

## **Challenges to International Counterterrorism Intelligence Sharing**

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### **Abstract**

The threat of transnational terrorism has significantly altered international intelligence sharing. Though terrorism is by no means a new threat, the scope and global reach of terrorist networks like al Qaeda leading up to and following the 9/11 attacks has placed intelligence at the forefront of the war on terrorism. Unlike traditional wars where the enemy was identifiable, easy to locate, and largely predictable, terrorist networks are flexible, highly mobile, and are not constrained by international laws. As a result, a greater focus has been placed on intelligence which allows nations to predict the otherwise unpredictable. However, there are significant challenges in expanding counterterrorism (CT) networks to the extent demanded by global terrorism. This paper will examine the hurdles the United States faces in deepening intelligence sharing with traditional allies, broadening intelligence sharing with new allies, and the damage that Wikileaks has done to both.

**Key Words:** Intelligence, Intelligence Sharing, International Terrorism, Counterterrorism,

### **The Necessity of International Counterterrorism Intelligence Sharing**

In his article “Old Allies and New Friends: Intelligence-Sharing in the War on Terror”, Derek Reveron states “the war on terror requires high levels of intelligence to identify a threat relative to the amount of force required to neutralize it” as opposed to the Cold War where the opposite was true (455). As a result, intelligence is the cornerstone of effective counterterrorism operations in the post 9/11 world. Though the United States has the most robust intelligence community in the world with immense capability, skills, and technology, its efficiency in counterterrorism issues depends on coalitions of both traditional allies and new allies. Traditional allies offer a certain degree of dependability through a tried and tested relationship based on similar values; however, newly cultivated allies in the war on terrorism offer invaluable insight into groups operating in their own back yard. The US can not act unilaterally in the global fight against terrorism. It doesn't

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have the resources to monitor every potential terrorist hide-out nor does it have the time or capability to cultivate the cultural, linguistic, and CT knowledge that its new allies have readily available. The Department of Defense's 2005 Quadrennial Review clearly states that the United States "cannot meet today's complex challenges alone. Success requires unified statecraft: the ability of the U.S. government to bring to, bear all elements of national power at home and to work in close cooperation with allies and partners abroad" (qtd in Reveron, 467). The importance of coalition building for the war on terrorism is not lost on US decision-makers as seen by efforts made in the post 9/11 climate to strengthen old relationships and build new ones; however, as seen in the following sections, the possible hindrances to effective, long term CT alliances must also be addressed in order to sustain current operations.

### **Traditional Allies: Old Friends, New Problems**

Traditional intelligence allies of the United States fall into two major groups, 5 EYES and NATO. 5 EYES is a term for the 1947 agreement between the US, United Kingdom, Canada, Australia and New Zealand which "permitted the division of effort in sharing signals intelligence" (Reveron, 460) and continues to this day. This agreement also paved the way for a stronger intelligence relationship with the UK and Australia in the 1990s as evidenced by US's grant of access to Secret Internet Protocol Router Network (SIPRNet), its primary secret-level computer network, to both nations.

The US also shares intelligence with its traditional European allies via NATO's Special Committee. Though this committee originally oriented toward purely military intelligence, such as a potential adversaries order of battle, following the 9/11 attacks this group widened its purview to include counterterrorism intelligence sharing in defense of NATO members and their interests.

Indeed, in the aftermath of 9/11 the US saw not only its NATO counterparts rise to action but also a new enthusiasm from its traditional bilateral relationships in improving counterterrorism coordination and more specifically intelligence sharing. Still, the rallying of support for the US following the attacks is not enough to overcome longstanding political and institutional hurdles to counterterrorism intelligence sharing. Although the US shares many political and cultural values with its traditional allies, their views diverge on issues like the invasion of Iraq, personal data protection, and the treatment or punishment of terrorists.

### **The Invasion of Iraq**

The invasion of Iraq provides a perfect example of how the national interests of one nation can threaten the interests of its allies and more specifically, how policies in one arena can affect cooperation in another. According to US Senator Byrd, a major critic of the Bush administration, the invasion of Iraq "split traditional alliances, possibly crippling, for all time, international order-keeping entities like the United Nations and NATO" (qtd in Gardner 16). The central concerns arising from the 2003 Iraq invasion were the use of "preemptive" or "preventative" (depending on who you ask) strikes,

unilateral action, and ultimately questionable motives. Consequently, bilateral cooperation from Germany, France, and NATO ally Turkey has taken a major hit.

France argued against military intervention in favor of enforced inspections and diplomacy. Furthermore, it refuted that the US invasion of Iraq did not constitute collective security and therefore was not an obligation of NATO's article V. Hall Gardner explains that while France has always been a reluctant ally, Germany and Turkey "represented the most loyal NATO allies during the Cold War" (3). As a result of the Iraq invasion, however, these two nations "bitterly questioned US policies and actions for very different reasons" (Gardner 3). For Germany, the use of preventative military strikes set a dangerous precedent for state behavior. They feared that should this become the norm, "it would undermine international law and concepts of national sovereignty dating back to Westphalia" (Gardner 3). Turkey, on the other hand, feared that the US invasion of Iraq would run directly counter to its national interests in regards to the Kurds of northern Iraq.

While these countries have remained committed to the counterterrorism effort, the public row over the Iraq invasion shaped global public opinion of the US led war on terrorism and likely lessened domestic support for aiding the Americans in future CT endeavors. The fallout from US actions and its greater presence in the Middle East has arguably made it a larger target to terrorist organization which portray the US as a global crusader. By default, those who supported and contributed to the invasion of Iraq are also greater targets of transnational terrorist networks like al Qaeda. Additionally, the use of ultimately false intelligence on Iraqi position of WMD to justify the invasion heightened criticism of the US intelligence community and thus hurt their reputation in producing credible intelligence analysis.

### **Personal data protection**

Personal data is critical to counterterrorism efforts because it "often provide[s] the only evidence of connections between members of terrorist groups and the types of activities that they are conducting" (Bensehal 48). However, Europe has shown resistance to freely sharing this type of information with its American counterparts since many of the US's European allies have much more stringent views on the protection of personal data. In the EU, there are safeguards at the national and regional level that regulate the storage and sharing of personal data information. These laws are a product of Europe's historical experience with fascism and thus its sensitivity to the abuse of such information as travel records or communications (Bensahel, 48). In "The Counterterror Coalitions: Europe, NATO, and the European Union" Nora Bensahel explains "by contrast, the United States protects personal information through legal precedents and procedures rather than [unified] legislation" which the Europeans find insufficient (48). The EU's concerns over the US's protection of personal data caused them to withhold information from the US and created a substantial challenge to their combined counterterrorism efforts. Following 9/11 the heightened political will to overcome such issues enabled the US and the EU to compromise on this issue but there are lingering limits to EU willingness to share personal data with the US.

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In the wake of the attacks, the US and Europol signed an agreement to permit the sharing of personal data. Although it increased operational effectiveness and intelligence sharing this agreement is limited to law enforcement operations which excludes personal data found in commercial activities. Furthermore, provisions in the agreement state that “personal information can be used only for the specific investigation for which it was requested” (Bensahel, 48). If the suspect is being investigated for murder and is discovered to have ties to a smuggling ring the US must submit a separate request to use the murder information in the case regarding the smuggling activities.

### **The Rights of the Accused**

The US and the EU have also had substantial disagreements on the treatment and punishment of accused terrorists. This tension hinges on such issues as the use of the death penalty and “extraordinary rendition”. Fortunately, the death penalty issue was resolved with the passage of an multilateral treaty on extradition however the US has not fully recovered from the backlash of criticism and mistrust from its practice of “extraordinary rendition”.

Prior to a May 2002 summit, the US and EU were at a disagreement over the death penalty. The EU’s aversion to capital punishment led it to not only hesitate from sharing information but deny requests for extradition unless the US would guarantee that the individual in question would not face the death penalty. The 2002 summit did however bring both the US and EU to at least agree in principle to a treaty on extradition and Mutual Legal Assistance Treaty (MLAT) and both parties ratified the treaties in 2003. The extradition treaty allowed for a blanket policy for European nations to “grant extradition on the condition that the death penalty will not be imposed” and the MLAT provided enhanced capability to gather and exchange information (Bensahel 49).

The CIA’s use of “extraordinary rendition”, the practice of transporting a suspect to a third country for interrogation, has also stoked the ire of many traditional allies. Critics charge that this tactic quite simply allows the CIA to sidestep international laws and obligations by conducting interrogations in nations with poor human-rights records. In 2003, an Italian magistrate formally indicted 13 CIA agents for allegedly kidnapping an Italian resident and transporting him to a third country for interrogation. Ultimately 22 CIA agents and one US military officer were convicted in absentia of crimes connected to the abduction (Stewart, 1). The case not only heightened criticism of the US in Italy but challenged U.S. strategic communications aimed at reducing anti-Americanism worldwide (Reveron 462). According to Julianne Smith, director of the Europe program at the Center for Strategic and International Studies (CSIS), “[extraordinary rendition] makes it extremely difficult [for European governments] to stand shoulder-to-shoulder with the U.S.” (Heller 1).

In 2002 Deputy Secretary of State Richard Armitage testified that increased counterterrorism collection and sharing “results not just from collective revulsion at the nature of the attacks, but also the common recognition that such groups present a risk to any nation with an investment in the rule of law” (qtd in Reveron, 455). Indeed, increased

political will on both ends has greatly improved intelligence sharing between the US and its allies. Yet, as demonstrated in the previous section, bonding over the catastrophic events of 9/11 cannot settle all disputes even with the closest of friends. It is even more difficult as commonalities and shared interests are limited at best, as is the case with many of the US's new allies. As will be discussed in the following section, extraordinary rendition is just one of the ways the US is currently challenged by its relationships with new allies.

### **Non-Traditional Allies and New Friends in the War on Terror**

As mentioned previously, the global reach of transnational terrorist networks like al Qaeda has forced the US to consider and develop new working relationships with historically friendly and unfriendly nations. These new relationships permit the US to put eyes on more corners of the world, gain insight from experiences these nations have already had with specific terrorist groups, employ comparative advantage and shared burdens for CT operations, in addition to the less savory advantage of exploiting legal loop-holes for practices like "extraordinary rendition". This last advantage has already shown to be a challenge to intelligence sharing. Challenges facing relationship with new or non-traditional allies include domestic anti-Americanism sentiment, volatile or strained relationships in other arenas such as human rights or state sponsored terrorism, and overall lack of trust as a result of both.

### **Domestic Anti-Americanism**

Non-traditional relationships with Muslim nations like Saudi Arabia and Pakistan have been critical to the crackdown on terrorism financing and the ongoing operations against terrorists and insurgents in both Afghanistan and Pakistan's Federally Administered Tribal Areas. Yet the domestic populations of these nations put strains on cooperation with the US.

In Saudi Arabia, the ultra conservative Wahhabi culture prevented the Saudi royal family from taking decisive action against terrorism facilitation within its boundaries years after it openly agreed to multilateral anti-terrorism treaties. Though it would stand to reason that the Saudi royals had a vested interest in undermining groups like al Qaeda who considered Saudi Arabia to be an apostate regime and therefore a target, it could not risk inciting public outrage by cracking down on donations to these groups. The intermingling of naïve benevolence toward seemingly legitimate charities, those hiding behind the veil of religious duty, and sympathy for al Qaeda's cause against the West made enforcement of counterterrorism measures in Saudi Arabia highly unlikely.

It wasn't until the 2003-2004 Riyadh terrorist attacks did the Saudis jump into action. Since then they have been an extremely helpful ally for the US and yet domestic support for Islamic extremists remain and will continue to cause strains for US-Saudi CT cooperation in the future. The US-Saudi relationship was able to weather the storm of domestic anti-Americanism in large part to the long history of their alliance. Though traditional by no means this arrangement hinged on the trade of oil for security and the

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US dependence on Saudi oil prevented it from abandoning its relationship despite the feet dragging on CT issues. Had the Saudis not made an about face following the Riyadh attacks, it is questionable if this relationship would have survived.

The US's relationship with Pakistan, however, does not enjoy the same benefits of a long-nurtured and ingrained alliance. Over the past half-century the relationship has been marked with highs and lows and though the US is heavily reliant on Pakistan for CT operations in Central Asia now, recent developments threaten to dismantle their alliance. Pakistan is home to many Islamic radicals and militants including Tehrik-i-Taliban Pakistan, responsible for the attempted Time Square bombing, and Lashkar-e Toiba, responsible for the 2008 Mumbai attacks. These extremist groups, Lashkar-e Toiba in particular, enjoy a considerable amount of influence amongst the populace and anti-Americanism is a cornerstone of the message it wishes to impart on the Pakistani people. The recent crisis over the arrest Raymond Davis, a CIA contractor accused of killing two Pakistani men in Lahore, highlights this tension and threatens Pakistani support of the war on terrorism as well as its own domestic stability.

Upon the arrest of Davis, the US demanded his release on the grounds of diplomatic immunity. The location of the shooting, the city of Lahore in the Punjab region of Pakistan happens to be a hotbed of anti-American sentiment and a stronghold of many Pakistan based militant groups. Despite American pressure, and possibly pressure from the government of Pakistan, the Lahore courts have denied Davis's diplomatic immunity. For the past month multiple demonstrations organized by extremists groups like Lashkar-e Toiba and Jammata-i-Islami have called for the execution of Davis and accused the Pakistani government of being "Washington's agents" (Hindustan Times). Demonstrators were also seen carrying signs with messages like "Friends of America are traitors" (Arnoldy 1).

As a result of the public outcry against US demands for Davis's release the Government of Pakistan has officially stated that it will not make a determination on Davis's diplomatic immunity until March 14<sup>th</sup>. The US, in response, cancelled Secretary of State Hillary Clinton's meeting with Pakistan's Foreign Minister and a trilateral meeting with Afghanistan and Pakistan officials in Washington (Crilly 1; Arnoldy 1). Adding to the political pressure against the Government of Pakistan, President Obama himself spoke out on the matter shortly after the crisis began to urge the Pakistanis to release Davis on the conditions of diplomatic immunity and to emphasize that the case was a priority for the US government (Tapper & Farren 1). He further emphasized the importance of this matter by stating that the arrest and detention of foreign diplomats is a violation of the Vienna Convention and sets a dangerous precedent. If the Pakistanis chose to detain Davis they risk losing US aid and if Pakistan's anti-American sentiments are further incited, and possibly exploited by Pakistani extremist groups, the US may lose a key ally in its CT and counterinsurgency operations in Afghanistan and the FATA.

## **The Enemy of my Enemy is my Friend**

The global war on terror has made for strange bedfellows for the US. Although nations like Syria, China, Libya, and Iran are typically seen as adversaries in other arenas of international engagement, these nations have found a common interest in combating certain enemies of the United States. According to Reveron, “Libya, Iran, Sudan, and Syria have all provided terrorist related intelligence since 9/11” (466). He elaborates that Libya declared radical Islamism a threat to all regimes in the region and helped shut down A.Q. Khan’s nuclear proliferation network, Sudan gave invaluable insights into al Qaeda having been the primary home of Osama bin Laden in the early 1990s, and Iran warned Western government of the dangerous alliance between the Taliban and al Qaeda as early as 1998 (Reveron 466). Despite their otherwise hostile relationship, Iran has continued to pass intelligence to the US agencies through Jordanian intermediaries. Finally Syria, according to Reveron, is one of the most prolific sources of information on al Qaeda cells throughout the Middle East and Europe (466).

According to Paul Pillar in his book *Terrorism and US Foreign Policy*, “Pakistan continues to be one of the best examples of a state that is both an important terrorist problem and an important counterterrorist partner” (xxiv). Pakistan provides training, financing and military and logistical support to militants fighting in Kashmir and either supports or turns a blind eye to Pakistan based terrorist groups like Lashkar-e Toiba and Jaish-e Mohammed. Pakistan has a vested interest in claiming the Kashmir region as its own and is willing to use terrorist organizations as a proxy in this endeavor. Further complicating Pakistan’s support of certain terrorist groups is the fact that some of the groups also fit into “the wider network of Sunni extremists of most worry to the United States” (Pillar xxv).

Even though the Pakistanis permit drone attacks on its FATA region and are cooperative in CT efforts against the Taliban and its associated movement, elements of the Pakistani government are nurturing militants and turning a blind eye to terrorism elsewhere. Pakistan’s support of terrorist networks and US support of Pakistan has also led to diplomatic tensions with India as it is the primary target of Pakistan’s terrorism agenda (Curtis 1). India’s distrust of the Americans has only increased following the 2008 Mumbai attacks carried out by Lashkar-e Toiba.

There are good reasons why these nations are more often categorized as foes rather than friends. For example, while the US may appreciate China’s intelligence-sharing on CT issues and its diplomatic backing for the war on terrorism it cannot overlook its human-rights violations and the weapons it supplies to fellow human-rights violator like Sudan, Nepal, and Burma. Likewise, Sudan, Iran, and Syria are all considered by the US to be state sponsors of terrorism with Libya having just been removed in 2006. Although the US has benefitted from the intelligence provided by the aforementioned nations, the relationships are volatile and may dry up in the face of other concerns like the human-rights violations and state sponsored terrorism of which they are accused of. As such, there isn’t a certain degree of earned distrust that is unlikely to subside until these issues are resolved and deeper relationships can be formed.

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Furthermore, the mere association with some of the nations even for the purpose of CT operations may make the US appear to be hypocritical or otherwise tainted by the unacceptable practices of this particular set of non-traditional allies.

### **A Matter of Trust**

Mutual trust is fundamental in international relations and critical in intelligence sharing. Sharing sensitive information also exposes nations to a certain degree of vulnerability, whether it is an outed source, a blown operation, or a threat to national interests. Furthermore, the receiver of intelligence must be able to trust the validity of the intelligence it is given or else it is useless unless corroborated by a third party. According to James Walsh, “trust exists when the interests of a first actor are ‘encapsulated’ in or congruent with the interests of a second actor” (628). While this trust is more readily found amongst traditional allies who have supported and defended the US and share many political and cultural values, and through their democratic institutions or common histories, it is far more scarce and thinly developed amongst new allies. Saudi Arabia’s alliance with the US in the war on terror is based on the shared interest in undermining a common foe. However, as illustrated previously, when they did not share this interest there could be no real trust nor progress. In the Pakistan situation, US distrust over the treatment of diplomats and Pakistan’s nefarious relationships with other terrorist networks coupled with the Pakistani populace’s distrust of US intentions has created a crisis in US-Pakistani relations. Prior to the Davis case, Pakistani distrust of the Americans stems from the perceived “history of [US] friends being treated worse than enemies” (Ullman 1). This perception has only worsened with allegations of America’s heavy-handedness with regards to the Davis case. Although the US has faced rows with its traditional partners, it is far more likely that disagreements in new ally relationships will result in dissolution of ties.

### **The Aftermath of WikiLeaks**

Continuing on the importance of trust, WikiLeaks has presented a very threatening situation for international intelligence sharing. Throughout 2010 the website released 76,900 documents from the War in Afghanistan, 400,000 documents from the War in Iraq, and finally 250,000 US State Department cables classified as Secret. The State cables in particular caused embarrassment to several world leaders such as Pakistan’s Zardari and Italian Prime Minister Silvio Berlusconi by exposing corrupt practices. While some may view this as much needed transparency to under the table dealings, it will no doubt have negative repercussions on diplomatic relations. Though the full extent of the damage remains to be seen, it is an understandable concern that US’s foreign partners will be far less candid with American officials if they fear that their secrets will be splattered all over the internet and on the front page of every newspaper. According to Wyn Rees and Richard Aldrich, European partners already distrusted American intelligence security long before WikiLeaks based on its fears that shared sensitive intelligence like personal data would be leaked to the US media (16). The recent leaks have only worsened these fears.



The security of sensitive intelligence is critical for information sharing and the WikiLeaks debacle highlights the precarious push and pull of need-to-know and need-to-share. Following 9/11 the US and its allies worked tirelessly to open the lines of communication for counterterrorism intelligence. Although the co-chairman of the 9/11 Commission, Lee Hamilton, testified that “poor information sharing was the single greatest failure of our government in the lead-up to the 9/11 attacks”, the pendulum swung to another extreme leading up to the WikiLeaks releases with far too many people having far too much access (Kinsman 46). The loss of US credibility to secure sensitive information will no doubt force changes within the intelligence community. While it is doubtful that the US will return to its pre-9/11 “need-to-know” standards, the breadth of individuals with access to information will like decrease. In response to the WikiLeaks crisis the Office of Management and Budget said it aimed to ensure "users do not have broader access than is necessary to do their jobs effectively" (qtd in Memmott 1).

WikiLeaks is representative of the long-term struggle of every nation to keep its national secrets a secret. It is only in recent history that classified materials such as the documents released in 2010 transitioned from hard copy to a digital format. The US and its allies are now realizing the vulnerabilities of this new format to mishandling in massive quantities. It is fairly certain that in the future, the US and its partners will employ greater digital monitoring of classified materials, reduce access to classified materials, and be far more scrutinizing of “need-to-share” practices.

## **Conclusion**

It is clear that diplomacy will continue to be a key component in US counterterrorism coalition building. Intelligence sharing, as a by-product of these efforts, will likely improve for as long as trust is maintained or improved and compromises are made in the greater interest of combating the shared threat of terrorism. However, the US is also likely to face continuing foreseeable challenges from the ever expanding breadth of its international allies, its increasing dependence on its counterterrorism coalitions, and unpredictable setbacks to international trust like WikiLeaks. There are ways, however, to allay the impact of these challenges if not overcome them all together.

With regards to traditional allies the United States must continue to negotiate a close working relationship with its NATO, EU, and 5 EYES partners. Great strides have been made but future disagreements on policy, tactics, and strategy for the war on terrorism are inevitable. The best way to prepare for such future issues is to continue to foster a positive collaborative relationship with these nations so that mutual trust will prevent arguments from threatening the survival of the alliance. This means that the US must carefully manage its international position. It cannot exploit legal loopholes like exporting suspects to other nations for questionable interrogations; it cannot bully its friends nor act unilaterally against their wishes; and it must hold itself to high moral standards befitting a liberal democracy.

For new and non-traditional allies, Reveron states that “the long-term challenge for policymakers will be to convert these short-term tactical relationships into meaningful

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alliances while protecting against counterintelligence threats” (467). Traditional alliances have to start somewhere and over time these new relationships can turn in to tried and tested cooperation. In order to further develop these relationships the US should attempt to iron out policy differences in other arenas rather than turn a blind eye to them and continue providing technical and material support to their development of effective intelligence programs. The US should not however hold CT cooperation supreme over other critical issues such as nuclear and conventional arms proliferation and human rights violations. Nations like Iran and Syria may be helpful in the short term and for limited purposes but this does not negate their less desirable practices.

Finally, the US will also need to look inward to prevent more classified information leaks. The US needs to be more critical in the issuance of security clearances, employ digital monitoring of who is downloading information and in what amount to prevent mass dumps, and give greater importance to curtailing the “insider threat” of US citizens leaking information overall. Improving intelligence security will help to mitigate the blowback from WikiLeaks and will go a long way to advancing US credibility and trust building.

The careful maintenance and development of counterterrorism intelligence sharing is no doubt critical to the success of national and international-level CT operations. As this paper has demonstrated, many of the solutions to challenges facing CT intelligence sharing will require long-term solutions requiring patience, compromise, and vigilance. It will no doubt be a difficult task but intelligence is the first line of defense against terrorism. As such, it is imperative that the United States do all that it can strengthen this defense.

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