

The end of Atlanticism?

Strategic cultural differences, regarding counterterrorism,
between the United States and the European Union



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Abstract

This thesis researches the transatlantic relation between the US and the EU regarding counterterrorism. Both their individual counterterrorism strategies and their joint declarations were analyzed, against the background of the theories of strategic culture and multilateralism vs. unilateralism. Although both actors have been working closely together, there are some differences between their strategic cultures. By using the theoretical concept of strategic culture, I endeavor to distinguish the reasons why the US tends to use force in order to protect homeland security and the EU more believes in diplomatic means. The political establishment in the US has challenged the transatlantic relationship. On the other hand, the European complex governmental system has also influenced the cooperation. The factors used to determine if the transatlantic relation has been undermined are: the US' approach to individual member states, difference in threat perceptions, multilateralism vs. unilateralism and discourse. The conclusion is that the transatlantic cooperation was to a certain extent undermined, but has never been destroyed. The transatlantic relation regarding counterterrorism has been closer than before 9/11, and exists next to the individual strategies and measures, but is certainly a relevant contribution in fighting terrorism. ¹

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¹ Image on the title page: *Transatlantic regulatory cooperation expanded* (Hughes, August 2007).

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Abbreviations

AQ	Al Qaeda
CEE	Central Eastern European Countries
CFSP	Common Foreign and Security Policy
CRS	Congressional Research Service
CSDP	Common Security Defense Policy
EP	European Parliament
EC	European Commission
ESDP	European Security and Defense Policy
ESS	European Security Strategy
EU	European Union
EU CTC	European Union Counterterrorism Coordinator
FATF	Financial Action Task Force
MOD	Ministry of Defense
MS	Member states
MOI	Ministry of Interior
NATO	North Atlantic Treaty Organization
NSS	National Security Strategy
SC	Strategic culture
SWIFT	Society for Worldwide Interbank Finance Tracking Program
US	United States
U.N.	United Nations
VIS	Visa Information System
WDM	Weapons of Mass Destruction
WEU	Western European Union
WOT	War on Terror
WTC	World Trade Center

Chapter 1 Introduction

1.1 The United States and terrorism

Islamist terrorism had been a media phenomenon even before the events of September 2001. There were several attacks and threats throughout the nineties both in Europe and in the United States (Washington Post, 4 May 2008). The first attack on the World Trade Center was in 1993, which caused an overall shock in the United States. New York State's governor at that time, Cuomo, stated that this terrorist attack made the United States vulnerable, because before it seemed that the US was invulnerable (BBC News, 23 February 1993). But it was the attack of 9/11 which has changed the world significantly (De Wijk & Relk, 2006:30). Counterterrorism has been on the political agenda of governments ever since. The attacks on the World Trade Center in 2001 showed that the US government was not able to avoid attacks like these despite its counterterrorism policies. This led to the formation of the 'National Commission on Terrorist Attacks Upon the United States' (9/11 Commission) in 2002 (9-11 Commission, 20 July 2004). In its Staff Statement No. 9² Report the Commission states that the FBI played the lead role in the government's domestic counterterrorism strategy before September 11, 2001. The strategy was an after-the fact approach, because the FBI had to deal with other major crimes (drugs and white collar crime), so terrorism was not the main priority. Although the FBI created a 'Counterterrorism Center' in 1999, the organizations faced several limitations which might contributed to the fact that 9/11 wasn't prevented (9-11 Commission, Law enforcement, Counterterrorism, and Intelligence Collection in the United States Prior to 9/11, 2003). First head of the Counterterrorism Division, Watson, told the Commission that in May 2001 he had asked for an increase of the budget, but the Justice Department focused on drugs crime, therefore many experts see the attacks on the WTC as an "intelligence failure" (ibid). This may explain why the US government has expanded its policies on counterterrorism after September 11, 2001. Several organizations have been created and billions of dollars have been spent on fighting terrorism. The Bush administration recognized that terrorism against US targets was no longer a foreign issue alone, but also a domestic problem (Perl, 2003).

1.2 The European Union and terrorism

Europe EU sent mixed messages in response to 9/11 and its aftermath, meaning that several issues were raised, such as the ability of the EU to respond adequately which could result in aversion of national sovereignties (Spence, 2007: 20). But the EU's ability to tackle terrorism is limited for two reasons. First the EU is not a national government, thus it has not the legitimacy like member states regarding the arrest of suspects. Furthermore, national governments are not very keen on sharing information on the Union level (ibid). The second challenge is that counterterrorism is not a specific policy area itself. Different agencies and organizations are involved, national governments find it difficult to coordinate their own counterterrorism program, let alone on the Union level with 27 governments (Spence, 2007). Since the bombings in Madrid (2004) EU politicians have argued that a greater European cooperation is needed in fighting terrorism (Keohane, May 2005). Due to the open borders within the EU, terrorists can easily move across national frontiers. Hence the European Commission stressed that the EU should take on a greater role in helping member states with developing counterterrorism strategies (ibid). European security officials fear that a certain member state withholds crucial information to another government, which happened in 2003 when the Italian government discovered that a terrorist suspect was questioned by the German government in 2001 regarding his link with Al Qaeda. The suspect in question fled to France in order to wait for further instructions. This example shows that terrorist can easily move within the Union (ibid).

As in 2011 there are several strategies on the Union-level which provide member states tools in order to prevent another terrorist attack. An example is the "The European Union Counter-Terrorism Strategy" established in 2005 (EU legislation, 22 November 2010). In addition, member states

² Law enforcement, Counterterrorism, and Intelligence Collection in the United States Prior to 9/11.

themselves have also their own programs to deal with terrorism, done by the national coordinator for counterterrorism in cooperation with the ministries of Foreign Affairs and Justice (Ministry of Foreign Affairs, 4 November 2009). As a part of the EU's efforts to combat terrorism both the European Commission and some European governments (for instance the United Kingdom and France) have fostered the cooperation with the United States (Archick, July 2010: 2). This resulted in the "Declaration on Counterterrorism" that has to foster the US-EU relationship and strengthen the commitment on both sides in order to fight terrorism (ibid). Despite of the assumed intensive cooperation, commentators have noted the so called strategic mismatch between the American and European counterterrorism approach (Aldrich, 2009). For example, the US government is more focused on external threats, while many European states see terrorism as an internal (ibid). Moreover, one ought to bear in mind that the EU is not a country and therefore lacks a coherent foreign policy (Keohane, 2005).

1.3 Problem definition

As described above, the US and EU have been working together in the fight against terrorism. This cooperation can be marked as a 'Transatlantic relation', meaning that on both sides of the Atlantic Ocean political actors work together on several policy areas. After 9/11 international terrorism has become one of the main topics on the political agenda. In the aftermath of the terrorist attacks the EU expressed its solidarity to the US. Since then, several agreements and declarations have been set up. However, working together does not mean that both actors share the same perceptions, threats and thoughts of what are the best means to use in the fight against terrorism. There are certainly differences between the US and the EU, based on their different strategic cultures. This concept refers to the use of force, by knowing an actor's strategic culture we can better understand why a specific actors prefers the use of force over diplomatic approaches. According to an extensive amount of documents and literature, we can slightly conclude that a gap has occurred in this relationship. Issues like the Iraq crisis, the unilateral approach of the Bush administration and the tough language used, such as 'war on terror' have caused a clash. The question is to what extent the transatlantic relationship has been undermined by these factors. Through analyzing the past 10 years (2001-2010) I endeavor to provide an answer to this question.

1.4 Research questions

Following the problem analysis the central research question of this thesis is:

Do strategic cultural differences, regarding counterterrorism, between the United States and the European Union undermine their transatlantic cooperation?

Sub questions

1. What is the historical background of Islamist terrorism- carried out by Al Qaeda- in the EU and the USA?
- 2a. What is strategic culture and how does it relate to multilateralism and unilateralism?
- 2b. What is the role of framing in the fight against terrorism?
- 3a. How have the counterterrorism strategies of the US and EU been the developed since 9/11?
- 3b. What is the role of individual member states?
4. Have differences in strategies undermined the transatlantic cooperation?

1.5 Theoretical and societal relevance

1.5.1 Theoretical relevance

Theoretical relevance means that it helps out to arrive at a better understanding of the researched phenomena (Lehnert et al 2007, 23). In this thesis I aim to analyze in what way the strategic culture of both actors has led to their counterterrorism strategies. Despite their assumed differences, the US and EU are sworn allies and many multilateral resolutions highlight the strong collaboration between them. With this research I endeavor to examine multilateralism in practice. As mentioned before, it is obvious that those two work closely together to fight terrorism, but over the years several events have tend to drift them apart. In addition, within Europe counterterrorism belongs to the security policies on the national level. This may lead to a paradox in the role of the EU in counterterrorism. The main focus is the relation between the EU and the US, however the EU cannot be considered as a “typical” government, therefore I will included examples of member states. Finally, the role of framing is also been taken into consideration. Through exploring framing I aim to analyze the empirical evidence in terms of how both actors interpretate terrorism and act upon that vision.

1.5.2 Societal relevance

This type of relevance is about who is affected and by what aspects (Lehnert et al 2007: 29). Terrorism is as a global phenomenon that affects many people. Governments are responsible of keeping their citizens safe. By analyzing this topic one could get a further understanding how to approach this issue effectively on the global level. Since the turning point of 9/11 many citizens in Europe and the United States fear more Islamist terrorist attacks, which have also led to more aversion towards Muslims. This might be explainable by the role of perception of terrorism. After the two attacks in Europe, European citizens advocated for a greater role of the European Union. But the issue regarding Guantanamo Bay, such as the violation of human rights, and the problems around the never found Weapons of Mass Destruction (WMD) in Iraq have led to a distrustful public opinion in Europe. For policymakers it is relevant to understand how the transatlantic cooperation could function better in the future. Since terrorism is an unpredictable topic, lessons from the past are even more important in order to avoid clashes in the future.

1.6 Definition of terrorism

The concept terrorism has been mentioned several times, but how can terrorism be defined? There is not one universally agreed definition, however according to the European Commission terrorism can be described as

“Violent acts which are intended to create fear, are perpetrated for a religious, political or ideological goal, deliberately target or disregard the safety of civilians and are committed by non-government agencies” (European Commission, August 2010).

The US government uses the following definition:

“Politically motivated violence perpetrated against noncombatant targets by sub national groups or clandestine agents.” (Perl, 2003).

Important to mention is that these definitions do not include the “individual” terrorist. What makes defining terrorism complicated is the principle that “one man’s terrorist is another man’s freedom fighter” (Crelinsten, 2009). In other words, what for some people acts of terrorism are can be for others freedom actions. Giving terrorism a definition strongly depends on the perception of terrorism and the degree of threat.

In this thesis I use a combination of both definitions, because terrorist attacks are violent, aim to create fear, are mostly based on religious pillars and are carried out by non-government actors which attack noncombatant targets. I refer to extreme Islamic groups when discussing terrorism, other

terroristic organizations (e.g. ETA) will be mentioned but are not a part of the analysis. The aim in this study is terrorist acts of the Al Qaeda organization.

1.7 Chapter overview

In this thesis I examine the transatlantic relation between the US and the EU regarding counterterrorism. Chapter 2 traces the historical background of terrorism in both the US and the EU. The emphasis is on terrorist attacks prior to 9/11. Chapter 3 lays out the theory on strategic culture and in this chapter provides a general outline contextualizing multilateralism and unilateralism. The concept of framing is briefly discussed, because the influence of for example terms as 'the war on terror' played a significant role in how terrorism was approached. These theoretical concepts will be the basis of the analysis in the subsequent chapters. Chapter 4 discusses the methodology, explaining the validity of the examined case studies. In this research I use various documents and books in order to analyze the research question. In addition, I conducted two interviews which are a part of the analysis. Chapter 5 studies the counterterrorism policies and strategies of the US between 2001 and 2010. In the chapter, the development is examined in order to create a better understanding of the shift from the Bush administration towards the Obama administration. Chapter 6 lays out the EU's counterterrorism policies and strategies. The influence of the member states and the US government is part of the analysis. Chapter 7 examines the joined counterterrorism strategies. Emphasis is placed on the development of the transatlantic cooperation. Through several key terms I analyze whether or not a divergence has occurred. In the conclusion the emergence of counterterrorism strategies is assessed and linked to the transatlantic relationship. Moreover, the research question is answered.

Chapter 2 Historical background on terrorism in the US and the EU

2.1 Introduction

In this chapter the historical background of the emergence of terrorism, carried out by Al Qaeda (hereafter AQ), in the US and the EU will be discussed. Years before September 11 several terrorist attacks took place. American targets were attacked in different places in the world, but the attacks on the World Trade Center in 2001 seemed to have caused serious unrest among the US government, because before American soil appeared to be invulnerable from Islamist terrorism. In Europe the IRA (in Northern-Ireland) and ETA (in Basque Spain) carried out terrorist attacks, but there were so far not many significant attacks (regarding Islamist terrorism). In this chapter the experiences of both actors with this phenomenon will be analyzed. It is important to mention that this chapter discusses terrorist attacks carried out by Islamist extremists. Although there have been many terrorist actions both in the United States and elsewhere, they were not taken into consideration in this analysis.

2.2 The emergence of AQ

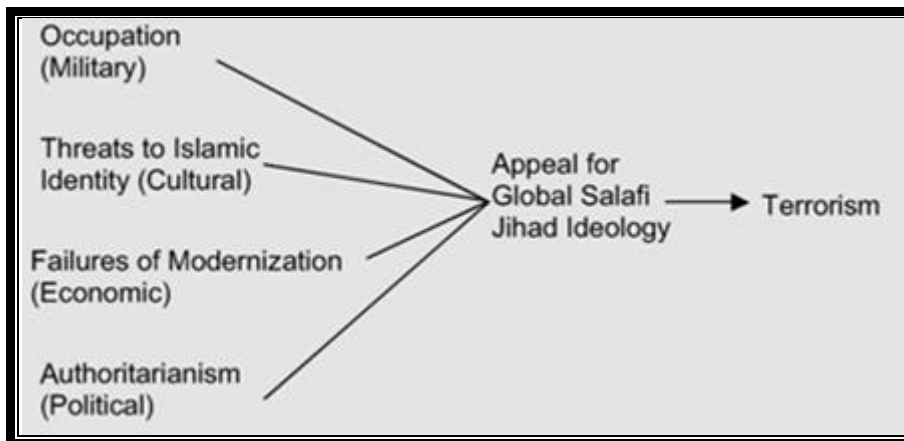
In the aftermath of 9/11 the terrorist organization AQ and its leader Osama bin Laden were named on every front page. Although, AQ had carried out terrorist attacks prior to September 2001, those events, however, made this organization notorious (Nacos, 2003: 1). The United States have kept AQ responsible. But what is AQ? In the first place "Al Qaeda" is Arabic for *the base*, it was initially used by radical Muslims who fought against the Soviets, in the mid eighties in Afghanistan (Burke, 2004: 2). They used this word to describe the base from which they operated. After the war, Bin Laden formed a group among Islam extremists in order to restore the unity in Afghanistan and protect Muslims from future oppression. Back in 1996, Bin Laden declared war on America. He stated that the presence of the US in Saudi Arabia (after the first Gulf War) had caused the aversion (Wright, 2006: 4). However, before that declaration the first attacks on the WTC in 1993 led back to terrorists who had been linked to AQ. Nevertheless, the American intelligence agencies, such as the Federal Bureau of Investigation (FBI), were (later) accused of "missing" Bin Laden and his group. The problem was that the FBI had been aware of Bin Laden, but as one name among thousands (Wright 2006: 177). Besides, the name "Al Qaeda" was barely used by the involved people, which made it harder to approach it as a terrorist organization (Burke, 2004: 8). Between 1996 and 2001 AQ grew to worldwide network that had recruited many volunteers ready to use violence in order to protect Muslims worldwide (Atwan, 2008: 55). Friedman (2002) suggested that Bin Laden "*is not a mere terrorist*" but is a "*super-empowered*" leader who "*has employed violence not to grab headlines, but to kill as many Americans as possible to drive them out of the Islamic world and weaken their society.*" (Friedman, in: New York Times, March 24, 2002).

2.3 Causes of Islamist terrorism in the Western world

Although, there are several international terrorist organizations, AQ is the most notorious. In many documents and videotapes this organization has explained its attacks by blaming the American government for its anti-Islam behavior. Different studies show that the democratic deficit in the Middle East has played a significant role in the emergence of AQ (Dalacoura, 2006). Scholars conclude that in the case of Bin Laden the straw seems to be the fact that the Saudi regime let US troops stationed on Saudi territory after the Gulf War in 1991 (ibid). Moreover, the members of this organization were completely separated from the world around them and were not participating in any kind of a political process, which allowed them to take extreme positions. Crenshaw (1981) wrote that a possible direct cause of terrorism is that an identifiable subgroup which is discriminated by the majority. Furthermore, concrete grievances towards the established regime are also a reason for terrorist groups to attack the government in order to make it instable (ibid).

Dalacoura (2006) argues that an excessive concentration on democracy as the solution to the Islamist terrorist problem is misguided. The American government- under different presidents- strives to foster democracy ‘there’, but that does not automatically mean that security in the West is ensured. Moreover, one ought to accept that Islamist terrorism might be intractable for the long term. The main dilemma remains that while promoting democracy in the Middle East, Western governments tend to exclude Islamist parties in the political process, even if they reject extremist values. On the other hand, Western governments are wary with supporting secular and Islamist opposition in equal measure against the regime. Solving this issue is important, although many studies do not state that the democratic deficit is *the* cause, it does matter how the relationship is between Islam and the West (ibid). As shown in figure 2.1, one can see that there are several factors which contribute to the development of terrorism (Freeman, 2008: 43). As noted earlier, the occupation of Western countries, especially the US, had a great influence on the emergence of AQ. In addition, factors like the failure of modernization (economic factor) drive people into the arms of extremists. However, the four factors shown in the figure below are not meant as causal variables that directly lead to jihad ideology and then terrorism. These factors enable preconditions that make terrorism more likely (Freeman, 2008: 44). Other scholars have concluded that the growth of AQ’s power is not based on economic factors, because many terrorist come from middle-class origin (Lacquer, 2004: 50).

Figure 2.2 The pathways to global terrorism



Source: Freeman, 2008: 43

Over the past decades US governments have tried to enhance democracy in the Middle East. Different studies show that there is a link between democracy and terrorism. Freeman (2008) states that more democracy will lead to less global terrorism, therefore the motivation for Western governments to foster democracy might remain a reason to intervene in the Middle East. Important to mention is that so far the Western governments, in particular the US government, has not been able to create ‘Western democracy’ in the Arab world.

2.4 Terrorist attacks against US targets before 9/11

Before the September 2001 attacks, there was barely a terrorist threat *within* the United States; most of the attacks happened elsewhere, however US targets were the goal (Elsea, December 2001).³ AQ has carried out six⁴ major terrorist attacks against America, which is shown in table 2.2 (Washington Post, 2005). Each attack was planned years in advance. Terrorism had been primarily

³ There had been many forms of terrorist attacks in the United States prior to 9/11, for instance the Oklahoma City bombing in 1995 which was the biggest terrorist attack before 9/11 (The White House, April 2005). However, in this study we concentrate on Islamist terrorism linked to the AQ organization.

⁴ The sixth attack was in Istanbul, Turkey, in 2003 and is therefore not included in this chapter

viewed as an international and foreign policy issue. In 2001 63% of all terrorist incidents worldwide were committed against US citizens, whereas in 1995 it was 23% (Perl, 2003). The threat of Islamist terrorism grew over decades (9-11 Commission, Final Report 2004). In the late nineties Bin Laden was acknowledged as the mastermind behind terrorist attacks, especially after his worldwide spread publication, wherein he encouraged his followers to kill any American, anywhere in the world. His main motive was the American occupation in the Islamic world and the aggression against Muslims (ibid). Also, the pro-Israel attitude of America triggered the anti-America sentiment among Islamist extremists.

Table 2.4 Overview of major terrorist attacks carried out by AQ, against US targets

<p style="text-align: center;">August 07, 1998 Nairobi, Kenya, and Dar es Salaam, Tanzania</p>	<p>US Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania are Bombed</p> <p>These terrorist attacks happened almost at the same time. More than 5,000 people were injured and 224 were killed when the buildings that they were working in collapsed during the explosions.</p>
<p style="text-align: center;">October 12, 2000 Aden, Yemen</p>	<p>USS Cole Bombed</p> <p>The USS Cole was docked in Aden Yemen for refueling. A small craft pulled alongside the ship and two terrorists set off the bomb. The two terrorists were killed and so were 17 US Navy seamen when the explosion blew a 20 by 40 foot hole in the side of the ship.</p>
<p style="text-align: center;">September 11, 2001 New York City, Washington, D.C.</p>	<p>World Trade Center is Destroyed and the Pentagon is Attacked</p> <p>Terrorists hijack 4 domestic flights from Boston airport. Two of the planes slam in to the two World Trade Center towers, causing them to collapse. A third flight crashes into the Pentagon, and a fourth crashes in Pennsylvania.</p>

Source: Washington Post, Terrorism Data, 2005

2.5 Approach to counterterrorism prior to 9/11

In the 1990s the FBI was the main agency responsible for counterterrorism, in cooperation with the Department of Justice. The anti-terrorism efforts included both intelligence and criminal investigations (9/11 Commission). Most of the FBI's work contained after-the-fact investigations, meaning US agencies responded after a terrorist event happened, thus there was not really a preventive strategy. The counterterrorism strategy was based on the law enforcement approach⁵ (FBI, 2003). As described earlier, most of the attacks occurred outside the US, therefore many FBI

⁵ The traditional law enforcement approach entails that the FBI was trained to build (legal) cases.

officials were sent abroad to investigate terrorist activities. Due to the increasing threat from international terrorism, the FBI determined later in the 1990s that a preventive approach works more effectively. After the 1993 bombings on the World Trade Center, the Bureau increased the budget for counterterrorism (ibid).

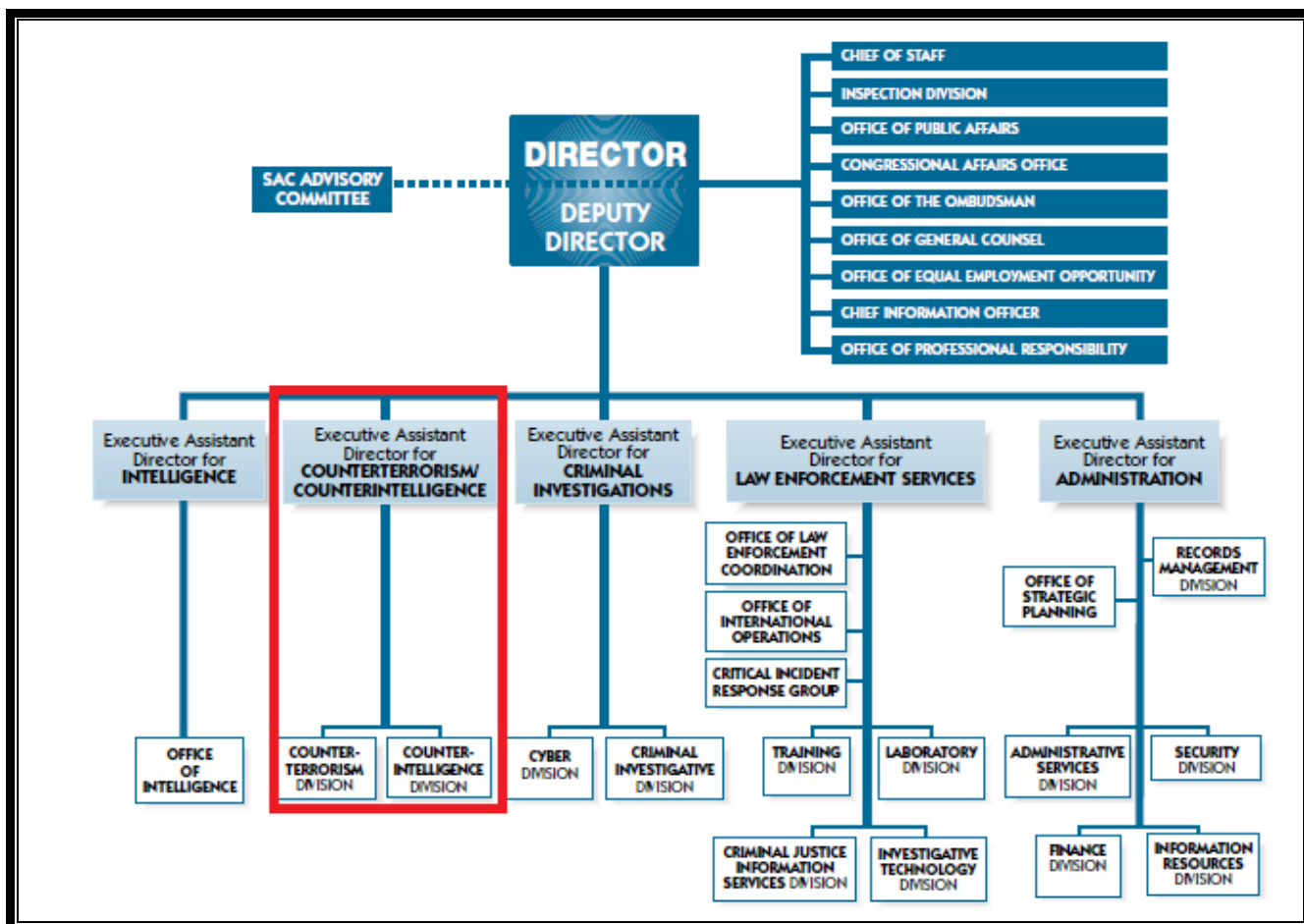
The FBI issued a five-year strategic plan: “The 1998 Strategic Plan” which emphasized the prevention of terrorist attacks (FBI, March 2002). It was based on a three-tiered structure (US Department of Justice, The FBI’s Counterterrorism Program, April 14, 2004: 8):

- Tier 1: included crimes or intelligence matters- including terrorism- that threaten the US national or economic security;
- Tier 2: included offenses involving criminal enterprises, public corruption, and violations of civil rights
- Tier 3: included violations that affect individuals or property

Through this structure, the Bureau endeavored to reconcile counterterrorism in its usual tasks (e.g. drugs crimes). Though, the top-tier priority, this Strategic Plan did not receive sufficient increase in focus and resources, prior to 9/11 (ibid). After 9/11 this Plan was revised.

Bureaucratic changes, like the creation of a ‘Counterterrorism Center’ and ‘Counterintelligence Board of Directors’, see figure 2.4, were among the new instruments in order to tackle international terrorism. However, by the late 1990s the FBI discovered limitations that undermined a preventive counterterrorism strategy. One of the main challenges was that the Bureau had to fit in counterterrorism in its existing agenda, with a higher priority as the terrorism danger grew next to other major crimes. In addition, the problem that was known under the name “the wall” undermined the effectiveness of the FBI’s counterterrorism attempts. The separation of intelligence from criminal investigations led to communications problems between the FBI intelligence agents and criminal prosecutors. Basically, FBI terrorism investigations could be opened either as an intelligence investigation or as a criminal investigation in order to prevent a criminal act from occurring or to determine who was responsible for a complemented criminal act (Department of Justice, Special Report, 2004). Intelligence agents had special competencies – such as surveillance based on Foreign Intelligence Surveillance Act (FISA) - which criminal prosecutors did not have, through the wall sharing information was limited in order to prevent that prosecutors would obtain information for their cases that came from intelligence sources. This could cause legal problems in court (ibid). However, the wall affected, for example, the “Hazmi and Midhar “case. They were both among the five hijackers of the plane that crashed near the Pentagon. An FBI analyst did not share important intelligence information about Hazmi and Midhar with criminal investigators. Also because of the wall criminal investigators were not allowed to participate in the search for them, when they learned (in August 2001) that both suspects were in the United States (ibid). The rest is history.

Figure 2.5 FBI Organizational chart



Source: US Department of Justice, *The FBI's Counterterrorism Program*, April 14, 2004: 3

2.5.1 MAXCAP 05

In 1999 the FBI created the 'Counterterrorism Division', its first director –Watson- recognized the need to elevate the counterterrorism capacity of the FBI (Department of Homeland Security, 2005). Through this renewed strategy the FBI strived to reach its "maximum feasible capacity" (MAXCAP) in counterterrorism by 2005. Instruments, such as intelligence gathering and tracking mechanisms, were used to prevent terrorist attacks (ibid). Watson advocated for more resources in 2000, but most of the FBI managers opposed to that idea. Moreover, the cooperation with the Justice Department caused a clash with respect to increasing the counterterrorism budget (ibid). In May 2001, Watson stressed that counterterrorism had to be included in the budget for the year after. In front of the 9/11 Commission former FBI Director Pickard said that he made an appeal to Attorney General of the Justice Department for further enhancements not included in the budget proposal. On September 10 the appeal was rejected (ibid).

2.6 Terrorist events in Europe

Within the European Union the years before 9/11 show a different pattern than in the United States. There had been several terrorist attacks which were linked to AQ, but most of them were foiled (De Wijk and Relk, 2006: 21). The main target was France. Since 1994⁶ there had been attempted attacks, for instance the attempt to crash a plane into the Eiffel tower in 1995 and on the public transport

⁶ Since 1994 the (attempt) terrorist attacks in European countries were related to extreme Islamist organizations which have fought a terrorist war under the name "jihad".

system of Paris during the early 1990s (ibid). In addition in other European countries, such as Italy, the American embassy was a main target in the mid-nineties. As a result of thorough investigation from intelligence services many attacks were prevented. The problem is, however, that terrorism doesn't have a specific modus operandi. In chapter 5 and 6 will be explained that one of the problems with terrorism is that is very dynamic and every attack is carried out differently.

2.7 Counterterrorism within the EU prior to 9/11

2.7.1 TREVI

Terrorism is a very dynamic and difficult issue for the EU, touching many political spheres, for instance, sovereignty (European Commission, 2006). The first counterterrorism activities came from the (intergovernmental) group TREVI in 1977. TREVI was an intergovernmental network, consisting of national officials of the ministries of Justice and the Interior, in order to exchange information and provide mutual assistance on terrorism related crimes (Casale, 2008: 48). In several (mostly French) articles it was suggested that TREVI stands for "Terrorism, Radicalism, Extremism and International Violence", but it has never been confirmed. This group was created after several terrorist attacks were carried out in Europe throughout the 1970s. In particular, the attack on the Israeli team during the Olympic Games of 1972, led to cooperation among the members of the European Community (Deflem, 2004). Interpol was not able to assist European countries adequately, therefore European countries started to cooperate. Their work involved coordination and gathering information about certain terrorist organizations.

2.7.2 The Maastricht Treaty 1992

The Treaty of Maastricht, also known as the Treaty on European Union, was signed in 7 February 1992 and went into force on 1 November 2003 (Hix, 2006). The third pillar of the EU, "Police and Judicial Cooperation in criminal matters" was created in order to deal with issues of justice and home affairs, see figure 2.7.

Figure 2.7 The Pillar Structure of the European Union



Source: *European Union Lex, Processes and Players*, last updated March, 2009

This led to (more) intergovernmental cooperation, so TREV I was no longer needed (Den Boer, 2003: 1). Hence, terrorism was absorbed in the third pillar, next to illegal immigration and organized crimes. This led to less focus on terrorism, despite the efforts of the European Parliament (EP) campaign to speed up the adoption of counterterrorist measures. One of the main reasons why counterterrorism, within the EU, was not applied effectively had been the resistance of member states to transfer necessary resources to the EU level, see chapter 6. Furthermore, among the EU members there was not a clear common definition of terrorism. Through cooperation it was shown that fighting terrorism became very complex for political reasons. There was little trust between national governments which caused minimal information sharing (ibid).

The European Parliament's Committee on Citizens' Freedoms and Rights, Justice and Home Affairs Report of June 2001, wrote on the role of the European Union on combating terrorism. According to this Report terrorist activities affect every country directly or indirectly due to its cross-border features (Tsoukala, 2004). Moreover, the changing nature of terrorism forced the EU to revise its initial approach. Instead of treating terrorism as political act, the Report emphasized that terrorism should be treated as a criminal act. The Report made recommendations, such as the principle of

mutual recognition of decisions on criminal matters. This entails that judicial decisions in one member state must be recognized and enforced by judicial authorities in other member states. In chapter 6, the principle of mutual recognition will be further discussed. Although many member states were willing to cooperate more, only six⁷ out of fifteen states had specific antiterrorism legislation, each differing from one another (ibid). Despite the widespread awareness of the terrorist threats only several countries had taken steps to combat it, which was not enough for effective cooperation on the EU level.

2.8 Conclusion

This chapter attempted to provide a brief overview with respect to terrorism in the Western world. AQ evolved into a worldwide terrorist network, its goal is to destroy US targets and harm US citizens. The causes for terrorism are various. Most scholars argue that democratic deficits enable the conditions for terrorism. Prior to the terrorist events of September 2001, several attacks had been carried out. The FBI was mainly responsible for counterterrorism strategies, but as described above, due to bureaucratic obstacles and workload the Bureau did not manage to prevent 9/11, despite certain organizational reforms, such as the establishment of the Counterterrorism Division. The first steps to the creation of counterterrorism cooperation between EU states, was through the establishment of TREVI in 1977. Initially, its main goal was to coordinate counterterrorism programs among the different member states, but it was later expanded to cooperation in police affairs. Through the introduction of the Treaty of Maastricht (1992) TREVI was no longer necessary. However, national security remained a priority on the member states' level which led to less focus on counterterrorism on the Union level, until the awakening of 9/11.

⁷Germany, Spain, France, Italy, Portugal and the UK

Chapter 3 Theoretical framework

3.1 Introduction

Every nation has its culture, which underpins a certain behavior, so do the United States (US) and the European Union (EU) have their strategic culture (SC) that defines their use of force. This theoretical concept explains the differences in counterterrorism responses between the EU and US. Briefly defined, SC provides a framework in which an actor approaches the terrorist threat and how the use of force fits in this approach (Toje, 2008: 19). The SC of an actor is based on several elements, such as its history. This chapter elaborates on the theoretical framework which is the basis of the analysis of the next chapter. Next to SC, other theories are multilateralism and unilateralism are also part of this theoretical framework. The SC of the EU finds its roots on the multilateral approach of the EU in international affairs. The US, however, has been viewed as a unilateral actor due to its primacy in world politics. Simply said the difference can be found in acting alone or together with other states, however even when the US works together with other nations, it can still act in unilateral way through pursuing its own decisions without the approval of the majority (Denison, 2002: 35). In addition, the framing theory is also a part of the theoretical approach. This theory explains that an issue can be viewed from a variety of perspectives. Framing refers to the process by which people develop a particular conceptualization of an issue (Chong and Druckman, 2007: 105). The central research question of this thesis involves strategic culture, which can be linked to a certain extent to framing. For example, after the 9/11 events the US have approached terrorism as a war, whereas the EU considers fighting terrorism a job for law enforcements agencies and not for the military (CDI, June 4, 2002). In this chapter the following sub questions are being addressed: *What is strategic culture and how does it relate to multilateralism and unilateralism? What is the role of framing in the fight against terrorism?* In order to get a better understanding of the following chapters it is necessary to outline the concept of strategic culture, so that it can be understood where upon both the US and EU base their strategies regarding counterterrorism. The fight against terrorism seems to be a matter of a joined battle, however in this chapter the role of the US as being the superpower with the “*go alone strategy*” is described. The EU is generally considered to be a multilateral actor, because of its political form and historical experiences.

3.2 Strategic culture

3.2.1. Definition

The theoretical concept of “strategic culture” was first introduced by Snyder in a 1977 research report on the Soviet and American nuclear strategies (Toje, 2008: 15). Snyder states that as a result of the American historical, political and organizational development, it has a certain approach towards the use of nuclear weapons. The degree of emphasis on unilateral action as opposed to a cooperative approach also influences the strategic culture. Therefore, Snyder defines strategic culture as: *“the sum total of ideas conditional emotional responses and patterns of habitual behaviour that members of the national strategic community have acquired through instruction and share with each other regarding (nuclear) strategy.”* (Snyder, 1977: 2). Gray (1981) describes it as follows: *“modes of thought and action with respect to force, derives from perception of the national historical experience, aspiration for self-characterization, and from state-distinctive experiences.”* (Gray, 1981: 22). The latter refers to history, capabilities, geopolitics, political culture and values. Gray researched the American example of strategic culture by stating that American strategic culture- which flows from geopolitical, historical, economic, and other unique influences- provides the milieu within strategic ideas and defense policy decisions are debated and decided (ibid). Understanding the strategic culture of an actor helps explain policymakers have made the decisions they have. Thus, several scholars define and use strategic culture in order to describe ideas, beliefs, values and practices of a particular actor regarding the use of force. In terms of the cultural context, formative experiences of the state and its cultural characteristics shape strategic interest (Coskun,

2007: 75). An example of a formative experience is the European integration (into a European Community) in the 1950s. After the Second World War the dominant idea was that European integration is the only way to avoid a continental war in the future (Europa, September 2011). In addition, the Kosovo war was also significant for the formative experience of the EU. Culture provides the context in which an actor operates. Swidler (1986) sees culture as the “tool kit” that enables actors to form strategies of action (Swidler, 1986: 273; Toje, 2008: 15). This tool kit exists of habits, skills and styles from which people construct strategies of action (Swidler, 1986: 273).

The theory on SC can be divided into three generations. The first, introduced by Snyder in the early 1980s, focused on the explanation why the Soviets and the Americans thought differently about nuclear strategies. This was caused by their unique variations of variables such as historical experience, political culture and geography (Johnston, 1995: 36). The second generation, appeared in the mid-1980s, sees a difference between what leaders think or say they do and the deeper motives for what in fact they do. Strategic culture is seen as a tool of political hegemony⁸ in the realm of strategic decision-making. In other words, it enables the options to use violence legitimately against putative states (ibid). Furthermore, SC refers to the way in which a modern hegemonic state relies upon internationally deployed force. The use of force is based upon the political ideologies that help define occasions as worthy of military involvement. Thus, SC has much to do with the geopolitical status of a country and its relations with allies, but SC is also inherent to international practices, both diplomatic and economic (Klein, 1988: 136).

Finally, the third generation attempted to tighten the definition, by excluding the behavioral element of SC. Legro (1995) notes that culture is rooted in experience and not in deeply historical experiences as are argued by the first generation (Johnston, 1995: 41; Legro, 1995: 31). For the purpose of this thesis, strategic culture is seen as a combination of the noted generations. SC includes geopolitical, beliefs, historical, behavioral features that explain why a certain actor decides to use of force. Moreover, formative experiences are considered to be important, because they may clarify further why for example the EU tends to act more in cooperative way than the US. As mentioned before, culture can be approached as a tool kit that enables the conditions in order to use force. For example, for a military intervention certain skills and capacities are necessary.

3.3 The European Union’s development regarding strategic culture

The European Security Strategy (ESS) was presented in 2003- which will be discussed in chapter 6- was the first document on counterterrorism of the EU within the ESDP framework. The ESS also mentioned the importance of fostering a strategic culture for the EU (Margaras, 2009: 3). The idea is that if actors share values and views of the world, they are better able to cooperate (Rynning, 2003: 481). As noted above, strategic culture includes several features and helps understanding how the use of force by a certain actor can be explained. The historical element of the European SC is based on the evolvement of European integration. Since the establishment of the European Community and later the European Union, including the enlargement, the debates on security policies, and the implementation of those, have shaped the SC of the EU. Moreover, the ESS mentions the importance of multilateralism, security dialogue, democratic norms and human rights. The latter in an important feature, because the idea whether the EU should intervene in international affairs or not is partly based on the humanitarian dimension (Margaras, 2009: 6). This has also to do with the fact that the EU mainly intervenes in regions where humanitarian help is need rather than an intervention based on war. The mentioned features can be seen as the ideational basis of strategic culture of the EU.

⁸ Hegemony occurs when a leadership or predominant influence exercised by one nation over others, as in a confederation (Dictionary.com, September 11, 2011).

Another example regarding European formative experiences, are Bosnia and Kosovo war throughout the 1990s (Toje, 2008: 53). After the experience of the Bosnian crisis in the early nineties, Europe was faced with the Kosovo war which took place in 1998-1999. Serbian military forces began a broad offensive which drove the Albanian population out of the province (Yoo, 2000: 1679). The role of the EU was limited in the sense that it could not do more than declarations, diplomatic initiatives and economic sanctions. From the Bosnia crisis Brussels learnt that a multilateral approach was more appropriate in this situation due to the mistake during the Bosnia war. At that time Jacques Poos, former Foreign Affairs Minister of Luxembourg, stated on behalf of the EU governments that this war (Bosnia) was “the hour of Europe, not the hour of the United States” (New York Times, June 29, 1991; Troje, 2008: 53). Eventually Europeans had to invite Washington to intervene when it became clear that Europe was not capable to solve the crisis.

The EU approached the Kosovo situation in a “conflict prevention”, “critical dialogue” and “constructive engagement”, rather than military measures. The diplomatic measures and target sanctions approach was successful in containing the situation, however it did little to resolve it. The help of the US was, again, necessary, because of its greater military capabilities, despite the fact that the EU preferred no military interventions (Gordon, 2000: 13). The EU rather chooses to work together with NATO and the UN, instead of pursuing unilateral measures like initially during the Bosnia crisis (ibid).

“Does the EU have a strategic culture?” The requirements of a strategic actor are: strategy and capacity. The latter involves coercive diplomacy and a need for rapidity (Maltary, 2006: 110). It is relevant to take this question into consideration, because on one hand scholars argue that the EU does have a SC, on the other, due to the SC of large members, such as France and the UK, the EU might develop its own culture, but it certainly depends on the influences of the MS in (Cornish and Edwards, 2001: 588; Matlary, 2006: 110; Rynning, 2003: 479-480). A strategic actor has several requirements. First, there has to be a strategy, with respect to foreign and security policies. Second, there has to be actor capacity, which means that an actor has to be unified in order to allow for strategic thinking and acting. This involves both coercive diplomacy and a need for rapidity. Regarding to the EU it can be said that it is often unable to act quickly in foreign policy and it has no tradition of coercive diplomacy (Matlary, 2006: 110).

As mentioned above, several features determine the SC of the EU. The SC of the EU can also be linked to key tasks which are carried out by the member states. In the ‘Petersberg Tasks’, which were developed in 1992, the members of the Western European Union⁹ (WEU) listed military and security priorities incorporated within the European Security and Defence Policy, which is now the Common Security Defence Policy of the European Union, as a part of the Treaty of Lisbon (EU, September 30, 2011). The Petersberg Tasks are the military tasks of, humanitarian, crisis management (peacekeeping and rescue tasks, which does not mean the creation of a European army, yet. (Duke, 2002: 159; Smith, 2000: 15).

Margaras (2009) argues that the EU does have a SC, but is undermined by some limitations. He describes the EU culture as *‘Cautious Interventionist Europe’*: on the scale from a ‘Swiss type of passive non intervention’ to ‘US Superpower pro-intervention’ the EU could be categorized in the very middle. This is because of the low to medium willingness to act and the belief that national sovereignty should be above EU prerogatives, because defence and securities are policy areas that

⁹ The WEU existed from 1948 until 2011, with the introduction of the Lisbon Treaty the WEU was abolished because mutual defense falls now under the Common Security Defense Policy. The participating member states were: Belgium, Germany, France, Italy, Luxembourg, the Netherlands, Portugal and Spain. These countries are both EU members and NATO members. There also other groups of countries associated to the WEA, for instance countries that are EU members but no NATO members (Europa.nu, September 30, 2011).

belong to the national governments. Therefore, the decisions of the EU members do matter and have a big influence on the development of ESDP (Margaras, 2009: 14-15).

Another view to this question is that EU currently falls short regarding the 'cultural' component of the concept. As noted above, strategic culture includes the use of force by the EU. According to Toje (2005) there is a lack of agreement on *when*, *where* and *why* the EU should use armed forces. This is also linked to geographical feature of SC, because certain states, e.g. Austria, prefer to see the ESDP regionally oriented when it comes to crisis-management, whereas the UK and France would like to see the EU undertake a wide range of global missions (Toje, 2005: 122). The US performs better when it comes to this component of SC, because on the national level the use of armed forces is decided, the US is not caught up in a web of different actors such as within in the EU. In other words, the EU lacks agreed *ends* towards which *means* are to be applied (Toje, 2005: 122; Kagan, 2003). In addition, the EU is too heterogeneous to develop a strategic culture in the first place. The fact that within the EU the decision-making process is not suitable for rapid interventions due to lack of one decisive political body, makes it harder to achieve an agreed position towards the use of force (Toje, 2005: 123). Furthermore, the Iraq war showed that EU member states can take very different positions with respect to the use of armed force. One of the features of a (meaningful) SC is a shared perception on an issue, regarding the intervention in Iraq states were very divided (Cornish and Edwards, 2005: 819). This division has appeared also in the Guantanamo Bay case, several European leaders have expressed their concern towards the abuse of human rights of the prisoners (EU Parliament, April 18, 2007). Donald Rumsfeld- former US Secretary of Defense- described as the "Old Europe versus the New Europe" (BBC, January 23, 2003). Regarding the crisis in Iraq, France and Germany kept opposing the invasion of the US troops. Rumsfeld stated:

"But you look at vast numbers of other countries in Europe, they're not with France and Germany... they're with the US. You're thinking of Europe as Germany and France. I don't," he said. "I think that's old Europe." (ibid).

When this assumption is applied to strategic culture, specifically the behavioural element, scholars argue that Iraqi crisis confirmed that "Old" EU members prejudice newcomers to act pro-American. Most of the Central Eastern European Countries (EEC)¹⁰ did actually respond to the US calls for support the intervention (Coskun, 2007:76). Interestingly, New Europe's response to the US calls coincided with the second enlargement of NATO, which included most of the CEE states, (Coskun, 2007: 77; Bugajski and Teleki, 2005: 95). Regarding terrorism, most of the CEE responded quickly and positively in support of Washington's campaign against Islamic terrorism, which caused aversion among members, such as France. Former president Chirac even accused at that time (2003) aspirant states of disloyalty and warned them that the support for the Iraq war could jeopardize their future as EU member state (Bugajski and Teleki, 2005: 98). In sum, there are certainly elements that acknowledge an EU strategic culture, but factors such as, mistrust, division in perceptions and national sovereignty over EU leadership, show that the establishment of a cohesive strategic culture is not easy.

3.4 American foreign policy

When one looks at the US strategic culture, over the past decades the US has been evolved into a superpower on the global level. This historical element explains that the US and its foreign policy have always been focused on protecting US interests. Protection is accompanied by the use of military forces. The events of 9/11 have put the American government in a position where the use force was necessary in order to protect its society, because the US declared that national security was at stake (Rees and Aldrich, 2005: 905). After the terrorist attacks the American citizens and

¹⁰ Together with states, such as the UK.

government felt that their freedom was undermined (Davis and Silver, 2002: 7). As noted earlier, the 9/11 events changed the US view on security policies, because these attacks showed that attacks could also get carried out on US soil, not just on US targets abroad.

Regarding *culture*, the US has been very decisive after the terrorist attacks and the aftermath, that the base of AQ in Afghanistan must be defeated through military invasion (see chapter 5), and whereas the EU culture was back then still a bit ambiguous whether military force was the appropriate action (ibid). These days, it has been ten years ago that the US troops have invaded Afghanistan in order to free the country from the Taliban regime and thus the roots of terrorism. By stating that the terrorist events of 9/11 were an act of war, the US was convinced that it should protect itself and the rest of the world through the use of force. In terms of political behavior the bureaucratic changes in the homeland security, e.g. the extended competencies of the FBI and the establishment of the Department of Homeland Security, show that the US government acts immediately when it is faced with an attack and or a threat. Because of its internal political structure the US government has been able to react proactive and ad hoc, whereas the EU case shows that many decision-making steps have to be taken in order to achieve an agreement.

Furthermore, the neo-conservative roots of the American government have always been accused of unilateralism; acting in its own interests and in its own defense, as it sees it (Jones, 2008: 266). Past formative experiences, for example the Cold War, show that the US prefers a more unilateralism path. But also more recent acts illustrate that the US is in the position to pursue its own interests, rather than the common interest. Not only President Bush pulled out of various international arrangements and treaties, also previous administrations showed a more unilateral character (Nye, 2002: 1). The domination of the US have created a behavior of its government to primary protect itself rather than the rest of the community. The defense budget, of the last decade, has increased more than any other country every year (ibid). However, with respect to terrorism the attitude of the US government may not be effective enough to defeat AQ. Scholars argue that the strategic culture of the US needs to be changed when it comes to the cultural aspect of *when* and *how* to use force.

Nowadays in 2011, the US government has admitted to a certain extent that both wars have not shown the outcome that was aimed for. The fight against terrorism is by many considered to be too radical and unilateralist. Besides, unilateralism has been a limitation of American's SC, because the problem with terrorism is that it goes beyond borders and therefore needs a more multilateralism approach. (Nye, 2002: 4; Kagan 2002: 3). Kagan (2002) even stated: "*The United States remains mired in history.*" This goes back to the fact that after the decline of the Soviet Union the United States seems to be the sole superpower. In other words, after the Cold War the US has been considered to be the dominant power on the global level. The reasons for the transatlantic divide- between the EU and US- are deep rooted and have to do how with both actors approach national priorities, threats, challenges and the implementation of foreign and defense policies (Kagan, 2002: 2-3). The US resorts to force more quickly, whereas Europe is more in favor of diplomacy. The American government is generally considered to see the world divided between good and evil, friends and enemies. The EU prefers to work and solve international problems in a framework of international organizations, such as the UN.

3.5 Multilateralism vs. unilateralism

For many years the global community has faced several problems which have needed a global response. Many organizations, such as the United Nations and NATO, can be considered as a framework wherein states cooperate. At its core, multilateralism refers to coordinating relations among three or more states in accordance with certain principles (Ruggie, 1992: 586). The concept of multilateralism is based on the principle of a collective security system. As mentioned above, many issues, like terrorism, require a multilateral approach because it is a cross-border problem that affects the security of many states. The fact that the US government called for support from other

states shows that terrorism is not considered to be tackled by one state, even when that state is the United States. This illustrates that the US is not purely a unilateralist actor. Moreover, the assumption is that peace is indivisible, so an attack against one state is considered to be an attack against all. States are obliged to respond adequately; first through diplomatic means, then through economic sanctions and eventually the collective use of force is necessary (ibid). According to Keohane multilateral institutions are “persistent and connected sets of rules, formal and informal, that prescribe behavioral roles, constrain activity, and shape expectations” (Keohane, 1990: 732).

The paradox is that we all want the global community to act effectively- and according to most political leaders and scholars the best practice is to adopt multilateralism-, however certain scholars claim that democracy is undermined by multilateralism. For example, in the aftermath of 9/11 the US suggested that the United Nations had to come up with a resolution which forces states to freeze the assets of individuals and organizations linked to the AQ network. Because participation in the UN – as a multilateral system- other states are obliged to follow through, which has resulted in suspects who are not afforded legal assistance and safeguards which is usually the case (Keohane, Macedo and Moravcsik, 2008: 26). As noted earlier, the EU relies strongly on laws and rules. The European law provides a framework wherein suspects are entitled to certain protection, e.g. a fair trial where the suspect can defend himself. By putting suspects on a terrorist list, resulting in freezing their properties is according to the European Court of Justice not in line with EU laws (ibid). However, the designation list has been used within the EU. This example shows that the EU operates in another (legal) framework than the US. The preferred multilateral approach of the EU has its downsides, like the clash of EU law on human rights and the EU’s obligations as a part of the UN. Nevertheless, the dominant thought is that multilateralism is an effective tool in approaching global problems, because the EU view is that multilateralism has a practical payoff and little cost. The EU believes that international organizations are necessary to achieve peace and security. Moreover, working with partners is a necessity, because states share common threats. Therefore the EU strives to work in a multilateral system as well as in a bilateral one with the US (Solana, November 23, 2004: 55).

3.5.1 Unilateralism

The United States has often been accused of acting too much in a unilateral way. As described in the previous paragraph, unilateralism appears to be the opposite of multilateralism and means that an actor prefers to act alone, despite if it concerns a global issue affecting many other states. The US is often associated with unilateralism, especially during the Bush Administration, because never before had an administration rejected so many treaties agreed upon by all of the nations (Rubensfeld, 2004: 1976). US unilateralism, however, did not start with the Bush administration. It has been the ideological basis of US foreign policy in (major) conflicts (Liu, 2006). As a matter of fact the power differential between the US as the sole remaining superpower (after the Cold War) and its allies gave the US a natural claim to have the privilege of unilateralism (ibid). Any nation with so much power will be tempted to use the “go alone strategy” (Ikenberry, 2003: 537). Unilateralism is characterized by the resistance to international agreements with some much power, the authority and sovereignty are not at stake (Rubensfeld, 2004: 1978). According to many scholars, this unilateral behavior of the US is one of the reasons why some countries (mostly the Arab countries, but not all Islamic nations) resent the US because of its dominance in the world and the US’ ambition to spread democracy based on its own terms and strategies. Moreover, in certain nations the anti-American propaganda of during the Cold War still lingers (Cameron, 2002: 73; Davis, 2011: 217). It is worth to mention that although the US takes places in various international (multilateral) organizations, in some cases it works more in unilateral way. In the wake of 9/11 the US claimed to work with its friends, but put its own interest first rather than obtaining a common approach. In sum, the US has formed a team with its allies, but one ought to bear in mind that the US is the captain of the team.

3.6 Framing theory: the perception on terrorism

The strategy of a certain actor depends on the perception it has on the issue. In this case both the EU and US base their strategies and measures on what they conceive as an adequate approach to terrorism. In other words, the perception and thus how they frame terrorism is relevant for their strategy. The fact that a majority of the American people supported the Bush administration had to do with how terrorism was framed. Within the EU the public opinion differs from the US' one, this is explainable by the way how terrorism has been framed. For example, the emphasis of the terrorist events as an act of war has convinced the American public to support the government's effort to fight terrorism, through the use of armed force (Miller, 2002: 19). In the US the media is a crucial instrument in order to gain public support by keeping people in a state of panic and fear. Again, the support of the Iraq war showed that the public was convinced that Iraq was behind the events of 9/11 (Oliverio, 2008: 459). In the EU, the public has a different perspective on terrorism, because it has been framed differently than in the US. This refers back to the strategic differences between both actors. In this section the framing theory of terrorism will be shortly discussed in order to get a better understanding of the next chapters regarding the views of the US and the EU. For example, why the US refers to the "war on terror" and why the EU rejects this concept. In the purpose of this thesis, I use framing in order to illustrate the discourse used (mainly) by the US. However, I stress that framing is not a part of strategic culture and is in this thesis not a main theory, but it is a relevant enough to use in order to understand the context as described in chapters 5, 6 and 7. Terrorism as we know it is partly delivered to the public based on how policy makers and the media brought it, especially in the aftermath of 9/11.

But what is framing? The major premise of the framing theory is that an issue can be viewed from a variety of perspectives; it refers to the process by which people develop a particular conceptualization of an issue (Chong and Druckman, 2007: 104). Through news frames terrorist events are simplified, prioritized and structure the narrative flow of events. Terrorism is not an easy subject to understand, let alone to approach adequately. When an actor frames terrorism certain aspects are highlighted in order to teach the public what it is all about. News frames bundle key phrases and iconic images to explain quickly what terrorism is. The essence of framing is to promote a particular interpretation of an event, as it never provides a comprehensive explanation; just one side of the story (Norris, Kern and Just, 2003: 6). The public support in the fight against terrorism is necessary, because politicians strive to be reelected; therefore support for their policies is a relevant factor. In the US there are several key factors which are involved in public support: the extent of the threat to national interests, the commitment of the populace (do they have a feeling of being threatened), the cost of the war (in terms of life and national treasure), the public's perception of the justness of the cause, the duration of the war, the trust in national leadership and in modern warfare and media support (Lukens, March 30, 2007: 5). Inherent to framing is *discourse*: it is not only how one speaks about terrorism, but it also includes having the power of convincing people what the truth is (De Graaf, 2009: 19). What often happens is the alienation of one side the terrorist suspects and on the other side the threatened society.

After 9/11, terrorism has gotten priority over other international events. For example, the American public feared terrorism and demanded a strong response from the government. Through showing many times the same images, e.g. the planes that flew into the WTC and people (in certain Arab countries) who burned the American flag, make it understandable of what terrorism could entail. Framing aims to highlight a certain event as a problem that affects American interest (ibid). The narrative element of framing functions to justify and explain the intervention of Afghanistan and Iraq. Narrative includes specific chosen words and or short phrases to send a message to the public. For example the following statement of President Bush:

“The events of 9/11 were an ‘act of war’; terrorism is the most serious security threat. The war against terrorism is necessary and legitimate, thus America must retain the right to attack preemptively to avoid future attacks.” (Jackson, 2011: 393).

Later the use of terms like “friends” and “enemies” dominated the explanation of the use of force (Croft, 2006: 22). This quote underlines the creation and or strengthens the feeling of threat and fear, by emphasizing that the others (terrorists) aim to attack the American society, the chances of public support increase, as happened shortly after 9/11 and even three years later. Discourse itself can be used to achieve political goals: to empower the authorities and shield them from criticism and to enforce national unity by reifying a narrow conception of what the national identity is (Jackson, 2005:3). In the case of the EU, the absence of a *public sphere*, which is necessary for discourse to occur, result in the fact that most of the discourse regarding terrorism and subsequent foreign and security policies take place on national levels (Boddong, 2008: 4; Habermas, 2001: 17). For example, some countries consider terrorism as a national issue (e.g. the Netherlands and France), whereas Italy and Poland approach terrorism as a transnational issue (COT, November 12, 2008: 6). The main political message among EU states seems to be that in the media terrorism is often displayed as a threat to center of democracies. The emphasis is on working together to eliminate the common threat. Within the EU political leaders have attempted to take distance of terms such as “terrorism is evil” and AQ is the “enemy”.

3.7 Conclusion

In this chapter I provided an overview of strategic culture, multilateralism versus unilateralism and framing of terrorism. The latter is briefly explained in order to give a better understanding of different perspectives on terrorism and subsequent approaches. For the purpose of this thesis, I define strategic culture as a combination of the noted generations. Thus, SC includes geopolitical, beliefs, historical, behavioral features that explain why a certain actor decides to use of force. Moreover, formative experiences are considered to be important, because they may clarify further why for example the EU tends to act more in cooperative way than the US. As mentioned before, culture can be approached as a tool kit that enables the conditions in order to use force. For example, for a military intervention certain skills and capacities are necessary. Multilateralism refers to coordinating relations among three or more states in accordance with certain principles (Ruggie, 1992: 586). The concept of multilateralism is based on the principle of a collective security system. The EU is considered to be a multilateral actor regarding the fight against terrorism, whereas the US tends to act in a unilateral way. After the formative experience of the Cold War, the US has been approach as the superpower in the world. Finally, framing which can be described as the process by which people develop a particular conceptualization of an issue. The public opinion seems to be important with respect to counterterrorism policies. The main theoretical assumptions in this chapter are that the strategic cultures of the EU and US are divided due to different paths of establishing this strategic culture. In addition, the multilateral approach of the EU versus the US' unilateral act may have enforced this division. Also in framing terrorism there are some differences, terms as the “war on terror” are rejected by many EU states. An effective cooperation includes shared ideas and common perceptions on the issue. In chapter 7 I will analyze to what extent the transatlantic cooperation has been undermined by different strategic cultures.

Chapter 4 Research design and methodology

This thesis is mainly based on literature, online documents, such as reports and media coverage. I conducted two interviews in order to get a better understanding of the greater picture. This chapter discusses the research design of this thesis and the internal and external validity.

4.1 Multiple case study as a method

A case study is an in-depth research of one or a few cases. Case studies can be descriptive or explanatory (Van Thiel, 2007: 102). A case study method examines a particular event (the case) over a period of time. It is about testing a theory or theories to specific cases (Yin, 2003: 84). This design can be applied to single or multiple cases. Moreover, there are three principles regarding to gather empirical evidence, namely the use of multiple sources of evidence, creating a case study database and maintaining a chain of evidence (ibid). In terms of external validity case studies are less generalizable, because one examines a specific case and thus the outcomes may not be applicable on other cases. Therefore case studies focus on analytic generalization (ibid). This thesis can be considered as a multiple case study, because I am interested in the strategic culture regarding counterterrorism of two actors: the US and the EU. Since I aim to analyze the influence of strategic culture on the transatlantic relationship between those two actors, I have selected the US and the EU, because they work closely together on fighting terrorism and have created several agreements. The time-period in this research is from 2001 until 2010. Furthermore, both actors have dissimilar systems and strategic cultures it is relevant to the terrorism topic, because through using certain features to analyze their approaches and strategies can make a multiple case study existing of heterogeneous cases feasible (Van Thiel, 2007: 102). Hence, case studies are useful in explaining a certain event, which is in the case the impact of 9/11 and the subsequent terrorist attacks.

Internal validity

The problem of reliability can be partly solved by the use of multiple resources: triangulation. Through using more than one method of inquiry makes the research more valid (Yin, 2003; Hakvoort, 1996: 132-133; Van Thiel, 2007: 105). The internal validity is in case studies a bit harder to guard, because this is a qualitative research. Internal validity refers to the question if the researcher measured what needed to be measured. In this thesis I look at strategic culture, counterterrorism and transatlantic relations. Therefore I have selected documents which elaborate on these factors that are spread over the 10 year time-period.

External validity

When it comes to external validity, Yin (2003) argues that the case-study design focuses on analytical generalization, instead of statistical generalization. Analytical generalization means that the researcher endeavors to apply theories to multiple empirical cases (Swanborn, 1996; Van Thiel, 2007: 104). I use the following theories: strategic culture, multilateralism and unilateralism and framing. Through applying these theories to the terrorist events, the subsequent wars and the negotiations between the US and the EU, I aim to create a context wherein I can draw a conclusion on how these factors affected their transatlantic relationship.

4.2 Data collection

Desk research, also known as secondary research, means to gather and to analyze information, already available in print or published on the internet. There is a lot of literature available that deals with the topics 9/11 and international terrorism. By using secondary research I can get a better understanding of the context. The discussion about the transatlantic relationship being under pressure has been analyzed by many scholars. I use also other sources: journal articles that elaborate on the theories and terrorism as global phenomenon. Information about the selected cases, the US and the EU, is offered on different governmental websites. This is a good way of finding reliable documents, for example, the national security documents, declarations, etc. Also, media coverage can provide a good overview regarding the topic. For example, official documents can be sometimes

difficult to understand, by looking at newspapers I can get a greater understanding of the general picture. Furthermore, by applying a content analysis on all the written documents, I endeavor to provide an overview of the developments of the past decade. The congruence analysis means that theoretical expectations are compared to empirical evidence.

4.2.3 Interviews

A case study requires a lot of time and effort to gather all the needed information. This thesis is relies mainly on literature, next to that I conducted two interviews. Unfortunately the topic of debate, terrorism and counterterrorism strategies, resulted in a few people who wanted to assist in this research. I spoke to a researcher who works for the US Congress, due to the work of this person the name will not be revealed. I chose to have this interview, because the researcher is a European Affairs expert and has also knowledge of the foreign policy of the US. The goal of this interview was to understand how the relationship between the US-EU has been developed, in order to understand if there is a convergence or divergence in the transatlantic relationship. I used a semi-structured interview- using a topic list- based on the theoretical framework.

The second interview was with two employees of the Dutch National Coordinator for Counterterrorism and Security. Like the first interview, the respondents wish to remain anonymous due to their work obligations. I did not analyze the Netherlands as an actor, however, this interview has been useful to understand the European context. Moreover, one of the respondents is an expert on American foreign policy. Here again, I used a topic list in order to create the space to let them explain how theories can differ from practice.

Chapter 5 The US counterterrorism strategies after 9/11

“Just three days removed from these events, Americans do not yet have the distance of history, but our responsibility to history is already clear: to answer these attacks and rid the world of evil. War has been waged against us by stealth and deceit and murder. This nation is peaceful, but fierce when stirred to anger. This conflict was begun on the timing and terms of others; it will end in a way and at an hour of our choosing.” (President George W. Bush, September 14, 2001)¹¹

5.1 Introduction

After the event of September 11, 2001 the American government developed several counterterrorism strategies, which have provided legal measures to the US government, and involved agencies, to combat terrorism. A few days after the terrorist attacks in 2001, President Bush declared in a speech to Congress “the War on Terror” (Bazinet, September 17, 2001). He stated that the attacks were not an act of terror, but of war (White House, September 12, 2001). By using the concept of “war” the President made it clear that the United States of America is fighting a war against terrorist network of global reach (Snauwaert, 2004: 121). At this moment, the President mentioned that Osama Bin Laden is America’s enemy number one. Moreover, he stated that the origin of terrorism is linked to the Taliban regime in Afghanistan which has close ties to AQ, therefore the war on terror will not stop until every terrorist on a global reach will be found, stopped and defeated (ibid). He even referred to it as a crusade that will take a long time to completed.

This chapter presents the counterterrorism strategies developed between 2001 and 2010. The first important document was the Patriot Act of 2001. Its purpose was to enable law enforcement officials to track down those responsible for the attacks in order to prevent new attacks (Doyle, 2002: 2). The Act caused criticism because of the alleged violation of privacy rights (ibid). Not only the Act has been criticized, but also other security strategies have suffered from controversy. From 2002 on several White House strategies have been developed. Through analyzing these policy documents, I endeavor to provide an overview of the developments regarding the counterstrategies of the United States. In addition, subsequent terrorist events made it even harder for the American government to come up with effective measures to prevent terrorist attacks.

5.2 Bush doctrine

This paragraph explains what the “Bush doctrine” entails. This is important for further understanding of the counterterrorism strategies discussed in subsequent paragraphs. The Bush administration introduced a new strategy regarding foreign policies and domestic security. Shortly after the attacks of September 11, 2001, the United States has began to transform its security strategy, through reforming the National Security Strategy 2002¹² wherein the Bush Administration lays out the preemptive use of force in order to protect America’s citizens and interests. It has become known as the “Bush doctrine” (Heisbourg, 2003: 75). In his State of the Union, the President declared on January 29, 2002 that the new US defense strategy addresses the prevention of terrorist attacks. He said: *“I will not wait on events, while dangers gather (...) We must take the battle to the enemy.”* Elsewhere in his speech, the Presidents considered Iraq, Iran and North Korea as an ‘axis of evil’ (CNN, Transcript of the State of the Union, January 29, 2002). By labeling these countries as axis of

¹¹ President Bush's Prayer Service Remarks September 14, 2001 at The National Cathedral in Washington D.C. (CNN, September 14, 2001).

¹² This document is considered to be the definitive statement of the doctrine and it was updated in 2006 in the National Strategy for Combating Terrorism (New York Times, April 13, 2003).

evil President Bush meant that the governments of those three states enabled terrorism. The doctrine has four elements (Jervis, 2003: 366-367):

1. **Democratic regime change:** in a series of speeches in late 2001 and 2002, Bush declared that the United States should actively support the attempts of Middle East countries to develop democracy, as a strategy in order to combat terrorism.
2. Great threats can only be defeated by **vigorous policies, most notably a preventive war**. In his speech at the West Point (military academy), Bush stated: *“We cannot defend America and our friends by hoping for the best. If we wait for threats to fully materialize, we will have waited too long — Our security will require transforming the military you will lead — a military that must be ready to strike at a moment's notice in any dark corner of the world.”* (New York Times, June 1, 2002). He made clear that a preemptive war will play an important role in America's foreign policy. In addition, the Bush administration propagated that it *“will make no distinction between the terrorists who committed these acts and those who harbor them”* (Lafeber, 2002: 543).
3. Act **unilaterally** if necessary: Bush mentioned several times that the US needs in its allies fight against terrorism, especially during the missions in Afghanistan (2001) and in Iraq (2003). The Bush administration, however, did not bend its policy to meet other's preferences. Moreover, not only the President but also the Secretary of Defense, Rumsfeld, made it clear that the American government will forego the participation of any particular country rather than compromise its own policy (Jervis, 2003: 375).
4. **Expansion of the influence of the United States:** the fourth element concerns the thought that peace and stability require the United States to assert its primacy in world politics. One could link that to the determination of the Bush administration to bring democracy to the Middle East will lead to less terrorism. Monten (2005) argues, however, that the promotion of democracy abroad was a key objective of the administration's strategy in order to expand the political and economic influence of the United States internationally. Besides, the attempts of supporting democracy processes- as part of US strategy- existed before the Bush administration.

5.2.1 The War on Terror: invasion of Afghanistan

As an immediate response to 9/11, the United States led the War on Terror with the invasion of Afghanistan on October 7, 2001 (Fitzpatrick, 2002: 349). This mission, also known as “Operation Enduring Freedom” was a military action against the Taliban Regime with the goals to destroy terrorist training camps and to capture AQ leaders. The Taliban is an example of a government that harbors terrorists (element two of the Bush doctrine). Initially, the invasion was widely supported by the European Union, because of the right of self-defense since the vital American interests was at stake (ibid). By supporting the US' actions, the EU was initially convinced that it would have something to say in the process. However, Washington D.C. seemed to disregard this thought (Kagan 2004: 65). In sum, in 2001 the President's policy was shaped by unilateralism, although many hoped that the war in Afghanistan would turn the Bush administration to greater multilateralism (Lafeber, 2002: 554). Nevertheless, Bush claimed that he was ready to fight the war against terrorism alone rather than having supposed allies trying to set terms and conditions (The Economist, February 12, 2002). This issue regarding unilateralism will be further discussed in chapter 7.

5.3 The Patriot Act 2001

President Bush signed the Patriot Act¹³ into law on October 26, 2001, after both the House of Representatives and the Senate approved this legislation. The Act was an immediate response to the terrorist attacks. It provided the government new powers for surveillance and investigation of

¹³ The official name of the Act is : “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001” (Doyle, 2002: 1)

terrorism suspects (Risen and Lichtblau, 2005). Furthermore, it significantly reduced the restrictions on law enforcement agencies' ability to track and intercept different types of communications, such as telephone records and email communications. (Doyle, 2002: 2). This law enhanced the Secretary of the Treasury's powers to track financial records in order to prevent money laundering (Kearns and Weber, 2010: 76). Through this Act one could be a suspect simply if there are "reasonable reasons to believe" that someone is a terrorist (The New York Times, October 12, 2001). The first part of the Act, Title I, established a fund for counterterrorism activities and mentions the increased budget for the FBI. It was the electronic surveillance section of the Act that one heavily debated on.

Tracking and gathering communication

The second section of the Act- Title II- addresses the ability of federal agencies to track and gather communication of terrorist suspects. Through electronic surveillance and eavesdropping methods the intention of this Act is to prevent any future attacks (Doyle, 2002: 4). It allows officials to use trace devices and pen registers. The latter can be used to capture source and addressee information of emails and telephone conversations (Smith and Hung, 2010: 33). A court order is necessary in order to use pen registers (ibid). However, in the absence of the probable cause necessary for a warrant, it is sufficient if officers involved in the crime investigation can show reasonable grounds that the information is relevant to the case (Doyle, 2002: 6).

Most of the criticisms concern this part of the Act, because many believed that the allowed technologies of surveillance procedures went too far and that civil rights were not well protected (Kerr, 2003: 608). Nevertheless, on September 12, 2001 the Washington Post polled that two out of three Americans were willing to give up a part of their civil rights to stop terrorism (Forbes, October 15, 2001). In January 2010 another poll showed that 54% of the American citizens find it necessary to give up some of their privacy rights, in order to be safer (McClatchy, January 12, 2010). One could conclude that although America has a history of protecting civil rights, when it comes to terrorism citizens are more likely to give up some of their constitutional rights.

Many legal experts, however, stated that prior to 9/11 the government had sufficient legal tools to conduct information of terrorist suspects, based on previous acts such as the "Foreign Intelligence Information Act" (FISA) of 1986. The FISA provided the American government legal procedures to gather and analyze foreign intelligence information through electronic surveillance and wiretapping (Jaeger, Bertot and McClure, 2003: 295). Both foreign and domestic intelligence gathering were included. The difference was that in the case of foreign intelligence investigations less proof, that someone was a suspect, was needed in order to receive a warrant, whereas, in domestic cases higher standards were required to obtain a warrant, in order to protect privacy rights of citizens and only intercept information related to the investigation is allowed (ibid). Under FISA, surveillance warrants were received through the approval of the 'Foreign Intelligence Surveillance Court'. Proponents of the Patriot Act claimed that the Act was an amendment of the FISA and was in some ways more protective regarding privacy rights and civil liberties than the laws it replaced (Kerr, 2003: 68). Opponents state that the Act was pushed for the swift passage this legislation with the reason that governmental surveillance authority would be an essential instrument in combating terrorism. Moreover, civil right lawyers claim that legal experts did not have enough time to analyze the content or ask questions (Rackow, 2002: 1651). In addition, the 'Electronic Privacy Information Center' state the bill was passed with haste without any report of the House, Senate or conference (EPIC, November 2005). This shows that there was a lack of a check and balances system that traditionally safeguard civil liberties in the face of such legislation (ibid). Through the Patriot Act the government was given more surveillance capability, therefore a sunset clause¹⁴ was included in order to determine how well the law works, how effective it has been and in what way the government has taken responsibility (Whitehead and Aden, 2002: 93).

¹⁴ A sunset clause specifies the lifetime of a piece of legislation (Whitehead and Aden, 2002: 1085)

5.4 National Strategy for Homeland Security July 2002

In the aftermath of 9/11, the concept of “homeland security” was put on the top of the political agenda. The following definition is given to this concept:

“Homeland Security is a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur” (The National Strategy for Homeland Security, July 2002: 2).

The National Strategy for Homeland Security was the first national strategy for homeland security. In response to the terrorist attacks of 2001, the President proposed in this document the establishment of a new Department of Homeland Security (DHS), which would function as a pivot among the agencies involved in counterterrorism and ensure greater accountability over critical homeland security missions. Before the establishment of this Department, homeland security activities were spread across more than 40 federal agencies (Department of Homeland Security, 2008). In addition, the US Commission on National Security/ 21st Century recommended in its “Phase III Report” of February 15, 2001 the creation of an independent National Homeland Security Agency, with responsibility for coordinating and integrating various US homeland security activities (US Commission on National Security/21st Century, February 15, 2001: 8). According to the Commission, a comprehensive agency was necessary in order to meet future national security challenges (Department of Homeland Security, 2008). In March 2001, the Representative Mac Thornberry proposed a bill to create a National Homeland Security Agency, following the recommendations of the Commission. Despite hearings were held, Congress took no further action to this bill. The actual creation of this agency happened after President Bush urged the need for this agency, after the attacks of 2001 (ibid).

Just days after the Department was installed in January 2003, the main challenge has been to develop interconnected and complementary systems that reinforce, rather than duplicative with regard to the tasks of existing agencies (Department of Homeland Security, July 2002). This department considers “keeping America safe” as its main priority (Department of Homeland Security, March, 14 2011). With the establishment of this Department the Bush Administration attempted to improve the homeland security and coordinate the counterterrorism approaches on the level of local and federal government (US Government, August 5, 2011). As mentioned before, the war on terror involves many agencies on different governmental levels (Wise and Nader, 2002: 44). Therefore reorganization and more importantly, a coordinating political body was necessary to let those agencies work effectively with the goal to ensure the country’s safety (ibid).

Since 9/11 homeland security has been a priority of the US government. It has increased the budget for homeland security by more than \$ 1 trillion in the decade since the 9/11 attacks (Mueller and Stewart, 2011: 1). Most of the financial resources are meant for the DHS. In a 2011 evaluation regarding the spending and efficiency of the DHS one of the conclusions is that the many security officials had no idea if their strategies were paying off. A DHS leader stated: *“Most programs are implemented “with little or no evaluation” of their performance or effectiveness, and the agency “receives little analytical advice on issues of policy, program, and budget.”* (ibid; CRS, 2007).

5.4.2 National Strategy for Homeland Security: strategic objectives

In his speech regarding the release of the National Strategy 2002, the President announced that AQ remains America’s most immediate and serious threat (White House, 2010). Through this comprehensive strategy missions and responsibilities of the DHS were laid out (ibid). The three strategic objectives are (The National Strategy for Homeland Security 2002: 3):

1. Prevent terrorist attacks
2. Reduce America’s vulnerability

3. Minimize the damage and recover from attacks that do occur.

With this strategy the Bush administration aimed for a more preventive way of countering terrorism. Through intelligence and broader security systems the government can detect terrorist activity in order to avoid being surprised by another terrorist attack (ibid). Although intelligence agencies had been carried out counterterrorism strategies prior to September 11, the attacks on the World Trade Center were the awakening, because 9/11 showed that terrorism also occurred on US soil. To reduce the vulnerability critical infrastructure, which are defined in the USA PATRIOT Act as those national assets and systems so vital to for instance the economy and public health, has been protected (ibid). Regarding the third objective, the damage can be minimized by emergency preparedness and response. Every year the DHS evaluates the developed measures and their effectiveness.

5.5 National Strategy for Combating Terrorism 2003

In the National Strategy of 2003 the President claimed that the terrorist events of September 11, 2001 were acts of war (National Strategy for Combating Terrorism February 2003: 3). The enemy is described as terrorism and those who employ terrorism. Also in this document, AQ is considered the state enemy number one (ibid). In early 2003 the nature of the terrorist threat was changing, which made it for the authorities necessary to modify their strategy regularly- and the availability of terrorist organizations to develop Weapons of Mass Destruction (ibid). As the AQ network shows, the use of technology enables the terrorist organization to operate globally, by creating and moving cells virtually has become quite easy (The Guardian, August 4, 2005). Furthermore (foreign) terrorists establish also cells in open, liberal and tolerant societies that they plan to attack (National Strategy for Combating Terrorism, 2003: 6). Another reason why it has gotten harder to defeat this terrorist organization is that AQ has become increasingly financially self-sufficient, for example a main financial resource are the poppy fields in Afghanistan (ibid). Thus, a terrorist network like AQ demonstrates that it is flexible and diffuse because of its dynamic structure. Moreover, in certain states AQ can operate with impunity, for instance in Afghanistan and the Sudan. Therefore, the purpose of this strategy was to protect the world from terrorism by using the power of American values in failing states. This is inherent to the American attempt to create democracy in the Middle East. It is based on the school of thought that more democracy would lead to less terrorism (Windsor, 2003: 43).

5.5.1 The '4D' Strategy

In order to identify and defuse terrorist threat, before they reach the United States, four objectives were formulated: defeat, deny, diminish and defense. The first strand is to **defeat** terrorist organizations by attacking their finances, leadership and communications (National Strategy for Combating Terrorism February 2003: 7). As described in the Patriot Act, the use of electronic surveillance and anti-money laundering has to reduce the financial resources and limit the communication methods among terrorist organizations. Through special measures, enacted by the Secretary of the Treasury, US financial institutions are required to maintain extensive records relating to participants in foreign financial transactions. Moreover, identification records must be included in these transactions (Doyle, 2002: 28). By monitoring foreign financial transactions US officials endeavor to trace and attack financial systems belonging to AQ. In addition, political means were also used to defeat terrorist organizations by focusing on alliance-building in the international community (Chambliss, 2004: 5). In 2004, however, some important allies¹⁵ opposed the invasion of the United States and its 'Coalition of the Willing' in Iraq, which caused tension among the collaborating states (ibid). In paragraph 5.6 the Iraq war will be further discussed.

The second objective is to **Deny** further sponsorship to states that haven't taken their responsibility and still allow terrorist to stay in a certain country. Only if states were weak, but willing to trace down terrorist and extradite them, they could still count on American sponsorship (National Strategy

¹⁵ France, Russia and Germany were against the invasion in Iraq (Chambliss, 2004: 5).

for Combating Terrorism February 2003: 8). One can think of economic and military incentives to complying states and unwilling states could end up losing monetary aid and face trade sanctions (Chambliss, 2004: 6).

The next objective is **Diminish** the underlying conditions that terrorist seek to exploit by enlisting the international community to focus its efforts and resources on the areas most at risk with respect to enabling terrorism, like Afghanistan (National Strategy for Combating Terrorism February 2003: 15). Again, with this attempt the Bush Administration tried to collect its allies and combat together the shared threat. The thought was to create a new international norm regarding terrorism requiring a zero tolerance approach towards international terrorism. This was strengthened by the fact that the President claimed that the struggle against terrorism is not solely an American struggle (ibid). One of the objectives was that the US government stated that it seeks to support moderate governments, especially in the Muslim world, in order to reverse the spread of extremism ideology and those engaged in that. The Bush administration stated: *"We will continue assuring Muslims that American values are not at odds with Islam."* (ibid). This strategy was by some scholars seen as a failure due to the mismatch between paper and practice. Kertzer (2007) describes that this idea-of trying to win the hearts and minds in the Islamic world- was also applied in previous counterterrorism documents. Therefore this strategy was not invented in the 2003 counterterrorism program (Kertzer, 2007: 974). The mismatch was caused by the fact that such attempt (to gather support in the Muslim world) was often not properly implemented on the ground. After 9/11, the White House claimed to be engaging in public diplomacy in the Middle East, the initiatives, however, were evaluated as poorly conceived and ineffective (ibid). Anti-American sentiment was one of the factors that contributed to the failure of implementing "Western" ideas in the Middle East (Packer, 2006: 65).

The fourth "D" stands for the **defense of** the United States' sovereignty, territory and its national interests at home and abroad (CIA, February 2003). As mentioned before AQ is seen as an adaptive enemy due to its dynamic structure which is strengthened by the use of technology. Embodied in this strategy is the adage that "the best defense is a good defense"(National Strategy for Combating Terrorism February 2003: 17). By improving and coordinating the indications and threat warnings the US government attempts to prevent terrorist attacks. Through law enforcement, intelligence methods and the military pursuit of terrorist organizations, the counterterrorism agencies try to disrupt AQ's ability to carry out attacks (CIA, February 2003).

With this fourth objective the President emphasizes that terrorism is dynamic, therefore the entire society has to be united in its effort and focus in order to reduce the vulnerability of US assets and interest and most importantly American citizens. The establishment of the DHS enables the United States to monitor the terrorist threat effectively and protect the United States against a new terrorist attack (ibid).

5.6 The invasion of Iraq and the consequences for counterterrorism strategies in the US

On March 6 2003 President Bush held a speech wherein he addressed the American public and answered questions in order to explain whether or not a war was just a few days ahead (White House, March 6, 2003). He stated:

"Iraq is a part of the war on terror. Iraq is a country that has got terrorist ties. It's a country with wealth. It's a country that trains terrorists, a country that could arm terrorists. And our fellow Americans must understand in this new war against terror that we not only must chase down Al Qaeda terrorists we must deal with weapons of mass destruction, as well."

President Bush was convinced that Iraq was a harbor for terrorists and was developing “Weapons of Mass destruction” (WMD), although there was no evidence of any involvement of Iraq in the attacks of September 2001 (Parachini, 2003: 38-39). In fact, contrary evidence was suppressed. The invasion was, however, justified by the Bush administration by claiming that an attack with WMD would even create greater damage than the WTC attacks. Moreover, in the security strategy of 2003 the US government claimed that Iraq is one of the rogue states which are a threat for the United States. In addition, the President used a public campaign to gather support for this preemptive war. The fact that Saddam Hussein was viewed as an aggressor and dictator who would seek any opportunity to kill Americans contributed to the justification (Kaufmann, 2004: 5). The majority of the American citizens supported the war in Iraq, even still when the United States failed to find the expected evidence (Kull, Ramsay and Lewis, 2003: 571).

5.7 National strategy for Combating Terrorism 2006

5.7.1. Successes regarding the War on Terror

The National Strategy for Combating Terrorism (NSCT) 2006 was President Bush’ last security strategy. Herein the War on Terror was subjected to an interim evaluation. By starting off with claiming that the terrorist attacks of September 11, 2001, were acts of war against the United States and that the US will win this war, some of the successes are mentioned (NSCT, 2006: 3). The war in Afghanistan is considered to be a success, according to the US government, because the United States have deprived AQ’s safe haven and helped a democratic government established in its place. Furthermore, one of the special measures of the Patriot Act 2001, anti-money laundering, has made it costlier and riskier for AQ to raise and move money (ibid). In addition, the War on Terror is not only a battle of the arms, but also a battle of ideas. As mentioned before, the US seeks to promote democracy and freedom. The goals- in order to win the war- written down in this strategy are not completely new, because in previous strategies similar goals were described, such the prevent of terrorist attacks. In this strategy the following five goals are formulated:

1. **Advance democracy**
2. **Prevent attacks**
3. **Deny WMD**
4. **Deny support of rogue states**
5. **Build the institutions and structures necessary to carry the fight forward against terror**

The fact that AQ has become less centralized, in other words its cells are spread over the world, and therefore harder to detect remained one of the main challenges. Despite the ongoing discussion regarding the absence evidence for WMD, the Bush administration state in this Strategy that the terrorist threat of an attack with WMD still remains relevant (NSCT, 2003: 4). Furthermore, the fight for freedom in Iraq continues to be a challenge. The two pillars of this security strategy are: effective democracy and institutionalizing the US strategy.

5.7.2. Strategies for winning the War on Terror

Democracy

In previous policy documents the strategy to foster democracy in the Middle East was considered to be one of the measures in order to decrease the terrorist threat. The long-term solution for winning the War on Terror is through effective democracy (NSCT, 2006: 9). The Bush administration describes democracy as the antithesis of terrorist tyranny (ibid). With this instrument the President attempts to show both his allies and the American citizens that the War on Terror is not purely a military war, but also one that seeks to increase safety in the world. Through applying effective democracy the outcome should be that less people are triggered to join AQ (NSCT, 2003: 12). However, many scholars believe that the battle of ideas may be a success on paper but certainly not in practice. In the years

since the September 11 attacks, the rhetorical attention for 'democracy' and 'freedom' has outpaced the actual progress in advancing democracy, due to the failed missions in Afghanistan and Iraq (Fukuyama and McFaul 2007:25). This was strengthened by the Freedom House survey in 2006 which concluded that the status of Iraq is "not free" (Freedom House, Country Report, 2006). Afghanistan was considered "partially free" in 2006, because it had made some progress enabling democracy (ibid). According to the Freedom House Afghanistan scores a "6" in 2010 which means it is not free. Also Iraq is considered "not free" in 2010 (Freedom House, Country Report, 2010). In addition, other scholars tend to believe that the Bush' democracy attempts may have led to a greater terrorist threats, because several terrorist groups- linked to AQ- stated that the interference of the US in the Arab world frustrates them even more (Bellin, 2008: 112). The situation in Iraq is a good example of the contra effect the Bush administration caused. Moreover, Fukuyama (2007) states that democracy is rooted in the Western world and is not a universal good that can be easily applied elsewhere.

Institutionalizing our Strategy

The War on Terror was conceived as a long war, therefore, transformational structures to carry forward the fight against terror are required (NSTC, 2003: 19). One of the aspects of this strategy is to strengthen coalitions. The Bush administration mentioned several times that and important successes regarding the fight against international terrorism have been made possible through effective partnerships (ibid). This is relevant to mention since in previous strategies the President underlined the importance of having allies, but he was determined to fight the war alone if allies didn't agree upon the US' war strategy. In other words, multilateral treaties and international organizations were considered to create more trouble than value (Foreman, Patrick and Myers, 2002: 4-5). In the NSTC 2006 the Presidents aims for a multilateral approach for countering terrorism. In the case of Afghanistan the United States have sought cooperation at the military level, but also in monitoring and regulating financial transactions, gathering intelligence and providing humanitarian assistance (ibid). However, some believe that this coalition approach is more a "hub-and-spoke" model, meaning that America's (hub; center) interest came first and that other countries (spokes) and international organizations have been sidelined in the War on Terror.

The National Counterterrorism Center was established (in 2004) to serve as a multiagency center integrating all intelligence pertaining to terrorism (National Counterterrorism Center, 2011). Another important institutional transformation mentioned in the NSTC 2006 is the extended abilities of the FBI, which were initiated in the Patriot Act. This led to a more integrated system of agencies involved in counterterrorism. Furthermore, the FBI refocused on the prevention of terrorism and terrorism was no longer a criminal act, but an act of war (Collins, 2006: 27). Other departments, such as the Department of Defense, were rearranged in order to adapt its forces to be better positioned to fight the War on Terrorism (NSTC, 2006: 20).

5.8 Shift towards the Obama administration 2008

President Obama, elected in November 2008, had already mentioned in his election campaign that some controversial domestic counterterrorism strategies of the Bush administration were not sufficient and suitable to protect US citizens (ABC News, June 17, 2008). He didn't oppose all the efforts, but he mainly disagreed upon the Guantanamo Bay situation He cited:

"We have destroyed our credibility when it comes to rule of law all around the world, and given a huge boost to terrorist recruitment in countries that say, 'Look, this is how the United States treats Muslims.'" (ibid).

After he was installed as a President, he has continued choosing another path to fight terrorism. In February 2009, he stated that this administration will not use "bumper sticker slogans" in its security strategy. Here he refers to the use of concepts such as the "war on terror" (New York Times,

February 17, 2009). Before Obama was elected, other important allies of the United States, such as the United Kingdom, had rejected the concept of *war on terrorism* (ibid). This seems to be viewed as an effective step forward in countering terrorism. Jones and Libicki (2008) argued to replace “war on terrorism” with *counterterrorism*. In their view the phrase *war on terror* makes the public believe that the solution to the problem of terrorism is a battlefield one (Jones and Libicki, 2008: 3).

Observers have noticed that under the Obama administration the rhetoric tone regarding terrorism has softened. Obama aims to fight terrorism in a framework of international law and build sustainable coalitions. He mentions that he strongly believes in multilateral diplomacy and use more *“than bombs and bullets to fight terrorism”* (The Washington Post, August 6, 2009). In the speech he gave in Cairo in 2009, Obama said some remarkable things with the purpose to distinguish his administration from the Bush one. The main message seems to be that President Obama seeks out to the Muslim world: *“I have come here to seek a new beginning between the United States and Muslims around the world.”* The violence used by extremists must not be framed as something which belongs to the Muslim community as a whole: *“This cycle of suspicion and discord must end.”* He mentioned that his priority is to keep America safe, but he emphasized that the US is not at war with the Islam. By using the words *“combating violent extremism”* the Obama administration appears to take distance from the ‘war on terror’ approach. Finally, the Iraq crisis has changed the (diplomatic) relations to a certain extent. In his speech he addressed this issue by stating (Huffington Post, April 6, 2009):

“Iraq was a war of choice that provoked strong differences in my country and around the world. Although I believe that the Iraqi people are ultimately better off without the tyranny of Saddam Hussein, I also believe that events in Iraq have reminded America of the need to use diplomacy and build international consensus to resolve our problems whenever possible.”

This fragment shows that the shift from the Bush administration to the Obama administration we can argue that the US has had good intentions in moving further towards multilateralism. Furthermore, the importance for the use of soft power (e.g. diplomacy) marks the difference between Bush and Obama, because the first preferred to apply hard powers in order to win the war, whereas Obama rather not speak about ‘war’ at all.

5.9 National Security Strategy 2010

In the National Security Strategy (NSS) of May 2010, President Obama outlines his strategy regarding the fight against terrorism. In his introduction he states that the Armed Forces will play an important role when it comes to America’s security, both domestic and abroad, but they must be complemented with diplomatic means (NSS, 2010:2). Moreover, new partnerships have to be created to enhance a long-term security. This document underlines several times that this (strategy) is not a global war against terrorism or the Islam. However, he uses the term “war” when he addresses AQ and its affiliates¹⁶ (Daily Telegraph, May 27, 2010). Nevertheless, The Obama administration distances itself from a preemptive war. “The world as it is” is a new paradigm in this strategy. In order to success Obama stresses that we must face the world as it is, taking into consideration both post 9/11 wars, the actual terrorist threat and other new threats such as a sweeping economic crisis (NSS, 2010: 4). Global security can only be reached through commitments with allies and partners. Therefore this strategy is focused on renewing American leadership (ibid). The main enemy remains AQ and the regions where AQ affiliates are harbored. The US must renew its leadership in the world in order to implement a responsible transition while ending the war in Iraq (NSS, 2010: 7). The second part of the US its strategic approach is marked by “The world we seek”, meaning that by foremost America’s foundation must be renewed. Due to the financial crisis, the

¹⁶ Groups that have aligned with AQ (NSS, 2011: 3)

US's position and strength in the world have been set back. In addition, Obama's administration argues for a greater engagement with other nations and institutions, this document mentions specifically America's closest allies: the UK, France and Germany. In spite of the fact that Germany and France had been strongly opposed the war in Iraq and the way how the US approached international terrorism, their relationship have stayed healthy (Townsend, 2003; NCTB, August 30, 2011).

Overall, the US seems to have entered a new era since the Obama administrations has taken over. The willingness, from this new administration, to connect better with the other nations and to renew America's position in the world, especially in the Arab world, gives the impression that the unilateral behavior has transformed to a more multilateral approach. However, critics have pointed out that in practice there is not much difference between the Obama and Bush administration with respect to international terrorism, of course with exception of the discourse. First, the NSS 2010 states that the US is at '*war against al-Qaeda and its affiliates*', in this case the word 'war' has not been eliminated. Moreover, by claiming that the use of force will sometimes be 'necessary' leaves observers speculates in what and when it is 'necessary' to use of force (Henderson, 2010: 433). Although, Obama has stated that the rule of (international) law is and the focus on multilateralism are top priorities, he has not ruled out going alone when he believes it 'necessary'. The doctrine of 'necessary force' has incorporated unilateral forcible humanitarian intervention under what appears to be a revised version of the 'just war' (Henderson, 2010: 403). In other words, by putting another label on the same thing does not change the situation. Thus, keeping things open and vague might lead to unilateral possibilities than the Bush administration and its war against terror.

Furthermore, Obama argued that the war in Iraq was a war of choice, but scholars state that going to war is always a choice (Washington Post, Kagan, August 23, 2009). That is confirmed by the former National Security advisor, Haass, who said that "they were both wars of choice", hereby undermining Obama's distinction of Afghanistan being a "good" war and Iraq a "bad" war. Others do see a positive movement since the introduction of the Obama administration. There has been a toning down of US ambitions and the means by which they should be achieved. The NSS 2010 lays out the focus on fixing things domestically first in order to improve America's position externally. This strategy seems to be a clear distinction between Obama and Bush, in words and deeds. Yet, that does not automatically mean that President Obama will not fight wars, this document lays out the framework under which such actions will be taken (BBC News, Reynolds, May 27, 2010).

5.10 Conclusion

By looking back at the past decade notable situations have happened that indeed have changed the world for good. After 9/11 terrorism has become a top priority on the political agenda of the US. Through referring to international terrorism as a 'war' and states which harbor terrorist suspects as 'Axis of Evil', President Bush did not leave any ambiguity on how his administration would deal with terrorism. The USA Patriot Act 2001 laid out that US intelligence agencies were authorized to track down terrorist in several ways. This strategy received much criticism because of the lack of taking civil rights into consideration. Furthermore, the claim of the right of a preemption war and the violation of the UN's principal rules of authorization led to a decrease of international support. This was enhanced by Bush's preference of a 'coalition of the winning' and rather doing itself than to seek compromises. During the Bush period several key objectives played an important role: advance democracy (in Afghanistan and Iraq), prevent attacks, deny WMD, deny support to rogue states and build institutions and structures necessary to carry the fight against terror. Most of these objectives were accompanied by hard power means. President Bush divided the world in "friends and enemies" resulting in allies supporting him or rejecting his strategies. Besides, he left international organizations out. When Obama won the presidential elections, many hoped for a change in US' foreign policy. In one of his most important speeches in spring 2009, in Cairo, President Obama highlighted that the US needs to renew its position in the world, including reaching out to the Arab

world. Moreover, he stressed the importance of closer relationships with allies and working within the framework of international law. These first signs of multilateralism were enforced by the fact that the President has promised to close Guantanamo Bay and the withdrawal of US troops from Iraq. These promises have been well received by others, in chapter 7 I will come back to this point. Although, the NSS 2010 has marked a new era in US foreign and security policy, some observers have been suspicious because of the use of concepts like the 'necessity of war'. Nevertheless, the 'war on terror' concept seems to be eliminated from the world stage for good.

Chapter 6 European approach to counterterrorism

6.1 Introduction

The threat of terrorism is not a new phenomenon within the European Union (EU), but the turning point were the terrorist attacks of September 11, 2001 which have put terrorism (carried out by AQ) high on the European political agenda (De Graaf, 2010: 15). AQ operates across the globe and may attack anywhere in Europe on a greater scale than established European terrorists organizations, such as ETA (Ekengren, 2007: 31). Especially the terrorist attacks in Madrid in March 2004 and the terrorist events in London in July 2005, led to the need for greater European cooperation in fighting terrorism (Keohane, 2007: 126). The AQ transnational threat requires an adequate and cooperative collaboration among the EU countries and in response to 9/11 the EU has developed several strategies and measures. EU governments handle terrorism in different ways and have developed different law systems. For instance, the Netherlands has relatively weak terrorism laws in comparison to the United Kingdom, where terrorism laws are tougher (Keohane, 2005: 7). Counterterrorism belongs primarily to security and justice policies on the national level. However, the European Commission stresses the importance of a shared European approach, because EU countries face a common threat. Nevertheless, the EU's ability to tackle terrorism through intelligence and law enforcement is limited (Keohane, 2007: 127-128). The EU is not an ordinary government and it depends on the cooperation of the member states (MS).

After the attacks of 9/11, an EU-wide arrest warrant was created and the MS directed more resources to the fight against terrorism. In addition, after the events in Madrid the EU countries agreed upon having an EU Counterterrorism Coordinator (Rees and Aldrich, 2005: 910). This chapter endeavors to lay out the development of the counterterrorism approaches of the EU, since 9/11 until 2010. The goal is to analyze the steps that have been taken on the EU level in order to establish adequate counterterrorism strategies. The EU has been enlarged over the past decades and its influence has expanded, but as mentioned above, the EU government lacks certain competencies national governments have and the EU does not have executive powers to regulate the behavior of MS (Hix, 2006: 12; Zimmerman, 2006: 2). Therefore, it is relevant to take a closer look at what has been done with respect to counterterrorism in order to get a better understanding how the EU attempts to tackle this major security threat. Before analyzing the counterterrorism strategies, this chapter starts off explaining the features of the EU as an actor and how security and judicial issues have been developed regarding the so called "pillar structure".

6.2 The European Union and counterterrorism in a nutshell

Through the Treaty of Rome of 1957 the European Economic Community (EEC) was established. The first involved countries were: Belgium, Luxemburg, the Netherlands, France, West-Germany and Italy. The goal was to create a common market (Ryba, 1992: 10). Throughout the beginning of the European economic integration, the main focus of the European leaders was the economy, specifically how the MS could cooperate within that common market (Van der Vleuten, 2006: 21). As discussed in chapter 2, in the late 1970s the first steps towards a European cohesive counterterrorism strategy was through the TREVI-group which was an informal counterterrorism cooperation between EEC countries. However, the initiatives from the group were not legally binding. Nevertheless, through the initiative of TREVI the EEC countries learned how they had to deal with security issues on the European scale. It was the Treaty of Maastricht of 1992, also known as the Treaty on the European Union, (went into force in January 1993) that led to a sustained cooperation on the Union level (Buitter et al, 1993: 63). The introduction of the Treaty meant also the establishment of the pillar structure (see chapter 2). The third pillar, the Justice and Home Affairs (JHA) pillar, enhanced the cooperation between MS in areas such as police, criminal matters and military (Dinan, 2005: 5-6). Terrorism falls under the third pillar and the MS agreed to work closer, because the third pillar was an intergovernmental one which means that states didn't lose much of their sovereignty.

In sum, since the creation of the EEC and later the EU several steps and measures have been initiated, but counterterrorism was still not seriously acknowledged and more based on “old” terrorism. Since 9/11 many policy makers and scholars have been convinced that nowadays we are confronted with a “new” form of terrorism (Crenshaw, 2008: 117). “Old” in this context means that in general terrorist did not want to use excessive violence and they did not use non-conventional weapons. They tried to avoid causing innocent casualties, because this would alienate the population and go against them. Their goal was to gather support for what they stood for and in some cases “old” terrorists even apologized in the case of an accidental death (Spencer, 2006: 7-8). In “new” terrorism, however, religion, mainly radical Islam, is dominant. Moreover, international terrorist attacks inspired on Islamic belief, have increased over the past decades (Spencer, 2006: 9). Hoffman mentioned that the growth of religious terrorism and the danger that they will use WMD should make policy makers aware that the existing assumptions of terrorism were outdated (Hoffman, 2000: 162). In addition, this new form of terrorism is said to be more networked and dangerous than the old. Thus, that is one of the explanations that 9/11 was a wake-up call for the EU, despite previous terrorism attacks.

6.3 The EU’s response to 9/11

In the aftermath of the terrorist events, the EU leaders -at that time 15- came together during the Special Summit on 21 September. The European Commission and the MS declared unconditional support towards the United States (European Parliament, September 22, 2001). The European solidarity and loyalty with the United States increased after 9/11, several European leaders stated: “*We are all Americans now*” (Le Monde, September 15, 2001). The European Parliament (EP) and the European Council (EC) approved with several agreements (ibid):

- To work on the broadest possible coalition against terrorism;
- The EC and EP agreed to develop the European Arrest Warrant (see next paragraph) and a common definition of terrorism;
- Both the EC and EP urged the Council and the MS to cooperate with the United States on the basis of the United Nations’ (UN) Resolution 1368/2001¹⁷. This means that the involved actors have to track down terrorists and those who protected them, however human rights have to be respected. Moreover, avoiding damage to innocent civilians and their property has to be taken into account;
- That the EU must further develop the Common Foreign and Security Policy and development cooperation policy focusing on the prevention of terrorism.

The EU has promised to cooperate closer with the United States, but the condition was that the fight against terrorism¹⁸ had to be carried out under the sovereignty of the United Nations (Duke, 2002: 155). Although the Resolution 1368 recognized the right to self-defense of the United States, the EU has been more multilateral orientated and hoped to influence the offensive strategy of the Bush administration.

6.4 Framework Decision on Combating Terrorism June 2002

One of the main counterterrorism strategies on the Union level is the ‘Framework Decision on Combating Terrorism’, which was adopted in June 2002, that provides a legal framework for fighting terrorism in the EU (De Goede, 2008: 170). Moreover, terrorism is defined as ‘*intentional acts*’ committed with the aim of:

¹⁷ The Security Council (of the UN) developed Resolution 1368 shortly after the terrorist attacks on the WTC in 2001. The content of this Resolution concerns the acknowledgement of self-defense and calls on all countries to cooperate in order to fight international terrorism (United Nations, December 9, 2001).

¹⁸ Initially the EU used the concept of war, in order to show its support to the United States, but already in 2002 the EU stated to rather not speak in terms of war (De Goede, 2008: 162).

“... seriously intimidating a population; or unduly compelling a Government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.”

The Framework sets out measures in order to prevent terrorist attacks in early stages, such as that “acts relating to a terrorist group” have become incriminated (ibid). It also lays out the rules of competence and of legal cooperation between MS for the prosecution of terrorists and terrorist suspects (Dumitriu, 2004: 590). Through this Framework the establishment of a cohesive counterterrorism approach on the Union level became a step closer. In 2001 just six MS had a separate incrimination for terrorist acts in their criminal law, whereas the others handled terrorist acts as a common offence (ibid). The Framework covers terrorist acts committed against the EU and its MS. Moreover, there was no such thing as a common definition of terrorism, which made it even harder to cooperate within the EU. Hence, this Framework was necessary to create more cohesion among the MS and the EU institutions. Although, the Framework was a big step towards an EU counterterrorism strategy, there has been some criticism, mostly regarding the EU terrorism definition. Some scholars argue that the definition is too vague (De Goede 2008: 173). Furthermore, the MS were required to comply with the Framework before December 31, 2002, which was too soon for many states, due to the broad described definition and measures national judiciary authorities had to fill the gaps (Dumitriu, 2004: 602).

6.5 European Arrest Warrant

Following 9/11 the EU MS reached an agreement on the ‘European Arrest Warrant’ (EAW) in December 2001, this legislation came into force on 1 January 2004 (EU Legislation, January 8, 2010). The EAW is valid throughout all the MS. Once issued by a member state, it requires the receiving member state to arrest and transfer a criminal suspect or to the issuing state so that the person can be put on trial (Alegre and Leaf, 2004: 200). The introduction of the EAW has enhanced the extradition throughout the EU states, by working together in order to prevent terrorism. The most persuasive argument in favor of European cooperation combating terrorism is the fact that terrorists can easily move in a borderless European space, whereas police officers and prosecutors cannot (Mahncke, 2006: 18). After 9/11 terrorist suspects are considered to carry out criminal acts. The EAW is the first example of extensive judicial cooperation within the EU, based on the mutual recognition principle. Mutual recognition means that judicial decisions in one member state must be recognized and enforced by judicial authorities in all MS. Although each EU country has a different legal system, the results reached by all MS on the Union level should be accepted as equivalent. Mutual recognition is considered to be “the cornerstone of judicial co-operation in the Union”. Since terrorism is a trans-border crime, this system has enabled to remove (judicial) obstacles within the EU (Alegre and Leaf, 2004: 203). Figure 6.5 shows that between 2005 and 2009 54.689 EAWs were issued and 11.630 EAWs were executed (European Commission, Report April 11, 2011: 3). Furthermore, the number of issued requests increased in this period, which could mean that national governments and their intelligence services had effectively traced terrorist suspects.

Figure 6.5 European Arrest Warrants in Member states — Number of issued European Arrest Warrants ('issued') and number of European Arrest Warrants resulting in the effective surrender of the person sought ('executed') from year 2005 to year 2009

	BE	BG	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	TOTAL
<i>2005 issued</i>			4	64		38	38	519	1914	29	121	44	44	500	42	42	1	373	975	1448	200		81	56	86	144	131	6894
<i>2005 executed</i>			0	19		10	12	54	162	6	57	3	10	69	24	23	0	30	73	112	38		10	14	37	10	63	836
<i>2006 issued</i>			168	52		42	53	450	1552	43		20	65	538	35	115	4	325	391	2421	102		67	111	69	137	129	6889
<i>2006 executed</i>			125	19		15	4	62	237	20		2	14	57	22	55	3	47	67	235	52		14	23	37	27	86	1223
<i>2007 issued</i>			435		1785	31	83	588	1028	35		20	97	316	44	373	3	403	495	3473	117	856	54	208	84	170	185	10883
<i>2007 executed</i>			66		506	14	16	59	345	14		4	16	60	15	84	1	17	47	434	45	235	8	71	43	22	99	2221
<i>2008 issued</i>			494	52	2149	46	119	623	1184	40		16	140	348	40	975	2		461	4829		2000	39	342	107	190		14196
<i>2008 executed</i>			141	26	624	22	10	93	400	13		3	22	68	22	205	1		28	617		448	11	81	44	40		2919
<i>2009 issued</i>	508		439	96	2433	46	116	489	1240	33		17	171	354	46	1038	7	530	292	4844	104	1900	27	485	129	263	220	15827
<i>2009 Executed</i>	73		67	51	777	21	19	99	420	16		3	40	84	26	149	2	0	37	1367	63	877	6	79	47	28	80	4431

Source: European Commission, Report from the Commission to the European Parliament and Council, April 11, 2011

Nevertheless, since the EAW has been implemented several problems arose and there has been some criticism, especially regarding human rights. The main problem for MS is that their constitutions prohibited extraditing their own national as required by the EAW, which is inherent to the fear of MS to give up some of their sovereignty (Komarek, 2007: 14). In addition, the diversity of legal systems appeared to be a problem, despite the mutual recognition principle, which was already known in 2003, thus before the implementation (Platcha, 2003: 179). Through the Council MS have been able to put amendments in order to enhance to initial EAW and slightly overcome implementations problems. The Commission argued that terrorism is not a specific national problem, therefore judicial cooperation, including extradition, is a necessity.

All EU Member states are signatories to the European Convention on Human Rights, which means that a state must protect an individual against a breach of his rights in another state. However, human right organizations are skeptical with respect to extradition. Under the EAW Member states are legally obligated to extradite a suspect to another state. Therefore, the Court of Justice has concluded that a state is not allowed to extradite suspects to another state where he will suffer inhuman degrading treatment, for instance to the United States. Since the EAW is a European matter, standards in MS with regard to the European Charter of Fundamental Rights have been created (Alegre and Leaf, 2004: 204-206). As mention before, human right organizations, such as Amnesty International, are still critical about how proof is gathered and the treatment of suspects in several EU countries (Sousa Santos, et al, 2010: 250). The European Commission, however, acknowledges the fact the EAW is not perfect and has come up with certain measures, gathered in a roadmap which was approved by the Council in late 2009, to ensure greater protection of human rights (European Commission, Report April 11, 2011: 6).

Finally, many scholars evaluated the EAW and came to the conclusion that to certain extent the EAW can be considered as an effective instrument regarding judicial cooperation, but sovereignty remains

a problem. For instance, a sufficient degree of mutual trust is missing which lead to the national reluctance in the implementation of the EAW. In addition, the degree of ambiguity causes, for example regarding to rules of non-execution and conflicts of jurisdiction, undermine the effectiveness of this judicial instrument (Fichera, 2009: 96). Despite certain issues, certain high profile cases have shown that the EAW is an effective instrument to track down terrorist suspects. In July 2005 Issac Abdus Hamdi, was planning to attack the London public system on July 21. But he was arrested in Italy and extradited- in a short period of time- to the UK (New York Times, August 3, 2005). Yet the challenges remain, because a German court refused to turn over a terrorist suspect who is a member of AQ, of the Madrid attacks, to Spain. The reason was that Germany adjusted its law in order to implement the EAW but this new law conflicts with the German Basic Law that every German citizen must be heard in a German court before any extradition can be carried out (ibid). This last example illustrates the mentioned ambiguity regarding to jurisdiction conflicts. Thus, although an important step, towards a cohesive judicial cooperation in counterterrorism has been taken, the EU institutions remain facing certain challenges that have to be overcome.

6.6 A secure Europe: European Security Strategy 2003

In 2003 the Union included 25 states with over 450 million people producing a quarter of the world's Gross National Product. The EU is a global player and therefore considers itself to be partly responsible for global security (European Commission, European Security Strategy, December 12, 2003: 1). In the aftermath of 9/11 the EU institutions claimed that no single country is able to tackle the growing security threat. The EU considers the United States as its ally which helped Europe develop a secure and cohesive area. For this reason the EU states solidarity in the fight against terrorism. According to the European Commission (EC) the key threat to the MS is terrorism, which in 2003 was defined as a new form of terrorism that is connected by electronic networks and linked to violent religion extremism (European Commission, European Security Strategy, December 12, 2003: 3). Since Europe is a both a target and base for such terrorism, just months after 9/11 AQ cells have been uncovered in the U.K., Italy, Germany, Spain and Belgium. In the Security Strategy of 2003 the EU has developed three strategic objectives:

1. In respond to 9/11 the EU adopted the EAW and has taken steps to attack terrorist financing. In addition, the EU has worked on an agreement on mutual legal assistance with the US.
2. The EU is committed to achieve universal multilateral treaties and has pursued policies against proliferation of WMD. Considering the increasing terrorist threat and the potential use of Weapons of Mass Destructions, the EU aimed to strengthen the global cooperation.
3. The EU and its MS have intervended in Afghanistan, fostering democracy in order to tackle terrorism. Afghanistan was considered to be a stronghold of AQ.

Through this Security Strategy, the EU stated that in order to tackle global threats an effective multilateral system is needed (European Commission, European Security Strategy, December 12, 2003: 9). The United Nations (UN) is for the EU the primacy institution that is responsible for peace and security. Therefore European interventions are only being carried out under UN regulations (Toje, 2005: 121). Interestingly, in the American Security Strategy (see chapter 5) the United States considers itself as the global leader in fighting terrorism and the inherent interventions, despite the fact the US government mentioned "friends and allies".

Both the United States and the EU state in their security strategies that spreading democracy leads to a safer world, with less terrorism (Mahncke, 2006: 15-16). In chapter 2 the correlation between democracy and terrorism has been discussed. Some scholars have shown that more democracy causes a reduction of terrorism. However, many other scholars show that the absence of democracy does not lead to (more) terrorism (Gauss, 2005: 62). Terrorism appears to stem from more specific factors than a regime type. Furthermore, the current sense in many Arab countries are anti-American, thus is not likely to believe that the American and also the European (as a part of the

West) intervention will lead to more democracy and therefore less terrorism. We should bear in mind that AQ is not fighting for democracy in the Middle East; they are fighting for an Islamic state.

The European Security Strategy 2003 was the first strategy drawn up by the EU after 9/11. In comparison with the American Strategy the main difference is that the EU does not have the final authority on the 25 Member states, whereas for instance the National Security Strategy 2002 states that the US government has the final authority on when to act military or decide the annual budget. Some scholars argue that the ESS fails to meet the mark as a strategy (Toje, 2005: 130). The multifaceted character of the threats facing Europe, accompanied by the complexity of the legal system within the EU undermines the ESS to be a real strategy. Moreover, the short time frame in which this document was written also made it difficult to gather the required intelligence in order to develop sustainable measures (ibid).

6.7 The aftermath of Madrid: Declaration on Combating Terrorism 2004

The Madrid bombings on March 11, 2004 shocked the world. The attacks, which killed 191 people, were directed by an AQ cell (BBC, March 12, 2004). Shortly after this attack the EU and its Member states stated to do everything within their power to combat all forms of terrorism. This was the first major attack since 9/11, and this time on European soil. The EU considers the UN the primacy regarding the fight against terrorism. This means that a terrorist act against once country concerns the international community as a whole (European Council, Declaration 2004). As noted above, one of the key threats to EU interest is terrorism. In light of the events in Madrid, the European Council (EC) urged the need for measures combating terrorism. It called for the development of an EU long-term strategy to address all the factors which contribute to terrorism (ibid).

Important measures are legislative related, like the EAW, the EC urged for a rapid implementation in order to track down terrorist suspects and prevent another attack. Moreover, the EC stressed the importance of simplifying the exchange of information and intelligence between law enforcement authorities of the MS. Furthermore, the MS reaffirm their commitment to reinforce judicial cooperation. The Declaration concludes with the Heads of State claiming to prevent terrorism, protect democratic institutions and assist a member state in the event of a terrorist attack (ibid).

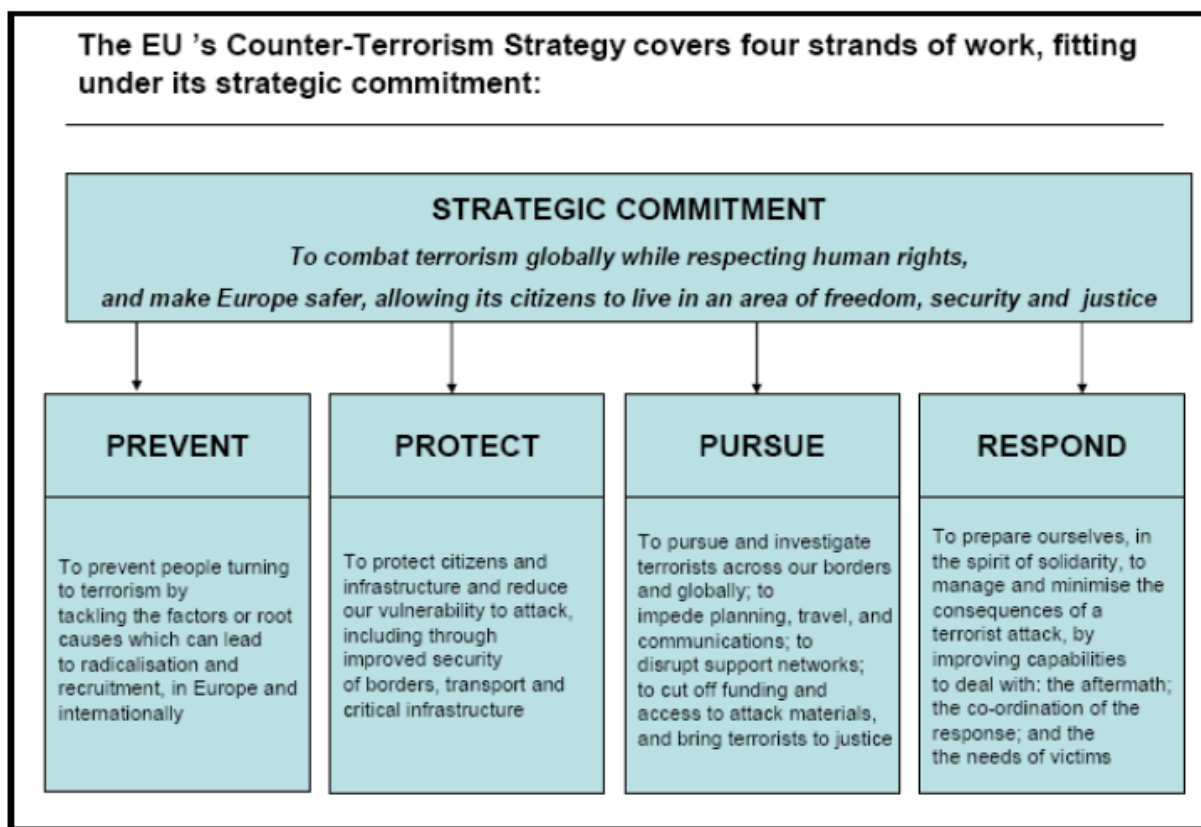
Through this Declaration EU policy-makers aimed to provide a clearer strategic vision and a more cohesion by involving the European Council.¹⁹ Moreover, the Commission was instructed to revise its Security Strategy of 2003 (which resulted in the Security Strategy 2005). Yet again, by some observers concluded that the counterterrorism strategies were not sufficient to face the existing threat. The EU strategies were not considered to be real strategies, due to the lack of a clear set of priorities and the commitments with respect to resources (Bossong, 2008: 41).

6.8 The European Union Counterterrorism Strategy 2005: introduction of the EU Counterterrorism Coordinator

After the events in Madrid, Europe faced again terrorist attacks in London in July 2005. During rush hour several suicide bombers blew themselves up, killing 52 people (CBC News, July 7, 2006). These events have shown that the European counterterrorism measures were not sufficient to prevent these kinds of attacks. EU policymakers said that terrorism poses a serious threat to all States their citizens. In response to the attacks the EU has established a counterterrorism strategy based on four pillars: "prevent", "protect", "pursue" and "respond", see figure 6.8 (Council of the EU, EU CT Strategy, November, 2005).

¹⁹ The European Council comprises the Heads of State, whereas the Council of the European Union is where national ministers from each EU country meet to adopt laws and coordinate policies (Hix, 2006: 23).

Figure 6.8 The four pillars of counterterrorism strategy



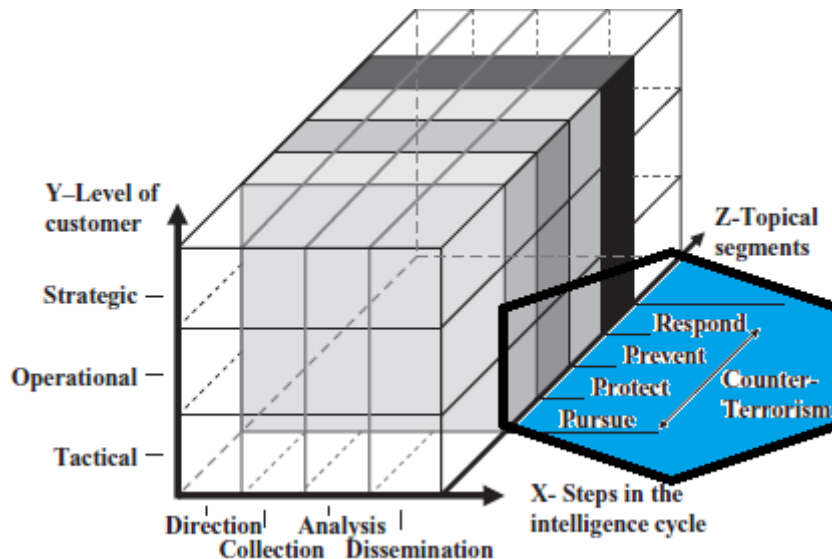
Source: (Council of the EU, EU CT Strategy, November, 2005).

In sum, the Strategy sets out objectives to prevent new recruits to terrorism; better protect potential targets; pursue and investigate members of existing networks and improve the capability to respond to and manage the consequences of terrorist attacks. This strategy follows up the previous strategy in the aftermath of Madrid, in 2004.

Every pillar has its key priorities. One of the main “**Prevent**” priorities is to develop common approaches among the MS to spot and tackle problem behaviors, in particular the misuse of the internet. Moreover, in this strategy the EU institution describe that good governance and democracy are useful tools in preventing terrorism. Regarding “**Protect**” the main priority is the introduction of the ‘Visa Information System’ (VIS). This database contains information, including biometrics (fingerprints and facial image), on visa applications by Third Country Nationals requiring a visa to enter the Schengen Area (European Commission, Home Affairs, September 7, 2010). Through verification and identification in a cross-border database, the information is checked thoroughly before a visa will be given. In addition, the Schengen Information System has been established, which is a governmental database used by the EU countries to maintain and distribute information on individuals. The intended use is for national security and border control. The System is shared among participating countries in the Schengen Agreement (ibid). The next pillar, “**Pursue**”, puts more responsibility on the national governments. Priorities are a peer evaluation of national counterterrorism measures and national capabilities has to be strengthened to fight terrorism. Furthermore, the full implementation of EU regulations, set up in previous agreements, have to be carried out in order to work effectively together under the so called mutual recognition within the judicial cooperation. This pillar is relevant because much of the terrorist threat comes from outside the EU. The fourth pillar, “**Respond**”, refers to improvement of coordination with international organizations on managing the response to terrorist attacks.

By the end of 2005 the effectiveness of the EU Counterterrorism strategies was published. One of the main conclusions was that national intelligence services had enhanced their capabilities and had also worked more together on the Union level (Deflem, 2006: 346). This is also confirmed in Europol's Annual Report of 2004. The fact that in 2004 ten more countries entered the EU led to a growing awareness among EU police and intelligence, because of more targets (Europol, Annual Report 2004).

Figure 6.8. (2) The Intelligence Cube



Source: Müller-Wille, 2008: 53.

Figure 6.8 (2) illustrates the different areas of intelligence activity for possible coordination and cooperation. The several stages of decision-making process, such as the development from tactical to strategic is put on the vertical y-axis, while the horizontal x-axis is divided into different stages of intelligence cycle, such gathering information (data collection) to the analysis (Müller-Wille, 2008: 54). The z-axis, Topical segments, refers to the different type of intelligence, e.g. foreign or security and so on. By showing this cube one can understand that intelligence and intelligence cooperation is not homogeneous but is differentiated according to tasks and purposes (ibid).

Scholar researched the effect of EU intelligence and the strategic approaches. One of the conclusions is that cross-agency intelligence cooperation relating to terrorism has increased (also confirmed by Europol), however it was not done to any greater extent through the EU (Guitta, 2006: 123). The reason is that the EU has responsibilities for strategic decision-making, but it does not play a significant operational role in counterterrorism. Hence, the national governments are more likely to retain their sovereignty with respect to security and defense. National agencies are better suited to hold up the intelligence system due to their knowledge/expertise, and the integration within the national system. This refers back to what is described in chapter 2 regarding the so called paradox of the EU's role in counterterrorism. On one hand the national governments agree in principle that cooperation at the EU level is a good thing, because of the cross-border nature of terrorist threat. On the other, MS are slow to give the EU the powers (e.g. investigation and resources) it would need to become more effective. The reason is that security police, especially regarding the protection of citizens, belongs to the core of national sovereignty. This is an ongoing challenge for EU officials (Keohane, 2005: 3).

6.8.1 EU Counterterrorism Coordinator

In the aftermath of the Madrid attacks Solana²⁰ - in accordance with the MS- appointed the first EU Counterterrorism Coordinator (EU CT) Gijs de Vries. He was the Coordinator from March 2004 until March 2007 (Keohane, 2008: 132). He had three main tasks: analyzing the counterterrorism strategies that had been done so far and the preparatory work in order for the Ministers of the Interior to have all the available information they needed regarding the decisions that had to be made in the Council meetings. Thirdly, the Coordinator had to overview the implementation of the EU decisions on the national level. In addition, he wanted the national intelligence agencies of the MS to work more together (Solana, Joint Press Meeting, March 30, 2004).

In his 2005 evaluation report, the EU CT described that the Member states are primarily responsible for the fight against terrorism. He also stressed the importance of international cooperation, e.g. with respect to the exchange of information (De Vries, Evaluation of National Anti-terrorism Arrangements, September 2005: 4). Furthermore, like the US government, De Vries acknowledges the risk posed by WMD, but he stated that:

“the risk of small-scale, low-tech and relatively simple CBRN [chemical, biological, radiological or nuclear] terrorist attacks causing social disruption is to be considered more likely than large-scale, high-tech and complicated CBRN attacks causing mass destruction.” (Jackson, 2007: 240).

In the media, De Vries, was often referred to as ‘Europe’s counterterrorism Tsar’, comparing him to the US Homeland Security Secretary, but many observers argued that this title is far from reality. Despite his function on the EU level he had no powers, apart from that of persuasion (Keohane, 2008: 133; NCTB, August 30, 2011). Moreover, he had no budget and could not propose legislation. His main task was to foster greater coordination of national policies at the EU level, but he could not force MS to act upon that. Next to those institutional obstacles, De Vries had to deal with some suspicion from Commission officials since De Vries had close ties to national governments in the Council (ibid). In addition, MS understood the necessity of coordination, they, however, did not always facilitate the tools for the Coordinator in order to carry out his task effectively (Howorth, 2008: 11). Despite these obstacles, De Vries, managed to push the EU into developing new counterterrorism polices, e.g. he advocated strongly for the EU to encourage Third Countries to sign up to UN conventions for improving international cooperation (Keohane, 2008: 134).

6.8 EU Counterterrorism strategy: main achievements 2010

Counterterrorism remains a priority for the EU. Over the period 2007-2013, a total amount of €745 million has been set aside to support policies to counter terrorism, such as the implementation of EU regulations. The EC and the Council have adopted several counterterrorism strategies. Although some measures have been successful, certain challenges remain. The EU Commissioner for Home Affairs stated:

“Thankfully, the overall number of terrorist attacks and arrests is decreasing in the EU, but at the same time terrorist methods and terrorist propaganda are evolving and taking new forms. We must make sure that we are able to meet these new threats.” (EC, EU Counterterrorism Strategy: main achievements, July 20, 2010).

The 2005 EU Counterterrorism Strategy was built upon the Strategy of 2003. The first established a specific EU approach through basing counterterrorism on four strands: prevent, protect, pursue and respond. The EU aims to prevent terrorist attacks, since 2005 most EU states have adjusted their

²⁰ Javier Solana was the EU High Representative for Foreign Affairs and Security from 1999 until 2009 (EU, August 25, 2011)

home security approach to a more preventive one resulting in an increase in foiled attacks. In addition, the EC amended the Framework Decision on Combating Terrorism in 2008 in order to look more closely at different aspects of the counterterrorism, e.g. the use of internet for communication. Regarding the protection of EU citizens the EC has developed an EU Action Plan of 50 concrete actions to minimize the risk of terrorist attacks. Furthermore, in 2010 EU officials stated that the cooperation with external partners, especially with the US, will be further developed (ibid).

When assessing the EU's attempt to establish a sustainable counterterrorism program one should be bear in mind that the EU faces several obstacles and challenges. As mentioned above, the EU depends strongly on the willingness of the MS in order to carry out effectively its strategy. However, the EU's contribution has always been presented as a complement to the national strategies (Coolseat, 2010: 872). One of the factors is that not all MS perceive terrorism with the same degree of urgency and some states prefer to remain outside the EU arrangements, such as the UK. Most MS consider the existing strategies and measures as adequate linked to the current threat (Coolseat, 2010: 873). Yet, scholars continue highlighting that the "sovereignty competition" slightly undermines the effectiveness of EU strategies.

6.9 European States and counterterrorism: case studies the United Kingdom and France

The September 11, 2001 events in the United States and the subsequent attacks on European countries have encouraged governments to strengthen their counterterrorism strategies. While the United States has reorganized its domestic security institutions, EU states have preferred to work within their existing institutional frameworks, although, the EU institutions have established a greater role in the counterterrorism strategy within the EU. In this section two EU states are selected in order to elaborate on their counterterrorism approaches. The US has its Department of Homeland Security, but in EU countries most of the counterterrorism work involves several domestic ministries (Archick, et al, 2006: 2). The reason why the UK case will be discussed is that the UK has been one of the big allies of the United States, also during the invasion of Iraq (see chapter 5), whereas France, as being one of the key players in the EU, has been against the war in Iraq (Chambliss, 2004: 5; Toje, 2008: 117). Moreover, France was one of the first EU Member states and has been a proponent of strong EU cooperation, but it develops also its own strategies. In addition, this thesis aims to capture the strategic relation between Europe and the US, but one should approach this with a three dimensional view because of the influence of individual Member states.

6.9.1 French case: "Nous sommes tous Américains"

Shortly after 9/11 the French government stated that it supports the United States in its fight against terrorism. France considers AQ as the country's greatest terrorist threat as well and has often been confronted by terrorism (Bakker, 2006: 49). The French newspaper *Le Monde* described the French view as follows: "*Nous sommes tous Américains*" (We are all American). However, by late 2006 the support for the US approach dropped from more than 70% in 2002 to less than 50% in 2006 (De Vries, 2006: 9). One of the main reasons is that the French response concentrated on law enforcement, whereas the US focuses on military action (Archick, et al., 2006: 8). With respect to homeland security and the resources for fighting terrorism, France had fewer resources available than the US, and therefore the government increasingly coordinate its anti-terror efforts with other MS.

Before 9/11, France was among a small group of EU Member states that did have specific counterterrorism laws (Stevenson, 2003: 81). After the events of 9/11 France has strengthened its counterterrorism laws, especially when in November 2002 Osama bin Laden stated that France is a target for terrorist attacks (Stevenson, 2003: 82). Moreover, France has a large population of Muslims, which put the government's counterterrorism policies in other perspective, because both the Ministry of Interior (MOI) and Ministry of Defense (MOD) have always tried to avoid anti-Muslim measures. Also for the fear that many Muslims in France would be open for recruitment and

radicalization. Both ministries have played a key role in the French counterterrorism. With respect to the implementation of EU measures, such as the four pillar structure of the 2005 strategy, the MOI is responsible for civil protection and would manage a response to a terrorist threat or attack.

France and its EU partners maintain a common list of terrorist organizations. Since EU members have agreed to strengthen EU police and judicial institutions, there has been an effort to share intelligence on terrorist activities among EU states. France, however, tends to have several bilateral intelligence-for instance with Germany- sharing arrangements that are much stronger than the by the EU initiated framework (Archick, et al, 2006: 13; Jackson, 2009: 10). Furthermore, the French intelligence services, police and prosecutors work effectively together, under a centralized special terrorism magistrate. By contrast, the absence of such a clear hierarchy is one of the main problems that undermine counterterrorism efforts in the US and several European countries (Brady, 2009: 4-5). The French approach can be described as preventive, which is to a certain extent in line with the EU approach (Foley, 2009: 437).

As noted before, next to the EU cooperation, France is involved in other arrangements with European countries as well. In May 2003, the five EU countries with the greatest intelligence resources, the UK, France, Italy, Germany and Spain, Poland joined in 2006 as the sixth member, combined their efforts against terrorism (Den Boer et al, 2008: 118). The participating states have together almost 50% of the votes in the Council. The so called G6-group involves the Member states' Ministers of Interior, who meet informally three times per year. According to this group, the bureaucratic structures within the EU have led to the establishment of the G6, other MS, for example the Netherlands, are not very pleased because they are not allowed to join. The group works on conclude a series of bilateral agreements which should then form the basis for future EU-wide laws (Bossong, 2011: 11).

6.9.2 The United Kingdom

In January 2003 the British authorities arrested a group that they believed were planning a terrorist attack on British soil, but they were all quickly released due to a lack of evidence. This resulted in a distrust tendency among the public. Many assumed that the government had inflated the terrorist threat in order to justify its support for the planned invasion of Iraq (Foley, 2009: 436). The EU and its members focus strongly on the prevention of terrorism, but this example shows that nowadays the public demands not only prevention, but also the prosecution of terrorist suspect (ibid). After the London bombings the British Security Service had warned that it was a matter of 'when, not if', due to the emergence of terrorist threat, especially home-grown threat (Briggs, 2010: 971).

The establishment of the "Preventing Extremism Together Taskforce" (PET) in August 2005 was the first strategy after the 7/7 attacks. Before the British government did acknowledge terrorist threat, but stated that it should be put in perspective. Like the EU view that terrorism comes from "inside", the PET has focused on the domestic threat, in contrary to the United States where counterterrorism is based on a foreign threat. The EU and PET have in common the 'Prevent' strand (see the EU strategy of 2005. The latter is also based on the following strands: 'Pursue', 'Protect' and 'Prepare' (ibid). However, the 'Prevent' pillar has grown in stature in relative to the other three. Between 2006 and 2009 the budget for prevention of terrorism has increased from respectively £6 million per year to £140 million (HM Government, Pursue, Prevent, Protect and Prepare: the UK's strategy countering terrorism, 2009). The UK sets itself apart by involving local authorities, community organizations and other groups in its counterterrorism. This approach, however, has caused some diffusion due to the fact the state has to struggle with the practicalities in relation to non-state actors (Briggs, 2010: 972). As noted before, like in the French case the UK has a large population of Muslims, by involving them in order to prevent radicalism the government sends the signal that it does not exclude Muslims because of the religious nature of AQ.

6.10 The Lisbon Treaty at a glance

The Treaty of Lisbon is an international agreement which provides the constitutional basis of the EU and entered into force on December 1, 2009. There are several major changes in comparison to the previous treaties. First, the European Parliament has given more legislative power to in the decision-making process. Second, the introduction of a High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, who is the successor of Javier Solana. She has been responsible for the Common Foreign and Security Policy (Europa, October 2011; ECFR, Duff, December 2009). Another point concerning the foreign and security policies is that the former pillar structure, wherein security policies and thus terrorism fell under the third pillar, has been abolished through the Treaty of Lisbon. Instead, the European Union will be the only title (Lisbon Treaty 2009, October 14, 2011). However, national governments are still the main actor when it comes to security policies. Through the 'Solidarity Clausal' the EU support its member states with available means with respect to combating terrorism (Council, December 2009: 3).

6.11 Conclusion

The terrorist events of September 11, 2001 have changed the European Union's approach to terrorism for good. Although, terrorism is not a new phenomenon in Europe, Islamic terrorism carried out by AQ has led the EU into a new era wherein "new" terrorism required more cooperation between the Member states, but also between the EU and the US. In the aftermath of 9/11 the EU stated its unconditional support towards the US. The EU, however, did demand that every respond-including the use of force- must be carried out under the leadership of the UN, which led to some friction between the EU and US. In addition, the European Council and European Parliament have created several counterterrorism strategies. The European Arrest Warrant, based on the mutual recognition principle, set out the rules regarding the extradition of (terrorist) suspects, within the EU. The European Security Strategy of 2003 was the first counterterrorism strategy, wherein the EU institutions stated that the global threats must be tackled under an effective multilateral system. However, there was also some criticism, because scholars argued that the EU does not have the final authority on the 25 Member states, resulting in the fact that the EU strongly depends on the willingness of its Members to carry out an effective strategy. This remains a challenge for the EU, because security policies are the responsibility of national governments.

The 2005 Strategy is based on four strands: prevent, protect, pursue and respond. These objectives have been set out to prevent new recruits to terrorism; better protect potential targets; pursue and investigate members of existing networks and improve the capability to respond to and manage the consequences of terrorist attacks. This strategy follows up the previous strategy in the aftermath of Madrid, in 2004. Moreover, by introducing a counterterrorism coordinator the EU endeavored to overview the implementation and cooperation among the MS. However, many observers have not taken the coordinator very seriously, because his lack of power and financial recourses.

Finally, the presented case studies show that next to EU strategies, individual MS have established their own. Furthermore, they have worked in bilateral agreements to tackle terrorism and have created the so called G6 group, wherein six MS agreed upon strategies and measures regarding counterterrorism. These six countries aim to come up with sustainable measures, which in the future can be applied to all the MS.

Chapter 7 Work together, think differently?

7.1 Introduction

The previous chapters have shown that terrorism is a cross-border problem, which requires a global solution. Despite the fact that there had been several terrorist attacks- both in the EU and US- prior to 9/11, the events of September 11, 2001 have been the awakening for both actors. Directly after 9/11, European nations displayed extraordinary solidarity with the US, knowing that they need each other in order to fight the global threat of Islamist terror (McNamara, 2011: 1). Since then the EU and US have strongly cooperated over terrorism. Thus this transatlantic ²¹relation in fighting terrorism has begun immediately after 9/11. In 2004, in the aftermath of the attacks on Madrid, the EU and US set up a declaration on combating terrorism, which was followed up by the declaration of 2010. In these declarations both allies agreed upon measures such as the support of the Financial Action Task Force, which focuses on the financing of terrorism (e.g. asset freezing). Another example is that these two actors work closely together in order to diminish the underlying conditions that terrorists can exploit to their advantage, for example by promoting democracy (Council of the EU, June 26, 2004 3-6). In the 2010 declaration, the emphasis is on enforcement of law frameworks including the respect of human rights, for instance, information sharing and cooperation in preventing, investigating and prosecuting terrorism must take place within an international law framework (Council of the EU, June 3, 2010: 2). However, the EU-US counterterrorism relationship has been marked as much by confrontation as it has by cooperation. As noted before, both allies share personal data regarding terrorist suspects, however, among the EU states there has been some suspicion whether the Americans use the information appropriately. As a result of the Lisbon Treaty, the power European Parliament (EP) has increased. The EP prefers a greater counterterrorism role from EU institutions, such as Europol, rather than letting the US control the information sharing based on the fear of infringement on privacy rights (McNamara, 2011: 1; Archick, 2010: 6). In addition, there is a difference in the Terrorist Lists both actors use. The US demands adding the Lebanon-based Hezbollah to the EU's designation list, but the EU members refuse to do so, because adding Hezbollah to the list would be counterproductive to managing relations with Lebanon and promoting peace and stability in the region (Archick, 2010: 13). Also issues, especially about the war in Iraq, have created tension in this transatlantic relation. Moreover, the relatively long decision-making process within the EU leads to frustration in the US, which then prefers to cooperate with individual European governments rather than the EU as a whole. This, and the disagreements written above, could undermine the EU-US cooperation (Congressional Research Service²², July 22, 2011; Townsend, June 27, 2003).

In this chapter I endeavor to analyze the transatlantic cooperation between the EU and US regarding counterterrorism strategies. Chapters 5 and 6 describe the strategies and measures of each actor over a time-period of 10 years (2001-2010). This chapter focuses on the transatlantic cooperation with respect to counterterrorism. Next to their similarities in their approaches there also some differences, because of the difference in terrorist threat both actors face. Scholars argue that the transatlantic counterterrorism gap should be bridged in order to maintain an effective fight against international terrorism. Based on theoretical chapter, I attempt to provide an explanation of how the strategic cultures of each actor influence their relationship. The conclusion of this chapter will allow us to get a better understanding whether or not these differences undermine the transatlantic cooperation.

²¹ Transatlantic cooperation refers to the historic, cultural, political, economic and social relations between countries on both sides of the Atlantic Ocean. In this thesis the focus is on the transatlantic cooperation between the US and the EU.

²² On July 22, 2011 I conducted an interview with a European Affairs Specialist who works for the CRS. The person in question prefers to remain anonymous.

7.2 Transatlantic cooperation in the fight against terrorism

“Our partnership will benefit our people and address our common challenges of maintaining security and individual rights (...) We face common threats from those who seek to commit acts of terrorism and transnational crime. Our partnership must be balanced, agile, creative, and forward-thinking.” (EU Insight, September 2011).

This EU-US joint statement (October 2009) on enhancing transatlantic cooperation illustrates that both the EU and US aim to work closely together in combating terrorism. There are several explanations and definitions in order to explain *transatlantic relations*, but in this thesis I define transatlantic cooperation as the interaction between the US and EU, including its member states, on security policies with respect to fighting international terrorism. In the years since 9/11, the EU and the US worked together and independently to create and implement counterterrorism strategies to minimize the possibility of another attack (ibid). As noted before, cooperation with the US is an essential part of the EU’s counterterrorism strategy. Dialogues and information sharing enable the allies to benefit from an extensive (legal) framework in order to combat terrorism. At a summit on September 21, 2001, former US Secretary of State, Colin Powell, met with EU officials Michel and Solana²³ in order to deliberate how to respond to the terrorist attacks of 9/11 (BBC News, September 21, 2001). Topic of debate was the invasion of Afghanistan. The EU leaders required a proportionate military response and aimed on only those directly responsible for the attack. Solana reaffirmed that the fight against terrorism would not be primarily military. Through this summit the EU expressed its solidarity towards the US (ibid). This promising meeting could be seen as a revival of transatlantic cooperation regarding international terrorism. An interview with a CRS researcher confirmed that before 9/11 there was little cooperation with respect to fight terrorism. The attacks were a wakeup call for both allies to act together (CRS, July 22, 2011). Because an immediate response to the events was necessary, five areas have become the objectives that characterize this transatlantic relationship: law enforcement, judicial collaboration (as noted before the establishment of a legal framework, for instance to track down terrorist suspects), data sharing, transport security and agreements on the finance of terrorism, e.g. assets freezing (Rees, 2006: 80). Since the 9/11 attacks, the ties between the US and EU have become closer. Although both actors realized that this fight required a global response and a strong cooperation, certain issues have shown that in practice there are some differences in how each actor wants to tackle terrorism.

American influence on the EU strategic culture

The transatlantic cooperation has been affected by certain issues. Shortly after 9/11 the EU Commission activated the *Civilian Protection Unit* which is security mechanism regarding security issues in order to be able to respond immediately to any US call for assistance (Toje, 2008: 119; EU Commission, June 3, 2008). This illustrates the EU solidarity to the US, which welcomed a firm European backing for its tough line against terrorism. The 9/11 attacks caused NATO to invoke Article 5²⁴ of the North Atlantic Treaty for the first time in history (NATO, March 15, 2011). This article

²³ At that time Belgium was the current holder of the EU presidency. Michel was the Belgium Minister of Foreign Affairs, Solana the EU Foreign Policy Chief (BBC News, September 21, 2001).

²⁴ Article 5: *“The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. The Security Council has taken the measures necessary to restore and maintain international peace and security.”* (ibid).

includes the principle of collective defense, which means that an attack of any member will be considered to be an attack on all. Interestingly, the US sidelined the NATO for an even broader coalition: “a global coalition against terror”, including a group of key allies needed for the *Operation Enduring Freedom* (invasion of Afghanistan). Through pursuing military operation via multiple bilateralisms rather than within the framework of the NATO, the Bush administration underlined the point put forward by the former US national security adviser, Brzezinski, who stated that many officials in Washington saw the EU and NATO as ineffective at best and irrelevant at worst (Howorth et al, 2003: 14; Toje, 2008: 120; Brzezinski, 2003: 33). Whereas, among the EU members the thought was to act as a Union, which eventually turned out not to be followed through. Former German Chancellor Schröder argued that “*especially now, Europe must speak with a common voice.*” However in October 2001 this did not happen, because the US reached out to individual member states, such as the UK, which resulted in Europe (as a whole) not playing a role (Toje 2008, 120).

By 2002 there was change in the transatlantic relations. In his State of the Union (2002) President Bush stated that Iran, Iraq and North Korea are an “Axis of Evil” and that especially Iraq with its WMD is linked to AQ (CNN, January 29, 2002). In his speech, President Bush said:

"Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens (...) This is a regime that has something to hide from the civilized world (...) States like these and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world."

This part of his State of the Union speech 2002, illustrates that the Bush administration was convinced that the Iraqi government was linked to AQ. A salient detail is that ten days after 9/11 President Bush received a classified ‘President’s Daily Brief’²⁵ indicating that the US intelligence community had no evidence linking Saddam Hussein to the 9/11 attacks and that there was little credible evidence that Iraq had significant collaborative ties with AQ). The Bush administration refused to turn this document over to the Senate Committee, responsible of Pre-war Intelligence on Iraq (Washington Post, Pincus, May 24, 2002).

According to Vice President Cheney, a regime change in Iraq was necessary, in order to win the “war against terror. The Americans were convinced that this was the logical next step after the success in Afghanistan. The (political) problem, however, was that the White House had not consulted Europe, not even its closest allies, such as the UK. In late 2002 the EU members deliberated on how to respond adequately to the announcements of the US, which eventually resulted in the Franco-German anti-war platform that made a transatlantic clash inevitable. Washington was simply said not pleased with this situation wherein two big allies opposed the US’ plans regarding Iraq (Toje, 2008: 122; Allen and Smith, 2003: 16). In sum, the overall American approach was unilateral, leaving the EU with few options which resulted in the EU failing to find a multilateral solution in the war against terror and specifically in the Iraq case. The CFSP of the EU turned out to be ineffective due to the lack of common policy goals and the means by which they are to be achieved. Yet again, the collective decision-making process did not facilitate effective multilateralism, leaving the US to pursue its own path (Toje, 2008: 139).

7.3 Declarations on Combating Terrorism 2004 and 2010

It is obvious that since 9/11 the EU and US have worked closely together in order to combat the terrorist threat. In the aftermath of the Madrid bombings, on 11 March 2004, the European Council

²⁵ The President’s Daily Brief is document written by the director of the CIA and since 2005 by the Director of National Intelligence. This briefer updates- every morning- the President regarding national security on foreign intelligence and domestic terrorism (Washington Post, Pincus, May 24, 2002).

adopted a Declaration on Combating Terrorism, reinforcing its determination to prevent and fight terrorism. In this Declaration seven objectives were described (Council of the EU, June 26, 2004: 2):

- We will work together to deepen the international consensus and enhance international efforts to combat terrorism ;
- We reaffirm our total commitment to prevent access by terrorists to financial and other economic resources ;
- We commit to working together to develop measures to maximize our capacities to detect, investigate and prosecute terrorists and prevent terrorist attacks ;
- We will seek to further protect the security of international transport and ensure effective systems of border control ;
- We will work together to develop further our capabilities to deal with the consequences of a terrorist attack ;
- We will work in close cooperation to diminish the underlying conditions that terrorists can seize to recruit and exploit to their advantage ;
- We will target our external relations actions towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced.

By setting up these key objectives the EU, its member states and the US aim to approach terrorism in a collaborative way. For the Europeans the rule of law has been a leading principle rather than pursuing the fight against terrorism in a military way, which the US prefers. As noted before, there have been some disagreements between the two allies. I would like to highlight the financial objective, which focuses on the prevention of terrorist financing, because the means pertaining this objective have been topic of debate among the EU members and the US.

The Financial Action Task Force (FATF) is an inter-governmental body- founded by the G8- whose purpose is the development of national and international policies to tackle money laundering and terrorist financing (FATF, October 13, 2011). Both the EU and US have actively support the work of the FATF. In the 2010 Declaration, which is a follow-up of the 2004 Declaration, both actors emphasize this objective and adding to it that the protection of personal and private data is a priority (Council of the EU, June 3, 2010: 3). The reason is that since 9/11 the US has been accused of invalid use of tracking down personal financial information, which was by many EU states observed as an infringement of human rights. As a part of terrorist financing tracking system, the Society for Worldwide Interbank Finance Tracking Program (SWIFT) had been used by US authorities to prevent or investigate terrorist attacks in Europe. However, this happened secretly, violating EU privacy rules. The SWIFT case has caused a clash between the EU and US on anti-terror measures and highlights the divisions to what length governments should go to prevent attacks (Washington Post, September 28, 2006). In addition, they disagree on how to share passenger data from transatlantic flights. The EU rejected the Bush administration's call to establish secret CIA detention centers in Europe. These incidents show that the transatlantic cooperation is affected by the different perceptions and thus approaches how to deal with terrorist threat while maintaining the legal framework. As mentioned before, the EU puts much emphasis on law regarding citizens 'right.

In February 2010 the European Parliament (EP) rejected the US-EU SWIFT accord of 2009 which would have allowed the US to access personal data (Archick, July 9, 2010: 5). Since the introduction of the Treaty of Lisbon the EP has more power in the decision-making process, and can therefore reject those kinds of agreements (Europa, October 13, 2011). On July 8, 2010 the EP formally

adopted a revised US-EU SWIFT accord, which entered into force on August 1, 2010. US authorities are still allowed to access SWIFT data, but the scope is limited and only data requests to anti-terrorism purposes are accessible (SWIFT, July 8, 2010).

However, this does not mean that the tension is gone. Some Members of the EP are still suspicious towards US authorities due to ongoing privacy concerns (Archick, July 18, 2011: 9). As a part of the new SWIFT accord, the US pledged its support and assistance in the event of an EU decision to develop its own terrorist finance tracking program. The Commission's goal is to create a European system in order to limit the amount of personal data transferred to the US. On the other hand, US officials are on guard to monitor whether this new EU system will undermine the effectiveness of the US-EU SWIFT agreement or not (ibid; European Commission, July 13, 2011: 3). During an interview with a researcher of the CRS, it became clear that developments like these could further broaden the gap between the allies. US officials seem to be frustrated by the fact that the EP has become more powerful and therefore are more able to pursue European based systems. It is obviously too soon to conclude if this initiative of the Commission will push the US further away, but is definitely not enhancing the transatlantic relationship.

7.4 Transatlantic bargain: convergence under pressure?

Is the end of Atlanticism near? As described above, the EU-US relationship has been strong for many years now. In the aftermath of 9/11 the EU spoke out its support in the US' fight against terrorism, but there has been some friction between the allies. There are several undermining factors which I will elaborate on: the US does not approach the EU as a whole, difference in threat, multilateralism versus unilateralism, and difference in framing terrorism.

The US and its approach to individual European states

The 9/11 attacks broke the traditional patterns of transatlantic intelligence cooperation. The US and the UK intelligence communities had been working together much more closely than either worked with the other European agencies (Townsend, 2003). After 9/11 other European countries joined forces with the US on security issues, but as noted before in 2002 certain issues caused a clash between the allies. Due to the Iraq crisis the strategy of the US changed in terms of collaboration with individual European states. The notorious statement of former Secretary of Defense, Rumsfeld, who had divided Europe in "Old and New Europe" caused more tension and a division in states that were more pro-American and against American or at least its strategies (Luif, 2006: 2; Margaras, 2009: 9). Also on the other side of the Atlantic there were some problems going on; among US intelligence officials the anti-Europe sentiment increased. The Franco-German anti-war platform further pushed that negative feeling. A Pentagon senior staffer stated in 2003: "*Basically, we see terrorism as an existential threat and the EU doesn't*" (Townsend, 2003). This distrust seems to have resulted in the US preferring bilateral agreements with close friends than working with the EU as a whole. An underlying problem is, however, that it has not always been simple to address the EU; it is one nation versus one union. Former Secretary of State Henry Kissinger once wondered what the phone number of the EU is. This example illustrates that doing business with the EU is a simple matter of a bilateral act (Shapiro and Byman, 2006: 41). Even EU officials have stated frequently that security and foreign policies are not always effective due to the presence of bureaucratic and fragmented systems (ibid). Besides, according to Article 4 of the Treaty of Lisbon, security policies belong to the sovereignty of national governments. The EU is only supporting its member states (Ginsborg et al, June 2011: 2). Taking this into consideration makes it understandable that the US seeks out to individual governments.

Difference in threat perceptions

As discussed in chapter 6, the UK plays an important role in the fight against terrorism. It has been the main ally of the US, but they do not have identical conceptualizations of the terrorism threat (Hammond, 2008: 218). In 2008 the UK National Security Strategy emphasis that terrorism "*does not*

at present amount to a strategic threat". The danger is more serious than previous threats in the past, but "*we must keep things in perspective.*" (HM Government, 2008: 13). The US National Security Strategy 2006 describes an opposite statement: "*America is at war*" (White House, NSS 2006: 9). In addition, the general approach of European countries, including the UK, is focused on the use of soft powers like diplomacy, rather than hard powers: military and economic means to influence the behavior of others (Hammond, 2008: 219). After the 9/11 attacks the Europeans found the threat less pressing than the Americans, because the attacks were not directly at them (Moravcsik, 2003: 76). Even after the two terrorist events in Europe, important states such as the UK, have remained to use soft powers. One of the reasons is that many European countries have substantial Muslim minorities, therefore the UK replaced the words "Muslim" and "Islamic", in reference to the terrorism threat, to "serious and sustained threat from violent extremists, claiming to act in the name of Islam" (Hammond, 2008: 236; HM Government, 2008: 10). It is worth mentioning that in the case of the UK the "heart and minds" approach (see chapter 6) did not result in the desired outcome. Instead many Muslims found the British strategy too stigmatizing, which could lead to extremism instead of preventing it (NCTB, August 30, 2011)²⁶. Nevertheless, the UK is determined to maintain its relationship with the US, but the British Foreign Secretary, Hague, has pledged for reaching out to upcoming countries, such as Turkey, because of its crucial links with the Middle East (Foreign and Commonwealth Office, May 4, 2011).

The US is the primary target of AQ, whereas Europe- with exception of the UK- is the secondary target. Europe is indeed threatened, but AQ appears to seek a truce with Europe; by withdrawing support for the US policies in the Middle East, Europe can become "AQ free". This happened also in April 2004, in the aftermath of the Madrid bombings, but Europe rejected this offer. Not because of solidarity with the US, but Europe believed that AQ would not be able to follow through this truce because local extremist groups, which are linked to AQ, are not controllable (Shapiro and Byman, 2006: 36). This near versus far enemy approach distinguishes the threat both actors face. The US is the far enemy which can expect more catastrophic terrorism and for terrorist organizations far enemies are not the one to negotiate with, whereas European states face more the near enemy (local terrorist groups, mostly linked to AQ). In addition, as mentioned before, the difference regarding the Muslim and Arab communities play a role in threat. The US is much more external orientated when it comes to terrorist threat, although 9/11 happened on US soil, the threat appears to remain mainly external (CRS, July 22, 2011; NCTB, August 30, 2011). The US Muslim and Arab population is small and scattered throughout the country, in contrary, in many European states these populations are bigger (Shapiro and Byman, 2006: 37). European governments therefore focus more on the internal threat coming from their own citizens who are usually socially excluded (ibid). This has been the situation for many years now and factors like these contribute to the way both actor form their counterterrorism strategies (NCTB, August 30, 2011). Furthermore, the ongoing US support for Israel for decades and the US involvement in the Middle East during the Gulf War have triggered AQ to portray the US as its main target.

Multilateralism versus unilateralism: differences in strategies

There was considerable speculation in the weeks following the attacks whether or not the Bush administration would move from its previous preference for unilateralism in foreign policy to a multilateralism approach (Cameron, 2002: 68). As described in chapter 3, the US' foreign policy could be best described as 'utilitarian multilateralism', a system wherein the US is the key player and is not prepared to seek compromises with others, particularly when it considers that important national interests are at stake (ibid). While emphasizing the importance of networks alongside organizations in the fight against terrorism, former US State Department policy planning director Richard Haass wrote: "*The United States should consider signing accords with fewer parties and narrower goals . . .*

²⁶ I conducted an interview with two employees of the National Coordinator for Counterterrorism and Security in the Hague, the Netherlands. Their names cannot be mentioned in this thesis.

Multilateralism a la carte is likely to be the order of the day.” (Wright, 2009: 163). Shortly after 9/11 Fukuyama argued (Cameron, 2002: 74; Financial Times, 15 September 2001):

‘the United States is likely to emerge from the attacks a different country, more unified, less self-absorbed, and much more in need of help from its friends to carry out a new national project of defeating terrorism. And it may also become a more ordinary country in the sense of having concrete interests and real vulnerabilities rather than thinking itself able unilaterally to define the nature of the world it lives in.’

Over the past 10 years one can conclude that during the Bush administration multilateralism knew a period of retreat, thus the promising prediction of Fukuyama was undermined by the severe situations like the Iraq war, where President Bush showed that the US prefers a “go alone strategy” rather than working in multilateral system. The shift towards the Obama administration can be marked as a step forward to multilateralism. During his election campaign President Obama stressed the importance of multilateral institutions and a stronger multilateral cooperation in the fight against terrorism (Karns, 2008). In order to rebuild US credibility, good will and soft power lost by the US under Bush a change in US foreign policies was necessary (ibid). In his first National Security Strategy, President Obama, stated that the US must pursue its interest within multilateral forums, not outside them. Terrorism is a transnational challenge which requires international institutions and transatlantic cooperation (White House, NSS 2010: 13-14).

The European Security Strategy stressed the importance of multilateralism. Based on strategic culture theory, the European history, including the European integration, has led the EU into a multilateral platform, particularly on foreign and security policies because these belong to the sovereignty of national governments. Multilateral elements, such as the use of soft power, have been advocated by the EU because it strongly believes in diplomatic solutions to tackle international issues over the use of force. The US is less patient with diplomacy and wants to solve problems and eliminate threats quickly (Kagan, 2002: 3). Even when the EU supports an armed force, like the invasion of Afghanistan, it demands a UN based control over the operation. The differences in power do also contribute to the choice of unilateral or multilateral strategies. The emergence of the US as the sole superpower after the Cold War has made the US less military dependent on allies. In Europe, by contrast, weak militaries coexist with an aversion to war, especially after the Kosovo war defaults (see chapter 3). In this situation the European role was limited to filling out peacekeeping forces after the US had carried out the decisive phases of a military mission and stabilized the situation. The division of labor consisted of the US “making the dinner” and the Europeans “doing the dishes” (Kagan, 2002: 6). Overall, the EU Security Strategies stress the role of multilateralism. The strategic culture of the EU has a strong Atlanticist aspect, which is based on the protection of human rights and the promotion of law (Margaras, 2009: 14). The Declaration on Combating Terrorism 2010 emphasizes the importance of the rule of law, which both allies agree upon. Since the Obama administration has been in force the counterterrorism policies of the EU and US converged again closer to each other. Key issues in the field of the fight against terrorism are the closure of Guantanamo Bay and the retreat of US troops in Iraq. The first has not happened yet, despite Obama’s promises to close the detention within a year after his election. US security officials have argued that the EU could and should do more to help with closing Guantanamo (Ginsborg et al, June 2011).

Discourse

The concept of the ‘war on terror’ (WOT) has been used often to mark the fight against terrorism. These three words had a big impact on how the transatlantic allies have cooperated. Moreover, describing terrorism as a war has created fear amongst citizens. Back in 1975 Brian Jenkins wrote that terrorism is theater: *‘Terrorism is aimed at the people watching, not at the actual victims’*. (Jenkins, 1975: 4). President Bush used this term for the first time on September 16, 2001, when he addressed the Congress (CNN, September 21, 2001). The WOT is socially constructed through public

language expressed by political leaders (Jackson, 2011: 392). By calling terrorism a war makes the public aware of the likely negative consequences which are accompanied with war. As mentioned in chapter 5, in the months after 9/11 a majority of the US citizens feared terrorism. This illustrates what Jenkins meant with theater. AQ aimed to create unrest within the US. The social construction provides an explanation and justification for the particular policies made and actions undertaken (ibid). Bush mentioned in several speeches that (Silberstein 2002; Jackson, 2011: 393):

“Terrorists today represent a new kind of terrorism which is religiously motivated and more lethal and unconstrained; the war against terrorism is necessary, legitimate, proportionate, defensive and just. America must retain the right to attack preemptively to disrupt future attacks; and a major international effort led by the US and a long-term commitment will be required to win the war against terrorism.”

This fragment illustrates that by using the right combination of words, expressed by the President and counterterrorism officials can convince the public to support the actions as the invasion of Afghanistan. However, years after a majority of the American public find that this war was not worth fighting for (Washington Post, August 20, 2009). Already in March 2004 at the EU conference on terrorism, EU’s foreign policy chief, Solana, declared: *“Europe is not at war.”* (Shapiro and Byman, 2006: 43). In 2007 former US national security advisor Brzezinski stated (Washington Post, March 25, 2007):

“The ‘war on terror’ has created a culture of fear in America. The damage these three words have done is infinitely greater than any wild dream entertained by the fanatical perpetrators of the 9/11 attacks when they were plotting against us in distant Afghan caves”

President Obama rejected the use of WOT, as part of his multilateral diplomacy, he stated: *“The War on Terror is over”* (Telegraph, May 27, 2010).

7.5 EU vs. US: September 2001 – 2010 at a glance

The matrix below gives a short overview of important events that took place in the past 10 years. Since one of the objectives of this thesis is to explore the balance of multilateralism versus unilateralism with respect to the transatlantic relationship, I have simplified the measurement by using + and – to indicate to what extent both actors have been respectively multilateral and unilateral. By putting ++ the actor can be described as a “big multilateralist”, a combination of +/- means that an actor showed both multilateral and unilateral aspects.

Directly after 9/11 the EU expressed its solidarity with the US and offered all the help needed. Also, the US reported to respond back through the UN and NATO and the help of its European friends. This can be considered as multilateral. However, at the end of September 2001 the US made it clear that it would invade Afghanistan because of the alleged basis of AQ. President Bush stated that he was not planning to wait and rather would go alone than seeking for compromises. Moreover, the EU demanded an UN led operation, eventually it became an US led war. The Iraq crisis was to some extent a turning point in the transatlantic relation, because the EU remained holding on pursuing terrorism as a crime rather than an act of war. Several EU states expressed their concerns regarding the invasion of Iraq, which caused a division among EU states. In this crisis it became evident that the US’ behavior can be marked as unilateral. As mentioned before the Presidential Daily Brief of September 21, 2001 indicated that there was little evidence that Iraq was linked to 9/11 and even its relation with AQ could not be confirmed. Despite this knowledge and the resistance of many EU states, the US pursued the invasion of Iraq. The Madrid bombings showed that Europe was not immune to terrorist threat. For the US government these attacks meant that terrorism in an international phenomenon that needed a combined EU-US strategy. After the attacks the EU acted as a whole and the US expressed its support. The US is given one + because it advocated a closer

international cooperation but was mainly caught up by the Iraq war. However, the creation of a US-EU Declaration on Combating Terrorism in 2004 was the first major step in establishing a (joined) transatlantic agreement on counterterrorism. The London bombings highlighted the strong relationship between the US and the UK. Many believed that implementing antiterrorism laws in the UK, like those in the US Patriot Act of 2001, could prevent future attacks. Although this could result in the UK withdrawing from provision in the European Convention on Human Rights that might act as a barrier in effective antiterrorism measures (Gardiner and Philips, July 21, 2005). Therefore the US is given one + because it preferred to seek out to the UK instead of to the EU.

7.5 Overview of terrorist related events from 2001-2010

Events	US	EU
9/11	+/-	++
EU-US Summit September 21, 2001	++	++
Operation Enduring Freedom October 7, 2001	+/-	+
Iraq debate 2002	-/-	+/-
Invasion Iraq, March 2003	-/-	+/-
Madrid bombings, March 2004	+	+/+
US-EU Declaration 2004	+/+	+/+
London attacks, July 2005	+	+/+
Obama administration 2009-2010	+/+	+/+
Closing Guantanamo Bay 2009	+/-	+
US-EU Declaration 2010	+/+	+/+

- + = multilateral (weak)
- +/- = both multilateral and unilateral
- /- = unilateral
- +/+ = multilateral

The big shift occurred when the Obama administration went into force in January 2009. The Obama administration has expressed many times the importance of a multilateral cooperation. This administration has been aware of the aversion among the EU regarding the existence of Guantanamo Bay. President Obama promised to close this detention institute, but he has required a greater responsibility of the EU. The Obama administration argued that the detainees should have a civil trial in the US, but this appears to be impossible due to the complexity of laws and policies. Thus, Guantanamo Bay will not be closed anytime soon (Reuters, March 8, 2011). Because President Obama does not seem to follow through his promise the EU remains quite suspicious regarding the multilateral intentions of the EU. The Guantanamo Bay issue has been a delicate topic of debate and the EU pledges to close down this detention center. Again, the US is considered to be a combination of +/- because it is willing to meet the EU's wish on closing Guantanamo Bay, however the US is constrained in this decision because several EU countries refuse to accept detainees (NRC, June 5, 2011). The conclusion is that despite the establishment of the 2010 Declaration, several issues are still lingering.

7.6 Conclusion

This chapter aimed to highlight the main differences in the strategies of the US and EU. Despite several similarities, certain differences seem to have caused a clash in the transatlantic relation. First, in the basis they differ. The US looks at terrorism as an external problem and its strategies is based

on a global perspective, whereas the European context can be defined as *home grown terrorism*. This means that European states see terrorism threat from the inside, which led to a strategic approach that puts much focus on the prevention of terrorism, in later security strategies of the US the importance of prevention has gotten more attention too. By 2002 the first cracks in the transatlantic cooperation occurred. The pre-war Iraq phase caused mistrust between the allies due to the lack of information and consultation from the US to the EU. Furthermore, the use of terms as the 'war on terror', 'Axis of Evil', started to cause friction between the EU and the US. Former EU foreign policy chief, Solana, stated: "*Europe is not at war*", hereby he rejects the approach to terrorism as a war. The greater US willingness to use force derives more from the difference in threats that the US and EU face and their capabilities than from cultural and ideological difference. As discussed in chapter 3, over the past decades it has been the US which emerged to a superpower that could fight its battle on its own. The EU, however, is more in favor of a diplomatic approach. In addition the EU political structure, especially since the Treaty of Lisbon, makes it harder to achieve harmonized security policies, leaving the US pursuing its own path. The past decade is characterized by a period of retreat with respect to a multilateral approach by the US. The Bush administration was to a certain extent willing to cooperate within a multilateral framework, but was not very eager when it came to settling conditions and compromising. At some points in time the US showed more multilateralism, like the establishment of joint declarations. However, in the aftermath of the London bombings of 2005 the US preferred to seek out to the UK in order to come up with more effective antiterrorism laws instead of discussing on the Union level.

The shift towards the Obama administration can be marked as a step forward to multilateralism. In his first National Security Strategy, President Obama, stated that the US must pursue its interest within multilateral forums, not outside them. This does not mean that the US is completely transformed to a multilateral actor. Besides, the EU has shown intentions to establish more European counterterrorism measures without the US' influence which could mean that regarding counterterrorism both allies will keep on working closely together, but creating alongside own systems. This chapter approached the sub-question regarding whether or not the difference in strategies undermined the transatlantic cooperation. I can conclude that this relationship was under pressure due to determining events like the Iraq war. However, both allies never stopped working together. Although they differ in how they view terrorism they both aim to eliminate international terrorism. I would say that there is a small paradox, because the gap that occurred during the Bush administration has been partly closed since the Obama administration went into force. This could mean that both allies are growing back together. But one should bear in mind that the willingness of the EU in creating own measures and systems could lead to a point that the US feels left out. Nevertheless, the transatlantic cooperation has certainly not disappeared.

Chapter 8 Concluding remarks

8.1 Conclusion and answer to the main question

Since 9/11, terrorism has become one of the main priorities on the political agenda of European countries and the US. In this thesis I elaborated not only on the terrorist events of 9/11 and subsequent terrorist attacks, but even more on how the US and the EU have worked together in fighting terrorism. Two theoretical perspectives are used to provide an explanation: strategic culture and multilateralism versus unilateralism. For the purpose of this thesis, strategic culture includes geopolitical, beliefs, historical, behavioral features that explain why a certain actor decides to use of force. Moreover, formative experiences are considered to be important, because they may clarify further why for example the EU tends to act more in cooperative way than the US. In the case of the US, an example of a formative experience is the Cold War, because after this event the US has become the sole superpower in the world, with a strong military. In order to protect homeland security the use of force has been considered to be an effective tool of keeping the enemy away. Security policies are an important part of the US strategy and therefore the US prefers to follow its own path of solution in dealing with international terrorism. Whereas, in the case of the EU security policies and strategies fall under the responsibility of national governments, leaving the Union with a more supportive task and coordination. The Kosovo war in the nineties forced the EU into a military intervention, but the lack of a comprehensive military and a harmonized security policy resulted in the US controlling the situation. The European integration has put the EU in a multilateral role wherein diplomacy is crucial.

Culture can be approached as a tool kit that enables the conditions in order to use force. The concept of multilateralism is based on the principle of a collective security system, whereas unilateralism refers to actors that act on their own without involving others (input). The EU is a proponent of multilateralism, whereas the US has shown many aspects of unilateralism, especially during the Bush administration. However, the US is not purely a unilateral actor, it pursued its own strategies regarding security and intelligence strategies, but it worked also together with the EU and institutions like the UN. Transatlantic cooperation or relationship has been used often in this thesis and refers to the fact that the US and the EU work together, not only in the economic sphere, but also in security matters, in this case combating international terrorism. An effective cooperation includes shared ideas and common perceptions on the concept of terrorism. As mentioned in the introduction, there is no common or one specific definition of terrorism. Moreover, both actors have faced different threats which have led to different approaches. The lack of a shared definition has not undermined the cooperation, but the different perspectives on terrorism resulted in a difference in preferences over the use of force.

I briefly discussed the framing theory in order to outline a better understanding of how terrorism is framed. Although the emphasis has been on terrorist events, the Iraq war is related to international terrorism and is therefore a relevant empirical example of differences in perspectives and strategies between the US and EU. Looking back at the past decade (2001-2010) one could put forward that the US government misled the international community- based on research reports of the 9/11 Committees- regarding the existence of WMD and the ties between Iraq and AQ. The role of framing here is relevant, because the Bush administration chose to frame the invasion of Iraq as a necessity in order to protect US homeland security. Framing is not a part of strategic culture, but can to a certain extent be linked to this theory, because based on the US' strategic culture the use of force plays a significant role in security/counterterrorism strategies. Through framing the use of force a justification was created.

The transatlantic allies took many steps in order to establish a sustainable and effective counterterrorism strategy. However, many scholars have scrutinized the way the US, EU and individual member states have worked together. The tension on this multiple layer collaboration was

first caused by the Iraq crisis. The by the EU preferred soft powers did not match with the applied hard powers by the Bush administration. Robert Kagan (2003) stated: “*Americans are from Mars and Europeans are from Venus: They agree on little and understand one another less and less.*” During the Bush administration it seemed that when it comes to setting national priorities, determining threats, defining challenges and implementing foreign and defense policies, the US and Europe parted ways. Basically, it had been the ‘war’ approach versus ‘the rule of law’. The US has emerged to the sole superpower, which does not necessarily need others to win a war. Whereas, the EU does not have a sufficient military system and regarding security policies, Brussels must rely strongly on the willingness of the member states. Furthermore, the use of terms as the ‘war on terror’ and the ‘Axis of Evil’, had also influenced the cooperation between the US and the EU. President Bush made it obvious that the US saw the fight against terrorism as a war. But Europe preferred to distance itself from firm conceptions such as ‘war’. Many EU leaders did recognize the gravity of the situation, but stated that things had to be put in perspective. This illustrates the difference in how terrorism was seen by both actors. One of the conclusions of this research is that the strong language used by the Bush administration did create a gap in the transatlantic relation.

The shift from the Bush administration to the Obama administration has transferred the transatlantic cooperation into a new era where there is place for a more multilateral attitude of the US. President Obama eliminated concepts as ‘the war on terror’ and ‘Axis of Evil’ from his foreign policy. Instead, his National Security Strategy of 2010 focuses on the necessity of renewing the relationships with allies and reaching out to the Muslim world. This does not, however, mean that President Obama will not use force. In fact, he is still in war. Since the Obama administration, Europe has become closer again with the US, but remains suspicious. Particularly the European Parliament that has questioned the intentions of the US with respect to tracking down terrorist suspects while violating civil rights (privacy regulations). Furthermore, President Obama promised to close Guantanamo Bay, which has not happened yet and this is not what the European expected. In sum, the differences between the two allies remain, but so does the motivation to work together.

The central research question of this thesis is: *Do strategic cultural differences, regarding counterterrorism, between the United States and the European Union undermine their transatlantic cooperation?* In order to answer this question I analyzed the individual counterterrorism strategies and the joined declarations. This was done with keeping in mind strategic culture and multilateralism and unilateralism. While looking at the historical backgrounds of both allies, difference can be determined in how these actors approach terrorism and endeavors to fight international terrorism. There is a divergence in their counterterrorism strategies, however, since two years there seems to be a movement towards more convergence. As mentioned in the conclusion of chapter 7, the recent developments in the EU, e.g. the greater power of the EP, could put the transatlantic relation on pressure. Also the discussion around privacy rights versus effective antiterrorism laws show a clear divergence between both allies. My conclusion is that the transatlantic cooperation was to a certain extent undermined, but has never been destroyed. During both interviews I asked the experts whether or not counterterrorism strategies- in the way they have been established- and the strong political focus on counterterrorism, are still necessary. According to the Dutch experts terrorism will never be eliminated of the political agenda but it is not the main priority anymore. In the US terrorism remains a political priority next to the economy, despite the death of Bin Laden (which is not included in this thesis), AQ is considered to be unpredictable. The transatlantic relationship regarding counterterrorism has been closer than before 9/11, and exists next to the individual strategies and measures, but is certainly a relevant contribution in fighting terrorism.

8.2 Research limitations

During this research several difficulties and limitations had occurred. Terrorism is a very broad topic, which sometimes led to an information overload. The most important limitation, however, of this research is that a valuable method would have been to include more interviews. I conducted two

interviews which provided a greater insight to the available documents. Therefore I do believe that more interviews would have led to a better comparison between counterterrorism on paper and in practice. Unfortunately, terrorism remains a delicate subject for many involved and it was not possible to find many experts who were willing to contribute to the research for this thesis. Another difficulty experienced is that most of the relevant data is available, but studies with respect to the effectiveness of specific counterterrorism measures were not easy to find, probably due to the fact that most of the governmental terrorism information is confidential. Terrorism is a very unpredictable phenomenon; therefore the conclusions of this research are mostly based on the available documents. I cannot provide a firm answer whether terrorism threat has decreased because of counterterrorism strategies in the US and EU or because Islamist terrorism itself has declined.

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