

# **The EU and counter-terrorism**

**Daniel Keohane**

**May 2005**

Centre for European Reform, 29 Tufton Street, London, SW1P 3QL

Copyright of this publication is held by the Centre for European Reform. You may not copy, reproduce, republish or circulate in any way the content from this publication except for your own personal and non-commercial use. Any other use requires the prior written permission of the Centre for European Reform.

© CER MAY 2005 ★ ISBN 1 901229 62 9



*The Centre for European Reform is a think-tank devoted to improving the quality of the debate on the European Union. It is a forum for people with ideas from Britain and across the continent to discuss the many political, economic and social challenges facing Europe. It seeks to work with similar bodies in other European countries, North America and elsewhere in the world.*

*The CER is pro-European but not uncritical. It regards European integration as largely beneficial but recognises that in many respects the Union does not work well. The CER therefore aims to promote new ideas for reforming the European Union.*

**Director:** CHARLES GRANT

#### **ADVISORY BOARD**

**PERCY BARNEVIK**..... Board member, General Motors and Former Chairman, AstraZeneca  
**CARL BILDT**..... Chairman, Kreab Group and Former Swedish Prime Minister  
**ANTONIO BORGES**..... Former Dean of INSEAD  
**NICK BUTLER (CHAIR)**..... Group Vice President, Strategy, BP p.l.c.  
**LORD DAHRENDORF** ..... Former Warden of St Antony's College, Oxford & EU Commissioner  
**VERNON ELLIS**..... International Chairman, Accenture  
**RICHARD HAASS**..... President, Council on Foreign Relations  
**LORD HANNAY**..... Former Ambassador to the UN & the EU  
**IAN HARGREAVES**..... Group Director of Corporate and Public Affairs, BAA plc  
**LORD HASKINS OF SKIDBY**..... Former Chairman, Northern Foods  
**FRANÇOIS HEISBOURG**..... Director, Fondation pour la Recherche Stratégique  
**CATHERINE KELLEHER**..... Visiting Research Professor, US Naval War College  
**LORD KERR**..... Director, Rio Tinto, Shell, and Scottish Investment Trust and former Ambassador to the EU & the US, and former Permanent Under Secretary, FCO  
**FIGIELLA KOSTORIS PADOA SCHIOPPA**..... Professor, La Sapienza University, Rome  
**RICHARD LAMBERT**..... Member of the Monetary Policy Committee, Bank of England and former editor, FT  
**PASCAL LAMY**..... Former European Commissioner  
**DAVID MARSH**..... Partner, Droege & Comp. AG  
**DOMINIQUE MOÏSI**..... Senior Advisor, Institut Français des Relations Internationales  
**JOHN MONKS**..... General Secretary, European Trade Union Confederation  
**DAME PAULINE NEVILLE-JONES**..... Chairman, QinetiQ p.l.c. and former Political Director, FCO  
**WANDA RAPACZYNSKI**..... President of Management Board, Agora SA  
**LORD ROBERTSON OF PORT ELLEN**..Deputy chairman, Cable and Wireless, and former Secretary General of NATO  
**LORD SIMON OF HIGHBURY**..... Former Minister for Trade and Competitiveness in Europe  
**PETER SUTHERLAND**..... Chairman, BP p.l.c. & Goldman Sachs International  
**ADAIR TURNER**..... Vice Chairman, Merrill Lynch Holdings Ltd  
**ANTÓNIO VITORINO**..... Former European Commissioner

# The EU and counter-terrorism

## Daniel Keohane

## ABOUT THE AUTHOR

**Daniel Keohane** is senior research fellow at the Centre for European Reform, specialising in security and defence policy. He previously worked at the Institute for National Strategic Studies, National Defense University, in Washington DC. His CER publications include ‘A guide to the referenda on the EU constitutional treaty’, April 2005; ‘Europe in space’, October 2004 (as co-author); ‘Europe’s new defence agency’, June 2004; ‘A European way of war’, May 2004 (as co-author); and ‘The EU and armaments co-operation’, December 2002.

## AUTHOR’S ACKNOWLEDGEMENTS

My sincerest thanks go to the many EU and national government officials who gave up their valuable time to contribute in various ways to this publication. They would understandably prefer to remain anonymous. Many thanks also to Karen Greenberg, Stephen Holmes, Mike Jacobson, Patrick McCarthy, Mónica Roma, Adam Townsend, Jeremy Shapiro, Stephen Szabo and others for their input; to Kate Meakins for design and layout; and to my CER colleagues for reading earlier drafts, and for their support. Any errors of analysis or fact are, of course, my responsibility only.

The CER is grateful to the German Marshall Fund of the US for supporting this publication and its work on transatlantic relations.



## Contents

About the author

Author’s acknowledgements

1	Introduction	1
2	The European approach to counter-terrorism	5
3	Overcoming transatlantic differences	11
4	The EU’s role in counter-terrorism	17
5	An EU counter-terrorism strategy	23
6	Implementing an EU strategy: Intelligence, emergencies and foreign policy	29
7	Conclusion	37

# 1 Introduction

Since terrorist bombs killed 191 people in Madrid in March 2004, EU politicians have argued strongly in favour of greater European co-operation in fighting terrorism. In the EU terrorists – but not policemen – can move easily across national frontiers. Furthermore, al-Qaeda-style cells operate across the globe and may attack anywhere in Europe, and on a much greater scale than long-established European terrorist groups such as ETA and the IRA. Hence the argument that the EU should take on a greater role in helping the member-states to monitor and prevent cross-border terrorist activities in Europe and beyond.

International terrorism is not the only security challenge facing EU governments. They are currently training Iraqi security forces, keeping the peace in the Balkans, Afghanistan and parts of Africa, and trying to convince Iran not to build nuclear weapons. EU governments are also concerned about failing states, such as Sudan and Congo, and the problems posed by organised crime. However, as the Madrid attacks demonstrated, terrorism – in particular radical Islamist terrorist groups – remains a serious threat in Europe and beyond.

One nightmare scenario for European security officials would be to discover, after a terrorist attack, that another EU government had held crucial information about a suspected attacker. For instance, in April 2003 the Italian authorities arrested Mohamed Daki, a Moroccan national, in Milan, for trying to recruit terrorists to fight Americans in Iraq. The Italians discovered that German police had questioned Daki in 2001 about his suspected links to the ‘Hamburg cell’ that carried out the September 11<sup>th</sup> attacks in the US. The Germans could not find any evidence to

arrest Daki, and they lost track of him. Furthermore, the Italians discovered that Daki was planning to leave Italy for another EU

<sup>1</sup> Tim Golden, Desmond Butler, and Don Van Natta Jr., 'Terror suspects slip through Europe's jurisdictional cracks', *International Herald Tribune*, March 23<sup>rd</sup> 2004.

country when they eavesdropped on a call to him from a man in Syria. The caller informed Daki that he had been detected by the Italians and told him to "move yourself to France and await orders".<sup>1</sup>

In the aftermath of a major terrorist attack, it is also conceivable that the 25 EU governments would seal their national borders. Currently, 13 EU member-states plus Norway and Iceland form the vast passport-free travel zone known as the 'Schengen area', and most of the remaining 12 EU members plan to join it in the coming years.<sup>2</sup> However, if Paris, for example, suffered a devastating terrorist attack, similar to the 2001 attacks in New York, there is every reason to assume that the French government would immediately close its borders, just as the US did in 2001. Other EU governments would be likely to follow suit. In that case terrorism

<sup>2</sup> Britain, Ireland and the ten member-states that joined the EU in 2004 are not yet members of the Schengen area.

would have undermined one of the core benefits of EU membership, the freedom of movement across the Union.

There are many things the EU can do, and is doing, to help member-states counter terrorist groups. But the EU's ability to tackle terrorism is limited for at least two reasons. First, the EU is not a national government. It cannot arrest or prosecute terrorists, nor can it use spies or satellites to track them. Local policemen and national intelligence officers carry out most counter-terrorism work, such as infiltrating cells and arresting suspects. During cross-border investigations, governments conduct most of their work bilaterally, rather than at the EU level. National intelligence services are often loathe to share information with more than one other government.

Second, the EU's difficulties are compounded because 'counter-terrorism' is not in itself a defined policy area. In its broadest and fullest sense 'counter-terrorism' spans a number of policy areas. It

requires action from every government department, not only from those charged with law enforcement, border control, and foreign and defence policy. Finance ministries need to track terrorist funding, health ministries should have stockpiles of vaccines, and education ministries should fund academic research into Islamic groups. National governments find it hard to co-ordinate their own ministries and agencies involved in counter-terrorism. Trying to co-ordinate the collective efforts of 25 governments at the EU level is exponentially more difficult.

This paper focuses on the internal security, foreign and defence policy parts of the EU's anti-terrorism efforts. The paper does not discuss other aspects of Europe's fight against terrorism, such as the role of business, education, or the need to tackle social exclusion. In addition, the paper does not address the important topic of how governments should balance freedom and security.

There is a paradox in the EU's role in counter-terrorism. On the one hand, the governments agree in principle that co-operation at the EU level is a good thing because of the cross-border nature of the terrorist threat. On the other, they are slow to give the Union the powers (such as investigation and prosecution) and resources (such as spies and money) it would need to be truly effective. This is because security policy – especially when it concerns protecting citizens – goes to the core of national sovereignty, and governments are reluctant to give the EU powers that could interfere with their existing laws and national security practices. The EU is working hard to co-ordinate national anti-terrorism policies, but it is only just starting to pursue its own counter-terrorism policies.

## 2 The European approach to counter-terrorism

The International Institute for Strategic Studies estimates that there are roughly 18,000 al-Qaeda-trained terrorists at large around the world.<sup>3</sup> No one knows how many active terrorists there are in Europe. But experts think the number could be rising, partly because of Europe's proximity to North Africa and the Middle East – the regions where most Islamist terrorists have traditionally originated. For example, the majority of the Madrid bombing suspects are North African. European police forces also worry that radical groups are recruiting European Muslims. EU governments have made well over 1,000 terrorist-related arrests since 2001 – including over 700 in Britain alone – and numerous cross-border bomb plots have been averted.<sup>4</sup> For example, in December 2004 ten people were convicted in Paris for their part in a planned attack to blow up the Christmas market in Strasbourg. Close co-operation between the French and German governments helped uncover the plot.

<sup>3</sup> *International Institute for Strategic Studies, 'The Military Balance 2004-2005'*.

<sup>4</sup> *UK Home Office, 'Terrorism Act 2000 – Arrest and Charge Statistics', September 2001-December 2004, [http://www.homeoffice.gov.uk/docs3/tatc\\_arrest\\_stats.html](http://www.homeoffice.gov.uk/docs3/tatc_arrest_stats.html).*

EU governments prosecute terrorists in different ways. For instance, Germany, Belgium and the Netherlands have weak terrorism laws and therefore often have difficulty in keeping suspects in jail. In Germany, al-Qaeda suspects remain free, when in other countries they would face arrest. In Britain, where the terrorism laws are tougher, it is the secret services that dominate the country's anti-terrorism efforts. In France and Spain, a special counter-terrorism judge investigates and prosecutes suspected terrorists.

Governments also organise their police forces differently. France and Italy, among others, have two types of police force: one answerable to the defence ministry (the *carabinieri* in Italy, the *gendarmérie* in France), the other to the justice or interior ministry. Denmark, Finland and Ireland have national police forces, centralised under a clearly designated ‘chief’. But the UK and Spain have decentralised police forces – in the UK, for example, there are over 50 separate police forces. In short, there are major differences in the way that EU governments investigate and prosecute terrorists.

But, since all EU countries face a common threat, should there be a shared ‘European approach’ to counter-terrorism? The answer in the European Security Strategy, a document agreed by EU governments in December 2003, is clear: “Europe is both a target and a base for such terrorism...Concerted European action is indispensable.” The strategy makes a particularly pointed reference to the danger of terrorist groups using biological, chemical or even nuclear bombs on European soil. The document goes on to recommend that the EU should take a broad approach to dealing with terrorism, as “none of the new threats is purely military; nor can any be tackled by purely military means...Dealing with terrorism may require a mixture of intelligence, police, judicial, military and other means.”

While much of this EU assessment chimes with the broad outlines of US thinking on global security, most Europeans view the threat of terrorism differently to Americans. The US is fighting a ‘global war on terror’. Osama Bin Laden’s ultimate aim may be to establish a Muslim caliphate, stretching from Indonesia to Morocco, and his primary target may be pro-western Muslim governments, such as Saudi Arabia. However, many Americans argue that the Islamist terrorist threat is a strategic one because al-Qaeda believes that a war between the Islamic world and the West is the best way to achieve its aims. In that sense, global efforts to mobilise against terrorism can be compared with those

required for a world war.<sup>5</sup> For some members of the Bush administration, the ‘regime change’ wars in Afghanistan in 2001 and in Iraq in 2003 are only pieces in the jigsaw that is the war on terror. And some Americans would like to ensure regime change in other countries, such as Iran and Syria, by force if necessary. Radek Sikorski of the American Enterprise Institute has said, only partly tongue-in-cheek, that for neo-conservatives, “Baghdad is for wimps, real men go to Tehran.”<sup>6</sup>

<sup>5</sup> Jonathan Stevenson, ‘Counter-terrorism: Containment and beyond’, *International Institute for Strategic Studies*, November 2004.

<sup>6</sup> Steven Everts, ‘Engaging Iran: A test case for EU foreign policy’, *CER*, March 2004.

Europeans, however, generally do not support the idea of a ‘war on terror’, and tend to characterise the American approach as over-reactive and militarily driven. Europeans worry greatly about terrorist bombings on their soil, but many think that the US approach concentrates too much on averting terrorist attacks in the short-term and not enough on the long-term political challenge of militant Islamist terrorism. This attitude also explains why European governments have generally been much quicker than Washington to criticise the Russian President, Vladimir Putin, and the Israeli Prime Minister, Ariel Sharon, for their frequent military responses to Chechen and Palestinian terrorism. Martin Wolf, a *Financial Times* columnist, perhaps best espoused this type of European criticism when he wrote: “A war against terror is absurd. One cannot fight abstract nouns. To declare war against any or all terrorists is lunacy.”<sup>7</sup> The former head of policy planning in the French foreign ministry, Gilles Andréani, put this sentiment more politely in a recent article, arguing that the war on terror is “a good cause” but the “wrong concept”.<sup>8</sup>

<sup>7</sup> Martin Wolf, ‘We embrace Putin at our peril’, *Financial Times*, September 21<sup>st</sup> 2004.

<sup>8</sup> Gilles Andréani, ‘The war on terror: Good cause, wrong concept’, *Survival*, Winter 2004-2005.

This criticism is partly, but not only, based on Europe’s history with terrorist groups. Some established European terrorist groups,



such as the ultra-nationalist ETA in Spain, are motivated by comprehensible – if unachievable – political goals, although their means are utterly unacceptable. Unlike al-Qaeda, some of these European groups were (and still are in some cases) viewed as ‘freedom fighters’ rather than ‘terrorists’ by significant minorities in the countries in which they operate. A hard-line nationalist party with suspected links to ETA, the Communist Party of Basque Lands, did surprisingly well in the April 2005 Basque regional elections, winning nine out of 75 parliamentary seats. EU governments have learnt that terrorism is a means rather than an end. In other words, European governments try to focus not only on the types of attacks that terrorists intend to carry out, but also on why these people become terrorists and why sections of society support them; and they generally agree that terrorism can only be defeated with a long-term political approach.

European governments also worry about the effect of their policies on their Muslim populations. At present, there are roughly 15 to 20 million Muslims in the EU, but if Turkey joins the Union, the total would exceed 100 million. There is strong evidence that al-Qaeda operatives in Europe are, increasingly, local citizens, rather than non-EU nationals. A recent *Newsweek* article described this growing ‘Euro-jihadist’ phenomenon, whereby more and more European Muslims are joining al-Qaeda-inspired groups. The article highlighted a study by the Nixon Center in Washington, which said that of 373 Muslim terrorists arrested in Europe and the US from 1993 to 2004, 87 per cent were of an immigrant background, but 41 per cent were Western nationals, either naturalised, second generation or converts to Islam. For example, more French nationals were arrested than Pakistani or Yemeni nationals combined.<sup>9</sup> Currently, many of these Euro-jihadists are fighting in Iraq under the direction of Abu Mussab al-Zarqawi – Osama Bin Laden’s alleged *Emir* in Iraq – but eventually some of them will return to Europe. As

<sup>9</sup> Christopher Dickey, ‘Jihad express’, *Newsweek*, March 21<sup>st</sup> 2005.

one senior Scotland Yard official told this author: “We think constantly about the radicalisation of young British Muslim men,

and work very hard to ensure that our counter-terrorist policies are not construed as anti-Muslim, nor give cause for British citizens to join the al-Qaeda movement.”

As a result, most European security officials prefer to use the phrase ‘fight against terrorism’ to describe their approach rather than the ‘war on terror’ favoured by American officials. Patrick McCarthy, a professor at Johns Hopkins University, has neatly summed up this European attitude: “Catching Osama Bin Laden may be an excellent undertaking, but the real goal is to live with and talk to, not about, Islam.”<sup>10</sup>

<sup>10</sup> Patrick McCarthy, ‘Language, Politics and Writing’, *Palgrave Macmillan*, 2002.

### 3 Overcoming transatlantic differences

Europeans are not entirely fair in their criticisms of America's war on terror. The US approach to fighting terrorism is broader and more political than many Europeans believe. For instance, the US Department of Homeland Security is spending \$12 million on research into the root causes of terrorism. In October 2003, the US Secretary of Defence, Donald Rumsfeld, sent a memo to senior Pentagon officials that asked the question: "Are we winning or losing the Global War on Terror?" Rumsfeld pointed out that the US government lacked the metrics to judge success or failure in its war on terror, and wanted to know: "Are we capturing, killing or deterring and dissuading more terrorists every day than the *Madrassas* and the radical clerics are recruiting, training and deploying against us?" Rumsfeld emphasised the need for the US to fashion a broad long-term plan to stop the next generation of terrorists, bearing in mind that the war on terror was costing the US billions of dollars against the terrorists' costs of millions.<sup>11</sup>

<sup>11</sup> 'Rumsfeld's war-on-terror memo', *USA Today*, October 22<sup>nd</sup> 2003.

American experts, and not only neo-conservatives, have also challenged Europe's claim that it has suffered just as much from terrorism as America. Michael O'Hanlon of the Brookings Institution has written: "Many analysts have suggested that Europe has suffered similar terrorism in recent years. But with the important exceptions of the November 2003 attacks in Istanbul and the March 2004 attacks in Madrid, that assertion is unconvincing." O'Hanlon fully accepts that European countries have suffered terribly from terrorism in recent decades, but points out that al-Qaeda killed almost as many people on September 11<sup>th</sup> 2001 as were killed over 30 years in

Northern Ireland. “Given the targets struck, the [2001] attack had the potential – and the intention – to kill ten times as many.

<sup>12</sup> See Michael O’Hanlon’s essay in ‘A European way of war’, CER, May 2004. Furthermore, a group pursuing weapons of mass destruction and bent on apocalyptic terror carried out the attacks.”<sup>12</sup>

Americans are right to point out the differences in ideology, tactics and weaponry between al-Qaeda-style terrorists and long-standing European terror groups. It is also true that, until the recent bombings, the only EU country that had much previous experience of Islamist terrorist activity was France.<sup>13</sup> However, even though there are sometimes differences in emphasis, both the American and European methods mix judicial, police, diplomatic and military means with a long-term political approach to tackling terrorism. The real difference between Europeans and Americans is that the US has

<sup>13</sup> Jeremy Shapiro and Bénédicte Suzan, ‘The French experience of counter-terrorism’, *Survival*, Spring 2003. mainly chosen to fight its war on terror abroad, whereas the Europeans have focused primarily on the threat at home.

This is not to say that the US has done nothing to improve its domestic counter-terrorism policies. Since 2001 Washington has radically overhauled its internal legal, border and intelligence agencies, most notably by creating a new Department of Homeland Security. Nor is it to suggest that European governments have done nothing to pursue terrorists outside Europe. Many EU countries offered their armed forces to the Pentagon for the Afghanistan campaign in 2001 (even if the Pentagon rejected some of the offers). But there are important differences between European and American perceptions of the threat from terrorism.

Defence ministries are often accused of ‘fighting yesterday’s war’. In their strategies, both Europeans and Americans are still responding to their last terrorist attacks, and are not doing enough to prevent future ones. The attacks of September 11<sup>th</sup> 2001 convinced Americans that Islamist terrorism is an existential threat, and that their enemies are located abroad, primarily in the greater Middle

East. Europe’s enemies might be located abroad too; but since they have not yet struck in Europe on a scale comparable to the September 11<sup>th</sup> attacks, EU governments are much more focused on the threat within Europe and on preventing bombings like those carried out in Madrid in 2004. Consequently, EU governments do not yet see the terrorist threat as an existential one, and their past experiences of European terrorism have in some ways blinded them to the different nature of the Islamist terrorist threat today.

As a result, the US is prepared to fight actual wars to tackle terrorism, such as the 2001 campaign in Afghanistan. The Europeans are much less willing to conduct major military operations around the globe to hunt down terrorists. And in any case they lack the military capabilities to carry out such missions by themselves. The EU is unlikely to undertake robust military missions against terrorists outside Europe anytime soon. The British government in particular remains opposed to the idea of the EU performing counter-terrorism operations beyond the Union’s borders; it argues that NATO or national armies should do the job and usually under American leadership. For example, some European countries, including France, Britain and Germany, are already engaged in joint intelligence gathering missions with the US, in places such as Djibouti in East Africa and Afghanistan. Such missions typically involve special forces trying to find warlords for intelligence officers to interrogate.

Besides, Europeans and Americans have differing views on the broader Middle East. At her confirmation hearing in January 2005, the US Secretary of State, Condoleezza Rice, emphasised the central importance of the Middle East to US diplomacy and the war on terror: “In the Middle East, President Bush has broken with six decades of excusing and accommodating the lack of freedom in the hope of purchasing stability at the price of liberty...As long as the broader Middle East remains a region of tyranny and despair and anger, it will produce extremists and movements that threaten the safety of Americans and our friends.” European and American

policies towards the broader Middle East are not, and should not, be defined only by their approaches to counter-terrorism. However, in American eyes, the Europeans place too much stress on stability in the Middle East and not enough on the introduction of democratic and liberal values which, Americans believe, would reduce support for Islamist terrorism.

Despite the differences in American and European attitudes, counter-terrorism co-operation across the Atlantic is very strong. US officials say that they are happy with the help they have received from European capitals – especially from Paris – in sharing information on al-Qaeda cells. The German government has even allowed a US prosecutor and some FBI agents to carry out investigations with a German federal prosecutor across Germany. The US not only works with EU governments but also with EU bodies. In the past year, the US and the EU have signed numerous agreements on sharing airline passenger data, screening shipping cargoes, and on procedures for extraditing terrorist suspects; and the US Department of Homeland Security has sent an attaché to the US delegation in Brussels.

However, the Pentagon and some officials in the State Department would prefer to concentrate on beefing up NATO's role in counter-terrorism, rather than deepening co-operation with the EU. This is partly because the US wants support (especially military assistance) for its global war on terror and NATO has 'gone global', whereas the EU has so far focused mainly on internal security. It is also because the US is the most important member of NATO, whereas it has no say over EU policy. But the 25 EU governments agree that the Union is the best place for them to work together. In Europe, interior and justice ministries typically take the lead on counter-terrorism, whereas it is foreign and defence ministries which co-operate in NATO. The Atlantic alliance has no say over its member-states' laws or police co-operation. In contrast, EU justice and interior ministers meet regularly to pass laws and to agree on common policies for police and judicial co-operation (their foreign and defence counterparts also meet to decide common policies, but they do not

pass laws). In other words, the EU is the only organisation where European governments can collectively 'join up' the counter-terrorism parts of their law enforcement, foreign and defence policies.

However, both Americans and Europeans must ensure that counter-terrorism does not become part of an inter-institutional game to prove that the EU is superior to NATO or vice versa. Instead, the primary aim of transatlantic co-operation in this field should be effective counter-terrorism policies, whether pursued through the EU or NATO (or both). It is crucial, therefore, that NATO and the EU avoid competition in the area of counter-terrorism, as institutional disputes over policy tend to be counter-productive.

Thus the EU and NATO should try to work more closely together. For example, Javier Solana, and the EU's counter-terrorism co-ordinator, Gijs de Vries, should sit in on some of NATO's counter-terrorism discussions. And the US government should strengthen its counter-terrorism co-operation with the EU, particularly by sharing intelligence assessments. The US agencies have a number of bilateral relationships with EU countries, but feed nothing useful to the EU's Situation Centre (SitCen), its intelligence co-ordinating body in the Council of Ministers. For instance, according to one EU official, the organisation had been given "nothing on Hezbollah that we had not already read in the Washington Post." The CIA should send a senior representative to the SitCen, feeding in intelligence assessments when appropriate.<sup>14</sup> The Americans are understandably reluctant to share anything with a multilateral bureaucracy. But if they want to influence EU counter-terrorism policy they should think of following the Israeli example. In March 2005 Israeli intelligence briefed the European Parliament's foreign affairs committee on Hezbollah and its apparent links to terrorism. As a result the European Parliament passed a motion calling for tough measures against Hezbollah.

<sup>14</sup> Charles Grant and Mark Leonard, 'What new transatlantic institutions?' CER Bulletin, April/May 2005.

## 4 The EU's role in counter-terrorism

EU member-states first started working together on terrorism in 1979, when they established the police working group on terrorism. The group brought together senior police officials to compare methods for combating the IRA in Britain and Ireland, the Red Brigades in Italy, and the Baader Meinhof gang in Germany. The growth of cross-border organised crime and soccer hooliganism in the 1980s further accelerated pan-European police co-operation. Member-states made police co-operation a formal EU policy area in the Maastricht treaty of 1991.

After the 2001 attacks in the US, EU governments directed more resources at the fight against terrorism. They created an EU-wide arrest warrant, agreed on a common definition of 'terrorism' and a common list of terrorist groups, and drafted rules for joint operations between national police forces. Governments gave Europol, the EU police agency, extra resources, and set up a counter-terrorism task force consisting of national police officers. The governments also created Eurojust, the EU's nascent law enforcement agency, to help national magistrates work together on cross-border investigations. The European external borders agency in Poland has just started its work to encourage co-operation between national border guards.

In November 2004, the EU's interior and justice ministers, who work together in the justice and home affairs (JHA) council, agreed on a five-year plan known as the 'Hague programme'. The plan covers all aspects of their security and justice co-operation, and is supposed to be implemented by 2010. A number of measures

contained in the Hague programme should prove useful in the fight against terrorism. For example, EU governments have agreed that by 2008 a national police officer will have the right to access information held by law enforcement agencies in other countries. The governments have also asked the Commission to draft proposals for sharing air passenger data, and for improving the security of storing and transporting explosives and chemicals. Furthermore, the interior ministers decided that they “should have the leading

<sup>15</sup> *European Council, Presidency Conclusions, November 4/5 2004.* [http://ue.eu.int/uedocs/cmsUpload/EU\\_4.5-11.pdf](http://ue.eu.int/uedocs/cmsUpload/EU_4.5-11.pdf). role” in the EU’s fight against terrorism, although they intend to take “into account” the views of EU foreign ministers.<sup>15</sup>

In March 2004, only three days before the Madrid bombings, the EU’s foreign and security policy chief, Javier Solana, finished an internal report on the EU’s counter-terrorism efforts. The report identified three major shortfalls: some member-states were not implementing EU agreements, such as the common arrest warrant; the EU lacked sufficient resources to play a meaningful role in counter-terrorism; and co-ordination between EU officials working on law enforcement, foreign and defence policies was poor.

In the aftermath of the Madrid attacks, with the approval of the member-states, Solana appointed Gijs de Vries as the EU’s ‘counter-terrorism co-ordinator’. However, de Vries has virtually no powers, apart from that of persuasion. He has no budget and cannot propose legislation; nor can he chair meetings of national justice or foreign ministers to set the anti-terrorism agenda. His first job is to define the EU’s counter-terrorism role, and to encourage greater co-ordination of national policies at the EU level. For example, the member-states and the Council secretariat have drawn up an extensive list of over 150 measures that the governments and EU institutions should

<sup>16</sup> *European Council, ‘EU plan of action on combating terrorism – Update’, December 2004.* <http://ue.eu.int/uedocs/cmsUpload/EUplan16090.pdf>. undertake, known as the EU counter-terrorism ‘action plan’.<sup>16</sup> De Vries audits the progress of these measures and tries to cajole the member-states to implement them, but he cannot force the governments to act. For

example, the final country to implement the common arrest warrant, Italy, only did so in April 2005, even though it was agreed in late 2001. A senior EU official told this author that de Vries faces an uphill struggle because “only ten of the 25 governments take his role seriously and listen to what he says.” Despite these drawbacks, de Vries has successfully pushed the EU into developing some new counter-terrorism policies. For example, the EU has adopted new laws to curb terrorist funding, and is pushing non-EU countries to adhere to United Nations terrorism conventions.

In addition, de Vries should encourage greater co-operation between the Commission (which drafts legislation on a range of measures such as tackling terrorist financing) and the Council (where national interior and foreign ministers meet to decide EU policies). Commission officials in the justice and home affairs directorate already try to co-ordinate the other Commission directorates that have a role in counter-terrorism. These range from the internal market directorate, which proposes legislation on curbing money laundering, to the research directorate, which finances the development of advanced security technologies like observation satellites. But some Commission officials are suspicious of de Vries, since he works for the national governments in the Council. They fear that, as an ‘agent’ of the governments, de Vries will try to limit the Commission’s role in EU counter-terrorism efforts.

The institutional obstacles to effective EU counter-terrorism policies do not stop there. A plethora of other institutions and committees have a role in different aspects of EU counter-terrorism policies, and de Vries tries to co-ordinate these. They include not only Europol and Eurojust, but also the terrorism working group (which brings together national interior ministry officials), a foreign policy ‘working group on terrorism’ (composed of national foreign ministry officials) and the police chiefs’ task force. A UK House of Lords report, published in March 2005, summed up the enormous challenge facing de Vries:

“In an area where clarity of roles and responsibilities is vital, we found the structures within the EU for combating terrorism complex and confusing.”<sup>17</sup> The report recommends that de Vries should not only co-ordinate the whole EU system, but that he should also propose how to rationalise and streamline the existing committees and institutions.

<sup>17</sup> *House of Lords, European Union Committee, 'After Madrid: the EU's response to terrorism', March 2005. <http://www.publications.parliament.uk/pa/ld200405/ldselect/lddeucom/53/53.pdf>.*

The House of Lords points out that the proliferation of EU committees could have been prevented if Europol had established itself as the lead institution in EU counter-terrorism efforts. But Europol has not been able to claim such a role, in part because some national police forces, and all the national security and intelligence services, do not share information with Europol. Nor do the EU governments take Europol's role seriously enough. For instance, Europol did not have a director between June 2004 and February 2005, due to a dispute between France and Germany, both of which wanted to have 'their' candidate appointed.

To help overcome its institutional complexities, the EU should create a cross-institutional body, a European security committee (ESC). The primary role of the ESC would be to advise European heads of government on security matters. The chairmanship of the ESC should alternate between the EU's High Representative for foreign policy and the chair of the JHA ministerial council. An alternating chair would guarantee that ESC members addressed the concerns of both internal and external security decision-makers. The other permanent members of the ESC should include the counter-terrorism co-ordinator, the chief of the EU military committee, the director of Europol, the justice commissioner and the head of the EU's Situation Centre. The chairman could ask other officials to attend, such as national intelligence chiefs or the aid commissioner, when relevant. The ESC should meet at least monthly, and report to the European Council, the quarterly summits which bring together EU heads of government.

The ESC would identify and quantify threats, and suggest responses. If EU heads of government received the same threat assessments, they would be more likely to agree on a co-ordinated response. For example, the ESC could provide the European Council with a long-term anti-terrorism strategy (see next chapter), drawing upon the full resources of the EU and its member-states. Or the ESC could focus on more specific issues, like the movement of terrorists in and out of EU territory via the Balkans. But the ESC would not employ 'euro-spies' to gather intelligence and would rely on the EU's Situation Centre for information. The ESC would not be a panacea, but it would make it easier for the EU to co-ordinate its internal and external security policies.<sup>18</sup>

<sup>18</sup> *Daniel Keohane and Adam Townsend, 'A joined-up EU security policy', CER Bulletin, December 2003/January 2004.*

The EU does not, and probably never will, run its own counter-terrorist operations. It is the member-states alone that carry out anti-terrorist operations. But EU measures such as the common arrest warrant show that the Union can help the governments in their efforts to identify, extradite and prosecute terrorists. Just as importantly, the EU encourages smaller groups of governments to co-operate more closely on joint investigations and prosecutions. For example, in 2004 France and Spain set up a combined counter-terrorism unit, composed of judges and policemen, to run joint operations. The British and Irish governments have long experience of joint operations to track IRA and loyalist terrorist groups, and they signed an agreement in February 2005 to deepen their anti-terrorism collaboration.

This type of inter-governmental co-operation does not only take place on a bilateral basis. Since May 2003, the interior ministers from the five biggest EU member-states (Britain, France, Germany, Italy and Spain) have met regularly to discuss their counter-terrorism efforts, in the so-called G5 group. Other multinational groupings include the Benelux countries, the 'Salzburg group' (Austria, the Czech Republic, Poland, Slovakia and Slovenia, with Ukraine participating as an observer), and the Baltic Sea task force

(Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia and Sweden). Furthermore, a number of Mediterranean countries have started pooling their coastguards, and holding joint sea exercises, not only to track terrorists, but also drugs, weapons and people-smuggling gangs. The EU rightly encourages these types of flexible arrangements, designed to encourage better cross-border co-operation, rather than relying solely on agreements between the 25 governments in Brussels.

## 5 An EU counter-terrorism strategy

The EU has been slow to build an effective institutional infrastructure for counter-terrorism, while EU governments have been sluggish at implementing parts of the counter-terrorism action plan. But what the EU needs most of all is a clear counter-terrorism strategy to guide and inform the work of the disparate EU institutions and the member-states. The EU's plethora of committees and its action plan of 150-plus measures are useful. But the institutions will not have much effect over the long-term unless they work towards the same well-defined objectives. The European Council, which brings together the heads of EU governments, should take the lead and agree on an EU counter-terrorism strategy as soon as possible.

As a first step, EU governments need to agree on the nature of the threat from Islamist terrorism. Are most Islamist terrorists part of the al-Qaeda network, aiming to establish a new Muslim caliphate? Or are some of them motivated by more specific local grievances, such as corrupt pro-Western regimes in countries such as Egypt, or a perception that some EU governments are anti-Muslim? Philippe Errera, the deputy director of planning at the French foreign ministry, argues that Europe and the US face three overlapping 'circles' of threat from Islamist terrorism.<sup>19</sup> The first circle consists of the core members of the al-Qaeda network, such as those who carried out the attacks of September 11<sup>th</sup> 2001. Western governments cannot, and should not, negotiate with these people. They should concentrate solely on capturing or eliminating them. However, Errera points out that even if all core al-Qaeda members were captured, the Islamist terrorist threat would not disappear. He argues that the world is entering into a 'post-al-Qaeda' phase of terrorism. In a similar vein, Jason Burke, a British journalist, asserts

<sup>19</sup> Philippe Errera, 'Three circles of threat', *Survival*, Spring 2005.



<sup>20</sup> Jason Burke, 'Think again: Al-Qaeda is a global terrorist organisation', *Foreign Policy*, May/June 2004.

that "al-Qaeda is more lethal as an ideology than as an organisation".<sup>20</sup>

In the second circle are ethno-nationalist groups in places such as Kashmir, Chechnya and Lebanon. These groups share some of al-Qaeda's Islamist ideology but their primary objectives are local rather than global. Some of them have already established contacts with al-Qaeda (the Kashmiri Lashkar-e Taiba and some Chechen nationalists), while others may do so in the future (for example, Hezbollah in Lebanon and the Palestinian Islamic Jihad). Aside from monitoring possible links between al-Qaeda and these local groups (such as joint training camps or weapons trading), Western governments should concentrate on encouraging local solutions to each conflict, to ensure that these groups do not 'go global' with al-Qaeda's help. Some European governments have broad experience of dealing with ethno-nationalist terrorists, such as ETA in Spain and the IRA in Ireland and Britain. They have developed a three-pronged strategy designed to disrupt the terrorists, encourage the political wings of these groups to engage in regular politics, and address the underlying issues that nourish the terrorist groups. These strategies should be useful models for the governments involved in these conflicts.

The third circle, Errera says, is the least understood and potentially the most dangerous. It consists of freelance 'jihadists': Islamist terrorist groups or individuals, based anywhere in the world, who may or may not be inspired by Bin Laden, and may have no direct connection with the al-Qaeda network. Errera suggests that this type of group was responsible for the Madrid bombings. The former director of the CIA, George Tenet, described this phenomenon to the US Senate Armed Services Committee in 2004: "[They] are redefining the threat we face. They are not all creatures of Bin Laden, and so their fate is not tied to his. They have autonomous leadership, they pick their own

<sup>21</sup> Cited in Errera, *op cit.* targets, they plan their own attacks."<sup>21</sup>

No one knows for sure how many terrorists belong to such jihadist groupings; the numbers could amount to a few hundred or many

thousands. An Italian magistrate told this author: "These types of terrorists have no set profile. They are often European nationals, well-educated, have no criminal record, do not practice a religion; nor have they given any prior signal that they intend to carry out terrorist acts." The main aim for Western governments should be to ensure that these groups do not grow significantly from thousands to tens of thousands. To achieve this, EU governments need to find answers to two key problems: how to better integrate Muslims into European society; and, along with the US, how to encourage democratic reform throughout the Middle East. Obviously, neither social integration nor Middle Eastern democratic reform will take place quickly or easily. Moreover, governments need to emphasise that social integration and democratic reform are worthwhile goals on their own merits, and should not be pursued solely as part of a counter-terrorism strategy.

During the Cold War, the basic idea behind the US strategy for countering Soviet power was 'containment', and its nuclear weapons strategy was based on the concept of 'deterrence'. Similarly, based on Errera's threat assessment, the overall aim of an EU counter-terrorism strategy should be 'isolation'. The EU should try to isolate potential terrorists from their supporters, supplies and targets, both in Europe and around the world. EU governments, therefore, need to develop a multi-faceted long-term approach – mixing political, judicial, police, diplomatic and even military means – at home and abroad. A strategy of isolation should have three tactical elements: integration; investigation; and insulation.

#### ★ Integration

The EU is the result of one of the most successful attempts to bring together people from different countries. However, the EU does not tell its member-states how to integrate their disparate citizens, nor should it. EU governments are already well aware of the difficulties of social integration, for example

the need to assimilate growing numbers of Muslim citizens in countries such as Austria, Germany, France and the Netherlands. However, the EU can encourage countries to learn from each other's experiences. In addition, EU policies can play a small symbolic role in helping to reduce the perception of alienation among some European Muslims. The eventual accession to the EU of Turkey, Bosnia-Herzegovina and Albania, countries with large Muslim populations, would show that the EU is not anti-Muslim. It would also prove that many predominantly Muslim countries are well-functioning, tolerant democracies – a precondition for EU entry.

<sup>22</sup> Mark Leonard, *'Why Europe will run the 21st century', Fourth Estate, 2005.*

The EU should also use its foreign policy to reduce the support base for Islamist terrorists across the Muslim world, by encouraging the spread of democratic, economic and legal reforms. The EU has been very good at inducing legal, democratic and economic reforms in countries that want membership. It should try to use a similar approach with Middle Eastern countries, which will not join the Union, but have close trade, aid and diplomatic links with the EU.<sup>22</sup> The EU is already trying to foster greater cultural understanding between Europe and the Muslim world. For example, the EU is talking to Pakistan and Indonesia about initiating a 'dialogue among religious communities' – a conference has been scheduled with the Indonesian government for July 2005. The EU should go further in supporting this dialogue. For instance, the EU could fund academic exchange programmes between European universities and those in the Muslim world, modelled on the hugely successful 'Erasmus scheme' (a student exchange programme between European universities).

### ★ Investigation

The EU should do more to encourage its governments to improve their law enforcement co-operation and practices. EU

governments should not only think about how they gather and share intelligence, but also how they go about capturing, arresting and prosecuting terrorists. EU measures such as the common arrest warrant should help the member-states to increase judicial co-operation. Eurojust should also help national prosecutors to co-ordinate cross-border terrorist investigations. But some member-states do not use Eurojust for cross-border cases, which restricts that institution's usefulness – Cyprus, Greece, Italy, Luxembourg and Spain have yet to implement the 2002 decision to set up Eurojust.

In addition, EU governments should consider how to develop international law enforcement co-operation. The EU is pressing United Nations (UN) governments to adopt a common definition of terrorism, and to reform their laws and security practices. Many countries in other parts of the world do not have terrorism laws, nor have they signed up to all UN counter-terrorism agreements. The UN has twelve conventions relevant to the fight against terrorism. But only 57 of the UN's 191 members are party to all of them, while 47 countries have ratified fewer than six. However, such EU attempts lack credibility as long as EU governments themselves refuse to sign and ratify them. Only five of the twelve UN counter-terrorism conventions have been signed and ratified by all 25 EU governments. Belgium and Ireland have not yet ratified the 1997 convention on terrorist bombings; the Czech Republic and Ireland have not ratified the 1999 convention on terrorist financing. Gijs de Vries has managed to convince the six members of the Gulf Co-operation Council to step up efforts at curbing terrorist funding, starting with the UN convention on this issue – previously only Bahrain has already signed and ratified it.<sup>23</sup> EU governments should also collectively deepen their intelligence and law enforcement co-operation with key third countries, such as Egypt, Indonesia, Morocco, Pakistan and Saudi Arabia.

<sup>23</sup> The six members are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

### ★ Insulation

'Insulation' covers areas like protecting citizens and critical infrastructure, such as power stations and railway lines, from terrorist attacks; ensuring that governments can provide relief quickly in the event of an attack (see next chapter); and preventing the theft of explosives and weapons-of-mass-destruction (WMD). EU governments should not only think about how to 'insulate' potential targets in their own countries. They should also consider how they could help other countries to protect their critical infrastructure. For example, if terrorists attacked cross-border oil pipelines in the volatile Caucasus region, they could cut energy supplies to EU countries. The EU has already stepped up its funding for the UN's nuclear and chemical weapons watchdogs, the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons (OPCW), which seek to prevent such weapons from falling into the hands of terrorists. The Union has also agreed several initiatives with Russia on destroying Russian nuclear and chemical stockpiles.

EU defence ministers have already agreed in principle that their armed forces should be prepared to respond to crises outside Europe, including terrorist attacks. There are conceivably some longer-term scenarios in which EU governments would have to contemplate intervening militarily to hamper terrorist activities. For example, if the Pakistani state collapsed, the military high command could lose control of its nuclear facilities, and there would be a danger of terrorists acquiring atomic weapons. In this case, European governments, along with the US, might need to intervene militarily to secure the nuclear plants.

## 6 Implementing an EU strategy: Intelligence, emergencies and foreign policy

The 25 governments cannot implement an EU counter-terrorism strategy overnight. They are struggling to put into practice many of the measures already agreed. For instance, the German constitutional court (BVG) is currently considering a case which demonstrates the EU's difficulties in balancing civil liberties with security. In November 2004, Germany was about to send Mamoun Darkazanli, a German-Syrian citizen who is suspected of financing al-Qaeda, to Spain. Madrid had requested Darkazanli's extradition using the EU common arrest warrant. One of the key arguments used by Darkazanli's lawyers is that the European arrest warrant violates the German constitution on human rights grounds.

Traditionally, a suspected criminal can only be extradited if the crime he is accused of is an offence in both countries. The EU arrest warrant comes with a list of crimes that warrant extradition. But this list is vague – for example, it includes 'sabotage' which is not a crime in Germany. So in theory a German national accused of something that is not a crime in Germany could be sent to another EU country for trial. In addition, Germany has very liberal rules on detaining suspects, and Darkazanli could easily try to escape. Spain has much tougher anti-terrorism laws, and if he were extradited Darkazanli would not be allowed to roam free around Madrid. The German BVG must therefore consider if Darkazanli's human rights would be adversely affected if he were extradited to Spain.

Despite such difficulties, the EU should move more quickly with its counter-terrorism efforts in some specific policy areas. Gijs de Vries has had some success in developing specific policies, for example on curbing terrorist funding. The European Parliament is currently reviewing an EU directive on money laundering, which would impose controls on cross-border transfers of amounts greater than €10,000 – a significantly lower threshold than in most countries around the world. But, if the EU is to implement a wide-ranging strategy of isolating terrorists, it must develop its policies in other areas. The three priority areas for EU counter-terrorism co-operation in the near future should be: information sharing (part of investigation); responding to emergencies (insulation); and making counter-terrorism a foreign policy priority (integration). In each of these areas there are a number of things the EU can and should do to help the member-states.

### Intelligence co-operation

Reliable information is the key to preventing terrorist activities. The EU already has a number of databases which contain useful counter-terrorism information. These include the Schengen information system (which collects information on people entering the Schengen area) and Eurodac (a database of asylum-seekers). The EU is also setting up a visa information system, and the European Commission has proposed to set up a centralised criminal record database. These databases are all helpful, but the existing systems are not able to exchange information with each other, since they use different types of technology. The EU should ensure that governments are able to compare and exchange information between all these databases.

A non-EU body, the ‘Club of Berne’, brings together the heads of all 25 EU domestic intelligence services, plus those from Norway and Switzerland. In 2001 the intelligence heads set up the counter terrorism group (CTG), to co-ordinate their work in this area. The CTG co-operates closely with the EU, although there are no formal

links – most national intelligence services are reluctant to give the EU any formal role. After the Madrid attacks, Austria and Belgium proposed that the EU should set up a European version of the CIA. However, there is no chance of the EU creating an intelligence agency with its own ‘euro-spies’ and satellites. The G5 governments, which are the EU countries with the greatest intelligence resources, strongly oppose such a move, fearing it would result in leaks. Their intelligence agencies would rather share their most sensitive information with just a few countries. In March 2005, the G5 decided to create a common data bank of those suspected of connections to terrorist organisations, and to establish a single point of contact for information on the theft or loss of weapons and explosives.

Even so, all 25 governments have agreed that the EU’s Situation Centre should provide them with strategic analyses of the terrorist threat. SitCen is located in the Council secretariat and reports to Javier Solana. It brings together national experts to analyse intelligence assessments from the member-states (rather than raw intelligence). The national officials decide what information they want to send to SitCen. Previously, SitCen analysts only assessed threats emanating from outside EU territory. Since January 2005 they have combined those external assessments with information from internal security services, and from Europol.

This small development is significant because SitCen can encourage EU foreign, defence and internal security officials, as well as national security services, to co-ordinate better their thinking on the terrorist threat. One of the problems for national security establishments is the division between internal and external services. In Britain MI5 collects information on potential threats in the UK, while MI6 analyses the rest of the world. Because al-Qaeda is a global network, this type of territorial approach is ill-suited for a comprehensive understanding of the threat. To overcome these divisions, the British government set up a joint terrorism analysis centre (JTAC) in 2003, bringing together representatives from the

eleven government departments and agencies that are involved in different aspects of counter-terrorism. The JTAC is designed to encourage officials to join up their disparate pools of information and approaches. Spain and Germany are currently copying this British model. The advantage of the EU's SitCen is that it already uses this joined-up approach.

### Emergency response

If a terrorist attack occurs, governments have to mobilise ambulances, firemen, police and sometimes soldiers as quickly as possible to provide relief to the victims. They also have to ensure that crucial public services, such as power stations and railway lines, are disrupted as little as possible. After the Madrid attacks, EU governments signed a 'solidarity clause', pledging to help any EU country that fell victim to a terrorist attack. The EU already has a response centre, located in the Commission's environment directorate. It is supposed to co-ordinate the assistance offered by EU governments in case of natural or man-made disasters inside the EU. It was active, for instance, during the floods in Central Europe in August 2002, and the forest fires in Portugal and France in August 2003.

However, the capacity of the response centre is very limited. Before the Italian government revoked his candidacy for the job of justice commissioner in November 2004, Rocco Buttiglione suggested that the European Commission should create a 'homeland security' directorate, based on the US Department of Homeland Security. For example, if Vienna suffered a biological attack, Austria's neighbours could be affected – infectious agents can travel easily through the air – and there would be a need for an EU-level response. A homeland security directorate would seem to be an obvious place to organise an EU-level response to cross-border terrorist attacks. However, the Commission does not have any police forces, soldiers or emergency services. Only national governments have these resources and can decide how to use them, and they are not willing to cede any powers in this area to the Commission.

Instead the governments have agreed on a 'peer review process' of their emergency response capabilities and practices. This process should encourage the governments to share best practice, and build up their emergency response capacities. It should also help them to think of ways they can help each other during an emergency. For example, if there were a terrorist attack in Strasbourg, and German fire engines crossed the border to help, would the German fire hoses fit into French water pumps? To assist this process, Gijs de Vries presented some recommendations to the EU governments last December, and the European Commission is currently drawing up a database of the capacity of each member-state to provide emergency relief and protect its critical infrastructure.

The European Commission spent just over €6 million on civil protection in 2003. EU governments are presently negotiating the outlines of the next EU budget, which will run from 2007 to 2013. As part of its proposals for that budget, the Commission wants to set up a 'security research programme'. This programme could fund a variety of advanced technologies that would help national officials to cope with terrorist attacks. For example, increased access to secure satellite-based communications, imagery and navigation technology would help police, emergency response services, and armed forces to co-ordinate their actions in response to a terrorist attack.<sup>24</sup> The Dutch government ran an anti-terrorism drill in April 2005, code-named 'Bonfire', which simulated a terrorist attack at a concert. One of the main flaws the exercise exposed was a lack of communication between government services. The Swedish government has already decided that its police, soldiers and emergency services will employ a joint communications system, to overcome exactly this type of problem. The security research programme could also fund other technologies which may help the 25 EU governments to detect terrorists. For instance, sophisticated iris scans could make it easier for border officials to identify terrorists. The Commission wants this security fund to have a

<sup>24</sup> Carl Bildt, Mike Dillon, Daniel Keohane, Xavier Pasco and Tomas Valasek, 'Europe in space', CER, October 2004.

minimum budget of €1 billion a year (the total EU budget is currently about €100 billion).

<sup>25</sup> *Gustav Lindstrom, 'Protecting the European homeland – the CBR dimension', EU Institute for Security Studies, July 2004.*

Finally, EU governments also need to discuss further the internal aspects of their defence policy, and in particular how to prevent or respond to chemical, biological

or even nuclear attacks. For instance, EU governments should hold more joint emergency response exercises – the EU has had only one major exercise, called EURATOX, in 2002 – and build up their vaccine stockpiles.<sup>25</sup> The EU needs to avoid competition with NATO, which already plays an important role co-ordinating cross-border defence co-operation, including military responses to emergencies. For example, NATO radar planes patrolled Portuguese airspace during the 2004 European football championship. EU officials should discuss with their NATO counterparts how each organisation can complement the others' efforts.

### EU foreign policy and counter-terrorism

The overwhelming focus of EU counter-terrorism efforts so far has been on internal law enforcement. But the EU also needs to put counter-terrorism at the core of its external relations. The European Commission often includes anti-terrorism clauses in its agreements with other countries, which usually cover a whole range of issues, such as human rights, development assistance and trade. But the counter-terrorism parts of these agreements are so vague as to be meaningless. The Commission has started giving money to a few countries, for the express purpose of improving their ability to curb terrorist activities and to protect their critical infrastructure. Pilot schemes have been inaugurated with Pakistan, Indonesia and the Philippines. But EU officials admit that these programmes have had “mixed results” so far.

Aside from money, some EU governments also offer counter-terrorism training to soldiers and police from non-EU countries.

The UK, for example, is training members of the Pakistani security forces in counter-terrorism techniques. The Union's JHA ministers agreed in November 2004, as part of their Hague programme, to establish a network of national counter-terrorism experts for training security forces in other countries. But most EU countries cannot afford to send many trainers abroad, and there is little co-ordination of those that do.

These types of training programme should be expanded for two reasons. First, European experts can help other countries to reform their legal and security practices – a team of EU magistrates is currently in Georgia helping that government reform its judicial system. Second, training missions abroad should help EU governments to deepen their intelligence co-operation with key countries in the fight against terrorism, such as Pakistan. But for the EU to expand these types of training programme would require money. For example, this summer the EU will start training 770 Iraqi magistrates, police and prison officers, on a budget of €10 million over twelve months. EU governments, therefore, should give Javier Solana and Gijs de Vries a counter-terrorism training budget, of say €50 million a year, to pay for more EU national experts to train police and security forces in third countries.

More generally, in their efforts to tackle the root causes of Islamist terrorism, European governments need to re-think long-term policies towards the greater Middle East. During the 1970s, 1980s, and 1990s Europe and the US were quite effective at promoting peaceful democratic change in Latin America, Central and Eastern Europe, and much of East Asia. Both linked human rights and democratic change to their overall economic and political bilateral relationship with the country concerned. However, Europe has not tried this kind of approach in any systematic way with the Middle East. As one senior EU official told this author: “There is an element of a Greek tragedy about American and European policies towards the Middle East. The US talks a good game about promoting democracy, but it has lost much political capital because of its

military action in Iraq, and is perceived by many in the Arab world to be ill-suited to bringing about democratic reform in the Middle East. The Europeans have a much stronger 'brand name' in the Middle East, and should be better placed to encourage democratic reform, but they do not seem to want it badly enough."

Many Europeans have criticised America's attempt to project democratic values through the military invasion in Iraq. But they have tended to overlook American non-military efforts in the region, such as the \$293 million Washington has spent on the Middle East partnership initiative since 2002, to support economic, political, and educational reform efforts in the Middle East. The Europeans are much more reluctant to explicitly link their trade, aid, and diplomatic policies in the Middle East with bringing about democratisation. For example, between 2003 and 2006 the EU is spending an impressive €5 billion on the 'Euro-Mediterranean partnership' (also known as the 'Barcelona process'), which brings together the 25 EU governments and twelve countries from North Africa and the Middle East. But most of this money is spent on traditional development programmes, such as infrastructure projects, and only €10 million is spent on assisting democratic reform. The EU should do more to encourage democratic reform throughout the Middle East. As Javier Solana wrote in March 2005: "Things are stirring in the Middle East. There is a sense of possibility and optimism as a crescendo of voices calls for more pluralism, more accountability and, yes, more

democracy. With its history of peaceful revolution, its large market and its aid budget, Europe has a unique role to play. The time has come to answer Europe's democratic calling in the region."<sup>26</sup>

<sup>26</sup> Javier Solana, 'Europe's leading role in the spread of democracy', *Financial Times*, March 14<sup>th</sup> 2005.

## 7 Conclusion

Since the Madrid bombings, the EU has had mixed results in developing its counter-terrorism policies. The EU's counter-terrorism action plan, which the member-states updated in December 2004, looks impressive on paper. It contains over 150 measures, covering a broad range of counter-terrorism co-operation, from emergency response to curbing terrorist funding. But the EU does not have the powers, such as investigation and prosecution, to tackle terrorism like a national government. The EU can help governments to identify, extradite and prosecute terrorists, but it is only slowly developing its own anti-terrorism policies.

For example, the EU has made some progress in encouraging governments to improve their police and judicial co-operation, and some aspects of their information sharing. But national police and intelligence services carry out most counter-terrorism work, and often collaborate with their peers in other countries on an informal basis, rather than through EU channels. National governments still tend to see EU agreements, such as the common arrest warrant, as useful rather than crucial in their fight against terrorism.

But there is still much the EU can do to help the member-states with their counter-terrorism efforts. As Gijs de Vries has advocated, the EU should take on a greater role in encouraging the member-states to build up their capacity to respond to terrorist attacks. And the governments should make counter-terrorism a greater priority for EU foreign policy. The EU's focus on counter-terrorism has been mainly on internal law enforcement policies. However, international co-operation is crucial in the fight against terrorism, and the EU should work more closely with other countries.

The EU also needs a counter-terrorism strategy to guide the work of the disparate EU institutions and the member-states. The EU's countless counter-terrorism committees and its extensive action plan will not have much long-term impact unless they are all working towards the same basic aim. The central goal of an EU counter-terrorism strategy should be to isolate potential terrorists both in Europe and around the world. Achieving this goal will not be easy, as it will require EU governments to manage a multi-faceted and long-term approach, at home and abroad. If the EU could develop the counter-terrorism parts of its law enforcement, foreign and defence policies, based on an agreed strategy, it could start to become a much more effective counter-terrorism actor.

There is no doubt that international terrorism is a threat to European and global security. Terrorist attacks like those carried out in the US in 2001, Indonesia in 2002, Turkey in 2003 and Spain in 2004, demonstrate the seriousness of the threat. To defeat international terrorism requires governments around the world to co-operate on a wide range of policy areas, from law enforcement to foreign and defence policy. In Europe the EU is the obvious place for its 25 member-states to join up their efforts at monitoring and preventing cross-border terrorist activities. European officials rightly point out that the EU can bring together political, financial, judicial, police, diplomatic and even military means, all of which have a role to play in the fight against terrorism. But it is also true that the EU's security policies (internal and external) are young and relatively untested. More effective counter-terrorism policies would show Europe's citizens that the EU has a vital role to play in protecting their security, as well as contributing to a more secure world.



- ★ **Embracing the dragon: The EU's partnership with China**  
*Pamphlet by Katinka Barysch, with Charles Grant and Mark Leonard (May 2005)*
- ★ **The EU's common fisheries policy: The case for reform, not abolition**  
*Policy brief by Aurore Wanlin (April 2005)*
- ★ **The Lisbon scorecard V: Can Europe compete?**  
*Pamphlet by Alasdair Murray and Aurore Wanlin (March 2005)*
- ★ **What happens if Britain votes No? Ten ways out of a constitutional crisis**  
*Pamphlet by Charles Grant (March 2005)*
- ★ **Ukraine after the orange revolution**  
*Policy brief by Kataryna Wolczuk (February 2005) web only*
- ★ **When negotiations begin: The next phase in EU-Turkey relations**  
*Essay by Heather Grabbe (November 2004)*
- ★ **A fair referee? The European Commission and EU competition policy**  
*Pamphlet by Alasdair Murray (October 2004)*
- ★ **An asset but not a model: Turkey, the EU and the wider Middle East**  
*Essay by Steven Everts (October 2004)*
- ★ **Europe in space**  
*Pamphlet by Carl Bildt, Mike Dillon, Daniel Keohane, Xavier Pasco and Tomas Valasek (October 2004)*
- ★ **Over but far from finished - the EU's financial services action plan**  
*Policy brief by Alasdair Murray (September 2004)*
- ★ **The CER guide to the EU's constitutional treaty**  
*Policy brief by the CER (July 2004)*
- ★ **Europe's new defence agency**  
*Policy brief by Daniel Keohane (June 2004)*
- ★ **How the EU should help its neighbours**  
*Policy brief by Heather Grabbe (June 2004)*
- ★ **The EU and Russia - Strategic partners or squabbling neighbours?**  
*Pamphlet by Katinka Barysch (May 2004)*
- ★ **A European way of war**  
*Pamphlet by Steven Everts, Lawrence Freedman, Charles Grant, François Heisbourg, Daniel Keohane and Michael O'Hanlon (May 2004)*



Ever since terrorist bombs killed nearly 200 people in Madrid in March 2004, EU politicians have argued for greater European co-operation in fighting terrorism. The EU can help its member-states to hamper, capture and prosecute terrorists, but is only just starting to develop common policies. Daniel Keohane argues that the Union could and should do more to assist EU governments in preventing and responding to terrorist attacks. And he argues that, given the importance of international co-operation in fighting terrorism, EU governments need to make counter-terrorism a greater priority for EU foreign policy.

Daniel Keohane is senior research fellow at the Centre for European Reform.

May 2005

ISBN 1 901 229 62 9 ★ £5/€8