



Towards a comprehensive, coherent, and ethically just European counterterrorism policy

29 January 2009

Deliverable 13, Work package 6

'Citizens and governance in a knowledge-based society'

COT Institute for Safety, Security and Crisis Management (NL, Project Co-ordinator)
Netherlands Organisation for Applied Scientific Research TNO
Fundacion para las Relaciones Internacionales y al Dialogo Exterior (ES)
Danish Centre for International Studies and Human Rights
Institute of International Relations Prague
Clingendael Netherlands Institute of International Relations

A project financed by the European Commission under the Sixth Framework Programme



CONTENTS

- INTRODUCTION 3**
 - 1.1 The EU’s supranational and intergovernmental functions, and its independent Member States..... 4
 - 1.2 Thesis..... 6
- 1. SYNTHESIS 7**
 - 1.1 The supranational level 7
 - 1.1.1 Current supranational counterterrorism policies and future policy options7
 - 1.1.2 Challenges facing supranational counterterrorism policy..... 9
 - 1.1.3 A positive example of supranational counterterrorism policy 9
 - 1.1.4 Potential supranational counterterrorism policy options 10
 - 1.2 Current intergovernmental policies and future policy options 12
 - 1.2.1 Intergovernmental policy challenges 12
 - 1.2.2 Europol: an example of an intergovernmental agency with room for improvement 12
 - 1.2.3 Intergovernmental coherence: harmonizing EU counterterrorism policy with other EU policy fields..... 16
 - 1.2.4 Europe and Muslim countries: trying challenges and an opportunity for intergovernmentalism 19
 - 1.2.5 The danger of ethical bottlenecks..... 21
- 2. MEMBER STATE POLICIES AND POLICY OPTIONS 25**
- CONCLUSIONS 28**
 - Literature 30
 - EU Documents 31

INTRODUCTION

The aggregate goal of WP6 is to develop an “Ethically Just Comprehensive European Strategy against Terrorism.” In previous WP6 deliverables, a number of topics were discoursed on in an attempt towards fulfilling this objective. Deliverable 10 gave an overview of scholarly and academic opinions of counterterrorism; deliverable 11 outlined the current shape of the counterterrorism approach utilized by the EU and its member states; deliverable 12a showed where EU counterterrorism can overlap, both positively and negatively, with other EU policy fields; and deliverable 12b went into ethical bottlenecks, counterterrorism practices that potentially breach written legal principles and established norms of legitimacy. The purpose of deliverable 13 then is to digest this information, synthesize it, along with primary source documents, and tender policy proposals to make the European counterterrorism strategy truly comprehensive, feasible, and legitimate.

The goal of deliverable 13 is to offer policy options and ideas with the intent to create an ‘Ethically Just Comprehensive European Strategy against Terrorism’. To formulate such a comprehensive strategy, for Europe, a geographically large, demographically diverse, but largely integrated region of states, policy reform and implementation needs to happen at two levels: in Brussels at the European Union, and among the member states, external to the actions of the EU. At the EU level, the institution’s added value is its capability to act as both a supranational and an intergovernmental entity. At the member state level, i.e. outside the domain of the EU, European countries act individually, as well as multilaterally. Deliverable 13 will offer a view of the current landscape of European counterterrorism policy from each of these three perspectives, the European supranational and intergovernmental view, and that of the member states. Furthermore, at each level, it will analyze the situation, lauding the strategy’s and policy’s positive aspects, looking for ways to build off of them, while critiquing its negative characteristics and presenting methods to eliminate these deficiencies.

1.1 The EU's supranational and intergovernmental functions, and its independent Member States

The reasons for using this tri-focused approach are manifold. Examining the EU on a supranational and intergovernmental level is very useful, because generally, these are the two ways the EU functions and operates. The European Commission, the EU's executive branch, is composed of a multinational, cabinet like bureaucracy that proposes legislative measures, works towards their implementation, and is charged with the institution's general, daily administration. All in all, supranationally, the institution's mandate varies considerably, depending on the policy field in question. The creation and implementation of defense, national security, and foreign policy traditionally fell within the realm of the sovereign nation-state. As a result, while the EU can create strategy and recommend policies, whether or not these offerings are put into action is largely left to the discretion of its member states. The situation begs the following questions which deliverable 13 will attempt to answer. Is the EU performing its supranational role at peak capacity in terms of the fight against terrorism? That is, has it created a strategy and possible policy measures that can be considered ethically just and comprehensive? If yes, how has it done so? If not, what can be done to push the strategy towards this direction?

On the other hand, the European Council is composed of ministers or Heads of State of the member states, only one from each country. This intrinsic relationship to the countries means that the European Council, which works mostly in the second and third EU policy pillars of Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA) respectively, is dependent on more traditional international cooperation, communication, and harmonization which are all hallmarks of the intergovernmental mode of governance.

As an intergovernmental body, the EU is much more robust in its capability to contribute to an ethically just comprehensive counterterrorism strategy. As multilayered an institution as it is, the EU has the organizational wherewithal and resources to coordinate counterterrorism policy throughout the member states; and it needs to. Without member state cooperation, through intergovernmental interaction, adoption of counterterrorism policies on the European level is

impossible. Thus the questions we attempt to answer are: Is the EU currently acting as an efficient facilitator between member states to achieve a comprehensive, coherent, and ethically just European counterterrorism policy? If yes, how is it doing so? If it is not, what reform could improve the situation?

Understanding how the EU utilizes these supranational and intergovernmental functions broadly, allows us to understand how it uses them in the field of counterterrorism. While both are an integral part of the European counterterrorism approach, the distinctive styles of governance mean they contribute to the strategy in very different ways. Thus, evaluating and critiquing the EU counterterrorism policy and strategy can be done best by viewing it as a product of these different mechanisms; in this light we will see to what extent the EU is making full use of the capacities it has on the two levels, where successes and failures have occurred. And only then finally, will we be able to make policy recommendations, depending on the evaluation. It is important to note that neither the supranational, nor intergovernmental approach to EU governance is more important than the other; they are just different. They are also not wholly mutually exclusive, but interrelated, as all EU institutions are to some extent. Nonetheless, by analyzing counterterrorism policy using this framework, it will be easier to identify and address afflictions the EU's counterterrorism policy is facing.

Finally, it is essential to simultaneously view the EU member states, as entities acting as sovereign nations, sometimes independently, sometimes bilaterally, sometimes multilaterally, but frequently, outside the sphere of influence of the EU. The European member states have doubtlessly had their own thoughts on counterterrorism strategy and policy, and have, accordingly, come up with their own approaches (See TTSRL Deliverable 11, 2008, for the differences between the counterterrorism policies of European countries). For the countries of Europe to achieve a truly comprehensive counterterrorism policy, this dimension of policy creation and implementation, exclusive to the influence of the EU (not to say without its assistance), must be scrutinized and paid attention to as well. So then, to what degree are EU member states actively and effectively constructing, implementing, and evaluating the utility of counterterrorism policies on a domestic level? And to what degree are they communicating; sharing the design and results

(positive or negative) of these policies with other countries? If communication is not optimum, or worse, deficient, what can be done to improve it? Lastly, is there a role for the EU to play in streamlining this level of counterterrorism policy creation and implementation, and if so, what might that role be?

1.2 Thesis

At a supranational level the EU has done moderately well with regards to counterterrorism strategy and policy in functioning at its peak capacity. A review of the EU's own documents, the academic opinions of deliverable 10, and the analysis in deliverable 11, suggests the conclusion that the Prevent-Protect-Pursue-Respond (henceforth 3PR) strategy is the comprehensive approach to counterterrorism that a constellation as geographically and demographically diverse as Europe needs. That said, there are still a few methods, financial ones such as offering monetary and logistical assistance to states' counterterrorism programs, which could augment this area of governance. From an intergovernmental perspective, the EU has much more work to do in shoring up its counterterrorism strategy and policy, as TTSRL deliverables 11 and 12a and several EU documents, mainly from the Council, but also from the Commission, show. The EU has not yet been able to fully coordinate, communicate, and cooperate within its own institutions and with its member states to achieve not only a comprehensive, but coherent counterterrorism policy, harmonious with itself as well as with other policy fields. Lastly, while there is some cooperation between states with regards to counterterrorism policy, it often does not occur without facilitation from Brussels. EU member states need to take more of an impetus to interact among themselves, utilize EU tools in this area without coercion or prompting, and share information on best practices and other experiences with counterterrorism policy if they wish to genuinely call their approach comprehensive.

1. SYNTHESIS

1.1 *The supranational level*

1.1.1 **Current supranational counterterrorism policies and future policy options**

As a supranational institution, with regards to the construction of a comprehensive and ethically just counterterrorism strategy, the EU has performed, for the most part, rather well. November 2005 saw the introduction of the *European Union Counter-Terrorism Strategy*, which took the four-strand 3PR approach mentioned above. The broad strategy certainly reflects the sort of comprehensiveness sought after in this deliverable. Interestingly, the “Strategic Commitment,” heading the document, “To combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security, and justice,” strongly echoes all of the notes hit on in the title of this deliverable (European Council, *European Union Counter-Terrorism Strategy*, 2005: 2).

By attempting to understand and respond to terrorism with this comprehensive framework, the EU provides latitude for itself; by casting counterterrorism policy in the dye of these four strands, the EU is able to look and respond to the problem in a number of ways. As a result, the layout of the strategy allows the institution to avoid needlessly narrowing its approach to transnational terrorism so early in the stage of policy development (Ganor, 2005: 45-46). Instead, it takes into consideration a wide range of considerations and contingencies. 3PR is conceptually broad enough to encapsulate the biggest problems and challenges terrorism presents, and explicated and delineated thoroughly enough to make good on these concepts.

Though no one deliverable makes this point explicitly, the wide range of counterterrorism methods and policies presented by scholarly sources in deliverable 10 support it and imply that there is no singular counterterrorism solution. According to counterterrorism expert Martha Crenshaw, “[a]s there is no single and consistent model of terrorism, with terrorist organizations capable of adapting and continuously developing, different structures of terrorism require different policies”

(Crenshaw, 2007: 27). As a result, a wide range of measures and instruments should be utilized in an attempt to neutralize the terrorist threat. Notwithstanding poor member state implementation, 3PR does an adequate job of putting forth specific suggestions.

These measures and policies, however, cannot be formed without a strong conceptual counterterrorism framework in which to work; this the 3PR strategy provides. The dynamic four strand approach employed by the EU ensures at least conceptual comprehensiveness, while the grand majority of measures and policies in the strategy document and Action Plan—the means—are systemic reforms meant to address the issue for years to come, not just ‘band-aids’ aimed at providing a short-term fix. Countering radicalization and critical infrastructure target hardening, for example, are policies that are to be carried out on a continuous and recurrent basis. David Omand, the former UK Security and Intelligence Coordinator laments about “[t]he absence of an internationally recognized and agreed upon long-term and comprehensive counter-terrorism strategy.” (TTSRL Deliverable 10, 2008: 7). For Europe, 3PR is just that.

Senior Fellow at the Centre for European Reform Daniel Keohane sees the EU as a potential venue, if a somewhat tricky one, for such a comprehensive counterterrorism policy. He acknowledges, “That the EU’s ability to tackle terrorism is limited, due, first and foremost, to the fact that it is not a national government” (TTSRL Deliverable 10, 2008: 10). With a litany of different legal regimes and law enforcement methods, the diffuse landscape makes the coordination of counterterrorism inherently difficult at a transnational institutional level. However, the institutional level presents opportunities as well as challenges, with Keohane making the point that the, “EU is the only organization where European governments can collectively ‘join up’ the counterterrorism parts of their law enforcement, foreign and defense policies” (Keohane, 2005: 15). The 3PR strategy is the EU’s attempt to do this, as most of the policies in the strategy document and the Action Plan reflect the integrative, comprehensive approach espoused by Keohane, and the other specialists mentioned here.

1.1.2 Challenges facing supranational counterterrorism policy

Despite 3PR being a validated strategy from a conceptual point of view, implementing all of its suggestions is a significant challenge for a number of reasons. Foremost among those reasons, is the EU's heavily limited supranational mandate. The EU's plans admit as much, repeatedly indicating the member states as competent bodies in the overviews of the implementation of the EU Plan of Action on Combating Terrorism (see e.g. European Council, *EU Plan of Action on Combating Terrorism – Update*, 2005). Indeed, the status report on the "Implementation of the Action Plan," that the EU Counter-Terrorism Coordinator (CTC) is obligated to give every six months reflects the EU's inability to unilaterally implement the counterterrorism strategy and policies it favors. The continuous thread running through these status reports, including the most recent versions, is the CTC continuously requesting that member states adopt draft resolutions containing vital instruments needed to implement the EU's counterterrorism strategy (European Council, *Implementation of the Strategy and Action Plan to Combat Terrorism*, June-November 2008). This is precisely the core of the problem of the functioning of the European Counter-Terrorism Coordinator and the reason why there is little political prospect for a more supranational counterterrorism policy. Much is still left to the member states, so the CTC can do little beyond making the observation that a certain member state has not implemented certain mandatory counterterrorism measures (Monar, 2007: 310). There are, fortunately, examples of supranational organizations that function well when given the necessary authority. One such example, of an organization that is involved in the EU's fight against terrorism, is FRONTEX, responsible for the security of all of the EU's external borders.

1.1.3 A positive example of supranational counterterrorism policy

As described in deliverable 12a, FRONTEX has been operational since October 2005 and "facilitates coordinated operations in order to develop interstate cooperation and information exchange. (...) FRONTEX offers operational support to those states that particularly need it" (TSSRL Deliverable 12a, 2008: 11). FRONTEX is responsible for cooperation regarding external border control, which is part of the

first pillar, and is supplemented by the Schengen Information System II (SIS II) and the soon to be finalized Visa Information System (VIS). These databases contain information “relevant for the control of cross border traffic, for example biometric data from passports.” Despite the caution with which databases such as these that contain bulk amounts of private, confidential information must be used, they provide the technological muscle and support necessary to make a comprehensive border security system functional and effective.

Though reliant to some degree on member state participation and cooperation, for example regarding the composition of the management board, which is made up of the heads of national border control agencies, at its core, FRONTEX is an independent agency with a truly European identity. Moreover, and maybe most significantly, it retains “budgetary and operational autonomy,” the sort of which undoubtedly allows it to function at a less constrained level, than other European agencies (some of which will be discussed below) that are still subordinate to the whims of its participating member states. An agency like FRONTEX, then, with a pan-European mandate, operational capacity, oversight and adequate resourcing could be used as a model, at least in terms of structure and ability, for future or reformed agencies that are attempting to accomplish the same sort of transnational aims, provided, of course, that the hurdle posed by the reluctance of the member states is taken.

But despite its limited supranational mandate, there are other ways the EU can fight terrorism on this level.

1.1.4 Potential supranational counterterrorism policy options

One supranational way the EU could help its counterterrorism strategy, without necessarily broadening its mandate, would be to aggressively and expediently implement a cost-benefit audit or inventory of potential terrorist damage, on a state by state basis, to show the vulnerability, materially and financially of countries that have insofar failed to implement adequate protections. A process like this is consistent with the work of Todd Sandler and Walter Enders, which is discussed in deliverable 10. They state that, “Every policy to thwart terrorism based on economic analysis would require its own streams of costs and benefits

calculations" (Sandler and Enders, 2004: 25). An audit of this sort would, in clearer, absolute terms, show European leaders the risks they face and the costs of the measures that it would take to counter them. Furthermore, as deliverable 9 (TTSRL, part of Work Package 5) shows, while the short-term costs of terrorism are relatively low, the long-term, aggregate costs, in contrast, are quite high. Sandler and Enders compute that losses to countries' GDPs for countries that have experienced transnational terrorism can be capitalized at \$83.4b for the period 2001-2005 (Sandler, Arce and Enders, *Copenhagen Consensus 2008 Challenge Paper: Terrorism*: 70). By having an independent, and hopefully objective, appraisal of potential damage a terrorist attack could inflict and the costs of countermeasures, the EU could help its own counterterrorism policy agenda and those of its member states by providing a criterion to decide between policy options, because it will not only give an estimate of the benefits – or losses – of counterterrorism measures, but also gives ground for a comparison of the benefits of different counterterrorism measures.

To do this, the EU should appoint a task force composed of economists specialized in state planning initiatives as well as counterterrorism experts, to break down the costs of potential terrorist attacks, and furthermore delineate the cost of measures it would take to tackle the problems. With national, regional, and local officials, the task force should, in a format geared towards state policy makers, come up with a basic cost-benefit analysis, in specified real terms, of the amount of money and resources it would take to implement the EU counterterrorism strategy in areas of that country's particular vulnerability. This type of audit could provide both the EU and the member states with fodder for the necessary introspection on counterterrorism policies to be adopted, abandoned and changed.

With the structure and composition of the EU, currently in a state of flux and great uncertainty, a result of the EU Constitution's and then the Lisbon Treaty's subsequent non-passage, it would be both unwise and unrealistic to expect any significant changes that are likely to upset the existing state of the current division of responsibilities in EU-policy making. So, apart from options like the one described above, opportunities to take counterterrorism policy to the supranational level are not easy to come by. For that reason, special attention needs to be paid to

the intergovernmental methods with which European counterterrorism policy can be adjusted.

1.2 Current intergovernmental policies and future policy options

1.2.1 Intergovernmental policy challenges

Although, as a supranational actor, the EU is unique in its ability to guide policy and urge member states to follow such guidance, applying pressure and forwarding recommendations can only go so far to substantially reform any area of policy. With so much being left up to the member states, as a result of their ostensible monopoly on the creation of security policy, the EU is unable to simply dictate its desired counterterrorism policy, if implementation is the desired goal. As Daniel Keohane, quoted in deliverable 10, has it, “[t]he EU has been slow to build an effective institutional infrastructure for counterterrorism, while EU governments have been sluggish in implementing parts of the action plan” (TTSRL Deliverable 10, 2008: 10). Making matters more difficult is the fact that the Council (all 27 member states) must unanimously agree to achieve substantial results on this level. These difficulties can be illustrated using the example of Europol and the way it has been functioning over the last couple of years.

1.2.2 Europol: an example of an intergovernmental agency with room for improvement

The intergovernmental organization Europol is part and parcel of the EU’s counterterrorism function and was highlighted as a key tool in the EU Counter-Terrorism Strategy and the Action Plan for Combating Terrorism in 2005. Where an organization such as FRONTEX was identified as leading under the Protect strand, Europol should play a similar role for Pursue.

The strategy intended to “[m]ake full use of Europol and Eurojust to facilitate police and judicial cooperation, and continue to integrate the Joint Situation Centre’s threat assessments into CT policy making” (European Council, *European Union Counter-Terrorism Strategy*, 2005, 14). In addition, it is stressed that “[m]ember States should also improve further the practical co-operation and information

exchange between police and judicial authorities, in particular through Europol and Eurojust" (European Council, *European Union Counter-Terrorism Strategy*, 2005, p. 13). After the formulation of the strategy and the action plan, Europol has had high prospects to become a key player to combat terrorism, through its informing, supporting, and analyzing tasks.

However, Europol has not yet been able to meet its full potential. In addition to the structural quandaries inhibiting on its potential, Europol has also faced serious difficulties to execute the tasks it was originally set out to perform, acting as a focal point for coordination and communication of member state police forces. The limited mandate and responsibilities of this organization at the intergovernmental level have been harmful to reaching its intended possibilities. The European Police Office (Europol) was created in 1995, on the basis of a Convention between Member States. The Europol Convention established the organization, determined its competence, tasks and management, and included provisions with respect to its organs, its staff and its budget (Europol, *Europol Convention: 1995, consolidated version*). Europol's activities are limited to certain well described types of cross-border crime, thus including transnational terrorism (Europol, *Europol Convention: consolidated version*, art. 2(1) and annex 2. See p. 2 for explicit references to terrorism.).

As a transnational policing body, it lacks the traditional, executive authorities and powers most police forces are able to use with the proper justification, namely: the detention of suspects and searches of personal property. Instead, Europol is relegated to a purely intermediary role, coordinating strategy, training, information exchange, analysis, and (if the policing eventual turns into casework) assistance to Eurojust which aids states in the preparation of extended investigation and potential prosecution.

Such an intergovernmental identity can go a long way in remedying some of the most basic (removing language barriers through on-hand translators), as well as more complex (the assembly of Joint Investigative Teams to investigate and assemble case work) issues in facing transnational terrorism as a criminal enterprise.

In addition to this, its operations are severely hindered. In a discussion paper about the European Counter-Terrorism Strategy, the CTC highlighted to the Council the slow speed with which threat assessments and other relevant information are being communicated to Europol:

- "the refusal by the judicial authorities in certain Member States to transmit information relating to investigations in progress;
- Some agencies with dual competencies as Law Enforcement and as Security Services are experiencing legal difficulties in identifying what can be shared with Europol.
- the requirement laid down in Article 2(3) of the Decision, that the information affects, or is likely to affect two or more Member States." (European Council, *EU Counter-Terrorism Strategy: discussion paper*, 2008: 3)

With these types of interactions forming the core of the agency's work, their expediency and efficiency, especially with time sensitive investigations involving volatile topics such as transnational crime and terrorism, are prerequisite to its success. Without steady and consistent streams of information the added value of an agency like Europol is thoroughly diminished. Thus, the lack of effectiveness of Europol and the interaction between the organization and national governments can be attributed to these kinds of hindrances.

Another difficulty is that Europol seems to function in an organizational and operational void. With varying commitments (financial and otherwise) to fighting terrorism in the first place, this kind of void without EU oversight has been an essential obstacle for Europol's functioning. Bodies that could be deemed responsible for oversight had yet to perform the task. As Nikolaos Lavranos writes in the *European Foreign Affairs Review*, "[a]dditionally, parliamentary control at the European and national level also needs to be strengthened substantially. Currently, neither the European Parliament nor the national parliaments exert any effective control over Europol activities" (Lavranos, 2003: 13).

Similar to the reform of its mandate, Europol's structure needs to strike a balance between member state responsibility and action, along with European oversight and quality control. Besides reforming its mandate and structure, Europol has to reexamine and modify its functional mechanisms.

Thus, Europol's administrative structure is a factor afflicting its ability to perform at peak levels. Unlike FRONTEX, which admittedly is more supranational in purpose, both Europol's management board, as well as the officials responsible for creating its budget, are still drawn on a member state-by-member state basis. An institutional arrangement that would make Europol less dependent on the cooperation of the member states, might enhance its effectiveness.

And as such, the more recent developments related to Europol could be the start of a fresh regeneration.

In May 2008, the Council reached political agreement on establishing the European Police Office. Once that decision is formally adopted, Europol will become a Community agency. This change of status will significantly improve the operational and administrative functioning of Europol. Also, the transfer of Europol will mean that it will operate more independently, as it will have less stringent voting procedures on its management board. For instance, it will have more leverage in negotiating the terms of its participation in Joint Investigation Teams, deciding on the arrangements between Europol and third states or organizations and drawing up its budget. It will ease support given by Europol to member states in connection with cross-border criminal investigations where involvement of organized crime is not demonstrated at the start. Another significant change is that Europol will be financed from the Community budget (from 1 January 2010 onwards), which will simplify the procedures for managing the budget and staff of Europol. The role of the European Parliament in oversight over Europol will also increase, and democratic supervision of over Europol at European level will be enhanced. In short, many, although not all, of the obstacles mentioned above, will thus be removed.

If any agency was designed to be more valuable than the sum of its parts, Europol has been intended to be such an agency. However, until those myriad parts click together and start functioning as the well-oiled machine they were intended to

compose, a core aspect of the EU counterterrorism policy will not be performing at its peak, intended capacity. While Europol is the most applicable example, other intergovernmental agencies, such as Europol's cooperating partner, Eurojust, operating under the auspices of the EU will undoubtedly face the same sort of conflicts this international policing body is facing. Despite the outlined difficulties, the steps needed to ameliorate the situation are relatively self evident and totally fixable.

1.2.3 Intergovernmental coherence: harmonizing EU counterterrorism policy with other EU policy fields

While applying necessary changes to EU agencies represents the transformational aspect of what can be done to address these problems, the task of harmonizing EU counterterrorism policy with other fields may be less onerous. Deliverable 12a went to great lengths to show areas of policy overlap, where the EU could merely adjust and nudge its disparate policies into a state of coherence, without necessarily embarking on a systematic overhaul. Before we embark on this level of analysis, it should be noted that while the research for 12a examined the overlap between counterterrorism policy and numerous and various disparate policy fields—everything from Business and Tax policy to Agriculture was examined—due to constraints on space and time, only those most pertinent to counterterrorism will be discussed in this deliverable.

The advantage of this approach to reform, as opposed to the transformation based approach (though it is important to note that the two are *not* mutually exclusive) is that, organizationally and logistically, the challenges involved here are much less dramatic. For instance, the construction and application of FRONTEX, SIS, and VIS was not explicitly done with counterterrorism in mind. Instead, EU policy makers were looking to address a litany of issues, most broadly the continent's too porous borders and the inadequate dissemination of stored information about the people passing through them. At their cores then, these systems are about getting a greater grip on immigration, particularly illegal immigration. As terrorism has increasingly developed a more transnational quality, immigration is clearly one area that needs to be addressed when discussing a

comprehensive strategy. Europe has recognized this, and without speaking to their effectiveness, has set up liaisons between FRONTEX and Europol in the hope that the two organizations will be able to work together, in their differing capacities, to mutually beneficial results. Furthermore, with the adoption of SIS II, and eventually the VIS system, the EU improves its border protection efforts by introducing technological developments as well as by increasing communication and coordination. As a result of these measures the EU has successfully harmonized components of its general transnational security strategy with its counterterrorism policy goals. They fit squarely within the 3PR Protect strand, by utilizing technology to create a secure atmosphere with regulated and monitored borders.

Successes regarding the implementation of measures have also been had with regards to international financial crime. The Financial Action Task Force (FATF), an intergovernmental body independent of the EU (more closely related to the OSCE, though it is independent of that body too), was created to fight international financial crime and fraud in general. However, with transnational terrorists utilizing an ever lengthening list of tools at their disposal, in particular a willingness to exploit legal loopholes and ambiguities in order to raise money for their pernicious aims, the FATF stepped up, outlined recommendations to deal with the emerging threat, and began collaborating with the EU in order to implement them. Here, the broad problem of international financial crime was being taken seriously. With a slight adjustment of interests and priorities, this larger issue was utilized to frame the problem as it occurs in transnational terrorism, and as a result, tools to combat this component of the threat are now part of the *EU Action Plan on Combating Terrorism*. As the cluster graph in deliverable 12a shows, the practice of disrupting terrorist financial networks is consistent with the wider goal of denying them accesses to resources necessary to perform attacks (TTSRL Deliverable 12a, 2008: 6). Additionally, a strategy and policy instrument such as this is conducive to the philosophy behind the EU's strand to pursue terrorists.

More abstractly, the European Council has facilitated and coordinated studies of terrorism related concepts such as radicalization. Quite recently, with Great Britain, Spain, Sweden, the Netherlands, and Denmark each contributing one aspect of the research, the Council completed a project that analyzes multiple

aspects of the radicalization problem, studying everything from preventing radicalization in the youth demographic and community policing, to sources of radicalization on the internet and improving the training of religious leaders. Within this study, socioeconomic, cultural, religious, and judicial issues were all incorporated. As discussed in deliverable 10, this is a vital element of any counterterrorism policy, as emphasized by counterterrorism expert Martha Crenshaw, who “maintains that among the most essential measures democratic governments can take in countering terrorism is, understanding the motivations and processes of radicalization” (TTSRL Deliverable 10, 2008: 7). The European Commission should take into account the findings presented by research and expert groups, especially those that have the potential to inform policy makers in a wide range of fields, and stimulate the cooperation in the development and exchange of knowledge that is relevant in this field.

One area of European Union policy that is harmonious, but has yet to be sufficiently cohered with its counterterrorism policy is disaster response. This is another policy area that has traditionally been the prerogative of the member states. However, far from reflecting the traditional sovereignty conflict that would inhibit cooperation, responding to disasters is so clearly about keeping the population safe, and is such a relatively unpoliticized issue, that both the EU and its member states have shown willingness to cooperate here. The EU should attempt to facilitate greater intergovernmental cooperation within the member states on this issue. At the very least it could set up an online network of first responders, and provide translating services to guarantee expedient communication. Linking these professionals from different countries will hopefully generate not only the communication of shared experiences and best practices, but eventually, a free exchange in ideas, a place where not only the successes and failures of past policy is discussed, but a place where new strategy and tactics, applicable on a transnational level, are created.

1.2.4 Europe and Muslim countries: trying challenges and an opportunity for intergovernmentalism

While the above examples highlighted instances of European policy coherence that are self-evident and potentially easy to administer, there are also areas where more dramatic adjustments need to be made. Most significantly perhaps are the external relations of the EU and its member states on the one hand, and the Muslim world on the other. While the policy of making peace with and aiding and abetting secular, but repressive, Arab regimes may keep segments of individual Islamist groups at bay, it has serious deficiencies. One of its negative effects is that more than just extremists and terrorists experience the consequences when the West aids countries like Pakistan and Egypt. Large amounts of the population frequently have their basic human rights infringed upon in the name of the fight against fundamentalism. As these Arab countries and their civil societies are oppressed, with tacit approval of the West, both the image and policies of domestic governments and their supporters (local and foreign), become tainted with illegitimacy. Not only that, but it allows terrorist groups to seize a prime propaganda opportunity, and further construct a narrative that casts them in the role as the benevolent freedom fighters in a global, never ending conflict, and the West as the collaborating (and colluding with secular Middle East Regimes), apostate opposition.

Potentially more harmful, from a hearts and minds standpoint, than abetting authoritarian regimes in the Muslim world, is the EU's contradictory application of democratic standards. If the West is supposed to be the great bastion of democracy, and its chief global promoter, it has to apply those democratic philosophical values equitably and without preexisting bias. Currently, this does not always happen. For example, by refusing to negotiate with the legally elected Hamas-led government, the EU appears to be unwisely following the lead of the United States in a self-defeating policy. There are two primary negative effects to this approach. First, it gives off the image of Europe as promoting democracy not out of virtue, but out of convenience; using it as means to an accommodating political end, and accepting the results only when they are considered favorable. This would imply holding the Muslim world to a different, and, moreover,

fundamentally flawed standard of democracy than that is applied in the rest of the world. Second, not unlike cases where non-democratic regimes are supported by western countries, by shunning the more politically moderate factions of these previously homogenous hard-line, militant groups, the EU is missing an opportunity at political conciliation that in this region, is so difficult to come by. Thus, it relinquishes the momentum and impetus to the more extremist elements of these groups, who are often the instigators of hostility, destabilization, and violence.

In their "Storytelling and Terrorism: Toward a Comprehensive 'Counter-Narrative Strategy' ", William Casebeer and James Russell emphasize the importance of "a grand counterterrorism strategy [that] would benefit from a comprehensive consideration of the stories terrorists tell . . . [this] will enable us to better fashion a strategy for undermining the efficacy of those narratives so as to deter, disrupt, and defeat terrorists groups" (TTSRL Deliverable 10, 2008: 16). More politically, socially, and culturally conscious interactions with these countries, and similar ones such as Algeria and Yemen, will help decrease the wider Muslim population's disenchantment and redirect the narrative in the favor of the West in general and Europe in particular.

By rethinking the way the EU and its member states politick in the region, they could engender a more favorable response from the Muslim world, and potentially make it a place increasingly possible to resolve conflicts without acrimony. In the Middle East, as Keohane points out as referenced in deliverable 10, Europe should attempt to alter its relations with authoritarian states, build off its preexisting ones with democratic states, and generally pursue political and economic policies in the region that are aimed at the general public of the region, and not just at the political elite.

The EU cannot control how its independent member states interact with the Muslim world at large; foreign policy is largely the province of national government. Nonetheless, there is an intergovernmental role the EU can play with regards to its policy towards the Muslim world. The EU should facilitate multinational dialogue, perhaps something along the lines of the "Alliance of Civilizations" but more focused, among its member states in order to begin the process of creating a more thoughtful and useful general attitude towards interacting with the Middle East,

North Africa. Though it is far too early to tell, studies like the multinational effort on radicalization are inherently valuable because they help in coordinating the efforts of the EU member states, getting different insights from each, infused to some extent by national sensibilities, while taking into account a broad range of issues and considerations. Multifaceted, and importantly, comprehensive, this type of study should at the very least be a catalyst for thinking about these issues in a more productive light. A study to this effect on EU relations with Muslim dominated states could be such a catalyst on this subject.

1.2.5 The danger of ethical bottlenecks

Within its own domain, the European Union must similarly strive to keep its counterterrorism policies consistent with its tradition of human and democratic rights. The aforementioned FRONTEX system, and its accompanying SIS II and VIS tools, can be great boons in terms of expedient information retrieval and exchange. At the same time, as was noted in deliverable 12b, whenever large amounts of personal, private, and sensitive information are aggregated in this way, a large degree of trust is placed in the institutions that manage it, and their responsibility to use it in appropriate and lawful ways only. While regulations for using these systems are already in place, they are susceptible to arbitrary use. These regulations should be formulated more precisely and only allow for application in well-argued emergency situations (TTSRL Deliverable 12b, 2008: 100-101).

Privacy is just one area where the European Union is struggling to reconcile the interplay between protecting the population from the threat of terrorism and adhering to basic standards of legality. The conversation about these particular instruments, about the concept of constantly monitoring borders, people, finances, usefully leads into a discussion about ethical bottlenecks, that is, those counterterrorism policies that walk a tight rope with regards to both their legitimacy and legality. Deliverable 12b utilized specific case studies of the EU and certain member states to illuminate the struggles different countries have had implementing their disparate counterterrorism policies while retaining their core legalistic and moral principles. In illuminating these ethical bottlenecks, it also

provides valuable lessons for how to avoid these trappings that can irrevocably harm the counterterrorism policies of the EU and its member states.

Besides the issue of privacy, the EU policy on extradition is another that struggles to adequately deal with the threat while simultaneously maintaining the rule of law. At first glance Europe would seem to be improving in this regard, and to some degree this may be true. The product of effective intergovernmental collaboration in the Council, the establishment of the European Arrest Warrant (EAW) is certainly a step in the right direction. Drafted in accordance with the EU's Framework Decision on Terrorism, the EAW is a genuine attempt to integrate innovative transnational counterterrorism measures, conducive to the Pursue strand of the 3PR strategy, in the context of the international legal regime of the EU. It guarantees the accused basic legal and human rights while at the same time facilitating cooperation among member states to deal with terrorist suspects in a responsible, legal, and legitimate fashion. However, it does contain flaws, for example in its relation to the external US-EU extradition agreement, which conflicts with the overall tone of the EAW. With more of an emphasis on expediency than prudence, the US-EU agreement does not contain the same cognizance of international human rights standards that is had in the EAW (TTSRL Deliverable 12b, 2008: 43).

These conflicting agreements set up a slippery slope as far as implementation goes, which has already negatively materialized with the EU's complicity in the United States' illegal rendition program. As illuminated first by Amnesty International and then by a damning report from the Council of Europe, many EU member states were at least complicit, if not willing partners, in the American program of extraordinary rendition, violating not only international law, but norms of legitimacy as well (Amnesty International, *EU-US Extradition Agreement is still flawed on human rights*, EUR 01/005/2003 and Council of Europe Committee on Legal Affairs and Human Rights, *Alleged secret detentions in Council of Europe*, 2006.) Scandals like this, apparent on the international stage, in media all over the world, engender negative press and widespread ill will. Again a balance needs to be struck: the EU needs to be nimble enough to respond quickly to extradition requests, but in a legal and legitimate manner, and not be beholden to

the demands of the United States. The assistance in the rendition program may have bolstered short-term transatlantic relations but will be far more costly from an international standpoint for many years to come.

At the member state level, different countries are struggling with different ethical bottlenecks, a result of a conflagration of circumstances including their historical, traditional record/strategy of dealing with terrorism as well as national norms of legality and legitimacy. Great Britain for example, which has a history of detaining suspects without charge from their conflict with the IRA in Northern Ireland, recently upped the limit from 28 days to 42. And while 12b indicates this does have precedent and pedigree (raises such as this, in the limit have occurred incrementally in the past) the immense time now allowed to detain without a charge is so long, it is sure to infuriate the innocent that are affected. If such a policy is to be used at all, the UK needs to make sure it is only done so in the most necessary and justified instances, validated by a process of stringent judicial oversight. At this point such protocols do not exist, and therefore must be created and implemented.

Other countries have experienced similar problems. Spain for example, with its historical record of fighting the Basque terrorist group ETA, has controversial detention practices in place as well, many of which seem to deny the accused basic standards of due practice, particularly those that interfere with the right to counsel. The fundamental practice of a suspect's right to an attorney is a basic facet of any criminal investigation and prosecution; without it, both the legality and the legitimacy, from the state's point of view, are stripped away. This so called, "incommunicado" detention policy again brings up the issues of double standards, when terrorism is the subject being discussed. Spain should revoke this method of hindering the defense of suspects and instead spend their time on building solid casework so that shortcuts like this are not needed to detain real terrorist threats, and that those incorrectly imprisoned are not kept in the dark for too long (TTSRL Deliverable 12b, 2008: 49-68).

Other EU member states are dealing with different ethical bottlenecks, France's counterterrorism investigations and prosecutions are administered by a group of magistrates that is largely unregulated and unaccountable. Germany has

had trouble safeguarding the privacy rights of its citizens at large, Broadly speaking, the counterterrorism practices of the Netherlands, “allows an *a priori* limitation of civil liberties and the manner in which this liberties can be taken away is not clear” (TTSRL Deliverable 12b, 2008: 98).

The ethical bottlenecks discussed here, as well as others, present problematic quandaries for the EU and its member states, especially with regards to the Prevent and Protect strands of the 3PR counterterrorism policy. The illegality and illegitimacy of certain measures, especially when they come into the view of the general public, cause consternation in the communities that are most viscerally affected by their practice. As far as tackling root causes and decreasing radicalization goes, the existence of counterterrorism measures that might give rise to ethical objections in the legal systems of the EU and its member states is substantially counter productive to these goals. Draconian measures may seem to help to superficially ease the most basic yearnings of security for the human psyche, but they are often distracting and inefficient, becoming means for the sake of means.

Ethical bottlenecks, by and large, are a product of the national legislative process, and accordingly need to be remedied in that sphere. That said, there is an intergovernmental role for the European Union to play in facilitating their limitation and eventual elimination. A good start in this process was the distribution to member states of a Commission-issued questionnaire entitled *Criminal Law, Administrative/Procedural Law and Fundamental Rights in the Fight Against Terrorism* (European Commission, *Criminal Law, Administrative/Procedural Law and Fundamental Rights in the Fight Against Terrorism*, 2006). These 16 questions on everything from states’ governments experiences with suspected terrorist detention, expulsion of foreign nationals, parliamentary oversight, and other topics is a great starting point for an intergovernmental, multinational discussion on ethical bottlenecks. Though this is a subject that countries will be understandably reluctant and, perhaps even frightened to discuss in an open forum, it is of significant importance that they do. The reason ethical bottlenecks are allowed to remain in place is because of a lack of dialogue on their problematic philosophical underpinnings, their deficiencies as useful instruments. The fact that they exist at

all in countries that purport to integrate a high respect for human rights into their codified law could pose enough embarrassment and resentment towards some countries that the issues are swept under the rug. However, without discussion, these same lamentable processes will continue unabated, debasing not only suspected terrorists, but the reputations of the member states involved. Public broaching of this topic would be useful for transparency's sake, but if the EU and its member states feel more comfortable discussing these unseemly topics in private initially, that should be done instead. Silence is self-perpetuating and on the matter of ethical bottlenecks, it is the greatest danger. Intergovernmental collaboration in this area, as well as all of the others previously discussed, between the EU, its member states, the Council, and the Commission where appropriate, will help these entities to solidify a cohesive and coherent approach to counterterrorism.

2. MEMBER STATE POLICIES AND POLICY OPTIONS

Though the European Union, with its supranational and especially, its robust intergovernmental capacities, is in prime position to take the lead, as well as facilitate a counterterrorism strategy, ultimately, the most significant and substantive commitment has to come at the member state level. To that end, the matrices that make up the foundations for the radar charts in deliverable 11 go a long way to showing where the gaps of incoherence remain between and among a sampling of eleven European countries. While not exhaustive, they prove to be an excellent indicator of how states execute counterterrorism policy framed in terms of the EU's 3PR strategy.

Only four (the UK, Czech Republic, Germany, and Denmark) of the eleven countries examined could describe themselves as what we call using the 'maximalist approach.' That is not that they devote the most resources to counterterrorism, but that in the context of 3PR, their efforts across the four different policy strands are proportionate, all given the same, thoroughgoing attention. The implication here is that seven of the countries are deficient in at least one of the four policy strands. For instance, France, with its counterterrorism approach so very oriented around Pursue, has little on the books when it comes to measures in the Prevent strand, especially in terms of winning the 'Battle of Ideas'

and tackling root causes of terrorism. Portugal's policy suffers from the same limiting orientation, but lacks France's incredibly various demographic. France, with its sizeable and in some segments, disgruntled Muslim minority, is a venue where the Prevent strand of counterterrorism should be, but is not, a marquis of its policy. On the other hand, the UK and the Netherlands have addressed these problems vigorously in their counterterrorism policies, according to the same set of matrices.

In the Protect strand, interestingly enough, Poland is the only country with the distinction of implementing a truly comprehensive set of measures combating terrorism in this fashion. Particularly with regards to maritime security, they have an excellent record of strengthening these capabilities. Spain does an excellent job in this department as well. Interestingly Portugal, whose coast makes up a large proportion of its external borders, pays little attention to this area of protection. On the other hand, the Czech Republic and Germany do an admirable job in terms of aviation security while Denmark and France put less stress on this category of measures. Italy, the Netherlands and Spain seem to put less emphasis than other countries on target hardening measures to protect their public transportation infrastructure. The UK has the highest score among the eleven sample countries in this area.

All of the countries in this study (excluding Sweden, which focused on none of the strands) seemed to take lessons of 9/11 to heart and have implemented measures that fit within the Pursue strand, especially in terms of investigating, intelligence gathering, and prosecuting terrorists and terrorist suspects. This does not necessarily imply the policies are all effective; indeed, the conversation on ethical bottlenecks showed some of the trappings to avoid when taking measures in the Pursue strand. Nonetheless, countries seemed to have concluded that this aspect of counterterrorism strategy is the most vital, and have concentrated the majority of their attention and resources accordingly. Many of the measures we catalogued were implemented by a large majority of the member states in this study, and in some cases, by all of them.

In the fourth strand, Respond, Portugal, France, the Netherlands and Italy all score relatively low. In their counterterrorism strategy and policy documents, there are no references to, for example, expanded resources for first responders and

special measures for facilities that are likely to become a target of a terrorist attack. Critical infrastructure protection, and the ability to come to its defense and rescue are certainly the prerogative of individual states, but with the goal in this strand to limit damage, and save lives when the situation demands it, inaction in this area is self-defeating. On the other hand, countries such as Spain and Poland have enacted numerous measures in this policy strand and are cognizant of its importance.

All in all, with many countries neglecting one or more policy strands in their counterterrorism policies, Europe will be unable to achieve a counterterrorism policy that can truly be called comprehensive. This is not to say that efforts to enhance counterterrorism policy at the member state level without success. Many countries have adequately tackled at least one strand, but without the proportionality of the 'maximalist' countries, key weaknesses will continue to be exposed from place to place. These gaps need to be filled, and can be, through bilateral and multilateral exchanges. But more than that, it will first take the willingness to admit the weaknesses are present and the constitution to invest in dealing with them.

Without diminishing the ability of member states to cooperate bilaterally and multilaterally on their own, there is a role for the EU to play here. The office of the Counterterrorism Coordinator has most recently, and most frequently, been tasked with updating the Council on the status of the Action Plan's implementation. Though this task is of undisputed importance, the office of the CTC should also be fulfilling its eponymous roll more fully. The disjointedness of EU member state counterterrorism policy is the perfect opportunity for CTC to use his office in order to coordinate communication in order to fill these policy gaps. The CTC, for example, from his useful, institutional vantage point, could issue questionnaires, similar to the aforementioned one on ethical bottlenecks, to learn for what reasons some countries cover certain strands of the 3PR policy, while largely disregard others. With this information at hand, the CTC could start, at the very least, dispersing some information on effective ways countries have dealt with plugging certain gaps in their counterterrorism policies.

CONCLUSIONS

This deliverable has attempted to show how the European Union can be utilized on both a supranational and intergovernmental level, as well as a facilitator of action among the member states, to better construct, equip, and implement a comprehensive counterterrorism policy. It has attempted to illuminate some of the vast positive potential opportunities from employing this approach while simultaneously displaying difficulties and challenges to be encountered as well. The commitment to work these different angles, all in the hopes of dealing with the same conflict, is reflective of the nature of the threat, and the compelling evidence to engage it. However, more meaningful, comprehensive, continuous, and unceasing steps need to be taken if the EU wishes to stay ahead of the game, and protect its citizens.

Drawing on the first question formulated in the introduction, whether the EU is operating at peak capacity as a supranational institution to guide European counterterrorism policy in the direction of coherence and comprehensiveness, it should be noted that it is, but that this is partly the result of some institutional features of EU policy making. As many European counterterrorism measures will fall under the Justice and Home Affairs and CFSP pillars, where the decision making is still the prerogative of the member states, the possibilities for a role for the European Commission in introducing substantial policy measures in line with the fairly comprehensive *European Union Counter-Terrorism Strategy* are inherently limited. An upgrade of the counterterrorism responsibilities on the supranational level can only take place with the approval of the member states, and it is doubtful whether they are willing to devolve their responsibilities in these fields to the European Commission. Having said that, FRONTEX offers a model for the structure of an organization that could successfully perform a task of this kind on the supranational level.

Regarding the questions about the intergovernmental level, whether the EU functions as an effective facilitator of cooperation, the case of Europol served as a reminder of the difficulties that come with working on the intergovernmental level. Room for enhancement of an EU role in counterterrorism policy making, again because of the power of the member states in European security and foreign policy,

could concern keeping counterterrorism in synch with other security related policy fields.

In the relation of the EU with the member states and for the relations between the member states, the EU must also increase its efforts to facilitate counterterrorism coordination between the member states. There is room for the improvement of The EU itself can work to plug some of the previously discussed gaps in policy, but at some point the member states have to do so themselves. As has been argued earlier in this deliverable, the EU can play a role in making assessments of the feasibility of certain counterterrorism measures.

With the help of the CTC, states should work to communicate with each other, both multilaterally and bilaterally, in order to share best practices, lessons learned, and other useful ideas and tactics they have used on a domestic front to combat terrorism. While acknowledging that the ethnic, racial, and religious make up of the EU member states' populations vary widely, and that certain policies may not be easily translatable, or translatable at all, such a conclusion cannot be made until and unless the topic is broached, discussed, and engaged on a truly substantive level. If these systemic reforms, policy adjustments, and member state activities are put in motion, the EU and its countries will be on their way towards a truly comprehensive, just counterterrorism policy, putting them in as good a position as possible to deal with the scourge of transnational terrorism.

SOURCES

Literature

- Amnesty International. (2003) *EU-US Extradition Agreement is still flawed on human rights*, EUR 01/005/2003
- Casebeer, William and Russell, James. (2005) "Storytelling and Terrorism: Towards a Comprehensive 'Counter-Narrative Strategy' ", *Strategic Insights*, vol. 4, no. 3, pp. 1-16.
- Crenshaw, Martha. (1981) "The Causes of Terrorism", *Comparative Politics*, vol. 13, no. 4, pp. 379-399.
- Crenshaw, Martha. (2007) "The Organization of Terrorism", J.O. Ellis III (ed.) *Terrorism: What's Coming*, Oklahoma, Memorial Institute for the Prevention of Terrorism (MIPT), pp. 19-27.
- Council of Europe, Committee on Legal Affairs and Human Rights. (2006) *Alleged secret detentions in Council of Europe*, AS/Jur (2006) 03 rev.
- Ganor, Boaz. (2005) *The Counter-Terrorism Puzzle: A Guide for Decision Makers*, New Brunswick: Transaction Publishers.
- Keohane, Daniel. (2005) *The EU and Counterterrorism*, Centre for European Reform Working Paper, London.
- Lavranos, Nikolaos. (2003) "Europol and the Fight Against Terrorism", *European Foreign Affairs Review*, vol. 8, pp. 259-275.
- Monar, Jörg. (2007) "Common Threat and Common Response? The European Union's Counter-Terrorism Strategy and its Problems", *Government and Opposition*, vol. 42, no. 3, pp. 292-313.
- Omand, David. (2005) "Countering International Terrorism: The Use of Strategy", *Survival*, vol. 47, no. 4, pp. 107-116.
- Sandler, Todd. (2005) "Collective Versus Unilateral Responses to Terrorism", *Public Choice*, vol. 124, no. 1-2, pp.75-93.
- Sandler, Todd and Enders, Walter. (2004) "An Economic Perspective on Transnational Terrorism", *European Journal of Political Economy*, vol. 20, no. 2.
- Sandler, Todd, Arce, Daniel and Enders, Walter. (2008) *Copenhagen Consensus 2008 Challenge Paper: Terrorism*,

<http://www.copenhagenconsensus.com/Default.aspx?ID=1152>, accessed, 9 December 2008.

Thieux, Laurence. (2004) "European Security and Global Terrorism: The Strategic Aftermath of the Madrid Bombings", *Perspectives*, vol. 22, pp. 59-74.

TTSRL. (2008) *The negative economic impact of terrorism and means of consequence minimization: Protecting European Vulnerabilities*, Deliverable 9 of the TTSRL Project, <http://www.transnationalterrorism.eu/tekst/publications/WP5%20Del%209.pdf>, accessed 27 October, 2008.

TTSRL. (2008) *Theoretical Treatise on Counterterrorism Approaches*, Deliverable 10 of the TTSRL Project, <http://www.transnationalterrorism.eu/tekst/publications/WP6%20Del%2010.pdf>, accessed 20 October, 2008.

TTSRL. (2008) *Mapping Counterterrorism: A categorization of policies and the promise of empirically-based, systematic comparisons*, Deliverable 11 of the TTSRL project, <http://www.transnationalterrorism.eu/tekst/publications/WP6%20Del%2011.pdf>, accessed 20 October, 2008.

TTSRL. (2008) *Conflict and Coherence: The relation between the EU's counterterrorism efforts and other policies*, Deliverable 12a of the TTSRL project, <http://www.transnationalterrorism.eu/tekst/publications/WP6%20Del%2012a.pdf>, accessed 13 November, 2008.

TTSRL. (2008) *The Ethical Justness of Counterterrorism Measures*, Deliverable 12b of the TTSRL project, <http://www.transnationalterrorism.eu/tekst/publications/WP6%20Del%2012b.pdf>, accessed 7 January 2009.

EU Documents

European Commission. (2005) *Terrorist recruitment: addressing the factors that contribute to violent radicalization*, COM (2005) 313 Final.

European Commission. (2006) *Questionnaire on Criminal Law, Administrative/Procedural Law and Fundamental Rights in the Fight against Terrorism*, DG JLS D1/JNA/DH/km D(2007) 14184.

European Commission, Directorate-General Justice, Freedom and Security. (2007) *Questionnaire on Criminal Law, Administrative/Procedural Law and*

Fundamental Rights in the Fight Against Terrorism, DG JLS D1/JNA/DH/km D(2007) 14184.

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

European Council. (2005) *Implementation of the Action Plan to Combat Terrorism*, 15704/05.

European Council. (2005) *EU Plan of Action on Combating Terrorism*, 9809/1/05 REV 1 ADD 1.

European Council Secretariat. (2007) *Factsheet: The European Union and the Fight Against Terrorism*.

European Council. (2008) *EU Counter-Terrorism Strategy: discussion paper*, 15983/08.

Europol. (1995) *Europol Convention – Consolidated Version* (http://www.europol.europa.eu/legal/Europol_Convention_Consolidated_version.pdf, accessed 16 January 2009).