded border security and immigration apparatuses can be particularly susceptible to abuse by malicious actors in times of crisis. More broadly, Robert Leiken and Steven Brooke, in their analysis of the backgrounds of 202 known terrorists in North America and Europe from 1993 to 2004, reported that 23% of them had gained access to their target countries through asylum claims.¹¹

⁶ Mullins, Sam, *Jihadist Infiltration of Migrant Flows to Europe: Perpetrators, Modus Operandi and Policy Implications*. New York: Palgrave Macmillan, 2019, p. 134.

⁷ Jopling 2019, p. 4.

⁸ Sandford, Alasdair, 'Hungary completes new anti-migrant border fence with Serbia,' *Euronews*, 28 April 2017. Available at: <https://www.euronews.com/2017/04/28/hungary-completes-new-anti-migrant-border-fence-with-serbia>.

⁹ Interview with Border Security official from Bosnia-Herzegovina, 24 July 2019.

¹⁰ Interview with Frontex official, 25 June 2019.

¹¹ Leiken, Robert S. and Steven Brook, 'The Quantitative Analysis of Terrorism and Immigration: An Initial Exploration,' *Terrorism and Political Violence*, 18(4), 2006, p. 510.

Therefore, while the situation on the EU's eastern border is no longer a "crisis," significant questions remain about the capacity of the EU's border security apparatus to resist further infiltration attempts, particularly if a new crisis were to occur, despite the EU's increased investment in Frontex. By early 2020, prior to the spread of the COVID-19 pandemic, there were fears that a further exodus from Syria's Idlib region could catalyze another crisis.¹²

Moreover, the situation has been exacerbated with the territorial shrinkage of ISIS, leaving thousands of returning Foreign Terrorist Fighters (FTFs) unaccounted for. In 2018, ISIS was estimated to have amassed a force of some 40,000 FTFs who had left their countries of origin to fight with the group, increasing the likelihood that FTFs will seek to enter the EU to carry out an attack.¹³ This is particularly salient when bearing in mind the ongoing strategic evolution of ISIS since the loss of its territory in Syria.

In dealing with potential FTFs that are detained in Turkey and Turkish-controlled areas in northern Syria, the procedures at the ports in informing the host nation are riddled in bureaucracy and resulting inconsistencies. This is in large part because the Turkish policing authority (*Ishtibarar*) and the migration authority responsible for the deportation of illegal residents are separate entities in Turkey.¹⁴ Quite often, EU countries are not getting informed in actionable time about potential returnees. Most EU countries resort to working closely with their diplomatic missions in Ankara and Istanbul, to learn about potential returnees when they appear at the embassy to request new travel documents.¹⁵

Lessons to be learned from border security problems faced by Turkey are the importance of gaining more detailed information on transiting passengers and the need for more comprehensive sharing of information. Additionally, it is also important to understand how FTFs travelled to Syria, who facilitated their evasion of security checks, as this provides also necessary information to control the return of FTFs.

The African-European Maritime Borders

During the COVID-19 crisis, the Schengen Borders Code provided EU member states with the capability of temporarily reintroducing border control at the internal borders in the event that a serious threat to public safety or internal security had been established.¹⁶ The reintroduction of border control at the internal borders was identified as an exceptional and short-term measure but deemed necessary to prevent the spread of the coronavirus.

The EU's southern border is likely to come under more pressure in the short to medium-term. In 2018 alone, the number of irregular migrants reported to have entered Spain, either through its enclaves in North Africa, Ceuta, and Melilla, or by sea, more than doubled in comparison

¹² Frontex, 'Risk Analysis for 2019,' *Frontex*, 20 February 2019, p. 39. Available at:

https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2019.pdf.

¹³ Deignan, Simon and Thomas Wuchte, 'Securing Borders Collaboratively to Prevent the Movement of Foreign Terrorist Fighters,' *RSIS and KAS*, 2018, p. 129. Available at:

https://www.kas.de/documents/288143/288192/Terrorism_Deignan_Wuchte.pdf/c06432f9-8c82-8cbf-4e76-c7e188c2b456.

¹⁴ Interview with EU law enforcement officials 24 September 2019.

¹⁵ *Ibid.*

¹⁶ Migration and Home Affairs, 'Temporary Reintroduction of Border Control,' *Migration and Home Affairs*, European Union. Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control_en.

to the year before, reaching almost 60,000.¹⁷ Frontex noted in 2019 that “Sub-Saharan migrants could lead to new record in arrivals in Spain.”¹⁸

The rising popularity of this Spanish entry-point can, at least in part, be related to EU-backed measures elsewhere in the Mediterranean to make travel more difficult, including increased cooperation efforts with the Libyan Coast Guard. Similar to its policy on its eastern border, the EU has forged an agreement with Morocco which set aside €140m from its “EU Emergency Trust Fund for Africa” (EUTF for Africa) to help build Moroccan capacity to stem the flow.¹⁹

In CT terms, the situation is worrying for a number of reasons. First, and most important, is the growing terrorist threat in the Sahel. Al-Qaeda affiliate *Jama’at Nasr al-Islam wal Muslimin* (GNIM/JNIM) operates across significant parts of Mali, Burkina Faso, and Niger while the Islamic State in the Greater Sahara (ISGS) has established itself in the three-borders region. In Burkina Faso alone, around 100,000 people have been forced to flee their homes to escape the growing violence.²⁰

This is in addition to the continuing operations of Boko Haram and other groups in Nigeria. While these organizations have, so far, demonstrated a predominantly local focus, two factors should serve as warning signs for officials. First, while the groups themselves are locally focused, they are affiliates of Al-Qaeda and ISIS, groups which have demonstrated a strategic objective of targeting Europe. Second, borders in the region are more statements of political intent than they are material realities, meaning the ability to infiltrate the EU by travelling north is that much greater.

Even if the focus of these terrorist organizations remains local, their capacity to generate migratory pressure has already been demonstrated. Large movements of people, even within the region, could create further conflict, as was the case with the destabilization of Chad due to the influx of refugees from the Darfur conflict.²¹

Moreover, as research by Bove and Böhmelt shows, migration from terrorism-prone source countries affects the incidence of terrorism in receiving countries..²² The inherent weakness of borders across the region combined with limited state control capacity makes it likely that the Sahel and West Africa will continue to suffer from transnational terrorist violence, with the potential for that violence to migrate to other regions, such as Europe, via its southern land borders and the Mediterranean. The broader, and more elusive, danger is that destabilization will create crisis-level migration in neighboring states in the Sahel and West Africa – for countries with limited capacity to absorb the migratory pressure.

¹⁷ Jopling 2019, p. 7.

¹⁸ Frontex, ‘Risk Analysis for 2019,’ *Frontex*, 20 February 2019, p. 39. Available at: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2019.pdf.

¹⁹ Jopling 2019, p. 8.

²⁰ Le Roux, Pauline, ‘Exploiting Borders in the Sahel: The Islamic State in the Greater Sahara,’ *African Center for Strategic Studies*, 10 June 2019. Available at: <https://africacenter.org/spotlight/exploiting-borders-sahel-islamic-state-in-the-greater-sahara-isgs/>.

²¹ Choi, Seung-Whan and Idean Salehyan, ‘No Good Deed Goes Unpunished: Refugees, Humanitarian Aid, and Terrorism,’ *Conflict Management and Peace Science*, 30(1), 2013, p. 53. Available at: <https://journals.sagepub.com/doi/10.1177/0738894212456951>.

²² Bove, Vincenzo and Tobias Böhmelt, ‘Does Immigration Induce Terrorism?’ *The Journal of Politics*, 78(2), 2016, p. 574.

The US' Southwestern Border

In 2019, US President Donald Trump pronounced in his State of the Union address that “the lawless state of our southern borders is a threat to the safety, security, and financial well-being of all Americans.”²³ His statement is an expression of a historical concern with the Mexican border which can be traced to the 1980s, but has only been analyzed through the prism of CT since the events of 11 September 2001. However, despite the increased focus on the permeability of the border, if we look beyond the rhetoric, a different picture emerges.

A more nuanced picture is reflected in the CT literature, which is broadly ambiguous as to the specific threat posed by the openness of the southern border of the US by those referred to as “Special Interest Aliens” (SIA). Porous Latin American borders represent a possible entry point into the US. During the first half of 2018, US Customs and Border Protection reported six immigrants at ports of entry whose names were included on US government terrorism watchlists.²⁴

The primary agency assigned to SIA-interdiction duty was the US Immigration and Customs Enforcement (ICE) Office of Investigations, later renamed Homeland Security Investigations (HSI). HSI has some 240 agents in around 48 foreign attaché offices to pursue, disrupt and dismantle foreign-based criminal travel movements, especially those involved in the movement of SIAs from countries of concern.²⁵ The SIA smuggling networks have proliferated alongside technological advancements in communication, transportation, and finance. The true degree of successful SIA undetected entries in the US is difficult to quantify.

There are various types of travel arrangements for SIAs. Todd Bensman identifies that one of the most important are the origin-to-destination journeys that are arranged in advance.²⁶ They involve pre-existing shared relationships with a host of independent networks along the way. This comprises of initial contacting and the provision of travel documents, air tickets, accommodation, and transportation along each stage. Handlers take paying customers to other handlers who then accompany them. Once the SIA reaches the US, other smugglers would meet and transport them to various cities.²⁷

Some smugglers have themselves even been able to guide SIAs across borders, often through passport-controlled airports outside of the US, and occasionally, inside the US. They are often kingpin smugglers due to their dual nationality. They often own or control a travel agency in Pakistan or Bangladesh, which recruits clients with misleading advertisements and through word of mouth. A subcontractor then provides fraudulent passports and purchases airline tickets.²⁸

The HSI is primarily concerned with the SIAs using origin-to-destination travel because of the role of the kingpins who control the cash flow, communications, relations with corrupt

²³ Jopling 2019, p. 1.

²⁴ Ainsley, Julia, ‘Only six immigrants in terrorism database stopped by CBP at southern border from October to March,’ *NBC*, 7 January 2019. Available at: <https://www.nbcnews.com/politics/immigration/only-six-immigrants-terrorism-database-stopped-cbp-southern-border-first-n955861>.

²⁵ Interview with Homeland Security Investigations official, 18 March 2018.

²⁶ Bensman, Todd, ‘The Ultra-Marathoners of Human Smuggling: Defending Forward Against Dark Networks That Can Transport Terrorists Across American Land Borders,’ *Naval Postgraduate School*, September 2015. Available at: <https://www.hsdll.org/?view&did=788243>.

²⁷ *Ibid.*

²⁸ *Ibid.*

government bureaucrats, and take major logistical decisions such as when and where travel will occur.²⁹ The kingpins are businessmen working for profit. Most of the SIA networks depend on localized smuggling groups that are indigenous to a single country or region, such as coyote smugglers who shepherd people across the Mexican-American border. The use of local smugglers diminishes the personal risk of a kingpin being identified or captured, providing distance from SIAs as they move covertly.

Afghanistan-Pakistan-India Borders

Pakistan has been a locus of terrorist activity for several decades. The border security challenges between Pakistan and Afghanistan as well as Pakistan and India, are geographically and materially complex and made even more so by the political environment. Borders are only as strong as the states that want to enforce them, and they can only be as strong as the state wants them to be. The permeability of borders in the region to various terrorist organizations is at once a product of the general instability that characterizes many of the border areas and also a product of a more thoroughgoing political unwillingness to address border threats in a meaningful way. Border security between Afghanistan and Pakistan and between Pakistan and India has yet to achieve the bilateral political consensus necessary for proper enforcement to take place, particularly in a context in which unilateral action to enforce border security is hampered by conflict and state capacity.

This can at least in part be attributed to the historical origin of the borders in the region. The post-colonial settlement left a set of polities with conflicting claims to each other's territory, as exemplified by the contestation of Kashmir and the Durand Line respectively since the late 1940s. The 1879 Treaty of Gandamak, signed in the midst of the Second British-Afghan War, led to the establishment in 1893 of the Durand Line as an arbitrary boundary between Afghanistan and colonial British India.

The Durand Line which is about 2,400 kilometres long and passes through a third of Afghanistan's provinces, was drawn by a team of British surveyors, led by Sir Mortimer Durand. This contentious border, which remains in place today, split the Pashtun and Baluch peoples between Afghan rule and British colonial rule and thereafter, Pakistan.³⁰ Though the border is largely porous, the Durand Line followed the contours of convenient geographical features, as well as the existing limits of British authority, rather than tribal borders.

Since the Taliban were defeated and forced out of power in Afghanistan during Operation Enduring Freedom in November 2001, they used Pakistan as a sanctuary. Most of the movement's leaders are settled there where they also meet and train as a rear base. The many crossing points between Afghanistan and Pakistan enable the Taliban to routinely slip over the border to carry out attacks against the Afghan government and civilians. They are rarely encumbered by anyone intercepting or stopping them.

On the Afghan side, portions of territory that Taliban fighters cross through is already under Taliban control. On the Pakistani side, areas near these crossing points were either lawless or manned by security forces who turn a blind eye to the Taliban's activities.³¹ This is in part due

²⁹ Interview with Homeland Security Investigations official, 18 March 2018.

³⁰ Sykes, Percy, *The Right Honourable Sir Mortimer Durand - A Biography*. London: Cassell & Co. Ltd, 1926.

³¹ Giustozzi, Antonio (ed.), *Decoding the New Taliban: Insights from the Afghan Field*. London: Hurst, 2009, pp. 281–284.

to the Pakistani military establishment's policy of viewing the Taliban as part of its own strategic depth in Afghanistan.

It is estimated that there are over 200 crossing points between Afghanistan and Pakistan. Only two of them have border controls including immigration, customs, and security checkpoints in place. One is the Torkham Gate in eastern Nangarhar province and the other is the Wesh-Chaman Gate in the southern Kandahar province.³² The other crossing points are used by smugglers and drug traffickers as well as the Taliban fighting in Afghanistan.

The Taliban's movements across the Durand Line are primarily along the southern zone, the Baramcha and the Badini crossing points, the first of which is located in Helmand's remote Dishu district. The Badini crossing point is located in the Shamulzai district of Zabul province.³³ Both crossing points are used by the Taliban for moving their fighters into Afghanistan and transferring their wounded back into Pakistan for medical treatment.³⁴

In 1999, the United Nations Security Council (UNSC) passed Resolution 1267 which established a sanctions regime to restrict the entry and transit of all high-ranking Taliban officials through their territories. This was later extended to include Al-Qaeda as well. The resolution called for Member States to "deny permission to any aircraft wanting to taking-off from or land in their territory if it was owned, leased or operated by or on behalf of the Taliban." It also ordered a freeze of all financial resources that could benefit the Taliban.³⁵

In 2000, the resolution was amended to also include a prohibition on sales of military supplies to any territories controlled by the Taliban and a ban of entry and transit for all high-ranking Taliban members. These sanction measures were also meant for any organizations or individuals that have been tied to either network, the Taliban or Al-Qaeda, across the globe.³⁶ The resolution was met with criticism due to claims of human rights violations, especially surrounding the listing and delisting procedures. For example, human rights groups expressed concern over a lack of right to an effective remedy, right to judicial review, right to a fair trial, and due process.³⁷ In order to address these issues, two subsequent resolutions were passed: Resolution 1730 in 2006 and Resolution 1904 in 2009.

The Al-Qaida Analytical Support and Sanctions Monitoring Team headed in 2011 by Richard Barrett reported that 32 states had not submitted reports on their implementation of Resolution 1267.³⁸ His team also said in an evaluation that the resolution has "done little to constraint the operations and finances of listed Taliban."³⁹ More specifically, they state that the Taliban "have

³² Osman, Borhan and Fazal Muzhary, 'Jihadi Commuters: How the Taleban cross the Durand Line,' *Afghanistan Analyst Network*, 17 October 2017. Available at: <https://www.afghanistan-analysts.org/jihadi-commuters-how-the-taleban-cross-the-durand-line/>.

³³ Ibid.

³⁴ Ibid.

³⁵ Juliano, Glenda, 'UN Resolution on Terrorism 20-years on: Evolution, Effectiveness, and Indications for Compliance Suites,' *ACSS*, 6 February 2020. Available at: <https://sanctionsassociation.org/un-resolution-on-terrorism-20-years-on-evolution-effectiveness-and-indications-for-compliance-suites/>.

³⁶ Ibid.

³⁷ Michaelsen, Christopher, 'The Security Council's Al Qaeda and Taliban Sanctions Regime: 'Essential Tool' or Increasing Liability for the UN's Counterterrorism Efforts?' *Studies in Conflict & Terrorism*, 33(5), 2010.

³⁸ Al-Qaida Analytical Support and Sanctions Monitoring Team, 'Guide to UN counterterrorism,' Al-Qaida Analytical Support and Sanctions Monitoring Team, 2004. Available at: https://www.ipinst.org/wp-content/uploads/2012/06/pdfs_terrorism-directory_4-MonitoringTeam-CTCommitteeExec.pdf.

³⁹ Ibid.

money and their assets are not frozen; they are reported to travel between Afghanistan and Pakistan and they have no shortage of weapons or other military-style equipment”.⁴⁰

Yet, some Taliban members have asked to be removed from the list so that they are able to take part in peace talks with the government, which “indicates that the sanctions do have some impact.”⁴¹ Glenda Juliano notes that where the sanctions regime’s power lies is in its ability to create an environment of cooperation and coordination amongst states to combat terrorist threats. As the evidence suggests, terrorists have and will continue to update and adjust their behavior in order to evade financial barriers.⁴²

Similar to the challenges in Afghanistan, cross border infiltration of terrorists and weapons into Indian-administered Kashmir is one of the key issues that causes friction between India and Pakistan. Additionally, it remains a key issue imposing cost on India in terms of deployment of military and paramilitary personnel for internal security. The areas of cross border infiltration are estimated to be a staggering 1,965 kilometres of land borders, which stretches from Pakistan-administered Kashmir, including the area of Gilgit-Baltistan, to Sialkot region in Pakistan’s Punjab region, which lies across Indian-administered Kashmir and India’s Punjab region.

Pakistan’s military establishment has, as part of its strategic statecraft, adopted a policy providing sanctuaries to internationally proscribed terrorist groups such as the Lashkar-e-Taiba (LeT) and the Jaish-e-Mohammed (JeM).⁴³ The LeT and JeM are well trained and provided with information about terrain. They possess real time military intelligence regarding the presence of Indian border forces along the infiltration routes. Furthermore, they are fully trained and equipped with sophisticated military-grade communication equipment, which allows them to navigate safely and communicate with their handlers in Pakistan without getting detected. They also benefit from “cover firing” when Pakistani forces start shelling the Indian side to keep it engaged.

In many cases, there is a fusion of state negligence or complicity, compounded by the involvement of criminal networks. In the case of the Afghanistan-Pakistan border, as well the US’ southwestern border, stricter controls cannot be enforced at the border without hurting local livelihoods and fuelling local grievances about dividing families. The weakness of border controls is exploited by terrorists and criminal enterprise coupled with issues of capacity and corruption.

In all these cases, fully securing the borders is simply not achievable. Borders are too long, the terrain is too difficult, and will likely remain porous even in the best of times. This is especially true in the case of terrorist infiltration into Indian-administered Kashmir from Pakistan. It follows that improved border controls are unlikely to have a major impact on the complex security concerns of the border area that affect these regions. This is also partly because it suits the strategic agenda of the Pakistani military.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Juliano 2020.

⁴³ Roggio, Bill, ‘Pakistan: Friend or Foe in the Fight against Terrorism?’ *Hearing before House Foreign Affairs Committee Subcommittee on Terrorism, Nonproliferation, and Trade Subcommittee on Asia and the Pacific*, 12 July 2016. Available at: <https://docs.house.gov/meetings/FA/FA18/20160712/105188/HHRG-114-FA18-Wstate-RoggioB-20160712.pdf>.

An effective CT strategy in these scenarios must be proactive and also understand the financial goals and structures in which terrorists operate, including their adaptive capabilities. Multilateral institutions must ensure compliance of nations with existing standards, while simultaneously seeking new and updated solutions sensitive to the evolving threat. The goal is not to just contain or reduce terrorism but to eliminate the flow of funds and to capture the assets. While money laundering for criminals and drug traffickers is mostly for financial gain, for terrorists, the objective is not money but its use for committing acts of violence.

Actions – Institutional and Operational

Multilateral Cooperation

Multilateral cooperation on countering terrorism is as much a goal as it is a practical policy suggestion. It has been offered as a cure for a number of ills and has long been acknowledged as a critical component in the push to develop greater CT capacity. Significant progress was made with the unanimous passage of the “UN Global Counter-Terrorism Strategy” in September 2006. However, with more than a decade passed since then there is more work yet to be done in strengthening and deepening bilateral and multilateral partnerships, as pointed out during the 6th Review of the United Nations Global Counter-Terrorism Strategy in 2018.⁴⁴

This section will review several proactive and pre-emptive measures that can be taken to improve multilateral cooperation efforts with regards to CT focused border security. It will be followed by an analysis of the EU’s recent agreements with Turkey, Libya, and Morocco and their viability as a model for a longer-term multilateral strategy.

First, there is the question of state capacity. Many of the most successful and long-term CT and security partnerships have been maintained between governments with significant state capacity. An example is the Five Eyes intelligence network, comprised of the US, the UK, Australia, Canada, and New Zealand. As Thoburn highlights, state strength is a pivotal factor mediating the permeability of borders, in addition to size, finances, terrain and politics.⁴⁵

In short, stronger states tend to have stronger borders, and therefore increased ability to monitor them. However, much of the contemporary terrorist violence is concentrated in regions and in states which have historically struggled to police their frontiers. For example, with the rise of terrorist violence in the Sahel, a region with thousands of kilometres of largely uncontrolled borders, the problem is only set to grow.

The UN’s Global Counter-Terrorism Strategy cites “building states’ capacity” as one of its four key pillars and states that the UN Counter-Terrorism Centre (UNCCT) may offer an institutional venue through which to drive capacity-building efforts. In 2018, the UNCCT carried out capacity-building activities in 61 countries, across 20 global, 12 regional and seven national projects.⁴⁶ However, while the UNCCT’s funding nearly doubled between 2017 and

⁴⁴ United Nations General Assembly (UNGA), ‘The United Nations Global Counter-Terrorism Strategy Review,’ UNGA, A/RES/72/284, 2 July 2018. Available at:

https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/284/.

⁴⁵ Thoburn, H., ‘Border Security in Eastern Europe: Lessons for NATO and Partners,’ *GMF*, 2017, p. 4. Available at: <https://www.gmfus.org/publications/border-security-eastern-europe-lessons-nato-and-partners/>.

⁴⁶ UN Counter-Terrorism Centre (UNCCT), ‘UNCCT Annual Report 2018,’ *UNCCT*, 2018, p. VI. Available at: https://www.un.org/sites/www.un.org.counterterrorism/files/uncct_annual_report_2018.pdf/.

2018, from \$14.7m to \$26m, its resources are spread over a wide array of activities.⁴⁷ With the diverse focus of the UNCCT, it may make sense to create new programmes concentrated on the need to build border security capabilities among partners, including projects addressing the use of collection and use of biometric data, advance passenger record information for airline travellers, and best practices on information-sharing.

The need for bespoke border security projects is compounded by the proliferation of organizations, entities, and actors that claim roles as stakeholders in setting the international CT agenda. As Alistair Millar notes, the profusion of different bodies, both national and transnational, tasked with implementing various aspects of CT policies has increased the likelihood that implementers “[lose] sight of what others are doing or have done.”⁴⁸ This brings us to our second recommendation – the need to better clarify the jurisdictional remits of the agencies which play a role in CT - focused border security and to coordinate the division of responsibilities among them in order to ensure that their actions are “mutually reinforcing.”⁴⁹

This, of course, is not a new insight. But its continued salience to border security is evident even from a cursory look at the weak spots of border security practice over the past decade. The failure to properly identify and delineate the role of immigration agencies and other non-traditional security actors within the CT framework was a contributory factor to the success of ISIS’ infiltration of the EU between 2015 and 2018.⁵⁰

Finally, multilateral border security partnerships must be created strategically, with an eye towards future threats and the potential for current risks to evolve. CT operations are frequently reactive. As Wain argues, their reactivity is a defining aspect.⁵¹ This has certainly been true for many of the multilateral border security agreements reached in recent years. Both the EU’s 2016 deal with Turkey and its 2018 deal with Morocco were reactions to border security problems already manifest.

While reactive measures are certainly useful for Partially arresting the migratory pressure caused by the civil war in Syria, such as the Turkey agreement, an overly narrow focus on a set of known, existing challenges leaves security apparatuses blind to future contingencies.⁵² In order to effectively counter terrorist cross-border mobility, states should look to ensure that they also sign multilateral agreements with those locales where terrorism is likely to emerge, not just where it already is.

The EU has made some strides in this area, most notably in June 2018, when the EU Council signed off on the Commission’s proposal to deepen CT collaboration and information exchange with eight countries - Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia, and Turkey.⁵³

⁴⁷ Ibid., p. 2.

⁴⁸ Millar, Alistair, ‘Multilateral Counterterrorism: Harmonizing Political Direction and Technical Expertise,’ *The Stanley Foundation*, December 2010, p. 6. Available at: <https://www.stanleyfoundation.org/publications/pab/MillarPAB1210.pdf>.

⁴⁹ Ibid., p. 7.

⁵⁰ Interview with EU Border Security official, 15 September 2019.

⁵¹ Wain, Matthew, ‘Counterterrorism and Homeland Security are not the same Thing,’ *Just Security*, 4 March 2019. Available at: <https://www.justsecurity.org/62776/counterterrorism-homeland-security/>.

⁵² Frontex, ‘Risk Analysis for 2019,’ *Frontex*, 2019, p. 8. Available at: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2019.pdf.

⁵³ European Commission, ‘Security Union: Strengthening Europol’s Cooperation with Third Countries to Fight Terrorism and Serious Organised Crime,’ Migration and Home Affairs, 4 June 2018. Available at:

Border Externalization as a Multilateral Counter-Terrorism Strategy

In 2018, the EU provided €148m in migration-related assistance to Morocco, including €30m to improve border management in the Maghreb, €70m to support a crackdown against migrant smuggling, and €40m for a new border management system, all from the EUTF for Africa.⁵⁴ The partnership echoed those the EU had forged with Turkey and Libya. In 2016, the EU and Turkey announced a new agreement, which gave Turkey €6bn in funding and a liberalized visa process for Turkish citizens in exchange for reducing the flow of migrants heading to Europe from Turkey. 2017 saw the signing of an EU-endorsed bilateral agreement between Italy and Libya to fund the Libyan Coast Guard in order to capture irregular migrants seeking to cross the Mediterranean and return them to Libya.⁵⁵ These deals can be read as acts of border externalization, attempts to outsource and externalize the operation of borders to foreign countries since Morocco, Libya, and Turkey have, in effect, been asked to police Europe's borders.

Depending on one's perspective, the deal with Morocco has been a success at the very least. The 2016 arrangement with Turkey has been widely credited, along with the hardening of border practices along the Western Balkans route, with ending the European irregular migration crisis and drastically reducing migratory pressure on Schengen Area countries.⁵⁶ The operative word here being "European" – the humanitarian crisis that forced people to leave their homes has not ended, but merely Europe's self-identified role within this crisis. Indeed, the UN estimated in 2018 that Turkey was host to around 2.9m refugees, a number disputed by Turkey, which placed the figure higher at 3.5m.⁵⁷

The Western Balkans route has become more cumbersome than it once was to prospective FTF's travelling under the guise of asylum-seekers – but at the expense of genuine refugees seeking asylum in safer countries.⁵⁸ Similarly, Italy's partnership with the Libyan Coast Guard has been cited as a key factor in reducing migratory pressure in the central Mediterranean route.⁵⁹ It is too early to come to any definitive conclusions about the efficacy of the Moroccan partnership, but with migratory pressure on Europe's Western Mediterranean sea border and the Spanish enclaves of Ceuta and Melilla increasing, it would appear to have been a timely move.⁶⁰

Clearly, from a CT perspective, the short-term effects of the policy have had benefits, especially a reduction in migratory pressure which has led to increased levels of screening at the border, and an increased capacity of border agencies to focus on potential terrorism

https://ec.europa.eu/home-affairs/news/security-union-strengthening-europols-cooperation-third-countries-fight-terrorism-and-serious_en.

⁵⁴ European Commission, 'Western Mediterranean Route: EU reinforces support to Morocco,' European Commission, 14 December 2018. Available at: http://europa.eu/rapid/press-release_IP-18-6705_en.htm.

⁵⁵ Wintour, Patrick, 'Italy's deal to stem flow of people from Libya in danger of collapse,' *The Guardian*, 3 October 2017. Available at: <https://www.theguardian.com/world/2017/oct/03/italys-deal-to-stem-flow-of-people-from-libya-in-danger-of-collapse>.

⁵⁶ Jopling 2019, p. 7.

⁵⁷ Deutsche Welle, 'The EU-Turkey refugee agreement: A review,' *Deutsche Welle*, 18 March 2018. Available at: <https://www.dw.com/en/the-eu-turkey-refugee-agreement-a-review/a-43028295>.

⁵⁸ Interview with Border Security official from Bosnia-Herzegovina, 24 July 2019.

⁵⁹ Jopling 2019, p. 7.

⁶⁰ *Ibid.*

activities.⁶¹ However, the question these policies raise is whether border externalization can function as a longer-term strategy in the global fight against transnational terrorism.

It is certainly true that tackling the challenge of terrorist mobility will, by necessity, involve the application of policy instruments that also impact regular migration, as is the case here. Those sources which look to draw no link between migration and terrorism are overly optimistic and run counter to a growing body of literature identifying the correlations and connections between the two.⁶² Restricting migration is in theory a potential CT strategy because the fewer people allowed to use legal channels to cross a particular border, the lower the overall numbers of border crossings. Therefore, it is assumed that it will be harder for terrorist organizations and returning fighters to cloak themselves in the disguise of legitimate migrants. However, the real costs for this are paid by bona fide migrants.

Border externalization is one way of reducing migration. Since 2015, it has been the primary tool through which migratory pressure on Europe has been curtailed. Manjarrez argues that reducing “clutter” at the border, by which he means high levels of “chaotic” activity in border regions, exemplified by strong legal and illegal migratory pressure, should be a primary goal of border security policy, as “this same chaotic and cluttered environment makes the border vulnerable to exploitation by terrorist organizations.”⁶³ Border externalization has succeeded in reducing “clutter” and in combination with Frontex’ new “Hotspot” policy, it has led to an increase in the screening rate at the EU’s borders to effectively 100% (more on this below).⁶⁴

However, a holistic approach to the formulation of policy at the intersection of migration and terrorism asks not only “how do we keep certain actors out” but “what happens to people after entry is denied”. To ask the first question exclusively is to think tactically, rather than strategically. The EU’s border externalization policies have been criticized for failing to deal with the humanitarian implications of this second question. Conditions in refugee camps in Libya have been singled out for their inhumane conditions, with reported human rights violations including “beatings by guards, gang rapes by armed men and forced labour.”⁶⁵

UNHCR spokesperson Charlie Yaxley stated in relation to migrants who had returned to Libya that “many report going hungry for days on end, not being able to receive urgent medical care that they require,” and noted that “Libya was not a safe place for vulnerable people on the move”.⁶⁶ The Mediterranean has seen a significant rise in the number of deaths at sea due to migrant drownings, at least in part a product of the increased difficulty of entering the EU by other means. Despite the year 2018 seeing the fewest number of irregular migrant entries since 2013, it is estimated that around 2,275 migrants drowned or were reported missing while attempting to cross the sea.⁶⁷

Even if humanitarian abuses are set aside, the strategic costs of the current form of border externalization are potentially significant. The creation of refugee camps in terrorism-prone countries, filled with internally displaced persons and refugees from conflict zones and

⁶¹ Interview with EU border security official, 23 August 2019.

⁶² For instance, Bove and Böhmelt 2016.

⁶³ Manjarrez, V. M., ‘Border security: Defining it is the real challenge,’ *Homeland Security & Emergency Management*, 12(4), 2015, p. 3.

⁶⁴ Mullins 2019, p. 122.

⁶⁵ Jopling 2019, p. 9.

⁶⁶ UN News, ‘Mediterranean migrant drownings should spur greater action by European countries, urge UN agencies,’ *UN News*, 22 January 2019. Available at: <https://news.un.org/en/story/2019/01/1030982>.

⁶⁷ Jopling 2019, p. 9.

destabilized regions with significant terrorist organization presence, appears at face value to impede an overall reduction in levels of terrorist violence. The literature supports this view. This could be an opportunity for intervention through communication and outreach with those living in these camps, such as better training of staff on the ground regarding what to look out for in terms of potential recruiters. Moreover, Bove and Böhmelt find in their analysis of the link between migration and terrorism that migration from states with significant levels of terrorist violence can also affect the level of terrorist attacks elsewhere.⁶⁸ Similarly, Choi and Salehyan state that “countries with many refugees are more likely to experience both domestic and international terrorism.”⁶⁹

A natural response would be to suggest that outright exclusion is therefore the order of the day – if refugees increase the likelihood of terrorist violence, then they should not be allowed to cross the border. The issues with this are twofold. First, it ignores humanitarian responsibilities incumbent upon states under international laws, which externalization policies avoid but do not negate. Second, it fails to acknowledge that refugees must go somewhere because they are fleeing some threat, and that a truly strategic approach considers not only the potential risks of accepting refugees but also the potential risks of not accepting them, despite the potential for the diffusion of terrorist violence and infiltration by FTFs.

Contemporary externalization policies have led to the creation of vast refugee camps in regions already prone to terrorist violence, and in at least one case, Libya, an active warzone. In the Afghan case, the experience in refugee camps in Pakistan was pivotal to the creation of the Taliban, and refugees provided a steady supply of recruits in the Afghan civil war. Border externalization is not a viable long-term CT strategy as currently constituted because it is a palliative, not a preventative measure. It is a short-term solution to a long-term problem, and it is potentially creating the conditions for further waves of terrorism, destabilization and violence.

Effective CT-oriented border security practice will need to look beyond the externalization of borders and the outsourcing of international legal responsibilities as a means by which to reduce the potential for terrorist infiltration in future.

The Role of Immigration Agencies

The contemporary concern with the link between migration, border security, and terrorism has created a renewed interest in the role immigration agencies can play in CT operations. National immigration agencies also have a role to play in sharing information, both with security services and within their own network of organizations, especially when it comes to terrorists who are unknown and not registered in any database. Common risk indicators are important to identify in order to increase the chances of detection of such individuals.

In the words of Susan Ginsburg,

“A fundamental condition for effective policy planning is acknowledging that the largest group of trained government personnel already in position and actually available to detect foreign terrorists traveling to and hiding within the

⁶⁸ Bove and Böhmelt 2016 p. 574.

⁶⁹ Choi and Salehyan 2013, p. 53.

United States are not in the CIA, the FBI, or the military. They are in DHS and the Department of State.”

This statement is equally true for the European situation.⁷⁰ Migration services can play two primary roles – as sources of intelligence, and as agents of enforcement.

The need for better integration of immigration officers into the CT efforts can also be shown through reference to the Paris 2016 marauding attacks network. One of the Iraqi suicide bombers who ultimately carried out one of the attacks was reportedly identified as suspicious by a Greek official on the island of Leros, where the attacker had stopped on his way to Europe. The individual did not spend much time with the other migrants. Arguably, it would not have made much difference if an intelligence officer had been present, unless the decision would have been to refer this individual for secondary screening and that would have been dependent on availability of resources.⁷¹

Immigration agencies, along with border services, in many senses represent the “front-line” of the fight against transnational terrorism. It is highly likely that terrorists seeking to infiltrate target countries, unless they travel via illegal means, will come into contact with immigration officers before carrying out their attack. Partnerships with immigration agencies offer valuable opportunities to intercept and interdict terrorist plots before they happen.

This does not cover those terrorists who seek to gain access via illegal entry channels, but, as analysis has shown, many if given the choice do not. Of the 144 “terrorist asylum-seeker” cases identified by Sam Mullins, 78% had some sort of formal contact with the European asylum system, of which 21% had in fact been granted refugee status “or some other form of humanitarian protection.” Of the 78%, only 13% had their right to asylum denied. Just 16% had travelled within “irregular migrant flows” and had chosen not to register themselves with the relevant asylum authorities in their destination country.⁷²

It should be noted that in the absence of specific, detailed intelligence it can be difficult, if not impossible, to identify terrorists within the immigration system. In many of the cases mentioned above there were no indicators in terms of accessible criminal records or awareness of past affiliation that would have alerted authorities. However, better cooperation between police, intelligence, and immigration services may have created conditions to prevent the attacks or identify attackers earlier. In interviews with border officials, some detained individuals brazenly discussed their terrorist affiliations.⁷³

There are several barriers to better cooperation with immigration agencies, and they can be broken down into four main categories. The first, and theoretically most simple, is interoperability. The second is cultural, the third is capacity, and the fourth is awareness.

Interoperability, as previously noted, is a problem easy to identify and difficult to solve. Immigration agencies hold vast volumes of data and intelligence – the problem being that police and intelligence services may not have access to it, and when they do, it can be difficult to find and use. Improving interoperability between intelligence, border security, and

⁷⁰ Ginsburg 2006, p. 105.

⁷¹ Interview with Frontex official, 25 June 2019.

⁷² Mullins 2019, p. 24.

⁷³ Interview with EU border security official, 23 August 2019.

immigration databases should be a priority for counter-terrorism practitioners in the near future.

Cultural barriers to better cooperation exist because intelligence agencies have traditionally viewed immigration services and their border security cousins as “potential information liabilities.”⁷⁴ Much like the “wall” that strategists identified after 9/11 in the US between the FBI and the CIA that prevented a holistic analysis of potential terrorist threats, the divide between intelligence services and the immigration policy and enforcement community is standing in the way of more successful CT operations in many countries.

Above and beyond classic inter-institutional rivalry and turf wars, which appears to characterize many interagency processes, the issues of culture and trust are hampering more effective communication and coordination between intelligence and immigration services. Whether this can be resolved at an institutional level is unclear. It may be necessary to create some sort of formal requirement that mandates information sharing in order to improve the exchange of data.

The challenge of capacity was most notable during the European refugee crisis. At points, the Bundesamt für Migration und Flüchtlinge [the German Federal Office for Migration and Refugees] (BAMF) lacked sufficient staff to conduct face-to-face interviews with all newly arriving asylum-seekers. In some cases, individuals believed to be connected directly to terrorist plots had been granted refugee status after completing a questionnaire.⁷⁵ The situation is much improved now with the reduction in migratory pressure, but increasing immigration agency capacity and providing targeted CT training and more liaison officers from other government branches tasked with CT operations remain a priority issue. As part of Germany’s push to improve immigration–CT partnerships, the government announced in 2017 that more intelligence officers were set to be stationed at BAMF field offices.⁷⁶

Finally, even when immigration agencies have been provided the funding, staff, and IT infrastructure necessary to work as functioning stakeholders within the CT border security process, lack of situational awareness can serve as a drag on effectiveness. European law enforcement agencies were in 2015 provided with only limited access to Eurodac, the EU’s Dublin agreement-based immigration database, initially created to determine which country would be responsible for handling specific asylum cases, after recognition that the information contained in the database would be of use to CT practitioners.

However, in the first five months of access, only 95 searches were made by law enforcement, although this did increase to 326 searches over the course of 2016.⁷⁷ Europol has had some challenges in being able to maximize the use of the database.⁷⁸ Access does not equate to awareness, and maximal utility can only be achieved if the relevant officers on the ground are aware of the kinds of information stored in different immigration databases and their potential uses.

⁷⁴ Ginsburg 2006, p. 102.

⁷⁵ Mullins 2019, p. 125.

⁷⁶ Interview with EU border security official, 16 May 2019.

⁷⁷ Mullins 2019, p. 128.

⁷⁸ Interview with Europol official, 9 March 2019.

Interagency Cooperation and the Role of NATO, Frontex, Interpol and Europol

There are two kinds of interagency cooperation - national and transnational. National cooperation is that between different organs of the same government such as, in the case of the US, the FBI, DHS, and ICE. Transnational multiagency cooperation occurs below and above the level of multilateral partnerships between governments and requires the coordination of agencies from different sovereign states and international agencies and organizations such as NATO, Frontex, and Interpol.

This section will begin by reviewing the efforts of two organizations, NATO and Frontex, to explore the kind of roles that international and transnational agencies can play. They are important because transnational organizations and agencies such as these can function as critical partners and stakeholders in the interagency cooperation process, serving as central hubs connecting different spokes to serve as key coordinators of transnational interagency action. They provide an institutional mechanism through which information and expertise from a wide number of sources can be aggregated, synthesized, and analyzed.

The North Atlantic Treaty Organization (NATO)

NATO brings several advantages to the table, most notably military resources, political clout, and knowledge sharing systems. It would seem to be a natural venue through which to carry out and coordinate CT operations, and it has historically played a pivotal role as a central stakeholder in the global fight against terrorism. However, its utility in the border security context may be limited by its military focus and member states' desire to retain border security as a prerogative of sovereign states.

NATO was heavily involved in the Taliban in Afghanistan. NATO had attempted to make border crossing more difficult, but the Taliban kept bases within the civilian population inside Afghanistan. The Taliban had adapted by using civilian population centres and public facilities, such as existing health centres and schools, as cover.

In 2011, NATO unveiled its new "Alliance Maritime Strategy." The document provided a mandate to NATO's naval forces to "conduct surveillance and patrolling, share information, support law enforcement, enforce embargo and no-fly zones, and provide urgent humanitarian assistance and disaster relief."⁷⁹ In 2016, NATO launched "Operation Sea Guardian" in the Mediterranean, a "flexible operation" with four key tasks, including to provide "support to maritime counter-terrorism."⁸⁰

To achieve its CT objectives, Operation Sea Guardian involves close collaboration with Frontex and maintains information sharing partnerships with the Coast Guards of Greece and Turkey.⁸¹ In addition, the "Alliance Maritime Strategy" has contributed to efforts to assist governments with the response to the refugee crisis in the Mediterranean by providing reconnaissance and surveillance of illegal crossings of the Aegean. Beyond its maritime

⁷⁹ Jopling 2019, p. 1.

⁸⁰ North Atlantic Treaty Organization (NATO), 'NATO's maritime activities,' *NATO*, 20 June 2019. Available at: https://www.nato.int/cps/en/natohq/topics_70759.htm#.

⁸¹ Interview with NATO Official, 2 February 2019.

operations, NATO has also worked on border security-focused capacity-building projects in the Balkans and even in Central Asia.⁸²

The Alliance's operations in the Mediterranean have been largely successful and played a role in reducing the number of irregular migrants travelling from Turkey to Greece. Stefano Marcuzzi has been arguing that Operation Sea Guardian has been tactically beneficial, contributing to enhanced situational awareness in the region. However, he cautions that the operation has had limited strategic effect, attributing this to a lack of information-sharing between the operation and non-maritime partners. He quotes an EU official, who stated that NATO's maritime operations need to be considered in a broader context – “just an arrow in the quiver, not the only arrow we have”.⁸³

What is clear from NATO's maritime contributions to CT-oriented border security is that, while it does have an important part to play, it can only do so much. As NATO's own report acknowledges, border security is, and will remain, the primary prerogative of sovereign governments. Beyond this, the report concludes that border security is a political rather than military issue.⁸⁴ While the line drawn here between politics and the military is perhaps overly stark, the point stands that the militarization of border security practice is unlikely to yield productive results over the long term, particularly bearing in mind the other functions, most importantly economic, that borders serve.

The European Border and Coast Guard Agency (Frontex)

Founded in 2005, Frontex is the EU agency responsible for the coordination of border control and border security efforts. Frontex, unlike NATO, has the potential to be a central stakeholder in CT border security operations due to its range of operations and breadth of jurisdictional authority. However, several barriers stand in the way of improved operational effectiveness, most notably ambiguity about the organization's precise remit.

The agency is currently engaged in three projects worth mentioning here – capacity building (both its own and those of partner states), government partnerships, and interagency partnerships. In addition, Frontex runs three operations in the Mediterranean with CT components – “Indalo” in the west, “Themis” in the centre, and “Poseidon” in the east.

- **Capacity Building:** Frontex is pushing to use less equipment loaned from member states as part of a broader effort to increase its own capacity. The push has, at least in part, been inspired by experiences of the European refugee crisis of 2015, which highlighted the need to bolster the agency's capabilities in preparation for future crises.⁸⁵ Observers have noted that the agency continues to rely strongly on voluntary contributions of equipment and personnel from EU states in order to carry out its operations, despite its recent funding increases.⁸⁶ To this end, the EU had also moved

⁸² Ibid.

⁸³ Marcuzzi, Stefano, ‘NATO-EU maritime cooperation: for what strategic effect?’ *Carnegie Europe*, 14 January 2019, p. 4. Available at: <https://carnegieeurope.eu/2019/01/14/nato-eu-maritime-cooperation-for-whatstrategic-effect-pub-78171>.

⁸⁴ Jopling 2019, p. 15.

⁸⁵ Frontex, ‘2018 in Brief,’ *Frontex*, 18 February 2019, p. 3. Available at: <https://frontex.europa.eu/assets/Publications/briefreport2018/>.

⁸⁶ Angelescu and Trauner 2018, p. 2.

to increase Frontex's staffing numbers from 1,500 to 10,000 by 2020, although the completion date has been pushed back to 2027.⁸⁷

- **Government Partnerships:** Since 2015, Frontex has been working to build partnerships with third countries, particularly those on the EU's outer border, to help improve their border security operations and capabilities. In 2017 and 2018, the organization signed "status agreements" with several states in the Balkans, including the Republic of North Macedonia, Serbia, Albania, and Montenegro. This allows the agency to deploy its employees there.⁸⁸ Frontex itself highlights the efforts, noting that "wide-ranging cooperation with third countries has proven to be paramount in order to improve the effectiveness of border controls."⁸⁹ Further Frontex has also stationed 11 liaison officers across the EU to "enhance the cooperation between the Agency and national authorities responsible for border management, returns and coast guard functions."⁹⁰ However, despite Frontex's partnership initiatives, the organization faces pushback within the EU. The Visegrad group in particular has opposed the expansion of the agency's mandate, on the grounds that it represents a challenge to a sovereign responsibility of individual Member States.
- **Interagency Partnerships:** In addition to efforts to improve cooperation with national immigration and border services, Frontex has also deepened its collaboration with Europol in recent years. Frontex and Europol jointly developed a handbook, regularly updated, which is designed to raise knowledge and awareness among frontline staff, who will then be better equipped to identify possible signs of involvement in terrorism. In 2018, Frontex and Europol announced a new agreement to "expand the exchange of information between them to strengthen their joint fight against terrorism and cross-border crime" with a focus on "identifying complementary capabilities and expertise at Europol and Frontex and improving cooperation on the ground."⁹¹

These three projects have fed into the development of Frontex's "Hotspot" strategy.⁹² Hotspots refer to those areas of the European border faced with extraordinary situations or crisis-levels of migratory pressure that are determined to require additional support from relevant EU agencies. Frontex and Europol have together deployed more than 200 officers as part of the strategy, with a particular focus on Greece and Italy. They have primarily been tasked with assisting with the screening of migrants through registration, fingerprinting, and debriefing. These deployments have been credited with an increase of migrant screening rates at the European border to nearly 100%.⁹³

⁸⁷ Jopling 2019, p. 12.

⁸⁸ Jopling 2019, p. 7.

⁸⁹ Frontex, 'Risk Analysis for 2019,' *Frontex*, 20 February 2019, p. 36. Available at: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2019.pdf.

⁹⁰ Frontex, '2018 in Brief,' *Frontex*, 18 February 2019, p. 24. Available at: <https://frontex.europa.eu/assets/Publications/briefreport2018/>.

⁹¹ Europol, 'Europol and Frontex Strengthen Cooperation to Tackle Cross Border Crime,' *Europol*, 5 October 2018. Available at: <https://www.europol.europa.eu/newsroom/news/europol-and-frontex-strengthen-cooperation-to-tackle-cross-border-crime>.

⁹² Frontex, 'Situation at External Border,' *Frontex*. Available at: <https://frontex.europa.eu/faq/situation-at-external-border/>.

⁹³ Interview with Frontex official, 25 June 2019.

However, despite Frontex's success in contributing to the CT border security effort, the agency still faces several barriers hindering its success – most importantly, jurisdictional and legal ambiguity regarding the precise scope of its mandate.

Frontex has undergone several expansions in the course of its short existence. Established with a relatively limited mandate, Frontex was already moving into new areas by 2007 with the creation of “Rapid Border Intervention Teams” designed to provide swift assistance to the border forces of member states facing significant pressure. The 2015 refugee crisis represented the turning point in the agency's history, and provided further impetus for its growth, exemplified by the agreement of EU States in 2016 to establish the European Border and Coast Guard Agency (EBCGA), dubbed ‘Frontex+’.⁹⁴ Frontex was provided with a larger budget, new capabilities, including the mandate to organize return flights for illegal migrants, and an expanded slate of responsibilities. However, the negotiations to expand Frontex left several questions unanswered, including the legal specificities surrounding its “right to intervene” in an EU Member State without the state's express permission. The issue was ultimately resolved with a compromise that allowed the EU to “re-introduce internal border controls aimed at those member states unwilling to cooperate with Frontex in a migration crisis.”⁹⁵

However, the case remains that Frontex' authority in its current incarnation is contestable and contingent on the support of states. As long as its status as a legitimate actor can be, and is, called into question by a number of EU member states, its capacity to play a role as a central coordinating body in CT border security is limited. However, even with these constraints, Frontex's efforts in recent years demonstrate that it is a strong candidate for such a role, along with Europol and Interpol, and may be better suited than these due to its narrower focus on questions of border security and migration.

Battlefield Intelligence and Military-to-Law Enforcement Information Exchange

The efficacy of biometric identity systems, advanced passenger information, passenger name records, fingerprint registration, and criminal records checks is almost entirely dependent on the quality of the content of the data in various databases. Databases themselves are restricted by locale, agency, and bureaucracy. A European criminal records check can only do so much when assessing the asylum claim of a refugee who has never before been to Europe. The traditional way to overcome this deficit is multilateral information sharing, forging strong partnerships with source and transit countries to close information gaps.

This leaves one glaring hole - migrants from destabilized and conflict-ridden countries of origin. For example, it would be very difficult for Frontex, Interpol, or the FBI to partner with the Syrian state. Similarly, in countries where the state structure has broken down, even if a partnership were possible, the information provided would likely be of minimal value. War zones can act as identity launderers for those that emerge from them – records get lost or are destroyed, leaving CT investigators unable to track the individuals inside such states.

That this is a critical vulnerability is evident when we consider the Paris-Brussels terrorist network and the broader body of terrorist cum asylum-seekers who gained entry to the EU between 2011 and 2018. Two members of the group that went on to carry out the attacks in

⁹⁴ Angelescu and Trauner 2018, p. 2.

⁹⁵ Ibid.

Paris in November 2015 underwent screening, fingerprinting, and had their photographs taken by European authorities before continuing their journey on towards their target country.⁹⁶ Over a dozen attacks have been carried out since 2011 by terrorists who claimed asylum in Europe during the 2015 mass migration crisis and an additional 24 attacks were averted. As noted above, 78% of all terrorist asylum-seekers identified in Mullins' study had some sort of formal engagement with the asylum system.⁹⁷ That they were not flagged is, in part, an operational and institutional failure, but it is also a product of the inherent limitations of the information contained in CT, law enforcement, immigration and border security databases.

Refugee crises are unlikely to emerge from peaceful, functioning states. Crises represent significant opportunities for terrorist infiltration, particularly when they are, in part, products of terrorist violence in countries of origin. There remains a need to try and improve the flow of information from conflict zones more directly. Valuable intelligence gathered from the battlefield could prove to be decisive in disrupting terrorist cells and structures that operate across borders. Data on FTFs held by multilateral organizations and which is sourced from conflict zones need to be supplemented with military-to-law enforcement information exchange in support.

This is not a novel proposal. Interpol has pushed military-to-law enforcement information exchange since 2005 with its "Project Vennlig" in Iraq and, later, "Project Hamah" in Afghanistan. In 2017, the EU's Counter-Terrorism Coordinator put forward a set of proposals for improved "military, law enforcement and judicial information exchange in counter-terrorism," arguing that information gathered by militaries

"could have an immediate operational value, because it would enable authorities to stop fighters trying to cross borders (especially re-entering Europe from the battlefield), to dismantle their networks and supply chains in order to weaken their warfare and to prevent attacks in Europe. It may also have judicial value in helping to bring terrorists to justice."⁹⁸

In October 2017, Europol confirmed the deployment of an analyst to a law enforcement cell in "Operation Gallant Phoenix" to process fingerprints and DNA data collected by the US military.⁹⁹ The US has, since 2001, deployed law enforcement personnel as part of military operations to facilitate the collection of evidence, and both the US and Canada train their military forces in proper evidence collection procedures.¹⁰⁰

The training of armed forces is in fact critical if battlefield evidence is to be utilized as part of CT investigations. Paulussen and Pitcher note that frameworks must be put in place to ensure that military personnel collect and handle evidence in such a way as to allow it to be admissible

⁹⁶ Interview with Frontex official, 12 November 2017.

⁹⁷ Mullins 2019, p. 24.

⁹⁸ EU Counter-Terrorism Coordinator, 'Strengthening military, law enforcement and judicial information exchange in counter-terrorism,' *Statewatch*, 19 September 2017, p. 2. Available at:

<https://www.statewatch.org/news/2017/sep/eu-council-ctc-military-leas-battlefield-data-12347-17-restricted.pdf>.

⁹⁹ Avramopoulos, Dimitris, 'Parliamentary questions - Question reference: E-005181/2017,' *European Parliament*, 27 October 2017. Available at: http://www.europarl.europa.eu/doceo/document/E-8-2017-005181-ASW_EN.html.

¹⁰⁰ EU Counter-Terrorism Coordinator, 'Strengthening military, law enforcement and judicial information exchange in counter-terrorism,' *Statewatch*, 19 September 2017, p. 2. Available at: <https://www.statewatch.org/news/2017/sep/eu-council-ctc-military-leas-battlefield-data-12347-17-restricted.pdf>.

in civilian courts.¹⁰¹ While inadmissible information may be enough to deny entry at the border, should information be gathered once an individual has entered a particular country, any evidence will need to meet the legal standards of that state.

One must also look beyond law enforcement-to-military exchange in the field of border security and integrate immigration agencies and border forces. If, as stated above, immigration and border services form part of the frontline fight against terrorist mobility, then they have to have some form of access to military evidence in order to operate effectively in identifying terrorist risk and suspicious individuals.

Actions - Technological

The proposal of technological solutions to border security challenges has a long, and not particularly illustrious history. Take President George W. Bush's "Secure Border Initiative." Described by the president as the "most technologically advanced border security initiative in American history," the plan was to equip the US' 6,000 miles of land border with a series of towers, sensors, and cameras.¹⁰² According to the project's corporate manager, Boeing, the new array of high-tech equipment would be able to detect 95% of all irregular border crossings.¹⁰³ Unfortunately, the sensors did not work as hoped. They misidentified raindrops and leaves as migrants, and the "Secure Border Initiative" was ultimately cancelled in 2011. 53 miles of border had been fitted with the technology, at a total cost of around \$1bn, working out at around \$19m per mile.¹⁰⁴

Donald Trump and his supporters have claimed that expanding the barrier between the US and Mexico or "building the wall" will cause a dramatic decrease in crime and illegal immigration for the US. However, experts disagree, as studies conducted since 2016 have undermined those assumptions.

For example, a 2018 paper authored by economists from Dartmouth and Stanford found that building a wall at the US-Mexico border actually served to result in economic harm for US citizens and did not significantly reduce migration (only by 0.6%).¹⁰⁵ Migrants simply altered their routes, though they were more difficult, and the cost for US taxpayers was substantial—approximately \$7 per person.¹⁰⁶ Higher skilled American workers lost around \$4.35 in their yearly income, and lower skilled workers gained only 36 cents.¹⁰⁷ This study focused on the consequences of the Secure Fence Act of 2006, which cost \$2.3 billion and added 548 miles of fence. Instead, the authors suggest, other solutions should be explored that address the root of

¹⁰¹ Paulussen, Christophe, and Kate Pitcher, 'Prosecuting (Potential) Foreign Fighters: Legislative and Practical Challenges,' *The International Centre for Counter-Terrorism (ICCT)*, 2018, p. 26.

¹⁰² Etter, Lauren and Karen Weise, 'America's virtual border wall is a 1,954-mile-long money pit,' *Bloomberg Businessweek*, 9 April 2018. Available at: <https://www.bloomberg.com/news/features/2018-04-09/the-race-to-cash-in-on-trump-s-invisible-high-tech-border-wall>.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Wong, May, 'Economists find high cost and low benefit to border wall for U.S. workers,' *Stanford News*, 15 November 2018. Available at: <https://news.stanford.edu/press-releases/2018/11/15/border-wall-cameefit-u-s-workers/>.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

why people migrate: lowering trade costs between the US and Mexico, for example, would result in economic benefits for both countries' citizens, they predicted.¹⁰⁸

Regarding the threat of terrorism, there is no current evidence suggesting that active terrorists have entered the US over US-Mexico border.¹⁰⁹ However, that cannot be ruled out, particularly when considering SIAs. There has been evidence that of smugglers working with entities that have connections with Jihadist entities to bring people into the US, although the purpose may not have been terrorism but other clandestine activities.¹¹⁰

Michael Dear, a professor of Geography at UC Berkeley, has noted that cartels can actually use the limited number of ports of entry to their advantage due to their predictability. They can observe and more precisely target points of weakness or particular security officers in order to continue smuggling goods across – and in tunnels under - the border.¹¹¹

That this is not the fate of all border security technologies is of course true. However, the “Secure Border Initiative” should perhaps serve as a cautionary tale – technology is not a panacea, nor can it serve as a total substitute for other forms of border security. Further to this, technology such as that installed during the project is often faced with a choice between responsiveness and accuracy. One can almost capture 100% of activity, and therefore force border agents to respond to multiple false alerts, or one can have increased accuracy, which runs the risk that individuals might slip through undetected. While the development of AI promises an end to the responsiveness/accuracy dichotomy, there is little evidence to suggest that it has solved the challenge completely, at least as of now. As Jack Riley noted, “[t]echnology is not a substitute for trained, professional security personnel.”¹¹²

However, with this in mind, there are a number of CT focused border security technologies which are being productively deployed and should be expanded on. Biometric information gathering, improved databases, camera technology for face recognition, pressure sensors, drones, and license plate readers are some of these technologies, although these too can be tricked and misused.

Although technology greatly supports border security, it cannot phase out human observations and intuition. Overreliance on technology for security processes will condition border guards to depend on computer systems for daily tasks. However, these systems cannot reveal the intent of travellers. Technology needs to accompany human intelligence and behavioural cues. Border security also requires real-time information from staff stationed at embassies and consulates abroad who can provide valuable information about societal and political developments that could impact on other countries.

Ultimately, technology's utility is directly related to its ability to be deployed in ways that enhance, rather than detract, from the capacity of border security personnel. When used

¹⁰⁸ Ibid.

¹⁰⁹ Dear, Michael, ‘5 Problems ‘the Wall’ Won’t Solve,’ *Politico*, 28 February 2017. Available at: <https://www.politico.com/magazine/story/2017/02/trump-wall-mexico-problems-immigration-214837>.

¹¹⁰ Barkhorn, Eleanor, ‘Sarah Palin Misinterprets Robert Frost,’ *The Atlantic*, 25 May 2010. Available at: <https://www.theatlantic.com/entertainment/archive/2010/05/sarah-palin-misinterprets-robert-frost/57248/>.

¹¹¹ Bensman, Todd, ‘Have Terrorists Crossed Our Border?’ *Center for Immigration Studies*, 26 November 2018. Available at: <https://cis.org/Report/Have-Terrorists-Crossed-Our-Border>.

¹¹² Riley, Jack K., ‘Border Security and the Terrorist Threat,’ *RAND Corporation*, 2006, p. 3. Available at: <https://www.rand.org/pubs/testimonies/CT266.html>.

incorrectly, it can contribute to “clutter” in border zones and drain valuable time from officers tasked with investigating false alarms and faulty sensors.

The Benefits and Disadvantages of Border Walls

In his report, Lord Jopling has presented Israel’s West Bank “smart wall” as a potential example of best practice in the field. Equipped with a layered set of “sensors, radar, and cameras,” the fence is reportedly able to distinguish between people and plants or animals.¹¹³ A cautionary note should be sounded here – while Israeli technology may be world-leading, its border is, comparatively speaking, short, and there may be questions about the technology’s capacity to be extended over a longer area.

Looking back, the second intifada, which lasted from September 2000 to February 2005, coupled with the proliferation of suicide attacks by Palestinian militants, led to the creation of Israel’s West Bank barrier or wall/fence in 2002. Advocates of Trump’s border wall with Mexico point to its success in order to suggest that similar positive effects would result from expanding the US-Mexico wall. However, each respective situation involves different circumstances. Moreover, other factors may have played into the decrease in suicide bombings in Israel alongside the construction of the West Bank wall/fence.

Israel was facing a severe uptick in suicide bombings by 2001. The following year, Ariel Sharon ordered the construction of the border wall/fence with the West Bank. In doing so, he went beyond the 1967 borders, thereby effectively annexing further parts of the West Bank.¹¹⁴ This was met with international disapproval, yet Israel stood by the decision due to the barrier’s perceived effectiveness to significantly lower suicide bomb attacks. In 2002, the Israeli Ministry of Foreign Affairs and the Shin Bet security agency reported that there were 452 fatalities from attacks.¹¹⁵ After the completion of the first continuous segment through the end of 2006, the attacks emanating from the West Bank, killed only 64 people.¹¹⁶ Attacks continued to decline thereafter.

Al-Aqsa Martyrs' Brigades, Hamas, and the Palestinian Islamic Jihad have been less able to conduct attacks in Israel. Suicide bombers from the northern West Bank would have to travel much further in order to get around the wall/fence. Israeli intelligence capacities had also increased, and the effort required for would-be suicide bombers may have acted as a deterrent. However, the wall/fence has been met with serious backlash from Palestinian villages nearby with weekly demonstrations to protest the wall, and ensuing violence between the protesters and the Israel Defence Forces (IDF).

The case for a wall for the southwestern border of the US tends to be made on two grounds, intuitively, and through reference to studies on the San Diego and Yuma sections of border wall constructed there. The first ground is subjective as intuition is not a sufficient justification

¹¹³ Jopling 2019, p. 4.

¹¹⁴ Harel, Amos, ‘Israel’s Walls,’ *Foreign Affairs*, 17 February 2017. Available at: <https://www.foreignaffairs.com/articles/israel/2017-02-17/israels-walls>.

¹¹⁵ Israel Ministry of Foreign Affairs, ‘The Anti-Terrorist Fence vs. Terrorism,’ *Israel Ministry of Foreign Affairs*, 2004.

¹¹⁶ Israel Ministry of Foreign Affairs, ‘Anti-Israeli Terrorism in 2007 and its Trends in 2008: Overview,’ *Israel Ministry of Foreign Affairs*, 5 June 2009. Available at: <https://www.mfa.gov.il/mfa/foreignpolicy/terrorism/palestinian/pages/anti-israeli%20terrorism%20in%202007%20and%20its%20trends%20in%202008-%20overview.aspx>.

on its own for the outlay of billions of dollars. The second, evidence-based argument, is more complex, but the weight of analysis ultimately suggests that, in most cases, border walls are unlikely to be the most effective way to spend border security or CT funds, and their overall ability to fulfil on their exclusionary promise requires further primary research.

In the mid-2000s, the US government constructed walls along the border with Mexico near the Arizonan city of Yuma. The fencing there reportedly led to a decrease in border apprehensions of 90%, and a similar effect was found in San Diego following the building of a wall to the south of the city in the 1990s.¹¹⁷ However, while crossings in those particular areas which saw wall construction did fall, the overall effect was merely to force migrants to attempt to cross at more dangerous points.¹¹⁸ The Migration Policy Institute found that the number of migration-related fatalities recorded at the Tucson morgue rose from 18 per year in the 1990s to nearly 200 per year.¹¹⁹ Analysis by the US Government Accountability Office has not been able to show that the construction of physical barriers improves border efficiency – if anything, their study has found the opposite. From 2013 to 2015, there were more arrests on those sections of the border which already had fencing.¹²⁰

Estimates on the cost of building a wall on the US' southern border varied significantly, ranging from \$12bn to \$70bn. For comparison, the construction of 650 miles of fencing during the George W. Bush administration cost the American government \$7bn.¹²¹ Part of the variation is attributable to disagreements over the exact kind of barrier that the border calls for – whether concrete slabs, mesh wire or steel fencing. The Trump administration had not conclusively settled on the issue. Its record on constructing new walls (rather than merely fortifying existing ones) was poor and marred by corruption. The Biden administration largely abandoned the border wall project in early 2021.

One challenge prospective wall-builders face is that walls are expensive, and ladders and tunnels are cheap. Border security is more effective when there are programmes that stem from the points of origin, rather than trying to mitigate a problem at a point of the border. It remains unclear to what extent border walls can be considered effective, and, even if they were, the question remains of whether it actually permanently resolves a problem or only contributes to an already existing humanitarian crisis.

Pakistan's unilateral installation of a wall on its border with Afghanistan has created social, economic, political, and military tensions. Its border management plan, launched in 2017, aims for a divider along the entire Durand Line.¹²² The theory is that the fencing will disrupt militants plotting attacks from Afghanistan. However, if Pakistan's goal in Afghanistan remains 'strategic depth', the border wall could serve as a tool to control the traffic of militancy ensuring it only goes one way, into Afghanistan. Worse still, farming and cross-border trade were among the only sources of income for many people along the border. The wall has

¹¹⁷ Long, Colleen, 'The reality on the border: How much will a wall really help?' *AP News*, 8 January 2019. Available at: <https://www.apnews.com/ca193261ed0643fb98a83f258601f867>.

¹¹⁸ Etter and Weise 2018.

¹¹⁹ Ibid.

¹²⁰ Jopling 2019, p. 3.

¹²¹ Rogers, Lucy, 'Trump Wall – all you need to know about the US border in seven charts,' *BBC*, 31 May 2019. Available at: <https://www.bbc.co.uk/news/world-us-canada-46824649>.

¹²² Notezai, Muhammad Akbar, 'Will Pakistan's Wall Work?' *The Diplomat*, 19 January 2019. Available at: <https://thediplomat.com/2019/01/will-pakistans-wall-work>.

separated thousands of families who share the same culture, traditions, language, religion, and ancestral land.¹²³

As security issues become more politicized and trade and travel expand, despite the challenge of pandemics, sealing borders is not a viable solution. It simply pushes terrorist threats underground and causes additional problems in the future. Since intergovernmental issues require intergovernmental solutions, border security involves all community stakeholders both inside and outside the “walls.”

Conclusion

Borders serve more functions than merely security alone. Borders also have symbolic, political, as well as material functions. Harmonizing these is not an easy task, especially in the COVID-19 environment and the potential legacy it might create. It is certainly not a task accomplishable by CT professionals or border security personnel alone. Instead, participation from, and cooperation between, states and intergovernmental organizations along with immigration agencies and military intelligence must be emphasized as well.

Protecting a nation’s borders from the illegal movement of weapons, drugs, contraband, and people, while promoting lawful entry and exit, is essential to a country’s national security, economic prosperity, and sovereignty. The mission of a nation’s border control, security, and management system is to detect and prevent illegal aliens, terrorists, and weapons from entering a country, and prevent illegal trafficking of people and contraband.

To better prepare, prevent, and disrupt terrorist and terrorist-related travel, countries need to strengthen national identity management chains, from the delivery of reliable breeder documents, such as birth certificates, to the safe and reliable issuance of secure identity and biometric travel documents. Government authorities should constantly evaluate and improve the integrity of their country’s identity documents, issuance procedures, inspection processes, and management systems with a focus on promoting effective, robust, and internationally compliant measures. With the adoption of UNSC Resolution 2396, the UN identified three crucial border security elements: appropriate screening measures at the borders and enhancing identity management; enhanced collection of passenger data and biometrics; and increased information sharing, both among states and within states.

Terrorists seek to operate anonymously to evade detection, by blending into civilian populations, traveling incognito, and using false names for stealth. As such, in addition to having robust border security protocols and properly resourced and trained border officials, national authorities should also develop identity management capacities and protocols. Coupled with robust training and human intelligence, identity information capabilities, including biometric enrolment and screening systems, forensics results, and identity intelligence, are effective tools in detecting threat actors and support networks. Sharing timely identity information among border security, law enforcement, military, and security services, as well as with regional and international partners and appropriate multinational organizations is key to providing enhanced national security and constitutes the fundamental principle of defense-in-depth.

¹²³ Gul, Ayaz, ‘Pakistan's Fencing of Afghan Border Remains Source of Mutual Tensions,’ *Voice of America*, 15 October 2019.

With the adoption of UNSC Resolution 2396 in 2017, the UN has advocated a series of measures aimed at helping States to prevent the transit of terrorists. The resolution has three key border security elements: 1) appropriate screening measures at the border checkpoints and enhancing identity management; 2) increasing the collection of passenger data and biometrics; and 3) improving the sharing of information, both among states and within countries. It is likely that, due to limited capacity and resources, governments will require several years to adopt all these border-related measures. In this context, regional and international organizations have started to play a key role in raising awareness and promoting the implementation of Resolution 2396, and in providing operational and legislative assistance to states.

Unfortunately, some rogue states choose to engage in state-sponsored terrorism, involving intentional state support for terrorist acts of violence, either through direct support for the act itself or to support and maintain the survival of terrorist organizations. Where it comes to countries engaged in cross-border terrorism, private sources of financial and logistical support for terrorists must be subjected to the full force of international laws and under the purview of multilateral organizations such as the Financial Action Task Force (FATF). More needs to be done by other organizations engaged in monitoring and intercepting terrorists travelling across borders to collaborate with the FATF and the International Monetary Fund (IMF) to crack down on terrorist groups that attack other states.¹²⁴

The need for improved cooperation and exchange of information relating to terrorism suspects, in particular with source and transit countries is a work in progress and if it continues to remain an obstacle it will hinder the ability of countries to control the situation. Bilateral and multilateral security cooperation agreements provide a legal basis for the exchange of personal data and the prosecution of those who are arrested.

One attempt at this is the EU's recently employed tactic of border externalization. Yet, like border walls, it acts as a temporary rather than a permanent solution that could address issues at their origin. Once again, broadly speaking, interoperability is key, although certain factors, especially political ones, can hinder this, and it is difficult for CT practitioners to have much influence in this sphere. This includes enhanced intelligence sharing strategies among the aforementioned entities and more systematized methods of communication.

Furthermore, risk analysis must be done carefully, so as not to fall into the trap of racial profiling, which can lead to further marginalization and alienation of communities. Human intelligence is an essential component such as tip-offs from within the migrant community. Securing borders and enhancing both international and domestic cooperation are important but cannot function without frontline human intelligence.

An on-going legacy from Iraq and Syria will be that many FTFs may flee to other countries of armed conflict, such as Libya and Afghanistan - countries which do not have strong border patrol measures in place. This could provide the opportunity for the renewal of the jihadist movement's growth. Moreover, terrorist groups' ability to create and distribute fake travel documents - often with the help of organized crime, should not be underestimated. Borders and their control will remain a challenge for years to come.

¹²⁴ Financial Action Task Force (FATF), 'Terrorist Financing,' *FATF*. Available at: <https://www.fatf-gafi.org/publications/fatfgeneral/documents/terroristfinancing.html>.

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