



CONFLICT AND COHERENCE

The relation between the EU's
counterterrorism efforts and other policies

12 November 2008

Deliverable 12a, Work package 6

'Citizens and governance in a knowledge-based society'

Contents

INTRODUCTION 2

1. IDENTIFYING THE OVERLAP 3

2. VISUALISATION OF THE OVERLAP 5

3. CLUSTERS 6

3.1 Tackling root causes 6

3.2 Security through technology 8

3.3 Border security 8

3.4 Information and investigation.....10

3.5 Denying access to resources11

3.6 Disaster response13

3.7 The burden of monitoring.....14

3.8 Privacy14

3.9 Supporting unpopular regimes.....15

3.10 Economic protectionism15

CONCLUSION16

SOURCES.....19

INTRODUCTION

Counterterrorism is often described, by analysts and practitioners alike, as a multi-faceted policy, which should include a broad range of policy instruments. The *European Union Counter-Terrorism Strategy* and *Countering International Terrorism: the United Kingdom's Strategy* show how broadly counterterrorism can be perceived, as they include measures ranging from border control and treatment of ethnic minorities to crisis management and defense transformation (UK Government, 2006: p. 3 and European Council, 2005a: p. 6). Given how widely-shared the assumption about the broadness of counterterrorism policies is, it is remarkable that there is as yet very little research into the ways in which counterterrorism can affect other policy priorities. Counterterrorism, like most other policies, is often examined in isolation of other policies, or is implicitly treated as having priority over all other policy considerations. Typically, suggested adaptations of counterterrorism policies take little notice of the impact or even feasibility of these policy shifts vis-à-vis other policy fields (see e.g. Sageman, 2008: p. 147-178). For example, it is often argued that a fair solution to the Israeli-Palestinian conflict will help the US in countering terrorism as it would take away an important catalyst of radical Islamist sentiments, but these arguments tend to ignore the intricacies of US foreign policy making and the interests that are at stake in this conflict. The room for maneuver that the US has in the Middle East conflict is severely limited by pressure from lobby groups and segments of the electorate, and these tend to outweigh the possibly positive effects that a softer stance towards Hamas would have on the perception of the US in the Middle East.

There are some observations on the relations between counterterrorism and other policies, for instance on how countering terrorist financing helps fighting money laundering in general and how counterterrorism measures have led to the securitization of immigration policies (see e.g., for finance, Ensminger, 2002: p. 30, and Vervaele, 2003: p. 222 and, for immigration, Brouwer, 2002: p. 423 and Tumlin, 2004: p. 1173). However, these observations are based on analyses of parts of counterterrorism in relation to one particular policy (for a positive exception, see Schneckener, 2006: p. 93-97. Schneckener offers an examination of the dilemmas posed by the German counterterrorism policy in relation to German

trade, foreign and visa policies.). A more comprehensive approach, i.e. an examination of the ways a counterterrorism policy as a whole touches on other major policies, would give us a better estimation of the impact of counterterrorism on other policies and *vice versa*, and would help policy makers become aware of any inconsistencies. Further, it would raise questions about which policy should have priority, what the unintended consequences might be and, on the bright side, how instruments from different policies support each other.

This report will assess where there is coherency and conflict between the *European Union Counter-Terrorism Strategy* and the *EU Action Plan on Combating Terrorism* on the one hand and policies of the different EU policy fields on the other. We will examine the principles that underlie the goals of various policy fields to see whether they concur with or contradict the principles of the counterterrorism strategy.

First, we will briefly go over the process by which we identified the points of coherence and conflict between the EU's policy fields and its counterterrorism strategy. These points, derived from separate inquiries into the different policy fields (see section 1), have been divided over the four strands of the *European Union Counter-Terrorism Strategy*. We visualized our research results in a diagram, which will be explained in section 2 and serves as a basis for the discussion in section 3. There, we will go into some general points of overlap to provide a 'big picture' of where the EU's counterterrorism strategy does and does not go together with the other policy fields. Finally, we will draw some conclusions about the nature of the overlap between the counterterrorism strategy and the policy fields.

1. IDENTIFYING THE OVERLAP

The source material we used to identify the issues where counterterrorism and other policy priorities meet, consisted of official strategies, regulations and other official documents published by EU institutions and subordinate bodies. We decided to use the *European Union Counter-Terrorism Strategy* and the *EU Action Plan for Combating Terrorism* to operationalize the EU's counterterrorism policy. For the operationalization of EU policy, we took the list of policy fields that the European

Commission identified itself to cover all EU policies that are currently in place. According to the website http://ec.europa.eu/policies/index_en.htm, they are:

- a. Agriculture, Fisheries and Food
- b. Business
- c. Cross-Cutting Policies
- d. Culture, Education and Youth
- e. Justice and Citizens' Rights
- f. Economy, Finance and Tax
- g. Employment and Social Rights
- h. Energy and Natural Resources
- i. Environment, Consumers and Health
- j. External Relations and Foreign Affairs
- k. Regions and Local Development
- l. Science and Technology
- m. Transport and Travel

It should be noted that these policy fields do not fully correspond with the portfolios of the European Commissioners, with the directorates-general of the European Commission or with the nine configurations of the Council of Ministers. Also, it is important to note that the policy fields as listed above contain policies from all three pillars of the EU. For each of these policy fields, we took the official documents (Green Papers, White Papers, official strategies, Commission Communications, Council decisions etc.) and the relevant websites to identify the policy goals per field and see, first, whether they affect counterterrorism at all and, second, whether these policy goals strengthen or harm those of the counterterrorism strategy. From each of the policy field analyses, we derived some policy priorities that have a bearing in counterterrorism. Instead of discussing all these policy priorities separately, we chose to discuss clusters of policy priorities, and use the individual points we got out of the policy field analyses as illustrations of relations between counterterrorism and other policy priorities. The increased importance of Europol and Eurojust are policy priorities that have a clear link to

counterterrorism, and since they both are about the sharing of information and the creation of a European framework for countering organized crime, we will use them below as part of the cluster 'Information and investigation'.

2. VISUALISATION OF THE OVERLAP

To grasp the nature of the connections between counterterrorism and the other policy fields, we visualized the relations between the strands of the EU's counterterrorism strategy and the policy priorities from the policy fields. Briefly, the Prevent strand contains the efforts to counter radicalization, Protect stands for target hardening and border control, Pursue for disruption and legal pursuance of terrorists and their networks and Respond for crisis management (European Council, 2005a: p. 3). For each strand, we allowed for the possibilities 'Positive impact / coherence', for policy priorities that help the EU's Counter-Terrorism Strategy, and 'Negative impact / Conflict', for policy priorities that contradict the counterterrorism strategy. Each oval form in figure 1 is a cluster of policy priorities that relate in a similar vein to counterterrorism. Some clusters affect more than one strand, which we tried to make clear by putting the oval form partly in one strand, partly in the other. Overlap between the clusters themselves is shown, unsurprisingly, by overlap between the ovals. The size of the ovals is not meant to be an indicator of the importance of that cluster. The clusters, including some particular measures that make up those clusters, are explained in the next section.

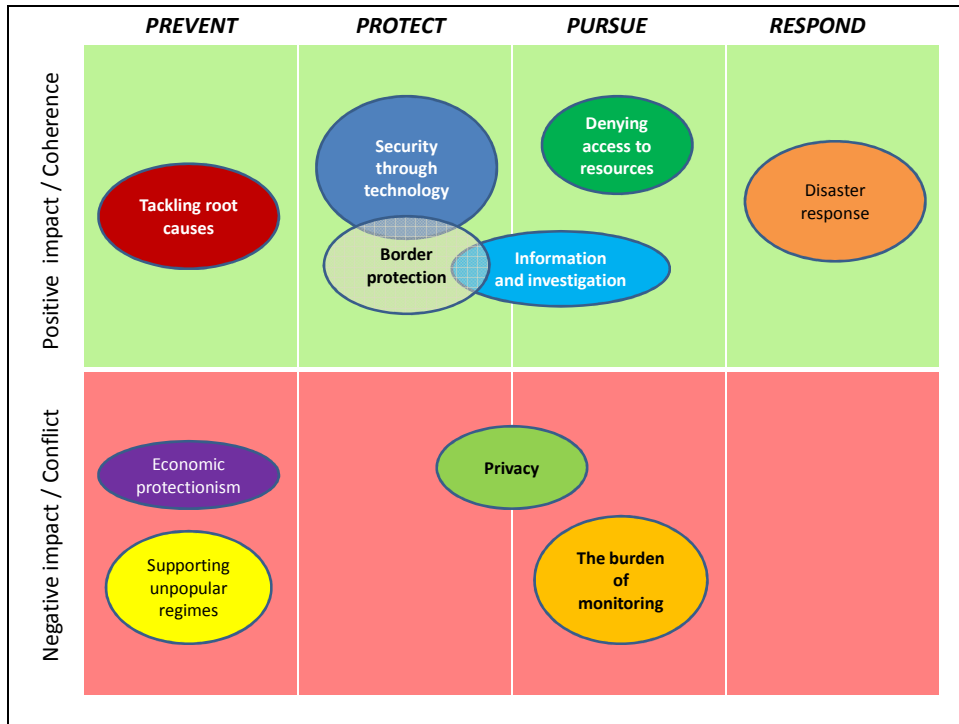


Figure 1: Coherence and conflict per strand

3. CLUSTERS

3.1 Tackling root causes

All of the policy priorities from the policy fields listed above that have a bearing on the Prevent strand of the EU’s counterterrorism strategy are aimed at bringing about conditions under which, according to the strategy, people are unlikely to radicalize and use terrorism, both in and outside of the EU (European Council, 2005a: p. 9. See TTSRL, 2008a for a discussion of deprivation as cause or enabling factor of radicalization). Poverty, instability and lack of political representation are all factors that can be considered root causes of terrorism and are addressed in several European policy initiatives, both for EU member states and third countries. For example, some of the key objectives of the *Lisbon Strategy*, launched in 2000 and, after initially disappointing results, relaunched in 2005, are greater competitiveness, creation of a dynamic knowledge-based economy, increased employment, better jobs and more social cohesion (Commission, 2005: p. 3). Similarly, the *Sustainable Development Strategy* aims at development based on democracy, gender equality, solidarity, the rule of law, democracy and social

development (Council, 2006a). Other policies aimed at social and economic development, including in areas known to carry a potential for radicalization, can be observed in the Regions and Local Development policy field (see e.g. Council, 2006b). Assuming, like the *European Union Strategy for Combating Radicalisation and Recruitment to Terrorism* does, that radicalization and terrorism will occur less in situations where people's social and economic well-being is not at stake, policies of this kind would create conditions that will curb radicalization and terrorism (Council, 2005b: p. 4).

The same rationale could be applied to the aid and financial assistance programs that the EU offers third countries, its ambition to be involved in disaster relief and conflict management and its efforts to help third countries observe the principles of good governance and human rights. The EU has many frameworks in place to help third countries in their economic and security policy, such as the Headline Goals 2010 and the Civilian Headline Goals, agreed on by the Council in 2004, which address disarmament, security sector reform and training of security forces in a democratic setting (Council, 2004a and 2004b). Programs with a stronger focus on the economic development of the receiving countries include the European Neighbourhood Policy and the implementation of the Cotonou agreements, signed in 2000. The latter agreement provides a framework for economic and social development in African, Caribbean and Pacific countries (European Council, 2005c). To promote human rights, the EU applies the European Instrument for Democracy and Human Rights, a fund where civil society actors can apply for the financing of projects to promote democracy and human rights (European Commission, 2007a). Finally, the involvement in conflict management and disaster relief outside the EU, shows a willingness to keep living conditions from falling below acceptable levels (see WEU, 1992: p. 6 and European Commission, 2007b).

Counterterrorism can be seen as part of a wider security discourse that attributes political instability and violence to social problems and sees economic prosperity, development of a civil society, democracy and respect for human rights as appropriate remedies. The link between security and one of these factors is often made in the policy documents outlining the initiatives discussed in this paragraph

(see e.g. European Council, 2000). In sum, terrorism, like other security threats, is perceived as having social causes and, following this logic, the EU's attempts to create secure societies will therefore also tackle the root causes of terrorism. The potential downside to these activities will be discussed in paragraph 3.8.

3.2 Security through technology

In this cluster, the policy goals all reflect the notion that technology is needed to protect possible targets against terrorist attacks. For example, since the EU sees a role for itself as information clearing house in counterterrorism, there is a need for data management systems through which member states can share information. The SIS II database and its links to the Eurodac database are good examples of technology-driven measures that help the EU's counterterrorism efforts. Also, there are forums to stimulate European cooperation regarding CBRN detection and the protection of electronic assets against cybercrime (Health Security Commission, 2006 and Council, 2006).

As is clear from the priorities of the European Commission's European Security Research Programme and the 'Security' theme of the 7th Framework Programme, the European Commission is well aware of the use of technology in protecting its citizens against natural and man-made disasters, terrorism featuring quite prominently among the latter. The products of the research efforts in these two programs generally lend themselves to application to more than one type of threat. The CBRN detection technologies, for instance, are not solely developed to detect CBRN contamination as a result of a terrorist attack. Other examples include surveillance technology, ICT protection and interoperability of emergency services within and between countries. Thus, efforts to develop technologies that are helpful in the fight against terrorism contribute the fights against other threats as well.

3.3 Border security

The third point of overlap between counterterrorism and other EU policy priorities is related to border security, which now falls under the objective from the Lisbon Treaty to provide EU citizens with an area of freedom, security and justice. Clearly, the transnational nature of modern-day terrorism, as evidenced by the preparation

of the 9/11 attacks, calls for the monitoring of cross-border traffic and international cooperation in this field. One of the most important tools to secure the borders has been the establishment of FRONTEX, the European agency, in operation since October 2005, that facilitates coordinated operations in order to develop interstate cooperation and information exchange. Although the control of the EU's external borders remains the prerogative of the member states, FRONTEX offers operational support to those states that particularly need it and coordinates the cooperation of the member states. The most important tool to improve the sharing of information is the Schengen Information System (SIS). It was designed to enable the member states to share information relevant for the control of cross border traffic and the treatment of visa applications, such as biometric data from passports (European Commission, *Schengen Information System II*). The SIS system was recently updated, as it was originally developed for 18 states (15 members, Iceland, Norway and an extra spot for another state, should the need arise), whereas it should now be able to include almost 30 states. Also, its technology was outdated. Agreement on the Schengen Information System II (SIS II) was reached in 2006 and a number of discussions and concerns about the possible misuses of databases were also taken into account (Ibidem). The *EU Action Plan on Combating Terrorism* envisages a "synergy" between SIS II and Eurodac, the EU's database of fingerprints of incoming asylum seekers (Council, 2006: p. 19).

This cluster shows that the EU is reconciling its border protection policy, which can also be seen as a way to counter organized crime and human trafficking, with its counterterrorism strategy. It involves sharing information about cross-border traffic, which also explains the overlap with the Intelligence and information exchange cluster. Also, as the same two priorities suppose a data management system that all countries can use, the development of technology is a prerequisite for these measures. Therefore, there is also some overlap with the Security through technology cluster. What is important here is that counterterrorism further underlines the need for cooperation in the protection of the EU's external borders and thus, in a sense, drives the 'securitization' of border protection. Some already existing policy priorities, e.g. the enhancement of cooperation in external border control and the sharing of information about asylum seekers and cross-border

traffic, have been made part of the EU's counterterrorism efforts and have gained prominence on the EU's policy agenda. Counterterrorism helps the EU in developing the tools for a framework for the protection of the external borders, which in its turn contributes to its efforts to fight organized crime and human trafficking.

3.4 Information and investigation

In analyses of 9/11, many have pointed to the failure of the CIA and the FBI to bring together all available information to get a coherent picture of the attack that al Qaeda was preparing. Potentially, this problem is even bigger for Europe. The relevant information could be scattered over 25 member states, many of which have internal intelligence coordination issues of their own. One of the crucial characteristics of modern terrorism is that it is transnational: each element of the preparation of an attack can take place in a different country. This makes it hard for a single national intelligence or security service to discover terrorist plots and clearly calls for the sharing of information. Previous research has shown that many of the EU member states have taken measures to avoid stovepiping in their intelligence communities (TTSRL consortium, 2008b: p. 13). The EU measures to make sure that information and intelligence is appropriately shared, are in cluster 3, which includes initiatives like Europol, Eurojust, the Schengen Information System II and Eurodac, all institutions that contribute to the area of freedom, security and justice and fall under the Justice and Citizens' Rights policy field. Since the information sharing that the EU wants to set up applies both to intelligence and evidence in criminal investigations, this cluster also encompasses the means to take cross-border action once the situation warrants criminal prosecution.

The most important forums for cooperation are Europol and Eurojust, where respectively investigative and judicial information and expertise can be exchanged (http://europa.eu/agencies/pol_agencies/eurojust/index_en.htm, accessed on 21-11-2007, and Council of the European Union, 2002: p. 1, 4 and 5). Both institutions have been assigned an important role in the *EU Action Plan on Combating Terrorism* (European Council, 2006c: p. 16, 17, 19 and 20 for Eurojust and p. 3, 7, 11, 15-21, 22 and 27 for Europol). Europol has gained prominence by the adoption of post-9/11 Council directives that allow it to request investigations from member states

and second its officers to Joint Investigation Teams (Lavranos, 2003: 262-263). Another important instrument is the European Arrest Warrant, which obliges states to extradite suspects of crimes in other states. For the investigation of cross-border crimes, the EC founded the so-called Joint Investigation Teams. These teams are made up of police investigators from several member states have mandates that allow them to apply their powers and rights in more than one country, which is an important improvement for the fight against modern terrorism (Eurojust, *Joint Investigation Teams*).

From the mandates of the above-mentioned institutions and the nature of the tools, it is clear that they were not solely introduced for the fight against terrorism. Rather, 9/11 and the Madrid bombings have served as a catalyst for the development of a Union-wide framework for fighting organized crime, which manifests itself in the incorporation of older ambitions in the counterterrorism strategy and the boosting of the role of already existing institutions. Ever since the mid-1990s, there have been efforts to increase investigative and judicial cooperation, including exchange of information, between member states to effectively fight organized crime (see e.g. European Council, 1995 and European Council (Justice and Home Affairs Council), 1999: p. 11-13). Transnational terrorism is just the kind of threat that needs cross-border law enforcement capabilities, and, as it is still high on the policy agenda, there is a window of opportunity to implement policy that could also be used for other kinds of organized crime. Similar to what we found under border protection, counterterrorism is used to drive the attempts to get to a European framework for fighting organized crime.

3.5 Denying access to resources

Several of the priorities in the EU's counterterrorism strategy are meant to cut off terrorists from resources they need to plan and execute their attacks. The strategy states that "terrorists must be deprived of the means by which they mount attacks" (European Council, 2005a: p. 13). Many of the means to do this follow from the recommendations of the Financial Action Task Force (FATF), an intergovernmental body that outlines measures to fight financial crime. Forty of the FATF's recommendations are against money-laundering in general; nine were specifically

formulated against the financing of terrorism. They concern customer identification standards for financial service providers, freezing powers for states, obligations to financial service providers about the reporting of suspicious transactions, criminalization of financing terrorist organizations, institutional frameworks to combat financial crime etc. (FATF, *9 special Recommendations (SR) on Terrorist Financing (TF)* and *The Forty Recommendations*). The European Commission is currently working on the implementation of the FATF-recommendations in the EU member states (European Council, 2008b: p. 2-4). The nine Special Recommendations are specifically formulated to counter terrorist financing, but also leave room for application to other forms of financial crime, such as money laundering, and can therefore be seen as part of an EU-framework to monitor financial transactions. Further, the European Commission has used the terrorist attacks on European soil as a window of opportunity to push for the adoption of the 40 more general FATF recommendations (European Commission, 2004: p. 19).

Although countering terrorist finance is certainly a top priority in the *European Union Counter-Terrorism Strategy*, the attempts to deny terrorists access to the resources they need is not limited to money. There are also efforts in place to make sure that nuclear materials do not fall into the wrong hands. Part of the Common Foreign and Security Policy (CFSP) is international cooperation to prevent the proliferation of nuclear weapons, the importance of which is underlined in the counterterrorism strategy and, obviously, in the *EU strategy against proliferation of weapons of mass destruction* (European Council, 2005a: p. 11 and European Council, 2003: p. 6-8). This international cooperation takes the form of financial support for the activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) and of projects to help Russia in dismantle the old Soviet nuclear arsenal (European Council, 2004d and e.g. European Council, 2003b and Commission, *Ongoing joint actions: non-proliferation and disarmament*). The Regulation concerning the export of dual-use items addresses the potential misuse by third countries of material that may be used in the proliferation of nuclear weapons (European Council, 2000b). The list of dual-use items, for which export permission of the appropriate member state is required, comprises a broad range of materials, including raw and refined materials as well as parts and complete

systems like aluminum alloys or lasers. Even if not used for nuclear weapons such items of dual-use capacity could still be used for the production of other military equipment.

In all the above mentioned cases of EU policies to keep terrorists from the resources they need, it is clear that the EU's counterterrorism strategy includes items that are policy priorities in itself, even regardless of their importance as counterterrorism measures. The EU needs to fight financial crime, the proliferation of weapons of mass destruction and passport fraud, and the fight against terrorism is an opportunity to acquire the tools to do so.

3.6 Disaster response

On several occasions, the EU has stated its ambition to create a framework to facilitate the cooperation between member states in dealing with disasters. According to the Council-approved The Hague Programme, the EU's contribution lies in "further assessment of Member States' capabilities, stockpiling, training, joint exercises and operational plans for civilian crisis management" (Council, 2004c: p. 2). Already in 2001, the Council created the Community Mechanism for Civil Protection. This mechanism was restructured as a reaction to the tsunami that hit Asia in 2004. Currently, the Community Mechanism for Civil Protection is a clearing house for information about the capabilities of the member states and for communication between member states in crisis situations. It also provides a platform for training exercises and exchange of expertise. The Commission has recently presented proposals to expand the role of the European level in disaster response, which included turning the Community Mechanism for Civil Protection, at this point a facilitator of cooperation, into an operational unit in its own right (European Commission, 2008a: p. 6-7). The reaction of the Council to these proposals was positive, although it stressed that disaster response is the prerogative of the member states (European Council, 2008a). However this may play out, it is clear that the ambition to develop an EU-framework for disaster response, be it coordinating or operational, will allow member states to effectively and rapidly appeal to the capabilities of other member states. That terrorism falls within the scope of the ambitions is clear from the formulation used to describe the

nature of the crises that should be covered. Both the Council and the Commission speak of “natural and man-made disasters” (European Commission, 2008b: p. 1 and European Council, 2008a).

3.7 The burden of monitoring

This cluster shows the inherent friction between freedom of movement of people, goods and capital on the one hand and a stringent monitoring of social activity to detect terrorist attacks in the making on the other. In a society that is entirely free, planning and executing a terrorist attack is easy, and in a society where it is impossible to commit a terrorist attack, there can be no free flow of people, goods and capital. Monitoring financial transactions imposes a burden on business in the form of obligations to provide the state with information on financial transactions. The EU wants capital to flow freely throughout the Union, but many of the recommendations of the FATF amount to rules and regulations that will only make the flow of capital more burdensome, as they include obligations to financial players and encourage state involvement. That post-9/11 regulations indeed pose a burden, is clear from the reactions of financial institutions to the obligations imposed on them by the regulations of the FATF and the United Nations (UN) (Navias, p. 77-78). The basic contradiction is simple and familiar: freedom is an essential ingredient of the type of society that the EU wants to be, but it is inevitably also the freedom to do harm. Where the balance should be struck, is a very difficult question and in the end a political decision, but that the EU still has an axe to grind, is beyond doubt. The aim should be to decide what levels of insecurity and interference in social activity, e.g. trade, are acceptable.

3.8 Privacy

This cluster points out the potential risk that the collection of information might infringe on the privacy of EU citizens. Many security measures require information gathering. Collecting, keeping and exchanging data on cross-border traffic and asylum seekers and imposing obligations to disclose information about financial transactions are all measures that suggest the possibility that information will be gathered and used to follow innocent individuals. The most prominent cases are the

disclosure of passenger data to the US Department of Homeland Security and the SIS II database, including its synergy with the Eurodac database. Some NGOs, Statewatch and Privacy International among them, have already expressed their concerns about the collection and sharing of data on citizens (see e.g. Privacy International et al., 2004). Much like the measures discussed in paragraph 3.6, privacy is an issue that requires a choice regarding the balance between liberty and security.

3.9 Supporting unpopular regimes

Helpful as the initiatives in paragraph 3.3 might be in addressing the root causes of terrorism, there is a potential conflict that should not be ignored. In the Arab world, the West is often perceived as an imperialist force that exploits the Arab states for its own interests. Its claims about the value of democracy and human rights are seen by many as window dressing. Consequently, people might turn away from Arab states that cooperate with the West because they feel that the Arab governments are squandering the interests of their country (Coolsaet, 2005: p. 19). For example, the new generation of Yemeni jihadi's resent the Yemeni government for its cooperation with the US in the War on Terror (Johnson, 2007: 1-2). In a similar vein, the US and the EU further antagonized the support base of Hamas by refusing to deal with a Hamas government and, in the case of the US, propping up the security forces of the Palestinian Authority (Moran, 2008). Another prominent case of radicalization fuelled by western support for unpopular regimes is Pakistan (ICG, 2008: p. 1). This is not to say that all international projects will backfire on the West, but the EU should be aware of the possibly negative reactions of the population, especially in cases where the government is losing popularity, because bitterness about the functioning of the state will make people more susceptible to radical groups that offer an alternative to the government and promise an end to the perceived subordination to the West.

3.10 Economic protectionism

Much as the EU tries to stimulate economic growth in the countries receiving the economic assistance programs discussed in paragraph 3.1, there are also some

policies that might hamper the economic growth of these same countries. It should be noted that the EU's protectionist measures, as they keep outside competition from accessing the internal market, could be perceived as working against the attempts to eliminate the root causes of terrorism. The tariff and non-tariff barriers for products from outside the EU and the subsidies on agricultural products cultivated in the EU are examples of measures that could, hypothetically speaking, prove to be a structural brake on the economic development of some non-EU countries that need a market for their products. We have seen above that economic growth is seen by the EU as linked with political stability, so the negative effects of protectionist measures on the security and conflict proneness of some developing countries should be taken into account.

CONCLUSION

This study has shown that the question about the overlap between counterterrorism and other policies is indeed a relevant one. In the case of the EU, the overlap is significant, both positively and negatively. The examination of the policy fields vis-à-vis the *European Union Counter-Terrorism Strategy*, leads to three main conclusions.

First, counterterrorism, especially in the Protect and Pursue strands of the strategy, drives the development of EU instruments against organized crime. The European Arrest Warrant, the Joint Investigation Teams, Europol and Eurojust are all instruments that can be applied to more than just terrorism. They can also be used against other forms of organized crime, such as drug smuggling and trafficking of human beings, yet they are incorporated into the EU's counterterrorism strategy. Some governments have used the fight against terrorism as a window of opportunity for the introduction of measures to improve their law enforcement capabilities (see e.g. Vervaele, 2005: p. 7 and Glässner, 2003: 49 and 51). The EU seems to have done something similar. Since well before 9/11, it has had the ambition to put into place an EU-wide framework to counter organized crime (Keohane, 2005: p. 17). Now, it has made some of the efforts in this regard part of its counterterrorism strategy, taking advantage of the priority that counterterrorism still has. The same goes for the improvement of the security

of the EU's external borders and the sharing of all relevant information. This was a focus of EU policy before 9/11, and by rightfully including terrorism on the list of threats that need to be countered by external border control, policy initiatives in this regard will be carried by the ongoing momentum of counterterrorism.

Second, it can be argued that the EU's counterterrorism efforts in the Prevent strand benefit from a more general perception of root causes of security. The notion that political instability, conflict and violence are the results of economic and social wrongs is widely held in the EU security discourse (see e.g. Council, 2003a: p. 2 and European Commission, *European Commission checklist for root causes of conflict*). Supposed root causes of terrorism, for example poverty, poor governance and lack of social and economic development, are already addressed by a number of EU policies. Research still has to show whether these factors really are root causes of terrorism, but the *European Union Counter-Terrorism Strategy* seems to think so, and there are policy initiatives that stimulate social and economic development and good governance.

Third, conflicting interests certainly arise. This study identified three areas where the EU's interests conflict and where a balance has to be struck and convincingly argued. First, the programs described in paragraph 3.1 may not correspond with other interests, notably in foreign policy. The relations of European states with third countries, especially with less democratic ones, may not always send the same message as the social and economic development programs. This shows that choices in these regards have effects that are relevant to the EU's ambition to counter radicalization by promoting good governance and economic growth. Similarly, assistance to regimes that have lost the legitimacy and support of the population has the potential to fuel resentment against the West (Coolsaet, 2005: 19). It is important is that the EU, especially given the West's reputation for using double standards, is careful not to contradict programs to promote good governance with support for states that are considered corrupt and inefficient by their own populations. The fact that for some programs only states practicing good governance are eligible is an indication that this is already happening. Second, a comparable rationale can be applied to the EU's relation with its own citizens. No one will deny that the fight against terrorism should coincide with respect for

human rights. Legitimacy is essential for a successful counterterrorism policy, so here, again, it is important that the EU unequivocally sends the right message. This point may be redundant, as many analysts, NGOs and indeed European institutions and subordinate bodies have made it before, but respecting human rights, for instance regarding privacy, is a prerequisite for the success of the EU's counterterrorism efforts. The final point where counterterrorism and other policies might clash, is monitoring of social activity. The examples that have been discussed above, regulations on financial transactions and the export on dual-use items, show that security can come at the expense of the freedom of people, goods and capital.

A final observation concerns the counterterrorism efforts of the member states. We have seen that many counterterrorism instruments, especially in the Protect, Prevent and Respond strands, can also be used against other threats than terrorism, threats that predate the emergence of counterterrorism at the top of the international policy agenda. Although we only studied the EU, this suggests the possibility that EU member states already have a lot of instruments that can be used against terrorism. To find out whether this is the case, we need a comprehensive inventory of counterterrorism measures per country, also counting 'dual use' measures (for a first attempt at an inventory of this kind, see TTSRL consortium, 2008a).

SOURCES

LITERATURE

Brouwer, Evelien. (2002) "Immigration, asylum and terrorism: a changing dynamic legal and practical developments in the EU in response to the terrorist attacks of 11.09", *European Journal of Migration and Law*, vol. 4, nr. 4, pp. 399-424

Coolsaet, Rik. (2005) *Between al-Andalus and a failing integration: Europe's pursuit of a long-term counterterrorism strategy in the post-al-Qaeda era*, Egmont Paper nr. 5

Ensminger, John J. (2002) "September 11 brings new anti-terrorism and anti-money laundering responsibilities to financial institutions", *Review of Business*, vol. 23, nr. 3, pp. 29-34

Glässner, Joachim (2003). "Internal security and the new Anti-Terrorism Act", *German Politics*, vol. 12, nr. 1 (2003): 43-58

International Crisis Group (ICG, 2008). *After Bhutto's murder: a way forward for Pakistan*, Asia Briefing nr. 74

Johnson, Gregory D. (2007). "Yemen faces second generation of Islamist militants", *Terrorism Monitor*, vol. 4, nr. 9: 3-5

Keohane, Daniel (2005). *The EU and counterterrorism*, Centre for European Reform Working Paper

Lavranos, Nikolaos. "Europol and the fight against terrorism", *European Foreign Affairs Review*, vol. 8 (2003): 259-275

Moran, Nathan (2008). " Hamas rise expected, given Fatah's excesses", http://www.cfr.org/publication/13675/hamas_rise_expected_given_fatahs_excesses.html, accessed 27 August 2008

Navias, Martin S. (2002) "Finance warfare as a response to international terrorism", *The Political Quarterly*, vol. 73, nr. 1, pp. 57-79

Privacy International, European Digital Rights Initiative, Foundation for Information Policy Research and Statewatch. (2004) *Transferring privacy: the transfer of passenger records and the abdication of privacy protection. The first report on 'Towards an international infrastructure for surveillance of movement'*, <http://www.privacyinternational.org/issues/terrorism/rpt/transferringprivacy.pdf>

Schneckener, Ulrich. (2006) "Germany" in Yonah Alexander (ed.), *Counterterrorism strategies: successes and failures of six nations*, Potomac: Washington, DC: 72-98

TTSRL. (2008a) Deliverable 7 of the TTSRL-project, forthcoming on <http://www.cot.nl/ttsrl/publications.php>

TTSRL. (2008b) *Mapping counterterrorism: a categorization of policies and the promise of empirically-based, systematic comparisons*, deliverable 11 of the TTSRL-project, <http://www.cot.nl/ttsrl/publications.php>, accessed 19 August 2008

Tumlin, Karen C. (2004) "Suspect first: how terrorism policy is reshaping immigration policy", *California Law Review*, vol. 92, pp. 1173-1240

Vervaele, John A.E. (2005) "The anti-terrorist legislation in the US: inter arma silent leges?", *European Journal of Crime, Criminal Law and Criminal Justice*, vol. 13, nr. 2, pp. 201-254

EU SOURCES

Official documents

European Commission (2004). *Communication from the Commission to the Council and the Parliament on the prevention of and the fight against terrorism*, COM 2004/700 final

European Commission (2005). *Communication to the spring European Council: working together for growth and jobs – a new start for the Lisbon Strategy*, COM(2005) 24 final

European Commission. (2006) *Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, "A strategy for a Secure Information Society – Dialogue, partnership and empowerment"*, COM(2006) 251 final

European Commission (2007a). *European Instrument for Democracy and Human Rights (EIDHR): Strategy Paper 2007-2010*

European Commission (2007b). *Communication of 13 June 2007 from the Commission to the European Parliament and the Council: Towards a European Consensus on Humanitarian Aid*, COM(2007) 317 final

European Commission (2008a). *Communication from the Commission to the European Parliament and the Council in reinforcing the Union's disaster response capacity*, COM(2008) final

European Commission (2008b). *A coordinated and stronger EU disaster response at home and abroad*, IP/08/385

European Council (1995). *Council Act drawing up the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention)*, SN 3549/95

European Council (1999) *Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice*, Official Journal of the European Communities, 1999/C 19/01: pp. 1-15

European Council (2000a). *Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the One Part, and the European Community and its Member States, of the Other Part (Cotonou Agreement)*

European Council (2000b). *Council Regulation nr. 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology*

European Council (2003a). *A secure Europe in a better world: European Security Strategy*, Brussels

European Council (2003b). *Council decision 2003/874/CFSP of 8 December 2003 implementing Joint Action 2003/472/CFSP with a view to contributing to the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation*

European Council (2003c). *Fight against proliferation of weapons of mass destruction - EU strategy against proliferation of weapons of mass destruction*, 15708/03

European Council. (2004a) *Civilian Headline Goal 2008*, doc. 15863/04

European Council. (2004b) *Headline Goal 2010*, Brussels

European Council (2004c). *The Hague Programme: strengthening freedom, security and justice in the European Union*, 16054/04

European Council (2004d). *Council Joint Action 2004/797/CFSP of 22 November 2004 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction*

European Council (2005a). *The European Union Counter-Terrorism Strategy*, 14469/4/05 REV1

European Council (2005b). *European Union Strategy for Combating Radicalisation and Recruitment to Terrorism*, 14781/1/05 REV1

European Council (2005c) *Council Decision 2005/599/EC of 21 June 2005 concerning the signing, on behalf of the European Community, of the agreement amending the partnership agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000*, Official Journal, vol. 209, pp. 26-64

European Council (2006a). *Review of the EU Sustainable Development Strategy (EU SDS): Renewed Strategy*, DOC 10917/06

European Council (2006b). *Commission Decision Drawing up the List of Member States Eligible for Funding from the Cohesion Fund for the Period 2007-2013*

European Council (2006c). *European Action Plan on Combating Terrorism*, 5771/1/06 REV1

European Council (2008a). *EU Council conclusion on disaster response*, http://www.europa-eu-un.org/articles/en/article_7949_en.htm, accessed 1 October 2008

European Council (2008b). *Revised strategy on terrorist financing*, 11778/1/08 REV1

Health Security Commission. (2006) *Programme for Community action in the field of Health (2007-2013)*, amended protocol 2006/234/EC

Websites

Eurojust. *Joint Investigation Teams: network of the national experts on Joint Investigation Teams*, <http://www.eurojust.europa.eu/jit.htm>, accessed 8 April 2008

European Commission. *European Commission checklist for root causes of conflict*, http://ec.europa.eu/external_relations/cfsp/cpcm/cp/list.htm, accessed 3 October

European Commission. *Ongoing joint actions: non-proliferation and disarmament*, http://ec.europa.eu/external_relations/cfsp/fin/pja_non_prolif.htm, accessed 29 September 2008

European Commission. *Schengen Information System II*, <http://europa.eu/scadplus/leg/en/lvb/l33183.htm>, accessed 10 October 2007

Cordis. 7th Research Framework Programme – Security, http://cordis.europa.eu/fp7/cooperation/security_en.html, accessed 8 October

OTHER

FATF. *The 40 recommendations*, http://www.fatf-gafi.org/document/28/0,3343,en_32250379_32236930_33658140_1_1_1_1,00.html, accessed 4 October 2008

FATF. *9 special Recommendations (SR) on Terrorist Financing (TF)*, http://www.fatf-gafi.org/document/9/0,3343,en_32250379_32236920_34032073_1_1_1_1,00.html, accessed 4 October 2008

French Government (2006). *Prevailing against terrorism: white paper on domestic security on terrorism*, Paris: La Documentation française

UK Government (2006). *Countering international terrorism: the United Kingdom's strategy*, Norwich: TSO

WEU. (1992) *Petersberg Declaration*, Western European Union Council of Ministers, Bonn, 19 June 1992