

Why States Fail to Counter Foreign Fighter Mobilizations: The Role of Intelligence Services

by Timothy Holman

Abstract

Why is it so difficult to disrupt foreign fighter flows? Governments know that foreign fighters can be a threat to both domestic and international security, yet they struggle to prevent would be foreign fighters from leaving their country and track them subsequently. This article seeks to open up the black box of counter-mobilization by examining the ways in which states deal with foreign fighter mobilizations. It argues that there are two main reasons why they may be unable to effectively contain foreign fighter mobilizations. The first is the challenge of inter-state intelligence cooperation due to conflicts of interests between countries. Linked to this are problems in how intelligence is shared. The second reason is the tension, at the domestic level, between collection and prosecution concerns in the investigation of foreign fighter networks. Countering foreign fighting is not the same as countering terrorism, and sometimes the two objectives are in opposition to one another. The article concludes by calling for more research on how states counter foreign fighter mobilizations, particularly focusing on the activities of intelligence, security and police agencies. Counter-mobilization is an important intervening variable that shapes the scale and nature of foreign fighter mobilizations to a greater extent than hitherto reflected in the literature.

Keywords: Foreign fighters; counter-mobilization; intelligence

“The return to our territory of individuals motivated by religious fanaticism and trained in violent action has the effect, by the aura given to them from their military experience, to unite around them a group who would themselves benefit from this knowledge with the goal of destabilization [in France].”[1]- French judicial police report, February 1995

“The return to the national territory of jihadists, strongly indoctrinated and trained in the handling of arms and explosives, obviously constitutes a grave threat for the national territory.”[2] French internal security service report, July 2004

Introduction

This article examines why foreign fighter mobilizations are difficult for states to contain. It contends that there are two primary factors; The first is the challenge of inter-state intelligence cooperation due to conflicts of interests between countries. Connected to this are a number of problems in how intelligence is shared between states. The second is the tension, at the domestic level, between collecting information and prosecuting offences in the investigation of foreign fighter networks. The initial evidence presented here tends to suggest that countering foreign fighting is not the same as countering terrorism, and sometimes the two objectives are in opposition to one another. This article has six sections; first, it outlines the counter-mobilization challenge; second, it reviews the intelligence studies literature on liaison and intelligence failures. Third, the article addresses conflicts of interest between states and ensuing intelligence cooperation issues; fourth, a case study of the early French experience with foreign fighters is used to highlight these issues; fifth, the article suggests that there is the domestic tension between countering terrorism and countering foreign fighter mobilizations; sixth, examples from the French experience are used to demonstrate this point. The article concludes by suggesting a need for increased research on state responses to foreign fighter mobilizations. The evidence used in the article comes from a combination of primary sources (autobiographies or biographies of counter-terrorism officials as well as the testimony of these officials in public hearings or inquiries) and secondary sources (press and media accounts).[3]

On 23 September 2014, at around 1 pm, the French television channel *iTélé* announced that three individuals had been arrested at Orly airport after returning from Syria and that they had been transferred to the headquarters of the French internal security service (*Direction générale de la sécurité intérieure* (DGSI)).[4] Some eight hours later a press release from the French Ministry of the Interior denied the arrests. According to *Le Monde* the three were not in custody but were walking freely around Marseilles.[5] Prior to the flight, they had been held in administrative detention in Turkey after leaving Syria. In an agreement between the Turkish and French authorities, they were scheduled to be flown from Istanbul to Paris on 23 September 2014. However, the pilot of the airplane on the Istanbul to Paris flight refused to let them board. Instead, the Turkish authorities put them on a flight to Marseilles without informing the French authorities. Upon arrival in Marseilles, they entered French territory without being stopped because the information system with their details as individuals of interest was not functioning at the time of their arrival. A day after arriving in France they turned themselves into the Gendarmerie in Caylar where they were arrested and put into pre-trial detention.[6]

This incident is surprising given that since the mid-1990s, the French authorities have consistently assessed the travel abroad of French nationals and residents to conflict zones as posing a threat to the domestic security of France. Between September 2012 and September 2014, the French authorities had dealt with 10 plots or attacks, including five involving returnees from Syria.[7] How is it possible that in early 2014, three French residents were able to travel abroad to Syria and Iraq to join the *Islamic State in Iraq and Syria* (ISIS) and then, after detention by the Turkish authorities in August 2014, return to France without being detained or arrested upon arrival? In this particular case it is all the more surprising as these individuals were part of a wider network associated with Mohamed Merah, the individual responsible for the 2012 Toulouse attacks. Two reasons were given for the mishandled arrival of the three; firstly, the Turkish authorities had changed the previously agreed flight and not notified the French authorities; and secondly, there was a technical problem in the database dealing with passenger arrivals.

The episode demonstrates that by September 2014 the French authorities were struggling to deal with the large numbers of French nationals and residents – approximately 500 – who had traveled to Syria and Iraq. This number would reach more than 1,000 by November 2016.[8] In addition to those who had traveled, there was a nearly equal number of individuals assessed as wanting to travel. As the number of travelers and potential travelers increased, so did the number of plots and attacks; as many as 43 between September 2012 and November 2016.[9] In response to this increase in foreign fighters and plots and attacks, there have been two parliamentary enquiries, new laws, reorganizations of the intelligence structures to include inter-agency task forces, the creation of de-radicalization centers in prisons among other initiatives and a bitter debate between academics about the causes of this surge in violence.[10] Some of the initiatives appear to be responses to events and not necessarily the result of a considered study of past foreign fighter mobilizations and lessons learned from these. France is not the only state confronted with this challenge but due to the scale and nature of the foreign fighter mobilization and attacks in France, its responses have been widely reported and commented upon.

The Counter-Mobilization Challenge

While the reasons given may explain this particular event, this case and the French foreign fighter experience since 2012 is indicative of a broader puzzle related to foreign fighters and government responses to their activity. Why is it that cooperation between states is less than perfect on the issue of foreign fighters despite the fact there is a growing consensus in the academic literature as well as in government assessments that foreign fighting is undesirable and detrimental to the interests of states?[11] Further, alongside this interest-based consensus there is a broadening acceptance of a norm that foreign fighting is not legitimate and that states must work to prevent it and to mitigate the risks arising from this activity.[12]

Foreign fighter mobilizations vary in nature and scale, some like Afghanistan (1980-1989) and Syria (2012-) attract large numbers of volunteers while others like Somalia (2006-2010) or Mali (2012-2014) comparatively few.[13] Some have attracted diverse demographic populations; there are an estimated 300 French females and 400 minors currently in Syria.[14] Others like Afghanistan were relatively homogenous with a demographic profile that was primarily male and almost exclusively from North Africa and the Middle East. The mobilizations also vary in nature, some generating considerable security concerns while others relatively fewer.[15]

The scale of foreign fighter mobilizations is shaped by a range of factors. It is unclear which variable is the most influential but without their presence, a mobilization is unlikely to occur. These include whether or not a conflict fits with jihadi ideology, the presence of groups in the conflict zone that are willing and able to host foreign fighters, pre-existing transnational connections or the ability to make these connections, and whether the conflict is accessible.[16] For example, the Central African Republic did not see a foreign fighter mobilization by jihadis despite some propaganda efforts.[17] This is likely due to the absence of the above factors. In contrast, the Syria conflict was aligned with jihadi ideology, had groups that were willing to host foreign fighters, there were numerous pre-existing transnational connections and where these were absent, social media was able to connect volunteers, the conflict was easily accessible from Turkey, a well-connected international tourist hub, and finally many states did not start to become concerned about the mobilization until large numbers of fighters had already left.

Government concern about foreign fighter activity has been uneven across time with most governments seeking to deal with the domestic security threat from foreign fighters rather than prevent travel. The commitment to stopping travel became an issue with the United States' invasion of Iraq and the pressure applied by the U.S. on country of origin governments to limit flows of fighters.[18] It was the U.S. that was at the forefront of driving efforts to bring the issue of foreign fighters to the forefront of security agenda in the Syria conflict through sponsoring a Security Council resolution.[19] This article looks at constraints of the foreign fighter mobilization process. Foreign fighters do not make decisions purely based on the importance of the cause or attractiveness of the destination. They face a range of obstacles, not least the efforts of states to disrupt, hinder and interdict the travel to foreign insurgencies.

This article looks at why states struggle to disrupt and deter this phenomenon. In order to address the question, I examine the literature from intelligence studies, which deals with both issues of cooperation as well as dysfunction.[20] These themes are of interest because for a state to disrupt or interdict a transnational mobilization, it will have to interact with other states, and secondly, if states fail to disrupt these mobilizations despite their awareness of the threat to domestic interests, an intelligence failure or dysfunction may have occurred. Drawing on this literature, the article argues that there are two possible reasons why states find it difficult to effectively disrupt and deter foreign fighter mobilizations. The first is intelligence cooperation and issues related to conflicts of interests between states. Linked to this are problems in how intelligence is shared. The second reason is concerned with how intelligence and security organizations engage foreign fighter mobilizations and whether or not these means might enable mobilizations.

The term counter-mobilization refers to the broad range of government activities ranging from counter propaganda and recruitment efforts to intelligence or judicial measures and finally, in some cases, the use of military means. For the purposes of this article, the term refers exclusively to the intelligence and police response. This is an understudied area in the foreign fighter literature. Existing studies tend to address who foreign fighters are, why they fight, their influence on insurgencies and the impact of foreign fighters on domestic security.[21] Three aspects of state responses have been looked at; 1) radicalization perspectives dealing with issues related to counter-radicalization or de-radicalization; responses at the very beginning or at the end of the process;[22] 2) Accounts of the conflicts as well as books by retired military figures relating to how they dealt with foreign fighter mobilizations;[23] 3) a growing policy literature from think tanks,

governments and international organizations containing recommendations to governments to limit foreign fighter activities.[24] There is a need for an increased focus not just on factors influencing the supply (foreign fighters) or demand (the insurgent or terrorist group) but also of intervening variables in the process that may influence mobilization outcomes, particularly the role of intelligence and police activity.

The Intelligence Studies Literature

Intelligence is important in countering transnational terrorism; by extension it is probable that it is necessary in deterring or disrupting foreign fighter mobilizations.[25] Richard English has suggested that there are six key elements to successfully responding to terrorism and to eventually bringing a terrorist campaign to an end, of which intelligence is the most vital element.[26] Reveron writes “Intelligence is the first line of defence against terrorism. It can guide law-enforcement activities, focus covert action, and define the scope of U.S. military operations.”[27] Wilkinson agrees that intelligence is necessary to thwart terrorism and to mitigate its effects. He also recognizes that the transnational dimension of terrorism requires international cooperation.[28] However, Stephen Lander, the former head of MI5, wrote, “international intelligence cooperation is something of an oxymoron.”[29] Despite Lander’s skepticism when it comes to intelligence cooperation, Patrick Calvar, the head of the French DGSI, recently stated, it is along with technical methods and human sources, one of the three key sources of intelligence acquisition for agencies.[30] Further, heads of security and intelligence agencies often emphasize the number of their liaison relationships to underline their importance. Bernard Squarini, the former head of the DGSI, stated that they had 170 external liaison relationships. In comparison, the German Bundesnachrichtendienst (BND – federal external intelligence service) maintains contact with 451 agencies in 167 states.[31] Intelligence cooperation is a necessary but complex endeavor for reasons outlined below.

The intelligence studies literature contains two themes of relevance to understanding how states deal with intelligence cooperation and foreign fighter mobilizations. The first theme deals with the issue of cooperation. It finds that states cooperate based on their interests but that norms may also play a role in cooperation. These interests and norms may impose constraints on how states cooperate. In light of these constraints, the best cooperation occurs where there are personal relationships and trust. This means that states tend to prefer bi-lateral cooperation. Finally depending on these factors, states engage in varying types of intelligence exchange. The second theme of relevance in the literature looks at intelligence failures and dysfunctions and finds that intelligence organizations are dealing with enemies that seek to hide from, disorientate or otherwise escape their scrutiny. These organizations face challenges in executing their missions due to their internal processes and conflicting imperatives. The actions of the intelligence and security organizations may lead to paradoxical outcomes.[32]

Conflicting Interests

Cooperation is founded on self-interest and utility, based on perceived threat, and where there is a convergence, it is only temporary due to the fluid nature of the international system and changing threats and priorities.[33] Shared interests and a common understanding of a threat are not enough to ensure cooperation, culture or norms play a role, particularly in building confidence between partners.[34] The cooperation problem is a central issue in countering foreign fighter mobilizations. A foreign fighter will typically mobilize from their country of origin, travel through one or more transit locations before arriving in the destination country. Often, they will be aided by facilitators, and frequently these individuals make use of transit states to operate. Because of their presence, transit states are frequently identified as playing a key role in limiting access to the conflict zone. A recurring issue with the transit states is that they often perceive the foreign fighter influx differently to the destination state or the state of origin, which can lead to frustration between states.[35] The US commented that, “Not all of that [flow] is preventable, but a lot of it

is preventable—if we’ve got better cooperation, better coordination, better intelligence, if we are monitoring what’s happening at the Turkish-Syria border more effectively...”[36] Historically, it has proven difficult to achieve coordinated responses to foreign fighter mobilizations across origin, transit and destination states. This is an issue of threat perception and divergence of interests between countries.

Transit States

The majority of foreign fighter destinations since the 1980s have had one or more neighboring countries that have played the role of a transit state, examples include Pakistan, Croatia, Syria and Turkey. Pakistan’s involvement dates from the 1980s and continued, with pauses, into the late 2000s. Croatia’s connection was for a brief period in the early 1990s. Syria was a key transit state during the foreign fighter mobilization to Iraq from 2003 until 2010. Turkey has seen unprecedented levels of transit activity from 2012 onwards with the current mobilization for Syria.[37] A former foreign fighter stated they transited into Bosnia-Herzegovina using Non-Governmental Organizations (NGOs) as cover, and were allowed to move weapons into Bosnia-Herzegovina on the condition that they provided the same amount of arms and munitions to the Croats. [38] There were repeated criticisms of Syria for not denying access to transiting foreign fighters, and similarly there has been criticism of Turkey since 2012. Both states have maintained that they are doing what they can, but that they are not being adequately supported by states of origin, or the destination state.[39] In reality, both countries at times either allowed or did not actively interdict foreign fighter flows; Syria because it perceived that a U.S. military engaged in Iraq was less likely to invade Syria; Turkey because it is opposed to the Assad regime and would like to facilitate its’ downfall.[40] As the conflict developed, the Turkish government assessed the role of Kurdish militias in Syria and Iraq and the support from some states to them as problematic.[41] While some perceive the Kurdish militia as useful allies, the Turks perceive engagement with them as legitimizing and empowering them and detrimental to their interests.[42]

Transit state unwillingness to provide sustained long-term cooperation can be overcome if the destination state has the capacity to detect, degrade and interdict cross-border smuggling operations bringing in foreign fighters. During the Iraq conflict, the U.S. and later Iraqi security forces expended significant resources to limit the ability of foreign fighters to cross the border from Syria. The U.S. conducted a cross-border operation to kill or capture an individual assessed to be a key Syria-based foreign fighter facilitator.[43] More recently, it has come to light that the U.S. engaged in their own unilateral information collection operations in Syria because they were unable to acquire adequate cooperation from the Syrians.[44] These efforts did not completely halt foreign fighter flows but they did increase the difficulty of entering Iraq and, combined with country of origin efforts, led to a decline in the number of foreign fighters entering Iraq. In other cases, for example Afghanistan or Somalia, the destination state had limited resources to deploy against in-coming foreign fighter flows, and was unable to stem the flow through its’ own efforts. In the case of Pakistan, the initial reactions to foreign fighter activity in Pakistan did not occur until the early-1990s and it was due to pressure from Algeria, Egypt and the United States as militant activity and attacks in these countries were connected back to individuals with connections to the “Afghan-Arabs”.[45]

While transit states may assess that their interests lie in not cooperating, or cooperating on their own terms, few transit states have escaped from violence linked to foreign fighter flows. Some states have experienced less than others but there is a cost associated with allowing access to foreign fighters. In Pakistan, the Egyptians bombed the Egyptian Embassy in 1995, following deportations of their members. During the Bosnia conflict, they also carried out an attack in Croatia in 1995 in retaliation for Croatian involvement in the arrest of a leader, Talaat Fouad Qassem.[46] Syria, during the first Iraq war, saw a bombing in 2006, and Turkey has seen a series of bombings on its territory in the past three years, attributed to IS.[47] In the case of Syria, the consequences were not just occasional attacks but the development of militant networks that later re-emerged and have caused serious problems for the former transit state.[48]

Even where interests align, states may choose strategies which conflict or privilege approaches which are difficult to coordinate. For example, in destination state, the military may have the lead, in a transit state, it is the intelligence agencies and in the state of origin police or the judiciary. There are mechanisms for similar types of entities to cooperate, i.e. military to military or between intelligence services or police to police cooperation but, historically, it is rare that the transnational coordination can occur between different types of entities.[49] This appears to be changing as suggested by a recent statement from Interpol that “Cooperation with the US Department of Defence and Interpol’s National Central Bureau in Washington DC [that] turned declassified information from the battlefields of Iraq and Afghanistan into invaluable investigative leads abroad...and facilitation and recruitment networks [were] dismantled.”[50]

Constraints on Cooperation

Alongside issues of interests there are other constraints on cooperation. These include; 1) the difference in the distribution of power between cooperating agencies, 2) human rights, 3) legal issues, and 4) intelligence being used for unintended purposes.[51] Cooperation may also be constrained by differing counter-terrorism cultures; for example, the U.S. being more militarized and the EU more, regulatory, using judicial and law enforcement measures.[52] This has led to disagreements about the use of electronic surveillance, the timeliness of judicial cooperation and European reluctance to share intelligence with the U.S. for fear of it being used in a manner not compatible with EU laws, i.e. renditions or drone strikes, and finally a fear of leaks of sensitive material to newspapers in the U.S. Concerns about treatment of prisoners or how intelligence is obtained also limit the ability of entities to work together.[53]

Intelligence cooperation occurs within a wider political context which imposes constraints on which services can cooperate with whom and to what degree cooperation is allowed to occur. It can create problems between the intelligence services and other parts of the government; for example, U.S. counterterrorist cooperation with Uzbekistan at the same time the U.S. Department of State was criticizing the same country for human rights abuses.[54] In the case of France, a political decision to cut ties with Damascus led to the intelligence services also not cooperating with the Syrians, a decision that was criticized by the former head of the DGSI. He argued that even when political relationships are poor to non-existent, intelligence cooperation should be maintained even if only at minimal levels.[55] The current head of the DGSE voiced a contrary view, indicating that the Syrians had sought political conditions for intelligence engagement. He stated that, based on information other European services appeared to be obtaining, liaison with Syria was unlikely to produce intelligence of interest as, “the Syrians had never made fighting terrorism a priority.”[56]

Another constraint in cooperation is obtaining agreement about how to deal with terrorist structures. Not all services have the same tolerance for risk. There may be disagreement about whether and when arrests should be made, kinetic activities used or if an individual should be kept in play to gather further information. Actions by the United States are alleged to have pushed the United Kingdom to act against the ‘liquid bomb’ plot in 2006.[57] The UK were waiting to collect further evidence but the U.S. were reported to have shut-down the investigation by providing information to Pakistan that led to an arrest. The UK was then obliged to arrest the group in the UK before that group learned about the action in Pakistan. The U.S. was concerned that the group in the UK would act despite surveillance and monitoring. This goes back to the difficulty of having an analytical framework of the threat that converges between states.

The Preference for Bilateral Cooperation

Even where interests are aligned and constraints are overcome, cooperation is further complicated by a preference for bi-lateral over multilateral cooperation.[58] Bilateral cooperation is seen as the most effective because personal trust can be built. The presence of trust is important due to the sensitive nature of the

material being exchanged.[59] In a bilateral exchange relationship, states are able to better control and manage the risks associated with intelligence exchange, source loss, or penetration by the other service. This preference is problematic during a foreign fighter mobilization where there are tens and sometimes more than a one hundred states involved. Only large intelligence or security services have the capacity to develop all of the bi-lateral relations necessary to acquire enough information to disrupt their foreign fighters mobilizing or mitigate the impact of the mobilization.

Where multilateral cooperation does occur, it is often between services that already have strong ties; for example, the Paris-based *Alliance Base* multi-lateral counter-terrorism center involved in operations against al-Qaeda, included members from the United Kingdom, France, Germany, Canada, Australia and the United States.[60] Despite differing cultures, these countries had a shared assessment of the threat and had developed enough trust for this arrangement to function. In other settings such as Europol or Interpol, the ability to put in place counter-mobilization initiatives has been more complicated. This is evidenced in the amount of time it took for Europol to acquire large amounts of foreign fighter data from member states. In 2015, Europol only had information about 2,000 foreign fighters from an estimated European contingent of 5,000. Following the attacks in France and Belgium in late 2015 and early 2016, this number rose to 5,353, although only about 3,000 had been reported by member states to Europol.[61] Interpol reported that it has some 9,000 foreign fighters logged in its systems, despite estimates of upwards of 15,000 foreign fighters still remaining in the conflict zone.[62] The preference for bi-lateral cooperation makes combating foreign fighter mobilizations difficult due to the number of countries and the difficulty of obtaining cooperation on a bi-lateral basis from each state.

What is Shared

Cooperation is fundamentally about two issues – who cooperates and what is shared – that is the agencies involved and the granularity of the product.[63] Intelligence exchange is a form of barter but can manifest itself in a number of ways.[64] Simple cooperation involves two services exchanging material on one agreed target. Complex liaison is where intelligence is exchanged to acquire other types of benefits—political, military or economic—from the provision of intelligence.[65] These relationships may be symmetric, where both parties perceive the exchange to be of equal benefit, or asymmetric, where one party benefits from the exchange more than the other.[66] There are risks to engaging in asymmetric relationships over a long period of time. Finally, there are also adversarial relationships where two services cooperate despite that fact that their intelligence interests do not converge.[67]

All of the above factors can be seen in the complicated relationship with Turkey since the beginning of the foreign fighter mobilization in 2011-2012. It is not only the issue of interests that impacted on cooperation with Turkey. A number of other factors appear to have complicated the relationship. One area is concerns about data protection as some EU states have apprehensions about providing Turkey with intelligence in the absence of data protection legislation.[68] Related to this are worries about differences in penalties for terrorism.[69] A further area of concern is the replacement of officers in the Turkish intelligence and police services due to disquiet about Gülenist infiltration.[70] This has led to some states losing individuals that they trusted and have been able to work with on counter-terrorism issues.[71] Finally, factionalism within the Turkish services and suspicion about what interactions they may have had with the various groups in Syria appear to have limited cooperation in the early part of the foreign fighter mobilization to Syria.[72] Even where Turkish interests have aligned with other states, there have been other factors common to intelligence liaison and cooperation that may have hampered cooperation.

Early French Liaison Efforts in Afghanistan

Early French efforts in Afghanistan show that most of these factors—diverging interests, asymmetrical intelligence demands, problems in sustaining cooperation and trust issues—were present at one point or another over a 20-year period from 1980 onwards. The initial French presence was linked to monitoring the war in Afghanistan, and in 1980, the *Service de Documentation Extérieure et de Contre-Espionnage* (SDECE – the former name of the *Direction général de la sécurité extérieure* – DGSE, changed in 1984) opened a post in Islamabad, Pakistan.[73] The post was under cover of a Defense attaché and was not welcomed by the French Ministry of Foreign Affairs.[74] The SDECE sought to work with the Pakistani Inter-Services Intelligence Agency (ISI). In return for their cooperation, the ISI requested permission to operate on French territory against opposition groups. This was refused and they then asked for information about the Mirage aircraft sold by France to India.[75] This request was also declined. The relationship with the ISI was further complicated by ISI expectations about money, given ISI's interaction with the Central Intelligence Agency (CIA) brought in large sums of money.[76]

It was not until 1988 that the SEDCE, now renamed the DGSE, started to become interested in foreign fighters, submitting their first report on Bin Laden in 1988.[77] In 1994, following the bombings in Marrakech, Morocco, the French intelligence and security services started to pay attention to the travel of their nationals to the region; 16 of the group linked to the Marrakech attacks had trained in Afghanistan. [78] In response, in 1995, the DGSE sought to recruit new sources, including an Egyptian as well as Afghans, to collect information on foreign fighters. An asset was also deployed from Paris and successfully entered an al-Qaeda training camp. The DGSE tried to deploy a locally recruited Kashmiri jihadi to the camps but the individual was rejected due to suspicion on the part of al-Qaeda's counter-intelligence function that he was an intelligence asset.[79] Other sources of information used by the French included identifying visitors to the Alliance française as well as monitoring visa requests to the region and passport renewals at the Embassy. [80] Massoud, the Afghan commander, provided information to the French on foreign fighters as well as photographs of the training camps.[81] At some point in the 1990s, the cooperation between the ISI and the DGSE appears to have waned. In 2000, the DGSE sought to revive their relationship, in exchange the ISI requested access to satellite imagery products.[82]

There were attempts to share information between the U.S. and the French due to their mutual interest in Bin Laden and foreign fighters. Notin relates a meeting between a French officer and a U.S. officer. The French officer showed photographs of the interior of the al-Qaeda training camps and the U.S. officer produced high resolution satellite imagery. Both were able to look at each other's intelligence but not able to exchange the material.[83] Even where two agencies were working on the same threat actor there were issues of trust in relation to sources and means. Following the 9/11 attacks, the French services were interested in tracking and locating French nationals or residents leaving Afghanistan. However, the French were unable to compete with the large payments, the U.S. was making to the Pakistani agencies for captured foreign fighters.[84]

The French were initially interested in what was occurring inside Afghanistan in relation to the Soviets and the Afghan resistance. This collection was driven by their interests but the activities of the DGSE were constrained by a political decision to not allow them to operate in Afghanistan. Their interest on collecting intelligence on foreign fighters was motivated by attacks involving French nationals, first in Morocco and then in France. The cooperation with the ISI was complicated due to diverging interests; the French in foreign fighters and the Pakistanis in Indian acquisition of French military material. The French also found themselves in a position where they were competing with other agencies to acquire information on the same or, at least, a similar target set.

It was not only the relationship between DGSE and ISI that was complicated, there were tensions between the DGSE and the *Direction de la surveillance du territoire* (DST, the former name of the DGSI). This occurred when the DST deployed two liaison officers to Islamabad. In the French case, there had long been tension

between the DGSE and the DST concerning whether or not the DST should operate overseas.[85] The DGSE regarded activity outside of France as its preserve. A second set of tensions existed between the DST and the criminal police in France, which has a mandate to investigate terrorism, but which at one point in time, was excluded from investigating jihadi terrorism. The mission of the DGSE is to disrupt attacks against French interests abroad as well as the planning of attacks from abroad in France. The mission of the DGSI is to prevent attacks in France, and the responsibility of the police is to investigate following an attack.

Finally, the investigating magistrates and the justice system build cases and prosecute suspects in court based on evidence provided by the criminal police. These differing missions at times result in blind spots. For example, if the DGSI hands a file to the French judicial system, and the individual or individuals implicated are being charged, they can no longer be targeted as objects of surveillance by the DGSI.[86] With the conflict in Syria, the French have sought to resolve some of these issues through the creation of inter-agency task forces – *Hermès* – between the DGSE and French military intelligence (*direction du renseignement militaire*, DRM) and *Allat* between the DGSI and six other organizations.[87] Nonetheless, even with the best efforts, the differing organizational cultures and missions mean that cooperation problems persist.

Agrell summarizes the situation states find themselves as they try to disrupt foreign fighter mobilizations through engaging in intelligence cooperation:

“To sum up, in theory intelligence liaison should be guided by reason, logic and trade-offs. The actual conduct of intelligence liaison might be something quite different. The pattern of liaison and the political setting of the intelligence relations are at best complicated and full of contradictions, at worst irrational, obscure and impossible to comprehend in terms of a coherent security strategy.”[88]

Intelligence cooperation between states is subject to interests not only defined by the agencies themselves and their assessments of threats but also as defined by their political masters leading, at times, to conflicts and to undesirable outcomes. Cooperation between states and within states is important in counter-mobilizations but there is an additional factor that also plays a role which occurs at the domestic level within states.

Counter Terrorism and Counter-mobilization

The cooperation problem does not, in and of itself, fully explain why states cannot better contain foreign fighter mobilizations. A second factor is present and this concerns the tension at a domestic level between countering terrorism and countering foreign fighters. The tools used for countering terrorism and the collection and engagement practices of state agencies may produce outcomes at odds with the desired result. In short, the counter-terrorist practice and the routines of states may enable, in the short-run, foreign fighter mobilizations. Counter-mobilization efforts to mitigate the risk of violence on their territory may create space for volunteers to travel. Intelligence organizations face not only “outside enemies” but also “inherent enemies.”..... “[These] enemies are a collection of mental limitations, dilemmas, contradictory imperatives, paradoxical interactions, and trade-offs amongst objectives in the intelligence...”[89] These all seem to be at work in some form or another as states engage with foreign fighter issues.

Outside Enemies

“Outside enemies” are the targets of intelligence operations. In the case of foreign fighters, it may be the facilitators or the would-be volunteers. The foreign fighter networks are not passive targets, allowing themselves to be easily observed. They engage in employing methods to limit the effectiveness of surveillance and infiltration. The use of multiple pre-paid and anonymous mobile telephones, false travel documents and encrypted communication methods have all been widely reported.[90] These networks may take more aggressive methods. Mohamed Merah took measures to ensure he was not being followed or monitored,

including verifying if the vehicle he was using had a surveillance device attached and driving slowly on the hard shoulder of the road to detect cars that were following.[91] Another member of the Artigat network is reported to have destroyed an audio and video surveillance system put in place by the French services. The same individual beat up a person suspected of being an informant.[92] In another, more recent, case, a female posed as a male on social media channels to recruit and motivate another female. This deception took some time for the security services to understand and analyze.[93] While intelligence and security services may target facilitators and foreign fighters, there is no certainty that they will always be able to do exactly what they want because their adversary is acting to avoid detection and attempting to negate the efforts of the services.

Conflicting Imperatives

In terms of counter-mobilization, states seek to mitigate the risk of domestic attacks and acquire information on future intent, and in doing so, they may temporarily enable foreign fighter travel by not immediately disrupting facilitation. While this may have been efficient when foreign fighter numbers were relatively low – a few dozen persons per year – the benefits of this approach appear to be fewer when numbers reach tens of persons per week traveling. This is not a normative judgment regarding the ways in which states deal with foreign fighters, but rather an observation of how threat perception and state strategies to deal with the identified threat influence, indirectly, processes related to foreign fighter mobilizations. This impact can be to the benefit of facilitation in the short-run, by permitting it to function and to the detriment of other states as foreign fighters arrive to participate in conflicts.

Paradoxical Outcomes

The interaction between facilitation and counter-mobilization creates a paradox – in order to know who the facilitator is and how they operate, the agents of state need to engage either via a proxy – a human source, for example, an agent or an asset – or through observing the facilitation activities via physical surveillance or technical collection (telephone billings, or intercepts).[94] This interaction or engagement with the facilitation means that for the state to acquire knowledge of future activities and intentions, government agencies sometimes allow facilitators to carry out their role of providing information and resources to would-be foreign travelers. Even where the state wants to disrupt and arrest the facilitators, the requirements of the judicial system imply that evidence must be collected to prove that activities prohibited by law have indeed occurred. The process of collecting evidence is time-consuming, and while this goes on, the facilitators continue to function. In short, for state responses – intelligence and evidence collection – to operate, they need to engage the facilitation and in doing so allow it to function. This is an example of the issue of the ‘trade-offs amongst objectives’ – should the facilitators be permitted to operate so that the agency knows who has left and who might come back, or should they be stopped to prevent travel. Three examples are provided of attempts to deal with facilitation and suspected travelers.

The first is the case of an individual in a recent foreign fighter trial in Belgium provides an example. The defense lawyers and a defendant believed that the individual was an asset of the Belgian police and played a role as a facilitator, as much as, or even more than their client. This led the journalist to write, “the former informant appears in so many of the conspiratorial meetings, elusive telephone contacts, and the activities facilitating the departure to Syria, that he necessarily becomes a main link in the network.”[95] It is tempting to see only bad faith on the part of the state in not prosecuting the individual, but this example points to complicated and messy outcomes of state attempts to engage the activities of facilitators.

A second example is the March 2015 arrest by Turkish authorities of an individual they asserted had been working as an asset for the Canadian authorities. While the press is unlikely to have had the full details of

this case, it is nonetheless further evidence of the, at times, confusing consequences of the engagement of state responses and facilitation mechanisms. The individual was found with documents related to money transfers to the United Kingdom, and images of passports assessed as belonging to foreign fighters. He told the police that, “I was transferring money to Raqqa [in Syria]. My mission was to learn details about contacts of [DAESH] members and relay this information to my liaison at Canada’s Embassy in Jordan...”[96] This shows that for information to be collected, state engagement with the facilitation mechanism enables it to function. In this case, it is unclear, whether the goal of running the asset was to acquire information about Canadian nationals traveling to Syria – three females were stopped as they sought to access Syria – and thus the Canadians were not interested in disrupting activity linked to other nationalities, unless this information was subsequently used in intelligence exchanges to leverage the acquisition of information of interest to the Canadians.

A third example, is provided by Verkaik who writes that MI5 approaches to at least 6 individuals in London suspected of sympathy for al-Shabaab may actually have led to two of them radicalizing.[97] He relates that the individuals were approached repeatedly and in an aggressive manner, including visits to their homes, stop and searches on the street and intimidating phone calls.[98] One of the individuals was later arrested after fighting with al-Shabaab, while a second traveled to Syria.[99] The way in which organizations seek to engage would-be foreign fighters may at times have unexpected or unwanted consequences.

Counter-Terrorism and Foreign Fighters in France

Since the mid-1990s, the French assessment of the jihadi threat has been that foreign fighters are a direct threat to the territory of France. Therefore, the mitigating strategy has been directed at the protection of French territory from violence—a point consistently stressed by heads of the French internal security service from Yves Bonnet to Bernard Squarcini.[100] Marc Trévidic, a French investigative magistrate, formerly involved in counter-terrorism investigations, detailed French judicial routines prior to the Syria mobilization. [101] French practice with “filieres” [networks] was to monitor the departure and return of individuals, to build a case against the individual leading to a long prison sentence.[102] Trévidic stated that the period after the return of an individual was particularly important to building a case. Extensive and extended periods of monitoring permitted authorities to build a case based on the discovery of plotting by the returnees. Proving the plotting aspect meant that longer sentences could be obtained. Over time the French judicial evaluation evolved; Trévidic wrote that letting travelers leave came to be seen as a risk, given that they were likely to be more dangerous upon return. He also noted that France had a sort of moral obligation to what he terms, “international public order” to not let its citizens make the situation of allies more difficult or dangerous. [103] Again, this is an example of “contradictory imperatives,” the protection of the French territory and obtaining long prison sentences versus obligations to allies.

The application of this type of strategy led to a situation where facilitators and travelers are permitted to operate while information and evidence is collected. The goal is not the prevention of foreign travel or facilitation, but stopping attacks on French territory. David Thomson reported that some of the Syria travelers felt that they were “allowed” to leave. While this might be their perception, in reality the French authorities were following an established practice related to foreign fighters.[104] This practice was later called into question when the volume of travelers greatly exceeded previous foreign fighter streams. A change in French responses to the foreign traveler issue has indeed occurred, and in the past year some 400 persons have been banned from leaving France. This change has led to another issue, the problem of obstructed, or frustrated wannabe-travelers. Persons who have been prevented from traveling overseas may choose to carry out domestic attacks. This is a “paradoxical interaction” where the intent to prevent harm abroad by stopping would-be fighters may increase the risk of harm at home. A number of would-be foreign fighters stopped from traveling abroad have instead turned to attacking at home. For example, one of the individuals involved

in the killing of the priest in Saint-Etienne-du-Rouvray, France, tried on two occasions to travel to Syria but was unsuccessful.[105] This interaction within the counter-mobilization mechanism is a source of friction that can result in ambiguous outcomes or situations.

Does It Matter?

Do efforts to counter facilitation and foreign fighter travel matter? Is it not enough to focus on countering violent extremism, counter-narratives and de-radicalization? If people can be persuaded not to travel or if the efforts of terrorist entities to recruit are negated and those who do travel can be guided away from violence, then whether or not states can cooperate is less important. This might be true, but given the demands for increased collection authority, more legal powers, and more human and financial resources, it is important to examine how security, intelligence and police conduct their counter-mobilization mission. This is not a novel insight but to date research has largely dealt with other aspects of counter-mobilization.[106] Arguably, none of the soft measures matter, if the interests of states do not align; when they are unable to cooperate, facilitators can move between the gaps created by this lack of cooperation, and the means that agencies employ to investigate allow facilitators and foreign fighters to act over short periods.

Conclusion

This article has examined a previously under-explored aspect of foreign fighter mobilizations, namely counter-mobilization efforts by states, particularly efforts by intelligence and enforcement agencies to disrupt foreign fighter access to the battlefield. It suggests two possible explanations why states have difficulties in disrupting and interdicting foreign fighter mobilizations, at least, in the short-run. Counter-mobilization strategies against facilitation and foreign fighter mobilizations, more generally, are hindered by, first, the difficulty of aligning interests between states and their organizing agencies so that they cooperate and share intelligence; and second by adopting means that disrupt travel as opposed to enabling it. There is an apparent tension between countering foreign fighting and countering terrorism. The means employed to combat the first are not necessarily those that are required to deal with the second. To date, many states have sought to deal with foreign fighting using existing counter terrorism methods and do not always appear prepared to consider alternatives.

This analysis of counter-mobilization provides a number of insights for those dealing with foreign fighter mobilizations. States should be aware of, and prepare for, dealing with transit states and finding ways to either encourage them or apply pressure to them from the outset of a mobilization so that these states do not allow foreign fighters to transit. Second, inter-agency coordination needs to occur from the outset of a foreign fighter mobilization and not when facilitation has become well-established and returnees are already beginning to travel back to their countries of residence. Third, governments need to find alternative means to deal with infiltration operations enabling foreign travel. This is important as facilitation has moved from primarily physical relations and connections to leveraging virtual networks. The time needed to seek out and engage facilitators has been reduced and the judicial methods used to deal with facilitation require more time than is available to stop travel.

Finally, the article suggests that it is important to move beyond studying only counter-radicalization or de-radicalization aspects of the counter-mobilization effort. It is important to examine the activities of intelligence and police agencies in a rigorous manner. There are at least two inter-linked reasons why this is necessary. The first is a need to better understand how counter-mobilization works, given the frequency and increasing scale of foreign fighter mobilizations. Without a clear understanding, designing or recommending strategies and policies could lead to unintended as well as unwelcome consequences. The second reason is to better assess the claims of agencies for more resources or increased legal powers. If, as Hegghammer suggests,

there is an upward trajectory in jihadi activity and violence, which looks set to endure, then these demands are likely to manifest in ways that impact on privacy and liberty.[107] Terrorism scholars should and need to be able to critique and examine the claims of these agencies as well as those of their political masters, based on informed research and analysis.

About the Author: Timothy Holman, Phd candidate at the S. Rajaratnam School of International Studies and working in the Office of the Prosecutor, International Criminal Court. The views expressed herein are solely the author's and do not necessarily reflect those of the Office of the Prosecutor or the ICC.

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