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**US and EU Efforts to Fight Terrorism: Same Ends, Different Means – Or
Same Means, Different Ends?**

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Introduction

The US and European Union are natural partners in the global fight against transnational terrorism, but bureaucratic, cultural, and tactical differences threaten to hinder progress. This article shows how different dimensions of and approaches to fighting terrorism can work at cross-purposes. By recognizing these disparate dimensions within an overall framework, both sides can pursue opportunities in fostering greater counterterrorism cooperation while minimizing the impediments.

Dimensions of the Problem

One of the challenges in fighting transnational terrorism is to understand the different aspects of the task. Terrorism itself is not an easy term to characterize or define. Nor is it a new phenomenon. Scholars have debated the threat of international terrorism long before the attacks of September 11th.² Since the end of the Cold War, the role of non-state actors forming transnational networks and adopting the methods of political violence associated with low intensity conflict and insurgency (e.g., bombings, kidnapping, assassinations, hostage taking, etc.) has increased, especially in geographic regions where governance is weak or non-existent.³ In fact, David Fromkin in 1991 argued that the dynamic between international order and internal stability (or governance) perhaps could pose the greatest challenge to the modern state system. In Fromkin’s

² For example, see Charles W. Kegley, Jr., ed., *International Terrorism: Characteristics, Causes, Controls* (New York: St. Martin’s Press, 1990); Shireen T. Hunter, “Terrorism: A Balance Sheet,” *Washington Quarterly* 12 (Summer 1989), 17-29; Robert Oakley, “International Terrorism,” *Foreign Affairs* 65 (Summer 1987), 611-629; and Walter Laqueur, “Reflections on Terrorism,” *Foreign Affairs* 65 (Fall 1986), 86-100.

³ James E. Dougherty and Robert L. Pfaltzgraff, Jr., *Contending Theories of International Relations* (Reading, MA: Addison-Wesley, 1997), 309.

prescient words, “The overarching issue, as the twenty-first century may come to see it, will not be one cause against another, or one power against another, but order versus anarchy.”⁴ A major component of the instability comes from the tactics and strategies of transnational terrorists, regardless of their disparate motivations.

Analysts have noted that there are multiple facets to terrorism, and many have argued that the United States cannot win the “war against terror” alone and will need to use more than the military instrument to combat it.⁵ For example, RAND analyst Nora Bensahel identifies several different functional areas where governments must work together against terrorists. These include: military; financial; law enforcement; intelligence; and stabilization and reconstruction.⁶ One might also add diplomacy and public diplomacy to the list. While all these dimensions are important, diplomacy and public diplomacy are particularly important because they serve as an umbrella framework for the others. Diplomacy sustains the various coalitions, and public diplomacy addresses the long-term goal of persuading the world that democratic values and respect for rule of law are more beneficial to humanity and global prosperity than ideologies focused on perpetuating intolerance, instability, and destruction. The functional dimensions to combating terrorism are necessarily different but they are also interconnected. Sometimes they overlap, and the partners working together may be more involved in some areas than others.

⁴ David Fromkin, “The Coming Millennium: World Politics in the Twenty-First Century,” *World Policy Journal* (Spring 1991), 4.

⁵ For example, see Andrew J. Pierre, ed., *Coalitions: Building and Maintenance* (Washington, DC: Institute for the Study of Diplomacy, Georgetown University, 2002). Also, see James J. Carafano and Paul Rosenzweig, *Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom* (Washington, DC: Heritage Books, 2005).

⁶ Nora Bensahel, “A Coalition of Coalitions: International Cooperation Against Terrorism,” *Studies in Conflict and Terrorism* 29 (2006): 35-49.

The United States recognizes the challenge ahead and is working with partners – including the European Union (member states and institutions) in all areas of counterterrorism. As then-Coordinator for Counterterrorism Henry Crumpton told a Senate Committee on Foreign Relations, “Dealing with the threat from violent extremism, therefore, requires that we and our partners wage a traditional campaign using our judicial, law enforcement, financial, military, and diplomatic resources.” He went on to say that this effort would not be easy or quick or one that the United States could succeed on its own. “Countering violent extremism involves a world-wide effort. It will last decades, if not longer.”⁷

Approaches to Counterterrorism: At Cross-Purposes?

Some critics have argued that the US and EU are incompatible when it comes to fighting terrorism because the two sides approach the issue so differently.⁸ It is true that US and European counterterrorism efforts reflect many differences: different histories; legal traditions (even within Europe); perceptions of the causes; and instruments for attacking the problem. From the US perspective, radicalization of Islamic extremists stems in part from opposition to US policy (especially in the Middle East), while in Europe, it is seen as flowing in part from alienation and economic and cultural discrimination. But just because Americans and Europeans do not conceptualize the problem in the same way because of their different historical traditions and experiences,

⁷ Henry A. Crumpton, “Islamist Extremism in Europe,” Statement before the Senate Foreign Relations Committee, Subcommittee on European Affairs (April 5, 2006), 2.

⁸ For example, see Jonathan Stevenson, “How Europe and America Defend Themselves,” *Foreign Affairs* (March/April 2003): 75-90; Wyn Rees and Richard Aldrich, “Contending Cultures of Counterterrorism: Transatlantic Convergence or Divergence,” *International Affairs* 81 (2005): 905-923; and “Terror Litmus Test,” *Wall Street Journal Europe*, February 15, 2005.

does that mean that the two sides actually are irreconcilable when it comes to fighting terrorism? In order to answer this question, one must first address the different approaches.

D⁴ versus P³R

Both the United States and the European Union have produced counterterrorism strategies, but note the contrasts in their respective documents. The American strategy has four main components:

- Defeat terrorist organizations of global reach;
- Deny further sponsorship, support, and sanctuary to terrorists;
- Diminish underlying conditions that terrorists seek to exploit;
- Defend the homeland and extend defenses abroad.⁹

The European Union’s Counterterrorism Strategy also has four main components:

- Prevent people turning to terrorism by tackling root causes;
- Protect citizens and infrastructure;
- Pursue and investigate terrorists and bring them to justice;
- Respond (prepare) to manage and minimize consequences of an attack.¹⁰

Such emphasis provides insight into the different approaches. The following section characterizes the broad American and European approaches and then judges whether these differences are enough to prevent practical cooperation among the multiple dimensions of terrorism. First, let us examine the American approach.

⁹ The White House, *National Strategy for Combating Terrorism* (Washington, DC: February 2003), 15-28.

¹⁰ Council of the European Union, *The European Union Counterterrorism Strategy* (Brussels: November 30, 2005), 2.

US Approach: War, External, Proactive

The American approach may be described by three words: war, external, and proactive. Each of these will be briefly examined.

First, the US sees the fight against terrorism as a “war.” The National Security Strategy starts off by saying that “America is at war.” Consequently, there has been a heavy input from the Defense Department and armed forces in disrupting terrorist networks. Al-Qaida is considered a non-state actor, and American officials have been consistent in describing the war as different from a conventional military conflict between nation states, but an armed conflict nonetheless. As the State Department’s legal advisor has argued:

[The United States was] clearly justified in using military force in self-defense against al-Qaida. Al-Qaida is not a nation state, but it planned and executed violent attacks with an international reach, magnitude, and sophistication that could previously be achieved only by nation states. Its leaders explicitly declared war against the United States, and al-Qaida members attacked our embassies, our military vessels, our financial center, our military headquarters, and our capital city, killing more than 3,000 people in the process. In our view, these facts fully supported our determination that we were justified in responding in self-defense, just as we would have been if a nation had committed these acts against us.¹¹

Second, the US approach places an emphasis on the external. For the United States, the extraterritorial nature of the al-Qaida network (not to mention the Taliban government in Afghanistan, which harbored al-Qaida terrorists) led the Americans to view the threat’s external dimension. Consequently, the US approach consistently has been to “take the fight” to the enemy and push the borders out. Such a “forward defense”

¹¹ John Bellinger III, “Legal Issues in the War on Terrorism,” Speech given to London School of Economics, October 31, 2006.

approach is consistent with US national security policy since the end of the Cold War. As Dan Hamilton writes, “Despite the impact of September 11 on the United States, the natural instinct in a nation bounded by two oceans is still to fight one’s enemies abroad so one doesn’t need to fight them at home.”¹² Thus, the focus of the American counterterrorism strategy has been to reach out to beyond Europe to the rest of world, including the Philippines, Russia, China, Pakistan, India, and Australia. As the National Counterterrorism Strategy states, “As our enemies exploit the benefits of our global environment to operate around the world, our approach must be global as well.”¹³ This is one reason why the US developed the Container Security Initiative. The logic was to reach out to improve port security before potential threats reached American shores. A similar rationale with respect to airline passengers motivated the search for a mechanism for using Passenger Name Record (PNR) information to conduct security checks.

Third, the US approach has been proactive. From an institutional perspective, the US created the Department of Homeland Security (DHS) and implemented major reform of the Intelligence Community in order to be better prepared for future threats. In May 2003, the US launched the Proliferation Security Initiative (PSI). The PSI’s goal was “to create a more dynamic, creative, and proactive approach to preventing proliferation to or from nation states and non-state actors of proliferation concern.”¹⁴ It also explains why the US has promoted reform and democracy in the Middle East, recognizing that economic and democratic opportunities are needed to counter radicalized ideologies.

¹² Daniel Hamilton, “Introduction: Transforming Homeland Security: A Road Map for the Transatlantic Alliance,” in Esther Brimmer (ed) *Transforming Homeland Security: US and European Approaches* (Washington, DC: Center for Transatlantic Relations, 2006), xiii.

¹³ *National Strategy for Combating Terrorism*, Washington, DC (February 2003), 29.

¹⁴ “The Proliferation Security Initiative” Factsheet. [Available at <http://usinfo.state.gov/products/pubs/proliferation>], (Accessed April 19, 2007).

Again, in the words of the National Counterterrorism Strategy, “Finding a solution to the Israeli-Palestinian conflict is a critical component to winning the war of ideas. No other issue has so colored the perception of the United States in the Muslim world.”¹⁵

EU Approach: Crime, Internal, Reactive

Primary responsibility for most European counterterrorism policies remains with the 27 EU governments, which have presented coordination problems both within the EU and between the US and EU. How have they approached counterterrorism cooperation? Three words describe the EU approach: crime, internal, and reactive.

Europeans are quick to note that they have had to deal with terrorism long before September 11, 2001. The British confronted the Irish Republican Army (IRA), the Spanish fought the Basque separatists (ETA), and Germans the Baader Meinhof, to mention just a few of the more famous examples. However, many of these counter-terrorist efforts were different from the current circumstances in two respects: national approach and political end. In the pre-September 11th environment, Europeans approached counterterrorism primarily on a national basis against primarily national groups with defined political ends who were at times open to negotiation. Moreover, the prime goal for these groups was not to inflict massive casualties but to incite fear and move the national government to a particular political end.¹⁶

Changes since the end of the Cold War, however, have forced European governments to reevaluate the need to cooperate at a regional, rather than national level.

First, implementation of the Single Market during the late 1980s and early 1990s

¹⁵ *National Strategy for Combating Terrorism*, 24.

¹⁶ See Jonathan Stevenson, “How Europe and America Defend Themselves,” *Foreign Affairs* (March/April 2003): 75-90.

introduced the concept of free movement – of goods, people, services, and capital. If internal borders were to be broken down, then external borders needed to be strengthened.

Second, globalization – advances in communication and transportation – made it easier for people to transit Europe than ever before. Globalization also made it easier for small groups, including non-state actors, to organize. One of the significant differences between before and after September 11 has been recognition of the transnational nature of terrorism. Al-Qaida is a global network.

Third, geopolitical events – the first Gulf War, the collapse of the Soviet Union, and the Balkan wars – increased the level of organized crime by disrupting societies and creating opportunities for exploitation in ungoverned areas. Scholars have observed the linkages between terrorist groups and organized criminal entities. For example, in Spain, al-Qaida raised funds from credit card schemes.¹⁷ In Belgium, forged passports and diamond smuggling were used for money laundering. In Germany, privacy laws were exploited to store contraband. In Italy, counterfeit couture raised funds for locals, and Russian and Albanian mafia groups smuggled people into the UK.¹⁸ They also heightened the risk that small groups would be in a position to inflict mass casualties through unconventional means.

Finally, demographic dynamics – especially increases in migration and differences in birth rates – have made Europe a home for a percentage of Muslims, some of whom may become radicalized and recruited to violent extremism, thus increasing the

¹⁷ Fernando Reinares, “Hacia una caracterización social del terrorismo yihadista en España: implicaciones en seguridad interior y acción exterior,” *ARI 34/2006* (Madrid: Real Instituto Elcano de Estudios Internacionales y Estratégicos, 2006).

¹⁸ Interviews with EU officials, Brussels, May 31, 2006. Also, see “The Transatlantic Dialogue on Terrorism: Initial Findings,” (Washington, DC: CSIS, August 2004).

potential for homegrown terrorists. The ability of Europeans to fight these seemingly disparate situations has become crucial. As experts have noted to Congress, Europe has become both a terrorist launch pad (as in 9/11 attacks) and a target in its own right (3/11 and 7/7 attacks).¹⁹ Moreover, as the United States adjusted its homeland defenses, making it harder for terrorists to attack the US directly, Europe itself became more vulnerable. At the same time, the longer Europeans squabbled amongst themselves or delayed improving their homeland security, the United States remained vulnerable.²⁰ Thus, the dynamic was set in place where trust was needed, and yet recriminations across the Atlantic seemed to erode that trust.

It is clear from reading almost any EU document that Europeans regard terrorism as primarily a criminal, not military, act. A review of the EU Counterterrorism Action Plan and EU Counterterrorism strategy reveals that the emphasis is on legislation to criminalize terrorism. “Framework Decisions” are the main instruments for such legislation. In contrast to economic and trade legislation, where the European Commission has significant power, counterterrorism falls under the so-called Third Pillar of Justice and Home Affairs. Framework Decisions are made by the national ministers (usually Justice or Interior), and unanimity is the rule.²¹

Even the section of the EU Counterterrorism Strategy on “Pursue” reflects a domestic criminal law flavor. The EU will “work to reinforce the international consensus

¹⁹ Robin Niblett, “Islamic Extremism in Europe,” Statement before the Senate Foreign Relations Committee, Subcommittee on European Affairs (April 5, 2006); Henry A. Crumpton, “Islamic Extremism in Europe,” Statement before the Senate Foreign Relations Committee, Subcommittee on European Affairs (April 5, 2006); and Daniel Benjamin, “Islamic Extremism in Europe,” Statement before the Senate Foreign Relations Committee, Subcommittee on European Affairs (April 5, 2006).

²⁰ Stevenson, “How Europe and America Defend Themselves,” 76.

²¹ For example, see Hugo Brady and Monica Roma, “Let Justice Be Done: Punishing Crime in the EU” *Center for European Reform Policy Brief* (April 2006), [Available at www.cer.org.uk]; and Balzacq and Carrera, “The EU’s Fight Against International Terrorism: Security Problems, Insecure Solutions.”

through the United Nations and other international bodies and through dialogue and agreements (which include counter-terrorism clauses).”²² While European states are doing much more in terms of pursuing, disrupting, and dismantling terrorist networks, the EU rhetoric fosters an impression in the United States that engaging terrorists in dialogue or having a clause in a Third Party agreement will be sufficient to stop those wishing to inflict mass casualties through catastrophic terrorism.

Second, unlike the US, which views counterterrorism with a heavy external dimension (the *Global* War on Terror), EU member states have been, necessarily, much more focused on the internal dimension. The lead agencies in counterterrorism are not the defense ministries, but rather the interior and justice ministries. Interior and Justice Ministers are at the center of European counterterrorism policies. They and their respective intelligence services are the ones taking the lead on disrupting terrorist networks. The European Security and Defense Policy (ESDP) in practical terms has had very little direct connection to counterterrorism. From the ESS standpoint, ESDP’s emphasis is on regional conflict stabilization and reconstruction, peacekeeping, rule-of-law, and humanitarian missions.²³ The idea that European military personnel would be used to guard European soil (in a Homeland Defense function) has little resonance in European capitals – for both historical and political reasons.²⁴

²² Council of the European Union, “The European Union Counterterrorism Strategy,” (Brussels: November 30, 2005), 14.

²³ The June 2004 European Council report did request the Political and Security Committee (PSC) to develop a conceptual framework identifying how ESDP could relate to the fight against terrorism. The subsequent framework emphasized how ESDP external peacekeeping operations complement counterterrorism by contributing to external stability. Examples include the EU’s border monitoring in Gaza. See European Council Report 14797/04, “Conceptual Framework on the ESDP Dimension of the Fight Against Terrorism,” [Available at <http://www.consilium.europa.eu/uedocs/cmsUpload/ESDPdimension.pdf>], Accessed March 31, 2007.

²⁴ For example, see Ralph Thiele, “Intervention und die Sicherheit zu Hause in Deutschland: Transformation der Sicherheitspolitik unter neuen Vorzeichen,” in Heiko Borchert (ed) *Weniger*

EU member states are interested in protecting their critical infrastructure and are pursuing policies to do so. Guarding approaches are the provenance of EU Transport Ministers. They are the ones to agree on measures to protect airports, including screening of luggage from potential explosives. The EU created the Agency for the Management of External Borders (FRONTEX). Located in Warsaw and operational since October 2005, FRONTEX oversees national border guard training, risk analysis, technical and operational assistance to member states, and external border management. Finnish Director Ilkka Laitinen has a staff of about 70 persons and a 2006 budget of €15.7 million, and he must rely on voluntary contributions from member states.²⁵ In February 2007, 19 of 29 countries (including non-EU Schengen members Norway and Iceland) committed equipment to FRONTEX for border monitoring operations. However, the pledges amounted to only half of the border agency’s stated equipment needs.²⁶

Finally, counterterrorism at the EU level may be characterized as reactive, with Europeans engaged in furious activity shortly after an attack, followed by a slowdown as measures become bogged down in their implementation by politics and sovereignty concerns. The EU has made progress primarily as a result of the shock of actual or attempted terrorist attacks. The most notable are: the 9/11 attacks, the Madrid bombings in 2004, the London bombings in 2005, and the August 2006 plot in the UK.

Before the September 2001 attacks, the EU had no common definition or penalties for terrorism. The Tampere Agenda, which was introduced under the Finnish

Souveränität – Mehr Sicherheit (Hamburg: Verlag E.S. Mittler & Sohn, 2004). Also, see Daniel Hamilton, Bengt Sundelius, and Jesper Grönvall, eds., *Protecting the Homeland: European Approaches to Societal Security – Implications for the United States* (Washington, DC: Center for Transatlantic Relations, 2005).

²⁵ Meeting with FRONTEX officials, Warsaw, October 17, 2006.

²⁶ Renata Goldirova, “EU Cross-border Police Pursuits Blocked,” EUObserver.com (February 15, 2007), [Available at <http://euobserver.com>], (Accessed February 16, 2007).

EU presidency in 1999, had stalled.²⁷ The main focus at the time was how best to allow EU citizens to take full advantage of the Single Market and the Schengen area.²⁸

However, 9/11 was a wake-up call for EU member states. The power of external shock revealed how vulnerable the EU was internally. In response, the EU acted with relative speed. Member states agreed to a common definition of terrorism. They created a common list of terrorist organizations and clearinghouse for freezing terrorist assets. They agreed to strengthen the European Police Office (Europol) and introduce a common European arrest warrant (EAW). The manner in which the Europeans negotiated the EAW was different from past practices. EU member states consulted with the US early and often. Previously, in the case of bilateral mutual legal assistance treaties (MLAT), Europeans would consult among themselves, and shut out US officials.

In December 2003, the EU produced a European Security Strategy (ESS). The ESS listed the main threats to Europe – terrorism, WMD proliferation, regional and/or ethnic conflict, state failure, and organized crime.

These accomplishments notwithstanding, momentum soon lagged. The EAW, agreed in December 2001, was not actually adopted by all member states until 2004. Even then, there were problems. In February 2005, the European Commission noted that eleven of the then-25 member states had made mistakes when transposing the arrest

²⁷ For background on the Tampere Agenda and earlier attempts to cooperate in this area, see John D. Occhipinti, *The Politics of EU Police Cooperation: Toward a European FBI?* (Boulder, CO: Lynne Rienner, 2003); Kristin Archick, *Europe and Counterterrorism: Strengthening Police and Judicial Cooperation*. Congressional Research Service Report (July 23, 2002), and Monica Den Boer and Jörg Monar, “Keynote Article: 11 September and the Challenge of Global Terrorism to the EU as a Security Actor.” *Journal of Common Market Studies* 40 (Annual Review, 2002): 11-28

²⁸ When the Amsterdam Treaty came into force in May 1999, the Schengen Agreement became part of the legal and institutional framework of the EU for dealing with asylum/migration, visa policy and rights of third-country nationals, immigration policy, and external border controls. All members of the EU-15 (except UK and Ireland) participate fully in Schengen. Because of certain Nordic agreements, Norway and Iceland also are Schengen members. Switzerland, although not an EU member, joined Schengen in 2005. The new EU member states are expected to participate in Schengen beginning in 2007.

warrant legislation into national law.²⁹ The cultural/bureaucratic differences between law enforcement/police and intelligence approaches, as well as fears that EU institutions were encroaching upon national sovereignty, limited further cooperation. Unanimity was required in the terrorist clearinghouse, meaning that a single member state could prevent Hamas or Hizbollah from being put on the list.

The March 2004 Madrid train bombings re-energized Europeans to pursue coordinated action against terrorism. EU member states established a Counterterrorism Coordinator, naming former Dutch Deputy Interior Minister Gijs De Vries to the post. Answering to the member states, De Vries was responsible for streamlining the EU’s counterterrorism instruments, assessing the terrorist threat in Europe, and monitoring member-state implementation of EU-mandated legislation. However, member states equipped him to do his job with only token staff and budget, and no operational authority.³⁰ After three years in the job, De Vries decided not to renew his contract and stepped down at the end of March 2007. The value of the Coordinator’s post was called into question in a recent European Parliament Report.³¹

The Situation Center (SITCEN) took on additional responsibility to provide information and analysis on EU-wide terrorist threats. The Brussels unit is small, comprised mostly of experts seconded from national governments.

The July 2005 London bombings were an additional wake-up call. The fact that the suicide bombers were homegrown added a new and disturbing dimension to European

²⁹ Hugo Brady and Daniel Keohane, “Fighting Terrorism: The EU Needs a Strategy Not a Shopping List,” Centre for European Reform Briefing Note (October 2005), 2. Available at www.cer.org.uk.

³⁰ Interview with EU official, Brussels, May 31, 2006.

³¹ Honor Mahony, “EU Anti-terror Coordinator to Step Down,” EU Observer (February 12, 2007) [Available at <http://euobserver.com>], (Accessed February 16, 2007).

efforts. The EU agreed to a counterterrorism strategy in November 2005. Prominent in the strategy was the need to combat the radicalization and recruitment of terrorists.³²

In December 2005, the EU published its Action Plan on Combating Terrorism. The Action Plan is a detailed matrix of activities, with a goal of measures to be taken, deadlines, and appropriate EU entities responsible.

The thwarted plots in August 2006 in the UK, as well as one in Germany, reminded Europeans that they were still quite vulnerable to attack. The plot in Germany was particularly troublesome because the German government had been strongly against the war in Iraq. This revealed that no one was immune. As early as April 2004, Bavarian Interior Minister Günther Beckstein had warned his fellow Germans that they should not “delude themselves” into thinking that they were exempt from becoming a potential terrorist target just because they had opposed the US-led invasion against Iraq.³³

At a September 2006 Justice and Home Affairs Council meeting, EU president Finland urged fellow member states to create an instrument that would provide common principles for storing information from video surveillance of major traffic junctions.³⁴

Terrorism Threat is real

Even if transatlantic threat perceptions vary somewhat, American and European officials generally agree on the threat and that it is real. A cursory comparison of the US national security strategy and EU security strategies is a case in point. According to the

³² “The European Union Strategy for Combating Radicalization and Recruitment to Terrorism,” November 24, 2005. [Available at <http://www.consilium.europa.eu>], (Accessed April 14, 2007).

³³ Günther Beckstein, “Bedrohung internationaler Terrorismus: Was muss Deutschland für die Innere Sicherheit tun?” in *Homeland Security – Die Bedrohung durch den Terrorismus als Herausforderung für eine gesamtstaatliche Sicherheitsarchitektur*, ed. Deutsche Gesellschaft für Auswärtige Politik, Berliner Forum Zukunft, (April 29, 2004), 5.

³⁴ “Changing Nature of Terrorism Requires a Continuing Response from EU Security Authorities,” Finland EU Presidency Press Release, September 21, 2006.

2002 US National Security Strategy, global terrorism is a major threat to democratic regimes and the civilized world.³⁵ The European Security Strategy of December 2003 lists terrorism as one of five key threats to the EU.³⁶ The attacks in Madrid and London have helped European governments recognize that they are not immune. European intelligence officials believe that as many as thirty “spectacular” attacks have been planned since September 11.³⁷ In October 2006, EU officials conducted a mock exercise to test their preparedness for a wave of terrorist attacks. In the exercise scenario, officials had to respond to a near-simultaneous terrorist attack in five EU cities. The purpose was to see how well EU institutions such as the Commission and Council Secretariat coordinate their various responses. According to Commission officials, the EU’s joint capacity was pretty good, although a review of the exercise highlighted the need for better use of communication technology.³⁸ In March 2007, Europol released its first EU terrorism trends report, which stated that the terrorist threat to the EU is “more serious than ever.”³⁹

However, even as the threat perceptions within government circles across the Atlantic have narrowed, the perceptions among publics in different EU states and the US continue to vary widely.⁴⁰ For many Europeans, the attacks on Madrid and London were viewed as attacks on Spain and the UK, not the EU, and they were attacks based on those

³⁵ The White House, *National Security Strategy of the United States* (Washington, DC: September 2002), 1-2.

³⁶ Javier Solana, “A Secure Europe in a Better World,” (Brussels: December 12, 2003), 3.

³⁷ Benjamin, “Islamic Extremism in Europe,” 1.

³⁸ AFP, “EU Institutions’ Preparedness for Terror Attacks Tested,” October 31, 2006.

³⁹ Europol, *EU Terrorism Situation and Trend Report 2007* (The Hague: March 2007), 7.

⁴⁰ See The German Marshall Fund of the United States, *Transatlantic Trends – Key Findings 2006*. Also, see Gerd Föhrenbach, “Transatlantic Homeland Security and the Challenge of Diverging Risk Perceptions,” in Esther Brimmer (ed) *Transforming Homeland Security: US and European Approaches* (Washington, DC: Center for Transatlantic Relations, 2006), 43-55. Föhrenbach arrives at a similar conclusion, but he argues that the gap in threat perceptions is greater between government and public than between the US and EU.

countries’ participation in Iraq rather than because they were considered modern, Western states.⁴¹ Such variance in public attitudes may constrain government officials from taking greater risks in implementing controversial counterterrorism measures.

EU officials are making a concerted effort to deal with the danger of radicalization and recruitment. EU member states are aware that Islamist extremists pose a potential threat, but have different ways of dealing with the problem.⁴² Muslims in certain European countries continue to feel alienated or disaffected even if they have lived in the country for years.⁴³ A recent study of 242 jihadi terrorists in Europe concludes that more than 40 percent were born in Europe and an additional 55 percent were raised or long-term residents in Europe.⁴⁴ A mini-summit of EU justice ministers was held in London on August 16, 2006 to discuss new security measures. At a press conference afterwards, EU Justice Commissioner Frattini recommended blocking websites that “incite to commit terrorist actions.” While stressing that he favored a European Islam, Frattini also suggested that Imams should be trained to “incorporate European values in their teachings.”⁴⁵

However, dealing with Muslim minority populations within Europe will be particularly problematic because of uneven distribution of Muslims among the member

⁴¹ Föhrenbach, “Transatlantic Homeland Security and Diverging Risk Perceptions,” 49.

⁴² See Paul Gallis et. al., *Muslims in Europe: Integration Policies in Selected Countries* (Washington, DC: Congressional Research Service, November 18, 2005). Also, see Frederick Kempe, “Europe’s Middle East Side Story,” *Wall Street Journal* (July 29, 2003).

⁴³ For example, see Office of Research, “Spanish Muslims Do Not Feel Deeply Rooted in Spain,” (Washington, DC: US Department of State, October 11, 2005). In the survey, eight in ten Muslims in Spain said that they had personally experienced racism and discrimination due to their ethnicity or religion. Moreover, Muslims living in Madrid reported feeling more alienated (and less Spanish) from the general public than Muslims living elsewhere in Spain.

⁴⁴ Edwin Bakker, “Jihadi Terrorists in Europe, Their Characteristics and the Circumstances in Which They Joined the Jihad: An Exploratory Study,” (The Hague: Clingendael Institute, January 2007).

⁴⁵ EU Observer, (August 17, 2006).

states, and the political and religious sensitivities involved.⁴⁶ [Table 1] The origins of Muslim populations in EU states also differ (i.e., British Muslims generally from South Asia; German Muslims from Turkey; and French Muslims from North Africa). One proposal put forward by the Europeans was to develop a “non-emotive lexicon” for discussing issues “in order to avoid linking Islam to terrorism.” Yet, in the same paragraph, the EU strategy talks about encouraging the “emergence of European imams” and engaging with “Muslim organizations and faith groups that reject the distorted version of Islam put forward by al-Qaida and others.”⁴⁷

In any event, European officials generally have shied away from a public debate over the long-term solution of integrating and assimilating these populations into their societies.⁴⁸ The very notion that the current threat may be internal, combined with their previous experience with domestic terrorism in the 1970s and 1980s, led Europeans to consider the domestic criminal law framework.

Institutional Dimension

Besides contrasting approaches to counterterrorism, the US and EU must contend with various institutional dynamics as well. Asymmetries in perceived vulnerabilities affect how different EU member states support addressing the problem at the EU level. Moreover, the primary institutional link for the United States remains NATO. The

⁴⁶ See International Crisis Group Europe Report 181, *Islam and Identity in Germany*, March 14, 2007; For a representative look at the debate over integrating Muslims into European society, see *Der Spiegel*, “Haben wir schon die Scharia?” (13/2007), 22-35; and *The Economist*, “The Uncomfortable Politics of Identity” (October 21, 2006), 48.

⁴⁷ Council of the European Union, “The European Union Strategy for Combating Radicalization and Recruitment to Terrorism,” (Brussels, November 24, 2005), 4.

⁴⁸ Esther Brimmer, “From Territorial Security to Society Security: Implications for the Transatlantic Strategic Outlook,” in Esther Brimmer (ed) *Transforming Homeland Security: US and European Approaches* (Washington, DC: Center for Transatlantic Relations, 2006), 31.

following chart [Table 2] shows the progress made toward counterterrorism by NATO and the EU. Not surprisingly, the NATO elements fall mainly in the military/homeland defense dimension, while the EU efforts are more holistic. However, the progress on the EU front is quite uneven. Numerous efforts included in the Action Plan are rhetorical, with implementation continuing to fall to the member states, often stalled in national assemblies.⁴⁹

There also are tensions within the EU institutions themselves. The relationship between the Council Secretariat, the Presidency country, and the Commission is only one aspect. Within the Commission, there are coordination challenges among the various Commissioners: Frattini (Justice, Freedom, and Security), Kovacs (taxation; combating fraud and counterfeiting) and McCreevy (internal market and head of the Financial Action Task Force on Money Laundering – FATF).⁵⁰ Moreover, the increase in autonomous EU agencies (e.g., FRONTEX, Europol, Eurojust, and European Data Protection Supervisor) has the potential of complicating coordination simply because of new bureaucratic actors seeking to define their roles and missions.

Prospects for Cooperation

What are the prospects for transatlantic counterterrorism cooperation? The following section will discuss the prospects based on the different dimensions of counterterrorism and will analyze where the prospects are brighter, or where further work needs to be done.

⁴⁹ Stefania Bianchi, “EU: Madrid Resolutions Fade Away,” *Terraviva Europe* (March 10, 2005). Available at <http://www.ipsterraviva.net/Europe>. Also, see Brady and Keohane, “Fighting Terrorism,” 1.

⁵⁰ Europolitics, “Frattini Wrests Control of Data Protection from McCreevy,” (March 9, 2005), Available at <http://eisnet.eis.be>. Accessed March 10, 2005.

Military. On the military front, NATO’s International Security Assistance Force (ISAF) continues to be an area where the US and its allies have consensus on the need to remain engaged. However, such cooperation and commitment have been tested in recent months, and continued participation cannot be taken for granted. The EU is considering an ESDP police mission in Afghanistan, which would be linked to NATO ISAF operations.

In Europe, the Alliance has made progress in the area of homeland defense – including guarding approaches to NATO borders (especially maritime), upgrading air defense capabilities, and improving coordination in consequence management.⁵¹

Diplomatic. On the diplomatic front, there are three main areas where the Americans and Europeans should focus: promoting democratic values and the rule of law, the Middle East, and Iran. These areas, while distinct, are not unrelated.

Promoting democracy is crucial for achieving a long-term solution to the fight against terrorism. Respect for human life and the rule of law are the foundation of modern Western society. These are the concepts that radical extremists seek to undermine. Diplomatic efforts to find peaceful solutions to intractable conflicts and to support democratic movements through the development of legitimate institutions remain a hallmark of US foreign policy and goal for US-EU cooperation. According to the 2006 US National Security Strategy, “In the world today, the fundamental character of regimes matters as much as the distribution of power among them. The goal of our statecraft is to

⁵¹ For more, see “Transatlantic Homeland Defense,” CTNSP/INSS Special Report (May 2006), available at www.ndu.edu. Also, see José María Aznar et. al., *NATO: An Alliance for Freedom* (Madrid: FAES, 2005) and Friedrich Steinhäusler and Frances Edwards (eds), *NATO and Terrorism. Catastrophic Terrorism and First Responders: Threats and Mitigation*. (Heidelberg: Springer, 2005).

help create a world of democratic, well-governed states that can meet the needs of their citizens and conduct themselves responsibly in the international system.”⁵²

Thus, the US and EU should continue the practice of working together to encourage good governance, help other countries build sound administrative and judicial institutions, and cooperate in areas where there are weak or failing states. Supporting and reinforcing these concepts at home will reinforce the legitimacy of promoting them abroad. As Brimmer states, “Democracy is a fundamental component of creating a just society providing a mechanism for the governed to select their leaders and participate in decision-making. A just society is better and more stable than an unjust one.” Ultimately, Brimmer argues, “Our security policies must not degrade these features, which are central to what makes our society worth defending in the first place.”⁵³

Working to find diplomatic solutions to the problems in the Middle East represent a second area where the US and EU can work together.⁵⁴ Solving the conflict between Israelis and the Palestinians would not eliminate the threat of transnational terrorism, but it might go a long way to diminishing recruitment and radicalization. As the EU Counterterrorism Strategy states, “[W]orking to resolve conflicts and promote good governance and democracy will be essential elements of the Strategy...in order to address the motivational and structural factors underpinning radicalization.”⁵⁵

Finally, dealing effectively with Iran has the potential of reducing tension in the Middle East. US and Europe can ease the threat of terrorism by persuading Tehran that supporting terrorist groups such as Hizbollah is inconsistent with Iran’s long-term interest

⁵²*The National Security Strategy of the United States*, (Washington, DC: The White House, March 2006), 1.

⁵³ Brimmer, “From Territorial Security to Societal Security,” 31.

⁵⁴ See Steven Everts, “The Ultimate Test Case: Can Europe and America Forge a Joint Strategy for the Wider Middle East?” *International Affairs* 80, 4 (2004): 665-686.

⁵⁵ “The European Union Counterterrorism Strategy,” 7.

in gaining respect and participating in the international system. Americans and Europeans must also work together to curb Iranian nuclear activities, which would reduce the threat of WMD proliferation.

Homeland Security and Law Enforcement. A balance must be found between protecting society at large from terrorist attack and preserving the civil liberties of individuals that form the foundation of modern Western civilization. It would be facile to suggest that there is a stark transatlantic rift on this issue, where Americans ignore civil liberties and the Europeans uphold them. According to latest Transatlantic Trends survey, European and American views toward civil liberties are remarkably close (in fact, Europeans support greater government authority than Americans with respect to surveillance cameras and monitoring bank transactions, while they are the same with respect to monitoring internet communication and phone calls).⁵⁶ There are valid differences between the way that Americans and Europeans treat and protect personal information. EU countries tend to have formal systems and a tradition of independent data protection supervisors. Europeans also seem more receptive to privacy intrusions by allowing for national identity cards, a notion that many in the US would consider to be an unacceptable infringement of their privacy rights.⁵⁷ The EU itself has been wrestling with the issue of data protection within Europe.⁵⁸ Analysts and scholars on both sides of the Atlantic hold a range of views on the subject, and the debate no doubt will continue.⁵⁹

⁵⁶ German Marshall Fund of the United States, *Transatlantic Trends – Key Findings 2006* [Available at www.transatlantictrends.org], 8.

⁵⁷ John Bellinger III, “Reflections on Transatlantic Approaches to International Law,” Remarks at the Duke Law School Center for International and Comparative Law, November 15, 2006.

⁵⁸ See “Presidency response to the press release of the European Data Protection Supervisor,” German EU presidency, (April 11, 2007), [Available at http://www.eu2007.de/en/News/Press_Releases] (Accessed April 12, 2007).

⁵⁹ For example, see Thierry Balzacq and Sergio Carrera (eds), *Security versus Freedom: A Challenge for Europe’s Future* (Hampshire, UK: Ashgate Publishers, 2006); Oliver Lepsius, *The Relationship between*

Despite the different traditions and approach to data privacy, the two sides have succeeded in reaching information sharing agreements that have advanced our counterterrorism cooperation. Shortly after the September 2001 attacks, the US and EU formed a counter-terrorism task force. Included in this task force were liaisons between the FBI and Europol. In December 2001, the first Europol Agreement was signed, involving strategic information exchange. A second Europol Agreement for even closer cooperation was signed in 2002. The US-EU Mutual Legal Assistance (MLAT) and Extradition Treaties were signed in June 2003.⁶⁰ The US-EU MLAT allows for the use of new techniques, such as joint investigative teams and videoconference technology to take testimony from foreign-located witnesses, possibly reducing the risk of critical evidence or information slipping through the bureaucratic cracks.

Along with the MLAT, the US-EU Extradition Treaty formalizes an institutional framework for law enforcement relations with the EU member states. The treaty creates new law enforcement relationships and updates older bilateral treaties that did not cover modern offenses such as money laundering.

Other agreements include an October 2006 agreement with Eurojust that will permit greater transatlantic cooperation in prosecutorial matters. Washington and

Security and Civil Liberties in the Federal Republic of Germany After September 11 (Washington, DC: AICGS, 2001); Francesca Bignami, “Protecting Privacy against the Police in the European Union: the Data Retention Directive,” *Chicago Journal of International Law* (Spring 2007); Donald Kettl, *The Worst is Yet to Come: Lessons from September 11 and Hurricane Katrina* (Philadelphia, PA: University of Pennsylvania, 2005); Anja Dalgaard-Nielsen and Daniel S. Hamilton (eds), *Transatlantic Homeland Security: Protecting Society in an Age of Catastrophic Terrorism* (London: Routledge, 2006); and Stephen E. Flynn, *America the Vulnerable: How Our Government is Failing to Prevent Us from Terrorism* (New York: Council on Foreign Relations/Harper Collins, 2004).

⁶⁰ For more on transatlantic police cooperation during this period, see John Occhipinti, “Policing Across the Atlantic: EU-US Relations and Transnational Crime-Fighting,” *Bologna Center Journal of International Affairs* (May 2005).

Brussels continue to work on accords on PNR data. As European Commissioner Frattini said at an April 5th meeting with US officials in Berlin:

The transatlantic security partnership is particularly strong in the area of justice, freedom, and security....At a time of global threat from international terrorism, security issues play a significant role in the cooperation between the EU and the United States. In order to overcome these challenges together, we must closely coordinate our efforts, share information, and cooperate on law enforcement as much as possible.⁶¹

The US Attorney General and Secretary for Homeland Security meet twice each year with their respective EU counterparts, Commissioner Frattini and Justice and Interior Ministers, in the JHA Ministerial. Moreover, there are many ongoing dialogues at expert level covering border and transportation security, law enforcement, and counterterrorism cooperation. These dialogues help the respective parties develop standards for travel documents, sharing information, and cargo screening, and help the two sides coordinate new initiatives and efforts with international organizations and third countries.

Financial. In the financial sphere, the scope and potential for cooperation remain robust. Combating terrorism finance is critical in draining the resources available to terrorist operations. The US and EU should continue the informal dialogue encompassing critical legislative and regulatory issues. Such a dialogue includes expert-level exchanges, workshops on protecting charities from terrorist abuse, developing best practices in investigations/prosecutions, and improving effectiveness of designations.

⁶¹ “EU and US discuss freedom of travel and data protection for transatlantic passengers, agree on counterterrorism cooperation,” German EU Presidency press release, April 5, 2007 [Available at http://www.eu2007.de/en/News/Press_Releases] (Accessed April 5, 2007).

Greater coordination among international institutions is an important component of this approach.⁶²

Conclusion

Differences between transatlantic threat perceptions have narrowed, and there is greater recognition that America and Europe – despite different historical traditions, legal approaches, and capabilities – must work together for the common defense has become clear. The key is to remain cognizant of the different dimensions related to terrorism, as well as the time horizons. The tactical operational considerations should not impede the longer-term, strategic goal of de-legitimizing terrorism as an instrument for political violence.

There are at least seven areas where the US and EU agree: 1) the scope of the threat; 2) the illegitimacy of terrorism as an instrument of political violence; 3) vulnerability caused by globalization; 4) the need to dismantle terrorist organizations; 5) a role for the UN and international partners; 6) the importance of conflict resolution, governance, and democracy; and 7) the importance of addressing the Israeli/Palestinian conflict.

If anti-terrorism protection and emergency response fundamentally is local, then information gathering and sharing must be global. One of the major concerns is that the threat crosses not only borders but also across sectors. Thus, what is needed is a multi-level, multi-sector approach that also includes public/private cooperation. According to

⁶² For more on the crucial role of transatlantic cooperation in this sphere, see Anne C. Richard, *Fighting Terrorist Financing: Transatlantic Cooperation and International Institutions* (Washington, DC: Center for Transatlantic Relations, 2005). Also see, Council of the European Union, “Fight Against Terrorist Financing,” (Brussels, November 21, 2005), which outlines the objectives of the EU’s terrorist financing strategy and state of progress.

one expert, as much as 80 percent of Europe’s critical infrastructure was in the hands of the private sector.⁶³ While private entities were focused on protecting their own particular asset, terrorists may be able to exploit vulnerabilities in the seams. Achieving such cooperation will be difficult because infrastructure owners may be reluctant to share information, believing that such disclosure would increase their exposure to attack.⁶⁴

The terrorist risk varies among sectors. To date, the major terrorist attacks in Europe had been against transportation infrastructure. As one security expert commented recently in Brussels, “While the transport infrastructure was the most vulnerable, it was almost impossible to protect, as it was an ‘open system’ with 5,000 km. of track.”⁶⁵ Information systems, energy distribution networks, and food supply also are critical sectors. The Internet also is an open system, which terrorists have been keen to exploit (through recruitment, communication, fund raising, and operational planning).

Layered approaches may represent one answer. Going beyond best practices also will need to be emphasized. The US should continue to pursue avenues of cooperation with Europe, at the national, and through the EU and NATO.⁶⁶ Dialogue has the potential of building trust among stakeholders – both public and private – that is key to taking effective actions to fight terrorism.

⁶³ Eric Luijif, “Defending Europe’s Vulnerable Infrastructure,” SDA Monthly Roundtable, Brussels, October 2, 2006.

⁶⁴ For more on the role of the private sector in homeland security, see Pauline Neville-Jones and Neil Fisher, “Homeland Security and the Role of Business,” in Esther Brimmer (ed) *Transforming Homeland Security: US and European Approaches* (Washington, DC: Center for Transatlantic Relations, 2006), 165-171.

⁶⁵ Miodrag Pesut, “Defending Europe’s Vulnerable Infrastructure,” SDA Monthly Roundtable, Brussels, October 2, 2006.

⁶⁶ The particular extent to which the US should pursue cooperation with multilateral institutions might vary. For example, Bensahel argues that the US should continue bilateral cooperation in the military and intelligence spheres, but pursue multilateral cooperation in law enforcement and financial areas. See Nora Bensahel, *The Counterterror Coalitions: Cooperation with Europe, NATO, and the European Union* (Santa Monica, CA: RAND, 2003).

Table 1: Muslims in the EU

Member State	(millions)	(millions)	Percentage
	Population	Muslims	
<i>Cyprus</i>	0.9	0.2	17.8%
<i>Bulgaria</i>	7.5	0.9	12.0%
<i>France</i>	60.4	5.0	8.3%
<i>Netherlands</i>	15.8	1.0	6.3%
<i>Denmark</i>	5.3	0.3	5.1%
<i>Sweden</i>	8.9	0.4	4.5%
<i>Austria</i>	8.1	0.4	4.3%
<i>Germany</i>	82.0	3.5	4.3%
<i>Belgium</i>	10.2	0.4	3.9%
<i>United Kingdom</i>	58.6	1.6	2.7%
<i>Spain</i>	39.4	1.0	2.5%
<i>Slovenia</i>	2.0	0.1	2.5%
<i>Italy</i>	57.6	1.0	1.7%
<i>Greece</i>	10.6	0.1	1.3%
<i>Romania</i>	22.3	0.2	0.9%
<i>Czech Republic</i>	10.3	0.0	0.0%
<i>Estonia</i>	1.4	0.0	0.0%
<i>Finland</i>	5.2	0.0	0.0%
<i>Hungary</i>	10.1	0.0	0.0%
<i>Ireland</i>	3.7	0.0	0.0%
<i>Latvia</i>	2.4	0.0	0.0%
<i>Lithuania</i>	3.7	0.0	0.0%
<i>Luxembourg</i>	0.4	0.0	0.0%
<i>Malta</i>	0.4	0.0	0.0%
<i>Poland</i>	38.7	0.0	0.0%
<i>Portugal</i>	10.8	0.0	0.0%
<i>Slovakia</i>	5.4	0.0	0.0%
EU TOTAL	482.1	16.1	3.3%

Sources: Eurostat, BBC, CIA Factbook

Table 2: NATO and EU Counterterrorism Efforts

	NATO	EU
Military/Homeland Defense		
<i>Guarding Approaches/Border Control</i>	STANDNAVFORMED/Operation Active Endeavor	FRONTEX/SISII/EU Transport Council/SAFEMED
<i>Air/Missile Defense</i>	Theater Missile Defense Program/Air C&C System	EU Military Staff/Military Committee
<i>Consequence Management WMD Non-proliferation</i>	Euro-Atlantic Disaster Response Coordination Center/Senior Civil Emergency Planning Committee	CT Coordinator/Commission - 6th Framework Program for Research to support Civil Protection/Central Crisis Coordination System
	NBC Virtual Center of Excellence/NBC Battalion	CFSP/WMD rep
<i>Critical Infrastructure</i>		Commission/CT Coordinator/JHA Ministers
Law Enforcement/ Intelligence		
<i>Organized Crime</i>		CT Coordinator/JHA Ministers/Europol/Eurojust
<i>Terrorist Networks Terrorist Finance/Money Laundering Immigration/Asylum</i>	Terrorist Threat Intelligence Unit/Partnership Action Plan Against Terrorism	CT Coordinator - EU Action Plan/SitCen/Trevi Group/Europol
<i>Biometrics/Data/Privacy Protection</i>		Europol/JHA Ministers/Commission
		JHA Ministers/Commission
		EP/FRONTEX/Commission/EU Data Protection Supervisor
Diplomacy/Hearts and Minds		
<i>Preventing Radicalization/Recruitment</i>		Commission/CT Coordinator - EU Action Plan
<i>Democracy Promotion</i>		CFSP/Commission - ENP

Sources: NATO, EU, DoD