



CENTRE FOR EUROPEAN REFORM

briefing note

TRANSATLANTIC DISPUTES MUST NOT UNDERMINE EU AND US COUNTER-TERRORISM CO-OPERATION

By Adam Townsend

Not all is doom and gloom in the tattered transatlantic relationship. EU member-states and the US are co-operating effectively over terrorism. But the US needs to work more with the EU as a whole, rather than simply through individual European governments. Moreover, officials on both sides of the Atlantic are increasingly concerned that co-operation could be undermined by the poisonous political climate.

Police and intelligence services may be the only government organizations that retain the transatlantic solidarity forged after the attacks of September 11th and shattered by Iraq. After those terrorist attacks, all EU member-states gave the green light to their spies and policemen to work more closely with their American counterparts. The US and Europe exchanged unprecedented quantities of information and worked together to freeze the funds of suspected terrorists. The EU and the US established a number of joint task forces while the Europeans allowed CIA and FBI agents to become involved with terrorist investigations on European territory. The intensified co-operation quickly bore fruit, with the disruption of a number of terrorist cells.

The attacks of '911' broke the traditional pattern of transatlantic intelligence co-operation. The US and British intelligence communities have long enjoyed a 'special relationship', working together much more closely than either work with the other European agencies. After September 11th, lots of European countries queued up to help the US catch terrorists. Germany's federal police, the BKA, worked closely with the FBI to piece together the activities of the hijackers in Hamburg and Frankfurt. President Chirac ordered the DGSE, France's main external intelligence agency, to co-operate more closely with the Americans. And various EU member-states sent officers to a counter-terrorist joint task force command center based on a US warship in the Gulf of Aden.

Surprisingly, relations between the US, German and French law enforcement and intelligence communities have stayed healthy to the present day. Shortly after President Bush triumphantly declared the end of hostilities in Iraq, a veteran CIA analyst remarked to the author that collaboration with the French had not only weathered six months of degenerating relations between the Bush and Chirac administrations, but remained, "better than ever before". And last month the joint counter-terrorist task force in the Horn of Africa moved to a base in a former French Foreign Legion post in Djibouti – taking all its European members with it.

After September 11th, European governments also directed the resources of the European Union into the fight against terrorism. They used the EU's limited powers on internal security matters to implement a long-proposed Europe-wide arrest warrant, draw up a common definition of the crime of terrorism, and draft

rules for more joint operations between national police forces. Governments gave Europol, the fledgling EU police office, extra resources and staffed a new Europol counter-terrorist task force with officers from their own national police and intelligence services. British MI6 officers rub shoulders with their Italian, Spanish and Dutch peers, and can exchange information rapidly and plan joint operations more easily. US officials are now exploring whether and how to work with the EU institutions on counter-terrorism and law enforcement issues. The US State Department is considering pushing justice and home affairs and homeland security issues to the top of the agenda for the US mission to the EU. Meanwhile, the Commission has appointed an official dedicated to monitoring justice and home affairs to its Washington delegation for the first time. Europol has posted two officers to Washington to liaise with the US services.

However, intelligence professionals question how long their collaboration can remain healthy when relations between their political bosses are so rocky. Officials fear that anti-Europe figures in the US administration will pressure the intelligence services to start withholding intelligence and shutting the French and Germans out of joint investigations. US intelligence officers also worry that their French counterparts will become less helpful.

Even if the US continues to work well with national security agencies, it may not find it easy to add an effective EU dimension to this transatlantic co-operation. The two sides disagree on a plethora of issues. US officials express frustration that the EU does not always seem to take the terrorist threat seriously. For example, they point to the EU's failure to list the political wing of Hamas as a terrorist organization. "Basically, we see terrorism as an existential threat and [the EU] doesn't," said a senior Pentagon staffer. EU officials retort that they have long experience fighting terrorism, and, in the case of Hamas, they say the experience of the Northern Ireland peace process shows that political channels must be kept open for dialogue.

Differences between the two run deeper than just tactics. The attacks of September 11th have not diminished European distaste for the death penalty, which some US states still use. The two sides disagree over how governments should use their citizens' personal information continue. Many Europeans (and Americans) are aghast at the US detention centres in Guantanamo Bay, where the US government is holding over 600 people – including three minors – without charge. Bush administration plans to try some prisoners in military tribunals with powers to impose the death penalty contribute to the EU's concern that the US is no longer serious about upholding the rule of law.

Europe and the US need each other to counter terrorism. The EU and the US can diminish the risks of future attacks by pooling intelligence. Even the US, with its annual \$30 billion dollar intelligence budget cannot piece the whole intelligence picture together by itself. French and German intelligence have useful 'assets' in parts of the world where the US (and UK) do not. For example, France's North African networks have yielded valuable information on the activities of suspected terrorists. So US intelligence and police officers should remind their politicians of the practical benefits of co-operation with Europe, and point out the stupidity of choosing this as an area in which to "punish" the Europeans. On matters of principle, the two allies should look for practical ways to work around their differences. For example, the EU-US extradition treaty due to be signed on June 25th allows the EU to refuse extradition if a person faces the death penalty, or if the US cannot guarantee a fair trial in a civilian court. Many EU member-states also refuse to extradite their own nationals.

Both the US and the EU must work to insulate their vital counter-terrorist efforts from political disputes in other areas, such as trade or over Iraq. They should build a firewall between the day-to-day co-operation of their security officers and the political disputes at higher levels. The alternative to allow transatlantic political tensions to diminish the security of European and US citizens.

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