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In March 2009, the Obama administration sent a message to senior Pentagon staff instructing them to refrain from using either of the terms 'Long War' or 'Global War on Terror' and to replace these terms with 'Overseas Contingency Operations'. Similarly, the 2009 UK Strategy for Countering International Terrorism eschews military terminology, preferring instead National Risk Assessments whose overall aim is 'to reduce the risk to the UK'. This paper seeks to explore what it terms an emerging risk-based approach being deployed by states. Such an approach has already played a significant role in the 'War on Terror' to date, particularly in relation to Anti-Terrorist Financing and Aviation security guidelines. The change in tone and, potentially, substance from the Obama White House may however create the opportunity for risk-based approaches to move further onto the centre stage in the war on terror, just as it has in the wider Risk Society. This paper argues that the end of the 'War on Terror' at the rhetorical level suggests a need to shift our academic attention towards developing appropriate analytical frameworks for examining such risk-based strategies for countering terrorism. Our framework proposed here deploys the twin concepts of 'risk bureaucracies' and risk regulatory regimes (RRRs) in examining terrorist financing and aviation security regulations.

Keywords: Risk, Risk Bureaucracy, Risk Regulatory Regimes, Beck, War on Terror, Terrorist Financing, Aviation Security

Introduction

In March 2009, the Obama administration sent a message to senior Pentagon staff instructing them to refrain from using either of the terms 'Long War' or 'Global War on Terror' and to replace these terms with 'Overseas Contingency Operations'.ⁱ Similarly, the new UK strategy for Countering International Terrorism eschews military terminology, emphasising instead a risk-based approach to managing and reducing the threat from international terrorism.ⁱⁱ Governments and policy-makers seem to recognise that regulating all manner of risk effectively is now shaping a wide array of policy initiatives and regulations. Indeed, being perceived as ineffective when regulating risk is tantamount to mishandling the security and safety of citizens. Since 2008, the British government has conducted a National Risk Assessment and has published a dedicated National Risk Register 'to increase awareness of the kinds of risks the UK faces, and encourage individuals and organisations to think about their own preparedness'.ⁱⁱⁱ

This deeply political concern with risk and a culture of fear however should not surprise IR scholars familiar with the work of Ulrich Beck. For in Beck's Risk Society, 'established risk definitions are thus a magic wand with which a society can terrify itself and thereby activate its political centres and become politicised from within'.^{iv} It is also expected that resources will then be allocated by governments to regulate and manage such risks. Following the work of Beck, scholars such as Rasmussen, Coker, and Heng have argued that the conduct of war by the Bush administration in and of itself constituted a risk management approach to the problem of international terrorism with a particular focus on the pre-emptive use of force.^v Others using both a Beck-inspired framework and those who have developed a more Foucaultian approach have examined the various technologies of risk management that have emerged in what we might call the 'Other' War on Terror.^{vi} If there is a common theme to these disparate approaches to the question of risk, then it is to be found in the recognition of the increasing significance of controlling risks efficiently in the age of terror.

This paper seeks to locate itself within Beck-inspired approaches to risk and to explore the role of risk bureaucracies and the risk-based regulatory approaches that states deploy in confronting international terrorism. The discussion builds on existing research by Hood et al on how regulatory states in Beck's Risk Society manage risks such as dangerous dogs and domestic radon gas.^{vii} We extend the focus to trans-national terrorism by taking the cases of the US regulatory frameworks on aviation security and that of the UK on terrorist financing. These are of course also presented in the context of the overlapping global-level regulatory environment as well. The emergence of such risk regulatory regimes however is neither assumed nor predicted. The subjective and constructed nature of risk perceptions suggests that any emergent regulatory framework based on increased risk consciousness can never be considered a foregone conclusion. However, the Bush administration's emphasis on brute military force hindered the development and recognition of genuinely risk-based approaches to the challenges of terrorism. The change in tone and, potentially, substance from the Obama White House implies risk-based governance approaches may play a more significant role in the war on terror. This is not to argue that risk based approaches to countering the threat of terrorism are a panacea but rather that the development of such approaches should be examined in greater detail than hitherto has been the case. While recognising the limitations of risk regulatory regimes ability to accurately calculate and manage risk, we argue that the increasing bureaucratization of these mechanisms have embedded them in contemporary social life. Therefore

they may well provide a template for the future management of terrorist and other risks and allow us to understand how modern states are adapting to an era of globalised risks.

The paper will begin with a discussion of the risk framework underpinning the analysis with a particular focus on the existing literature regarding the relationship between Beck's Risk Society and how regulatory states regulate new types of risks through 'risk bureaucracies' and risk regulatory regimes. It will then move to analyse less-noticed aspects of the 'other' war on terror that reflected the emerging bureaucratisation of risk, with risk-based approaches built into regulatory frameworks for managing terrorist financing and aviation security at overlapping global and national levels. The concluding section then discusses prospects for further bureaucratisation of risk as the Obama administration distances itself from the militaristic tone adopted by its predecessors.

Regulatory states and the Risk Society: the bureaucratisation of risk

Though the concept of Risk has become prevalent across the social sciences in the past decade or so, risk approaches vary in their inspiration from sociology in the work of Beck, Luhmann, Giddens, Douglas and others^{viii}; from governmentality derived from Foucault, Ewald and Castel^{ix}; and criminology in the work of O'Malley and Ericson.^x Not only do such approaches vary in inspiration, several authors have mixed and matched between the different yet commensurable approaches to the question of risk and society.^{xi} Despite the various approaches taken, the questions posed are similar. If, as Beck has noted, 'being at global risk is the human condition of the 21st century'^{xii} then what are the implications for the political practices that in the past have sought to claim a monopoly on the provision of security, namely the state.

The problem of terrorism is just the sort of globalised de-territorialised challenge that Beck had envisioned as symptomatic of the world risk society.^{xiii} As Duffield warned:

This time, given the radical non-territoriality of network war, which also embraces the racial dynamics of metropolitan society, a deepening securitization of everyday life would seem inevitable.^{xiv}

As the war on terror evolves, it is the creeping securitisation of everyday life through the bureaucratisation associated with emerging risk regulatory regimes that concerns this paper. However the Bush administration's insistence that the war would be on a generalised enemy called 'terror' rather than the organisation, Al Qaeda,^{xv} led to the inevitable ambiguity regarding the risk that was to be managed. As Stump has noted:

The meaning of 'terrorism' in any particular instantiation can vary considerably depending on the context, the available cultural resources, and the combinations of people in varying positions involved...critical terrorism studies should focus on how the terrorism discourse is creatively invoked by people in everyday contexts to stabilize and legitimate over-lapping and often competing constructions of identity and security policy.^{xvi}

This problem of perception presents a fundamental challenge to accounts of the war on terror in terms of risk. Much has been made of the radical 'othering' engaged in by the Bush administration in the lead up to the wars in Afghanistan and Iraq^{xvii} and the disagreements that such risk perceptions and constructions caused at the international level. As Meyer has noted, threat perception varies radically over space and time and therefore agreeing on strategies of response can be difficult. Even in cases such as 9/11, though convergence of perceptions in both the intensity and nature of a

specific risk do occur, such convergence can be fleeting.^{xviii} However to accept that the construction of risk is both a social and political act is not to deny that actual risks present actual dangers to the public. As Bill McSweeney has argued in relation to the broader issue of the social construction of security:

A critical difference appears, however, when we consider that the perception and fear of threats to security can, in principle, be checked by observing and evaluating the facts external to the subject.^{xix}

In other words at some level an analysis of the War on terror needs to grapple not just with the issue of the construction of the terrorist risk by the principal political actors but also be conscious of the actual danger presented by that risk in order to assess global responses. In this way Beck differs from other theorists of risk such as Mary Douglas, by arguing explicitly for the necessity of a 'risk consciousness' to emerge to transform contemporary society in order to deal with the array of risks it faces.^{xx} We are conscious of criticisms of Beck's work regarding his relative neglect of the subjective nature of risk perception and therefore his underemphasising of the role of power relations in the construction and determination of risk and response. That said the appropriate response, we argue, is not to jettison Beck's ideas completely but rather to critically engage with them and use them to help us understand the mechanisms of risk regulation in the past decade, or as Mythen put it:

Metaphorically speaking we need to farm the fruits of Beck's harvest at the same time as uprooting some of the weeds.^{xxi}

If risk is subjectively perceived and constructed then the self-perpetuating vicious cycle of risk creation and subsequent impetus for regulation is the driving dynamic behind Beck's 'risk society'. The increasing consciousness of risk propels the proliferation of risk management industries seeking to reduce these risks that capture the public imagination. Risk management industries are well-known in the financial and business world. In the field of government and regulation, the emphasis on managing all manner of risk has also permeated the main bureaucratic tools of government. Yet some risks generate dedicated risk bureaucracies in attempts at better regulation, while other risks simply do not get the same attention. This results in a 'concealed, responsive, self-politicisation of hazards in public perception, politics and the hazard bureaucracy.'^{xxii} Beck's argument suggests to us that increasingly government departments and regulatory agencies are assuming the form of a 'risk bureaucracy' dedicated to forecasting and developing risk-based guidelines to regulate and manage risks. For instance, the UK has its Health and Safety Executive, as well as its Foods Standards Agency. These are focused on identifying and then developing measures to regulate risks, whether they be the risk of BSE in beef, passenger safety issues on trains or occupational hazards. The HSE for instance recommends key 'Five steps to risk management' to focus on the risks that really matter in the workplace.^{xxiii} The UK body linked most closely to the issue of terrorist financing is the Financial Services Authority (FSA). The FSA employs an explicitly termed 'risk-based approach' to regulation. This is symptomatic of a deeper underlying trend as 'such risk-based approaches by regulators are here to stay and will become increasingly popular'.^{xxiv} The trend is mirrored in the US regulatory efforts on aviation security too, with a new post-9/11 risk bureaucracy established. As this paper demonstrates, the Transportation Security Administration deploys similar risk-based analyses and risk management logic.

Despite the ‘growing awareness of the globally interconnected form of threats, nation-states still provide key institutional contexts’ through which these risks are being constructed as well as regulated.^{xxv} As Giddens contended, states have and still are defined by their relative monopoly on administrative resources, technical expertise, bureaucratic intelligence and institutional influence. It is the very collective resources of government bureaucracies that Giddens described as the ‘administrative power of the state’.^{xxvi} While we accept that there are widely varying views of theories of the state in dealing with new global challenges, we are drawn here towards Beck’s suggestion that states are increasingly having to develop ‘risk bureaucracies’ to protect their populations from all manner of risk.^{xxvii} In our case, we are concerned with how states protect their people from terrorist financing and aviation security risks. Beck has been less than charitable with his assessments of how risk bureaucracies only serve to appease public anxieties. We are more concerned with the ways in which risk has been bureaucratised into regulatory guidelines as states increasingly operate within complex global frameworks and engage with governance networks involving private corporations and civic groups. Risk and safety is seen as one of the major regulatory growth points for the ‘regulatory state’ in a risk society where the government’s role as regulator is advancing into new domains with the establishment of new risk bureaucracies and rules to manage risk.^{xxviii} Comparisons can be made here with Weber’s famous ‘iron cage’ of bureaucracy that operated according to a set of rules and procedures which made sense to bureaucrats and government. Consequently, human life became driven by efficiency, with ever more efficient rules devised for problem-solving purposes. The bureaucratisation of risk-based guidelines means however that increasingly new rules and regulations are built around risk and the need to assess and reduce risk rather than resolve problems definitely. We should stress that what Beck envisions in the Risk Society is not so much the demise of states and their regulatory powers. Rather, he thinks that states can reinvigorate themselves in the process of managing risk. In particular we are concerned with existing debates on how the regulatory state operates within Beck’s Risk Society and the subsequent rise of risk bureaucracies. Taking our cue from Hood et al.^{xxix}, as an analytic point of departure, we look at three fundamental components of a Risk Regulation Regime (RRR) and how risk is being bureaucratised in the process. These are 1. the *director* which refers to the setting of targets and goals; 2. *detector* which examines how the existing state of the system is observed. 3. the *effector* which considers how power and influence are brought about to bring change. While Hood et al limited their analyses to domestic regimes, we chose terrorist financing and aviation security in this paper as both involve a global regulatory dimension and complex multi-level governance networks that overlap with and shape domestic risk bureaucracies.

Risk-based approaches to regulating the ‘Other’ War on Terror

As mentioned in the introduction, the ‘hot’ wars in Afghanistan and Iraq generated much debate within both academia and society at large. Less discussed were the non-military aspects of the War on Terror. It is worth remembering in light of this rather skewed focus that at the outset the Bush administration did in fact highlight the multifaceted nature of their efforts.^{xxx} One of the first acts was the issuance of Executive Order 13224 on Terrorist financing which the President insisted on announcing himself on 24 September 2001^{xxxi}

There were two main strands of what we might term the war on terrorist financing and the RRRs being developed to control the risks. On the one hand there was the unilateral approach best captured by EO 13224, which sought to freeze terrorist assets and to prohibit transactions either directly or indirectly with individuals or organisations deemed to be of suspicion by US citizens.^{xxxii} Such mechanisms are only as effective as the quality of the intelligence that allows them to adequately target the right people. In the case of EO 13224 the difficulties of doing so and the inadvertent consequences of misapplying these powers quickly became apparent. Simultaneously however, there was also a more multilateral risk-based approach to the problem via a pre-existing global entity called the 'Financial Action Task Force' (FATF).

What attracts us is the explicitly stated risk-based mechanisms such as the FATF 40+9 Recommendations through which the FATF seeks to influence the global financial regulatory environment. In this case, the FATF serves as the *director*, setting benchmark targets and goals to be achieved. Initially established in 1989, the FATF was tasked with standardising international anti-money laundering mechanisms with a particular focus on the international narcotics trade. Post-9/11 it was seen as an ideal candidate for dealing with the challenge of terrorist financing. Both the US 2006 National Strategy for Counter-terrorism and the UN's *Global Counterterrorism Strategy* highlighted the importance of standard setting and the role of FATF in creating and maintaining a global anti-Terrorist Financing (ATF) regime. The mechanics of this new regime fits the risk regulation regime in a number of ways.

Firstly, the FATF itself operates as a standard-setting institution adopting a set of global risk-based guidelines known as the 40+9 Recommendations that at least officially relies on the cooperation of a diverse number of states. In this *director* role, the benchmark standards are set by FATF but also increasingly in consultation with the private sector. Notably, FATF recognises that 'the private sector is at the front line of the international battle against money laundering, terrorist financing and other illicit financing threats.'^{xxxiii} The FATF President stressed in his 2007/08 Annual Report, 'one of my key priorities has been to develop a more open and constructive working partnership with the private sector in order to raise awareness of the FATF's work, to inform FATF policymaking and to encourage more effective implementation of AML/CFT measures.'^{xxxiv} In October 2007, the FATF launched the Private Sector Consultative Forum to strengthen existing dialogue with key private sector bodies from around the world and promote implementation of risk-based standards. In June 2007, in close consultation with members of the international banking and securities sector such as the Japanese Bankers Association, European Association of Public Banks, and JPMorgan Chase, the FATF jointly published, 'Guidance on the Risk-Based Approach to combating Money Laundering and Terrorist Financing'. The aim was to 'support the development of a common understanding of what the risk-based approach involves and to indicate good practice in the design and implementation of effective risk-based approaches'.^{xxxv} This document essentially advocates the benefits of adopting a broad risk-based framework as a shared governance and regulatory platform while recognising the most appropriate format remains dependent on individual country risks. The FATF also has a joint working arrangement with the Wolfsberg Group of twelve global banks. In 2006, the Wolfsberg Group issued 'Guidance on a Risk-Based Approach for Managing Money Laundering Risks'. By fostering the industry standard, which is now 'risk-based rather than a rule-based voluntary code', the Wolfsberg group by assuming some *director* responsibilities has helped to

bridge the gap in attitudes to banking practice and standards, especially between American and European banks.^{xxxvi} Overall, this Wolfsberg process is often cited as an example of the private sector getting active on their own initiative and cost, recognising a need for standardised risk-based norms against global terrorist financing. Previously banks would have left the issue in the hands of national regulators.^{xxxvii}

Secondly, the FATF 40+9 recommendations help provide *detector* capabilities by focussing on terrorist financing based on risk management logic. Thus, 'the risk-based approach is either incorporated into the Recommendations in specific and limited ways, or it is inherently part of or linked to those Recommendations.'^{xxxviii} Under Recommendation 5 for instance, a country's financial institutions must perform enhanced due diligence for higher-risk customers. A risk-based approach also means 'a risk analysis must be performed to determine where the money laundering and terrorist financing risks are the greatest. Countries will need to identify the main vulnerabilities and address them accordingly.' Indicative of an emerging global consensus on these risk-based approaches as a shared regulatory platform, these Recommendations have been endorsed by the World Bank (WB) and the International Monetary Fund (IMF) as benchmark global standards. UN Security Council Resolution 1617 in 2005 also 'strongly urges all member states to implement the comprehensive international standards' contained in FATF recommendations. Judging from the numerous documents it has published on the topic, risk-based global norms are now seen by the FATF to provide a framework for negotiations with a range of partners in its attempts to proliferate and implement these common standards worldwide. These common risk-based standards were to be employed as a form of *detector* by which the global financial system is to be observed and monitored for the risk of terrorist financing. In the UK, such global risk-based approaches have been bureaucratised at domestic regulatory state level by being incorporated into guidelines issued by the Financial Services Authority (FSA).^{xxxix} Like its American risk bureaucracy counterpart, the Office of Terrorist Financing in the US Treasury which also issues 'risk-based' anti-terrorist financing guidelines^{xl}, the FSA is involved in regulatory policy discussions and implementation. The FSA was set up in 2001 and right from the start, indicated that it would adopt an 'operative framework designed to identify the main risks to its statutory objectives as they arose and to help plan how to address those risks'.^{xli} The FSA intended to use this risk-based approach to fulfil the 'rule making, supervision and enforcement powers' assigned to it by the Financial Services and Markets Act (2000). Indeed, 'taking a risk-based approach is a key element of the FSA's strategy to meet the principles of good regulation.'^{xlii} The current framework in place is ARROW II (Advanced Risk-Responsive Operating Framework). Using this framework, scores are assigned to firms depending on the risks they pose. The basic principles required for firms to have procedures in place for are 'risk identification and assessment', 'risk mitigation', and 'risk monitoring'.^{xliii} These include knowing your customers and monitoring customer activities. While FSA has principal responsibility, the risk-based approach also recognises that 'a lot of the expertise in assessing risk lies with the firms...they know their products and their customers'.^{xliv} Here individual firms are expected to provide *detector* functions, with the understanding that a risk-based approach allows firms to maximise their resources by prioritising areas of concern. The UK private financial services industry has been proactive in this aspect, with the Joint Money Laundering Steering Group publishing guidance on sharpening the risk-based approach to combating terrorist financing.^{xlv}

Thirdly, compliance and enforcement responsibilities largely fall on private actors in the financial industry. Here private actors are to assume functions of the *effector* in bring about change in their regulatory regimes. As Sharman has noted:

it is private financial firms following FATF-mandated rules legislated by national governments that have borne most of the burden of fighting money-laundering.^{xlvi}

Larger financial institutions are better able to bear increased administrative burdens of implementing the risk-based regulatory guidelines such as 'Know-Your-Customer' (KYC) legislation, leaving smaller firms at a disadvantage. Powerful actors such as the EU and the US have driven the agenda and set the rules. Especially with regards to intransigent states who fail to live up to 40+9 standards, they are often compelled by threat of sanction or blacklisting to do so. Legitimate or not, direct coercion in the form of blacklisting was a 'deliberate and calculated use of power by the FATF to impose policies that elicited instrumental compliance by states'.^{xlvii} There was 'nothing subtle' about the blacklist.^{xlviii} Material penalties arose for states blacklisted as they became perceived to pose increased risks bringing higher costs of doing business. In such cases then, the FATF itself takes on some of the *effector* functions in bringing about change through power and influence although legally it has no such authority. Perceptions both of the extent and nature of the terrorist risk differ widely among compliant states suggesting that arm twisting is more relevant than any shared global risk assessment.

Aviation Security

Aviation security received heightened attention in the aftermath of the 9/11 attacks. Aviation security here refers to the idea that airports and air travel are key sites where RRRs interact directly with citizens but that such regimes are not necessarily restricted to the airport or even aeroplanes. However, as Salter has noted:

contemporary security analysis of aviation takes place within a realist, empiricist frame that simply reinforces the state-centric assumption of power politics. It ignores the networked nature of threats and the complex web of state and non-state security actors that actually provide security.^{xlix}

The events of 9/11 represent the crystallisation of the transformed nature of security risks in a globalised world. Unlike global terrorist financing, aviation security regimes lacked any overarching institutional arrangements, even ones as relatively informal and nebulous as the FATF we have seen previously. Security standards and institutional formations varied widely from country to country and therefore demanded different responses from the actors concerned. In examining changes introduced post-9/11, we can highlight the role that risk-based approaches are playing, the consequent bureaucratisation of risk, and the interaction between private and public sector actors as well as global and national regulatory regimes.

In the US, where direct responsibility for aviation security was previously distributed across a large number of Federal and state actors, both private and public, there were swift moves to centralise and standardise security policy and delivery under a new Federal agency. The Transportation Security Administration (TSA) was to become the new risk bureaucracy dedicated to managing aviation security risks.¹ The TSA has gone to much effort to constantly define itself as employing a 'risk-based approach to secure US transportation systems.'² As a way of re-allocating limited resources to higher-risk issues, for instance, in 2007 it lifted the ban on lighters, arguing

that lighters no longer posed a significant risk. In this instance, the TSA is assuming *director* functions, setting new risk-based guidelines as best practice. TSA head Kip Hawley has been particularly keen on adopting the risk-based approach on all issues from screening of high-risk cargo security to airport employees with access to secure areas. The idea is that assessing risk will enable regulators to decide where to focus their priorities and more efficiently provide security without undue disruption. It means risk-profiling people with hostile intent that are potentially bad with additional scrutiny, rather than simply looking for 'bad' objects such as knives or lighters. As Hawley put it, 'the transportation system is vast and largely open, therefore our job is risk management, not universal protection'.^{lii}

This risk-based approach incorporated into TSA regulations and guidelines was also seen to serve *detector* functions, enabling the TSA to constantly assess and monitor the existing level of risks being posed to aviation security. Risk-based guidelines were also issued to airports ranging from restrictions on liquids and gels, baggage screening to background checks on airport staff. If it was felt that certain risks were no longer significant, there would be changes made as a result.

The critical problem from the RRR perspective however was the previous lack of an *effector* with the ability to implement and regulate standards across the industry. By placing responsibility for the entire airport site with a single federal risk bureaucracy the administration in one fell swoop simplified the control and oversight structures in the existing bureaucracy although this is not to claim coordination problems do not persist. TSA's Office of Inspection for instance conducts risk-based covert testing at airports to identify vulnerabilities and assess the performance of the aviation security regime. When it comes to the trilogy of *director*, *detector* and *enforcer* functions in regulating aviation security however, the US, despite changes introduced by the TSA, deploys a 'decidedly mixed system'.^{liii} Despite it being the national regulator and policy-maker setting rules, TSA must also carry out baggage and passenger screening at airports. Yet other security functions such as terminal policing and access control are the responsibility of the airport, under TSA oversight. Thus, 'TSA combines regulation and service provision within a single entity, a troubling conflict of interest which violates the principle of arms-length regulation'.^{liiv}

In the EU, no common aviation security regulations existed where direct state control of aviation security was the norm rather the exception. After 9/11, reform took place at the *director* and *effector* levels with the creation of the first supranational regulatory framework for managing aviation security. Included in this new framework were *detector* systems in the form of mandatory inspections by Commission officials, in collaboration with the European Aviation Safety Agency and member states.^{liv} Oversight and *enforcer* functions is also extended beyond the EU countries through the European Civil Aviation Conference (ECAC) who also engage in regular audits and provide assistance for member states to bring their practices up to 'best practices'.^{lvi} The bureaucratisation of risk in the form of European regulations can be seen in the fourth section of Article 4 of EC No. 300/2008 issued in May 2008 which permits member states to "adopt alternative security measures that provide an adequate level of protection on the basis of a local risk assessment."^{lvii} Security measures are to adapt to evolving risk assessments as they arise. This particular piece of regulation highlighted the need for flexibility in responding to risk assessments, without specifying technical or procedural details of implementation. For instance, EU-wide regulations that prohibit liquids in hand luggage were introduced to lower risk of liquid explosives. Thus the EU reforms extend

beyond the nation-state, although states remain a central actor, the *Director* in this case is, at least formally, supranational.

However, due to the inherent nature of global aviation, a global-level risk regulatory regime for aviation security makes most sense. The US *National Strategy for Aviation Security* has proposed a:

‘risk-based, cross-discipline, and global approach to aviation security’.^{lviii}

In this regard, the global private airline trade body, International Air Transport Association (IATA) has assumed some *director* functions in attempting to set targets and benchmarks for policy-making. It recommended a risk-based approach to setting global standards,

The next step is for governments to harmonize a risk-based approach to security.... We need a constant level of vigilance that is constantly adjusted to deal with specific threats or events. To achieve this, we must develop a common risk-assessment methodology.^{lix}

Indeed, IATA has consistently promoted ‘a risk-based approach to security among governments, developing a common risk-assessment methodology’.^{lx}

Here the global trade body IATA, much like the FATF, is in effect endorsing the use of risk-based guidelines such as those contained in its IATA Security Manual as a possible global platform to bring all actors together to negotiate on and manage shared aviation security risks. Once again, as with the FATF, a set of risk-based guidelines is being promoted to serve *detector* functions to monitor and observe the level of risks in the system. However the extent of such reform should not be overstated, as the IATA’s CEO put it bluntly,

security is an uncoordinated mess. Governments are not cooperating; and nobody is taking leadership. They must focus on risk management, harmonise global standards, use technology and intelligence effectively and take responsibility for the bill.^{lxi}

Here, the IATA CEO has pinpointed crucial flaws of the global aviation RRR. There is lack of a central global aviation security body that would fulfil *director* functions, as well as weak *effectors* with the power to enforce change. IATA conducts safety audits of airlines but only on a voluntary basis. From a *detector* perspective though, one of the most striking developments has been the elaborate ‘dataveillance’ techniques deployed to engage in social sorting between risky and other individuals. Even more remarkable as Amoore and others have highlighted is the highly technocratic approach to these questions, where such social sorting has become a problem for technological rather than political discussion.^{lxii} The persistent problem though has been how risk might be measured at aviation security sites. At the blunt end of such techniques has been the use of ‘Watch-lists’, containing the names of persons and organisations classified on a scale of riskiness. However the usefulness of this approach has been questioned both in terms of effectiveness and efficiency. As Bennett has noted:

One FBI agent described the initial screening process as a ‘massive data dump’ of anybody with a connection to terrorism, which the TSC [the Terrorist Screening Centre at the FBI] has been trying to clean up ever since.^{lxiii}

Despite the blunt nature of such lists and the problems of their composition, they do at least tie in with a governance approach in that their effectiveness is in part reliant on the willing cooperation of private actors, in this case airlines, to bear the costs of collecting, collating and transferring data on risks to state authorities.^{lxiv} Large scale collection and analysis of data on passengers has been developed in aviation security regimes ranging

from requirements for biometric security features on passports, Passenger name records, finger printing at border access points etc. These data collection and control techniques operate to effectively break each 'individual into a set of measurable risk factors.'^{lxv} Increasingly air travellers are subjected to a dense web of social control as they pass through the variety of security assemblages both physical and electronic. Despite this, as Salter has noted, the public imaginary has become fixated on the inconveniences of travel and not on the increased securitization of everyday life.^{lxvi}

The question remains as to what extent are the risk regulatory regimes themselves responsible for first constituting and then bureaucratising the risk as states scramble to regulate aviation security risks? Muller has discussed this at length in terms of the notion of 'trusted traveller', a particular form of subjectivity produced by the interface between the citizen traveller and various biometric controls deployed at airport sites. the 'Trusted traveller...[is] constituted through the surveillant gaze of technology, where one's inconspicuousness is prized above all else.'^{lxvii}

Thus the *detector* aspect of the global aviation RRR is reliant not so much on the measurability of risk but rather on deploying technologies of surveillance to socially sort individuals by categories of riskiness. It is, as Lahav has noted, worth considering: who has been setting the agenda, who is delegating, and who is the agency? It is important to understand that the impetus for the new rules of the game has come from states themselves.^{lxviii}

In other words although the Bush administration's aviation security policy may have called for a risk-based global approach to the issue of aviation security, the practice has been driven by the establishment and enforcement of watch-lists and standards by the state and driven by a Western, if not solely US, concern with what exactly constitutes risk.

'Overseas contingency operations' and the Obama administration in a world of risk

On entering office the Obama administration pursued a number of significant policy changes. In series of set-piece speeches in 2009, President Obama outlined what he saw as both US and global security challenges. The emphasis on the globalised nature of the risks involved would have heartened Ulrich Beck himself. Speaking in Cairo, Obama argued: For we have learned from recent experience that when a financial system weakens in one country, prosperity is hurt everywhere. When a new flu infects one human being, all are at risk. When one nation pursues a nuclear weapon, the risk of nuclear attack rises for all nations. When innocents in Bosnia and Darfur are slaughtered, that is a stain on our collective conscience. That is what it means to share in this world in the 21st century.^{lxix}

The question is whether such changes in tone would be followed by significant changes in the substance of policy. One of these changes involved a simple name change, as noted in the introduction. In March 2009 a discreet memo was circulated at the Pentagon asking speech writers to refrain from using the terms 'Long war' or 'War on terror' and to replace them with the more anodyne phrase 'Overseas Contingency Operations.'^{lxx} This change, though drawing ridicule from some circles, did herald significant changes both symbolically and in practical terms. Indeed this different framing of the terrorist and broader foreign policy challenges

facing the US by Obama was already evident in the primary campaigns.^{lxxi} Furthermore by downgrading the stakes in the conflict from the existential to the more mundane aspects of security, such a move opened up more possibilities for multi-lateral cooperation in the risk-based governance of terrorism. A recent report on US strategy has highlighted the difficulties that still remain in reshaping US defence institutions in order to manage risks and in particular deliver homeland security: DoD [Department of Defense] is still inherently a hammer. Defense-relevant HLS [Homeland Security] challenges on the other hand are not nails.^{lxxii}

Yet, by having its risk-based regulatory standards adopted by the World Bank, IMF and the UN via a number of Security Council resolutions, the FATF has already made some progress in the direction of more formal institutionalisation and bureaucratisation of risk as it tries to tailor-make risk regulatory regimes for specific risks.^{lxxiii} The Obama administration particularly emphasises the risk-based approach to identify particular vulnerabilities of financial systems that pose risks, and is especially concerned about terrorist financing risks from Iran. The question of aviation security returned to the forefront with the failed attempt to explode a device on board a flight from Amsterdam to Detroit on Christmas Day 2009. The incident highlighted the flaws of relying on ‘watch-lists’ as a primary means of providing airport security as Mr Abdulmutallab has been brought to the attentions of US intelligence by his father who was concerned by his alleged extreme views. However, he was not placed on the top-level watch-list that would have prevented him from boarding.^{lxxiv} As a result of this perceived failing there has been a heightened focus on alternative modes of securing and managing risk. Both the UK and the US have committed to rolling out new body scanning technology which effectively equates to the ability to strip search passengers without the actual necessity of removing their clothes. Furthermore the US introduced additional security measures including pat-down body searches and hand-luggage searches targeting passengers arriving from Nigeria, Pakistan, Syria, Iran, Sudan, Yemen and Cuba.^{lxxv} Underpinning these changes is a broad ranging risk management approach aimed at revealing ‘risky’ individuals even where little or no existing intelligence or evidence would alert authorities to their presence. Arguably some of the techniques deployed move beyond the logic of risk with its focus on prediction and on to a logic of premediation by focusing on the ability to anticipate or at least imagine all possible futures.^{lxxvi} The events of last Christmas suggest that the techniques of dataveillance deployed in the past to identify known miscreants will now be deployed in the future to identify, anticipate and pre-empt unknown risky individuals.^{lxxvii}

Conclusion

Having discussed the emergence of a risk-based approach to the war on terror under the Bush administration and its continuation under Obama, a number of questions need to be raised. What are the implications for more efficiently regulating global risk in a World Risk Society dominated by border-transcending risks where the principal political actors remain territorially defined states?

Thomas Weiss has argued that both academia and practitioners might perhaps need to move beyond the focus on governance and grasp the nettle of global government: only more robust global institutions can deliver the public good of global security.^{lxxviii} But as long as global government remains elusive, the bureaucratisation of risk in the FATF and to a lesser extent within the aviation security regime may indeed provide an alternative

template for the identification, management and allocation of resources to regulating global risks. However, states, and powerful states in particular, will continue to dominate the construction and conduct of such regimes. The key question is the extent to which bureaucratised RRRs can provide reliable calculations of future risks and take appropriate steps to prevent these dangers from achieving realisation. We have argued here that rather than the provision of absolute universal security, the more modest calculation and management of insecurity by states through the establishment of dedicated risk bureaucracies has generated new risk-based regulatory regimes. Thus the structures that have emerged over the past 9 years or so may well provide the model for the future, particularly as the bureaucratic nature of these initiatives allows them to renew themselves and adapt to new challenges, as we saw in the case of the FATF's shift from money-laundering to terrorist financing. The state is not likely to be eclipsed but rather, as Beck argued, states can reinvigorate themselves and extend their regulatory reach in the process of managing risk. As the war on terror evolves away from its dramatic 'hot' phase, the emerging bureaucratisation of risk-based approaches might well herald the 'routinisation' of this war such that counter-terrorism regulations now become mundane and embedded into the securitisation of activities associated with daily life such as boarding passenger airplanes and going to the bank. Risk bureaucrats and their risk-based regulations are here to stay. If the dramatic use of military force has not proved satisfactory so far in the war on terror, why not let the bureaucrats have a go?

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