The European Fight Against Terrorism

Diversity in unity or unity in diversity?

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ABSTRACT

This thesis aims to examine how national counter-terrorism approaches relate to the European position on counter-terrorism. In doing so, it will provide an analysis on the degree of national convergence towards the European position on counter-terrorism. This will be done across three formative periods of time in EU counter-terrorism cooperation: the attacks on the World Trade Center and Pentagon on 9/11, the homegrown terrorist attacks on Madrid and London in 2004 and 2005, and the recent rise of the foreign fighter phenomenon. Not only did these events function as a catalyst behind the institutionalisation of EU counter-terrorism cooperation, they also each mark a new phase in the terrorism threat.

Over the last 15 years, the EU counter-terrorism approach has institutionalised into a distinctive policy field covering a wide variety of measures across four pillars: prevent, protect, pursue and respond. It can be stated that the EU now plays a significant coordinating role in this field. Underlying this process of institutionalisation lies a certain degree of harmonisation on the member state level which allowed for this transfer of power towards the European level. At the national level, we see that although differences remain, counter-terrorism strategies and discourses of member states have show a couple of strong similarities in their response to the evolving terrorist threat. It is, however, difficult to establish the direction of this convergence.

The findings from the analysis indicate that a certain degree of harmonisation between the national and European level has taken place, however, it is difficult to determine whether this has been preceded by a process of top-down europeanisation.

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ABBREVIATIONS

ASFJ	Area of Freedom, Security and Justice
ETA	Euskadi Ta Askatasuna
EU	European Union
IRA	Irish Republican Army
IS	Islamic State
JHA	Justice and Home Affairs
PNR	Passenger Name Record
SIS	Schengen Information System
VIS	Visa Information System

CHAPTER 1: INTRODUCTION

1.1 Introduction

'Terrorism was not invented on 9/11', as many have stated before, yet for the European Union (EU) in some means it was. Although a considerable number of European states had already experienced the harsh reality of terrorism before, up until the attacks of September 11, terrorism remained a predominantly national matter and cooperation was strictly intergovernmental with little to no coordination at the European level.

The attacks of 9/11 gave momentum to the European 'fight against terrorism', a discursive construction that would become equivalent to European cooperation in this field as well as a driving force behind its integration and institutionalisation. The Joint Declaration by the EU issued after 9/11 condemned the terrorist attacks as 'acts of savagery', an 'assault on humanity' perpetrated by 'faceless killers', an 'evil', that had to be eliminated (European Union, 2001). The scope of the events led to an immediate internalisation of the terrorist threat, stating that these attacks on the United States were 'an assault on our open, democratic, tolerant and multicultural societies' (European Council, 2001b). In the succeeding period, the terrorist threat came to be framed as a common, transnational, hierarchical and religiously motivated threat aimed to cause massive causalities with the Al Qaeda network at its core (e.g., DG for external policies, 2008; European Council, 2003). The attacks marked the beginning of a process of progressive institutionalisation of European cooperation in the field of counter-terrorism. Within less than a month after the attacks, the EU had agreed upon an ambitious action plan consisting of 64 measures and instruments that would be introduced over the coming months (European Council, 2001d; 2001e). It furthermore succeeded in the adoption of a common criminal definition of terrorism (2002/06/13). The European Security Strategy of 2003 subsequently reaffirmed the high priority of terrorism by listing it as one of the key threats to European security (European Council, 2003).

The homegrown terrorist attacks of 11 March 2004 on Madrid and 7 July 2005 on London reaffirmed this idea and marked a second formative point in the development of the EU counter-terrorism approach. The attacks led to a full internalisation of the terrorist threat and reinforced the need for increased cooperation (Argomaniz, 2010). What is more, the attacks on London and Madrid now made fully clear that Europe was indeed 'both a target and a base for terrorism' (European Council, 2003, p.3). As the newly appointed Counter-Terrorism Coordinator Gijs de Vries stated in 2005, 'In addition to the threat from outside, Europe is

confronted with informal loose networks of extremists operating within its borders' (CTC, 2005/12/12, p.3). The characteristics of terrorism were thus evolving, and to address this change the EU had to adjust its approach accordingly. To that end, the European Council issued two landmark documents: the *European Union Strategy for Combating Radicalisation and Recruitment* and the *European Union Counter-Terrorism Strategy* of 2005, build around four pillars: prevent, protect, pursue and respond (Council of the EU, 2005/11/22a; 2005/11/22b). The main emphasis was now on the underlying factors that contributed to radicalisation, headed under the prevent pillar of the strategy.

In recent years, the threat posed by radicalisation has expanded towards returning foreign fighters who travel to war zones to join the *Islamic State*, also known as *ISIL* or *Daesh*. This returning fighter phenomenon can be characterised as yet another phase in the evolution of the terrorist threat. This threat reinforced the idea that terrorism requires both an internal and external approach: focusing on both the situation in Syria as well as on strengthening the prevent pillar concerned with radicalisation and recruitment (European Council, 2014d; Mogherini, 2015). This new phase of the terrorist threat and recent attacks on Paris in January and November 2015, have led to a renewed debate on what course the European's response to terrorism should take, the role of the EU in this matter and balances between repressive measures and civil rights.

EU cooperation in the field of counter-terrorism has thus shown a progressive degree of institutionalisation, in particular in the fields of information sharing and judicial and police cooperation. The scope of EU counter-terrorism measures has now grown to encompass more than 240 measures, of which around 36% is legally binding, covering a wide variety of different areas of counter-terrorism across the four counter-terrorism pillars, including: infrastructure and transport protection, customs and border security, response management, anti-terrorism financing, counter-radicalisation and terrorist recruitment, and the external dimension in the Common Security and Defence Policy (CSDP) (Hayes & Jones, 2013). Debates on the current role of the EU as a security actor in this context seem to be inconclusive. Yet, the main strands of literature tend to be centered around Edward and Meyer (2008) their statement in that the EU is somewhere in the midst of the continuum between being a 'mere facilitator of member states' efforts' in counter-terrorism and a 'security provider' with 'operational role in its own rights' (p. 21)

1.2 Problem statement

Over the last 15 years, the EU approach to terrorism has developed in response to the three phases of terrorism marked by the transnational, religiously motivated attacks of 9/11, the homegrown terrorist attacks on London and Madrid and the returning Foreign Fighter phenomenon starting from late 2012. The apparatus of counter-terrorism measures employed by the EU and its member states is build upon the discursive construction of the concept of terrorism and its underlying threat perception. This discursive construction does not only shape counter-terrorism practices, but also serves the goal of legitimising and normalising these practices (Baker-Beall, 2009; Tsoukala, 2006).

As can be concluded from the above, this originally domestically perceived threat has, due to its scope and nature, evolved into a collective and common enough security threat for Europe to allow for an incremental process of institutionalisation of counter-terrorism cooperation at the level of the EU. In other words, national terrorist threat perceptions have somehow channelled into a more or less European stance on what terrorism is and how we should respond to it, resulting in a comprehensive set of measures, mechanisms and instruments for terrorism consolidated at European level.

However, a common approach to terrorism at European level does not directly equal a harmonised approach at national level: member states still vary greatly in their approaches to terrorism and the perceptions underlying these approaches (Edwards & Meyer, 2008; Wiener, 2006). While for instance, a number of countries, such as the United Kingdom and France, are known for their traditionally harsh counter-terrorism policies, others hold a rather moderate approach, such as the Netherlands and Italy. Furthermore, some countries are known for their explicit focus on radicalisation, such as the United Kingdom, Netherlands and France, while other countries are less focused on this phenomenon, such as Spain (Edwards & Meyer, 2008). Another example lies in the balance between civil rights and liberties on the one hand, and security on the other hand. While some countries, such as Germany, uphold a traditional strong standard in regard to human rights, other countries, such as the United Kingdom and Spain, have previously been criticised for their harsh counter-terrorism measures (Human Rights Watch, 2014). Hence, the development of the joint EU approach to terrorism has not conjured up a set of homogenous set of perceptions or responses to the terrorist threat across its member states.

This conclusion is hardly surprising in view of the process of multi-level governance through which the formation of the joint approach to counter-terrorism takes place, in which the EU is only one actor amidst 28 sovereign national member states. These member states are each

characterised by their own national constellations through which security policy is executed and national anti-terrorism policies are realised. Hence, these 28 member states have, impacted by the influence of EU institutions such as the European Commission and Council Secretariat, come to reach a common denominator in this field (Kaunert, 2010). Respective national standpoints, then, are positioned somewhere around this common denominator and vary across specific counter-terrorism policy areas.

The question central to this thesis is how these national standpoints and policies, underpinned by their underlying perceptions, ideas and beliefs, relate to the joint EU counter-terrorism strategy. This question can be addressed in different ways, each depending on the type of research deployed, the theoretical framework applied and different conceptualisations of 'convergence' or 'harmonisation'. In general it can be stated that previous research addressing this topic provides conflicting results: while some authors have concluded that approaches to terrorism appear to become more Europeanised in the broadest sense of the word, others put this into question and argue that the absence of a common threat perception and the still limited role of the EU in this field impede this process (Edwards & Meyer, 2008). Nohrstedt & Hansen (2009), for instance, performed a quantitative analysis on the degree of policy convergence in anti-terrorism measures within the EU. They found that, both national interest as well as pressure from EU institutions impacts policy transfer between states (2009). Den Boer & Wiegand (2015) on the other hand found the horizontal influence to be limited. They do however acknowledge the vertical convergence from the European level. This thesis is focused specifically on the converging impact of the EU, rather than horizontal convergence between member states. More specifically, it looks at the extent to which member states have shown convergence towards the European position on terrorism over the course of the 'European fight against terrorism'.

1.3 Scope and aim of the research

The aim of this thesis is to understand how national perceptions of terrorism relate to the evolving European Union's approach to terrorism. More specifically, this thesis aims to analyse whether a degree of harmonisation of the terrorist threat perception has taken place during the course of the European 'fight against terrorism'. This leads to the following research question:

To what degree have European member states shown convergence towards the European position on terrorism during the institutionalisation of European counter-terrorism cooperation?

The research question will be answered by means of a qualitative case study and is underpinned by a constructivist reading on Europeanisation and policy convergence. The research covers the period from September 2001 until 2015, with a primary focus on the short term and medium term periods after the three formative points that functioned as a catalyst for the EU approach to counter-terrorism. These formative points are: the attacks on the World Trade Center and Pentagon on 11 September 2001, the homegrown terrorist attack on Madrid in March 2004 and London in July 2005, and the rise of the Foreign Fighter phenomenon starting from the beginning of 2013. The analysis furthermore traces back the adoption of a number of key measures, instruments and documents outside of the above-mentioned periods. Finally, the key focus lies on measures adopted under the framework of the JHA, rather than measures adopted under the CSDP.

1.4 Theoretical and societal relevance

The topic of counter-terrorism is socially relevant due to the ongoing and constantly evolving threat of terrorism in Europe, most recently characterised by the rise of the Islamic State and the issue of returning foreign fighters. The *Terrorism Situation and Trend Report 2015* issued by Europol shows that the number of terrorist attacks and arrested suspects has been increasing in previous years (Europol, 2015). The EU's importance in this field has continuously expanded ever since the attacks of 9/11. We have seen that the terrorist threat has taken on a different character over the years to which both member states and the EU have adjusted their responses accordingly. This thesis aims to shed light on the European responses to this evolving threat and the role of the EU in this. National perceptions are important in understanding the EU approach to counter-terrorism, since these embody the foundation upon which the EU approach is built and set ground for the delivery and implementation of EU measures. Furthermore, this thesis touches upon the blurring between the national and European level in the context of European policy-making due to processes of Europeanisation. In the context of counter-terrorism, in its communications and official documentations the EU speaks of a 'common response', 'common threat', which underlay increased cooperation and coordination in the field of counter-terrorism. It is therefore interesting to focus on how national representations relate to this commonly defined threat.

Consequently, the European response to terrorism has received much academic attention. A large part of this literature concerns its institutionalisation, effectiveness and the extent to which responses are proportionate (e.g., Argomaniz, 2011; Bossong, 2013; Bigo et al., 2015; Coolsaet; 2010). In this body of research, less attention has been paid to the interplay between counter-terrorism policymaking on the national and European level. What is more,

existing research has often been limited to certain periods of time, for instance the initial reaction to 9/11, the Madrid bombings, or the Paris attacks not taking into account the constantly evolving character of the threat. Another renewing aspect of this thesis in the literature on counter-terrorism is the use of a combination of a discourse analysis with other methods of analysis, which might offer a more complete and in-depth account of the encountered developments. Finally, this thesis will draw attention to the link between the discursive level and policy deliberations, by acknowledging that discourse shapes action. As Jackson (2005) states, languages and practices are 'inextricably linked [and] reinforce each other; together they co-constitute social and political reality' (p. 9). This thesis emphasises the link between discourse and ideational factors in political practices. Additionally, it approaches the research question through a constructivist lens that underlines the importance of ideational factors and normative structures.

In sum, this thesis aims to contribute to this existing body of literature by offering an up-to-date comprehensive analysis on the relationship between European and national approaches to terrorism from a different angle, while taking into account the changing characteristics of the terrorist threat and responses to this.

1.5 Design of the study

This paragraph will briefly set out the structure of this thesis and the research methods applied to the analysis.

The research is first of all descriptive in nature: it aims to map and understand how national and European counter-terrorism approaches relate to each other and whether a certain degree of convergence has taken place as resulting from Europeanisation. This will be done so with help of a qualitative idiographic case study design. The case studies in this thesis are *ideographic* of nature, meaning that 'the aim is to describe, explain, interpret, and/or understand a single case as an end in itself rather than as a vehicle for developing broader theoretical generalisations' (Levy, 2008, p. 4). The case study design employed in this analysis is what Levy (2008) labels as an *inductive* or *descriptive* case study. This type of case study is also known as a *configurative-idiographic* case study (Eckstein, 1975; Verba, 1967) or an *atheoretical* case study (Lijphart,1971).

The analysis in this thesis consists of two levels. The first part of the analysis entails a holistic multiple case study on both EU level and national level on the evolution of counter-terrorism in relation to the three phases of terrorism encountered in Europe: post 9/11 international terrorism, homegrown terrorism and the rise of the foreign fighter phenomenon. The method applied to this part of the data analysis is *the method of structured focused comparison performed through a so-called critical discourse analysis.* The analysis is guided

by the following questions and divided across three aspects: threat perception, response and EU level cooperation.

1) How do member states conceptualise the threat of terrorism at each given formative point? (Short-term response and medium-term response)
2) How is this translated into concrete measures?
3) What are the member states' stances on EU level cooperation?
   How and to what degree are EU measures transposed into national policy?

The above questions will be compared across the three formative periods to highlight the changes over each period of time.

The second part of the analysis consists of a comparative case study based on the findings from the comparative case studies. This part of the analysis aims to understand how national standpoints with regard to countering terrorism have evolved in relation to the EU stance on counter-terrorism and looks at whether convergence has taken place in this context.

The member states selected for the case studies are the United Kingdom, the Netherlands, Spain and Germany. The cases were selected with the nature of the research question in mind. In order to answer the question, the case selection does not have to adhere to strict selection criteria or a large number of cases. What is important is to cover a representative sample of the European member states in the field of counter-terrorism. Following this line of reasoning, the four cases were selected to encompass a variety of national backgrounds in terrorism and threat perceptions prior to 9/11 and general stances on cooperation in terrorism as part of internal security. Selection criteria that were taken into account included: stances on European integration and position within the EU, previous experience with domestic or international terrorism, existence of terrorism legislation, level of threat perception, harsh versus moderate approaches, stances on EU security cooperation, and high impact terrorist incidences or dismantlement of terrorist attacks on national soil during the period of analysis. A second selection aim was to avoid biased representation with regard to horizontal policy transfer from influential member states. By selecting countries as such, it allows to trace their evolvement over time across the different formative periods from different perspectives. A final selection criterion concerned practical considerations with respect to language barriers in data analysis.

1.6 Thesis outline

This thesis is divided into six chapters. The first chapter aimed to give an introduction into the research subject as well as a general outline of the thesis. The second chapter will provide an overview of the development of institutionalisation of European counter-terrorism cooperation. The third chapter provides a theoretical framework in which the most important theoretical concepts regarding policy converge underpinning the analysis are explained. The fourth chapter describes the research design used for the analysis, it sets out the methodology, choice of method, data selection and operationalisation of the research. The fifth chapter will consist of the case study analysis. The chapter is divided in two sections: the first section concerns the EU level analysis, the second section the member state case studies. The sixth chapter will put the findings from the member states' case studies against the EU level case study. The final chapter offers a conclusion on the findings from chapter five and six followed by a discussion of the implications of the study and limitations to the research.

CHAPTER 2: THE INSTITUTIONALISATION OF EU COUNTER-TERRORISM COOPERATION

This chapter will lay the foundations and provide a context for the analysis of this thesis (chapter 5) by giving an overview of the development of the institutionalisation of EU counter-terrorism. The chapter is divided across three periods characterised by three formative events: the attacks of 9/11, the homegrown attacks on London and Madrid, and the phenomenon of returning European Foreign Fighters.

2.1 Counter-terrorism cooperation prior to 9/11

European cooperation on terrorism was set in motion in the 1970s as a result of the changing character of terrorism from a predominantly national security concern towards a more transnational security threat. The first move towards closer intergovernmental cooperation dates back to the establishment of the *Terrorism, Radicalism, Extremism, and International Violence group* (TREVI group) in 1976. The TREVI group was established outside of the framework of the European Communities and served as a forum for Interior and Justice Ministers of the European Communities (EC) to discuss topics related to international organised crime and terrorism (European Parliament, 2011).

It was not until the signing of the Maastricht Treaty in 1992 that counter-terrorism became included under the framework of the EU. Most of the existing measures and instruments in the field of counter-terrorism became subsumed and incorporated into the intergovernmental third pillar of Justice and Home Affairs (JHA). The TREVI group became formalised under the JHA pillar and two Council working groups were established under the second Common Foreign and Security pillar (Working Party on Terrorism) and the third pillar on police and judicial cooperation (the Terrorism Working Group). The Maastricht Treaty furthermore provided for the establishment of *the European Police Force* (Europol) under article K1(9). Europol became fully operational in 1999 and is mandated to facilitate cooperation between member states in the combat against terrorism, drug trafficking, and other forms of international crime (Council, 2005/03/11; Council, 2005a). With the signing of the Treaty of Amsterdam in 1997, further deepening of internal security took place with the introduction of the objective to create the ASFJ. The Treaty of Amsterdam furthermore moved a large part of the JHA pillar - the areas of asylum, immigration and judicial cooperation in civil matters - to the first pillar or the community pillar. The third pillar was now limited to police and judicial cooperation in criminal matters (European Communities, 1997; Council, 2005a). The treaty of Amsterdam of 1997 in general strengthened the role of European institutions. The Tampere European Council Summit of 1999 marked the first formal step towards the creation of an

area of freedom, security and justice (AFSJ) and reflected the beginning of a more open stance towards cooperation in police and justice matters (Coolsaet, 2010; European Commission, 2002; European Council, 1999).

Although EU counter-terrorism cooperation took form during these years, it was still considered to be a component of other interlinked security concerns, such as drug trafficking, illegal immigration and organised crime (Baker-Beall, 2013). Until the attacks of 9/11, counter-terrorism would not form the impetus behind further deepening and integration in the field of internal security and remained under the umbrella of the intergovernmental third pillar.

2.2 Institutionalisation of counter-terrorism post 9/11

The terrorist attacks of 9/11 on the World Trade Centre and Pentagon marked the initial stage of the institutionalisation process of EU counter-terrorism. The attacks led to the opening of the window of opportunity resulting in the rapid approval of many significant internal security measures. It is significant to note that many of the measures adopted in the aftermath of 9/11 were already part of the existing political agenda drawn up during the Tampere Council of 1999 (Coolsaet, 2010; Den Boer, 2003).

Only a week after the attacks, the JHA Council developed an ambitious multi-dimensional action plan divided across 5 main action points: (i) enhanced police and judicial cooperation; (ii) the development of international legal instruments; (iii) the funding of terrorism; (iv) air security; and (v) coordination of EU external action (Council, 2001b, pp. 1-3). These points were later that month integrated in 46 operational measures consolidated in the comprehensive *Anti-Terrorism Roadmap* (Council, 2001a, Council, 2001c). The most significant developments would result from a call for closer judicial cooperation on extradition procedures and a common definition for terrorist offences (European Council, 2001c). It would furthermore lead to the extension of Europol's mandate and resources and the formalisation of judicial cooperation unit *Eurojust* in 2002: an EU body mandated to enhance the effectiveness of judicial cooperation between member states when dealing with serious cross-border crimes (Council, 2002c; 2002/03/06). Europol its mandate was extended and within the institution a Counter Terrorism Task Force was set up consisting of member states police and intelligence officials. The roadmap was subsequently operationalised in the *Plan of Action to Combat Terrorism*, issued in October 2001 (Council, 2001e).

In June 2002, the Council pushed forward police and judicial cooperation by consolidating the main action points listed in the Plan of Action in three important framework decisions: the Framework Decision on the *European Arrest Warrant* (EAW) (2002/584/JHA), the Framework Decision on combating terrorism (2002/475/JHA) and the Framework Decision on *Joint Investigation Teams (JIT)* (2002/465/JHA). *The Framework Decision on combatting*

terrorism was the first step in the harmonisation of national legislation in the domain of terrorism. It provided for a legal framework in the prosecution of terrorists and a uniform definition of what constitutes a 'terrorist offence'. The inclusion of a unified EU-wide definition in member states' legal systems served as a crucial foundation for further judicial and police cooperation in the field of terrorism (Coolsaet, 2010). The framework decision furthermore lists 9 acts that are deemed to be terrorist offences, including the sole threat to commit any of the listed acts. It furthermore set out rules for the adjudication of those terrorist offences (Council, 2002d, art. 1). This development was particularly significant given that only 6 Member States had specific anti-terrorism legislation in place at that time (Argomaniz, 2011). The *Framework Decision on the European Arrest Warrant and the surrender procedure between member states* (2002/584/JHA) was a watershed in judicial cooperation in criminal offences underpinned by the principle of mutual recognition. The EAW offers a framework for cooperation in formal extradition procedures by calling upon member states to recognise requests for the arrest and surrender of a person made by another member state for the purpose of criminal prosecution or imposing a custodial sentence or detention order (Council, 2002e). The *Framework Decision on Joint Investigation teams* in the field of police and intelligence cooperation provided for an instrument for joint cooperation between member states in cross border criminal investigations (Council, 2002f).

In late 2003, the European Council adopted the European Security Strategy 'A secure Europe in a better world' (ESS), presented by High Representative for the CFSP Javier Solana. The ESS lists terrorism as one of Europe's key threats and highlights the need for a mixture of instruments, under which 'intelligence, police, judicial and other means' (European Council, 2003, p.7). To this end, better coherence and coordination was deemed necessary between external action and JHA instruments, but also between individual member states and the Union.

In sum, the attacks of 9/11 prompted a rapid approval of many, often previously initiated, counter-terrorism measures that led to the harmonisation of natural legislatives and laid out the foundations for the development of structural capacities for closer cooperation in the field of terrorism. The end of 2002 and 2003 can be seen as a return to normality, terrorism had set its foot in the security agenda of the EU, but the window of opportunity to push decisions forward or reach new agreements had passed (Bossong, 2014).

2.3 EU cooperation in counter-terrorism post Madrid and London

The homegrown terrorist attacks on Madrid on 11 March 2004 and the London bombings of 7 July 2005 were the next conjunctive events in the development of EU counter-terrorism. The

terrorist attacks were the first attacks on European soil after 9/11 and produced a similar reaction in the EU: in the following months counter-terrorism would be placed at the top of the security agenda, allowing for an acceleration of decision-making on anti-terror matters and a rapid adoption of new measures. An extraordinary meeting of the JHA Council was held on 19 March, during which the ministers called for a rapid finalisation and implementation of already issued measures and discussed a new package of measures to be forwarded to the European Council (Council, 2004a).

The European Council consequently convened on 25 March and issued the *Declaration on Combating Terrorism* which provided for guidelines for action, pointed out flaws and delays in the implementation of previously agreed upon decisions and measures - such as the EAW - and proposed new measures to prevent and combat terrorism (European Council, 2004a). The new proposals were mostly related to data exchange between member states. The declaration furthermore called for the establishment of the position of an EU Counter-Terrorism Co-ordinator under the CFSP and invoked the *Solidarity Clause* laid down in the draft Treaty on the establishment of a Constitution for Europe, which called upon member states to '…act jointly in a spirit of solidarity if one of them is the victim of a terrorist attack', referring to mutual support in terms of the deployment of instruments, including military resources in case of a terrorist attack (European Council, 2004a, p. 18). The Madrid attacks furthermore led to the adoption of the Visa Information System (VIS) in June, concerning the exchange of visa data between member states (Council, 2004c).

Building upon the strategic objectives laid out in the March declaration, a revised *EU Plan of Action on Combatting Terrorism* was adopted in June later that year (Council, 2004b). The Action Plan is a 75-page document containing a very extensive and detailed set of actions to be taken across 7 key objectives in the field of: international cooperation; financing of terrorism; capacity enhancement in the detection, investigation in prevention and prosecution; protection of infrastructure and border control; consequence management; support for and recruitment into terrorism; and relations with third countries (Council, 2004b). In addition, the Action Plan served as a kind of scoreboard that tracks the progress made towards the respective action points (Council, 2004b).

Another relevant development in the field of internal security was the establishment of the European Border Agency *FRONTEX* in October, establishing formal EU cooperation in external border control and ensuring a 'high level of control and surveillance' (Council of the EU, 2004d, p.1). FRONTEX would become integrated in the EU Counter-Terrorism strategy of 2005.

In November 2004, *the Hague Programme* was adopted as the successor of the Tampere Programme for the strengthening of the ASFJ. The Hague Programme endorsed the *principle of availability* in data exchange on law-enforcement information, which means that

law enforcement officers and agencies from one of the EU member states have to be able to request and obtain information on specific cases from other member states' law enforcement agencies. It furthermore stressed the importance of focusing on the security of the EU as a whole, rather than national security, in order for counter-terrorism efforts to be effective (Council, 2004e; 2005b).

The European reaction to the London bombings of 7 July 2005 was in line with the EU response to the attacks on Madrid the previous year. The JHA Council issued a declaration covering a set of existing measures and new instruments concerning issues such as: data retention; a European Evidence Warrant; terrorist financing; information sharing through the Visa Information System (VIS) and the second Generation of the Schengen Information System (SIS II); inclusion of biometrics in passports and visa (Council, 2005c). Many of the issues mentioned in the Declaration were built upon existing frameworks and declarations. Other measures were deemed more controversial and caused upheaval due to disagreement regarding their legal base and concerns regarding the infringement of privacy and violation of civil rights, such as a proposal for a Framework Decision on data retention and the strengthening of the VIS and the Schengen information System (SIS II) ("EU Ministers agree urgent anti-terror policy", 2004; Balzacq & Carrera, 2005).

The *Directive on Data Retention* would finally be adopted in March 2006 and concerned the mandatory public storage of telecommunications data for up to two years for the purpose of investigations, detection and prosecution of serious crime (Council, 2006/04/13). The European Evidence Warrant on the other hand would not become effective until 2008 (Council, 2008b). Another significant document adopted in the aftermath of the London attacks concerned the *Framework decision on the application of the principle of mutual recognition to confiscation orders* (2006/783/JHA) (Council, 2006).

In December 2005, the Council led to a renewed focused on the terrorist threat adopted two landmark documents: the *European Union Strategy for Combating Radicalisation and Recruitment* and the *European Union Counter-Terrorism Strategy* (Council, 2005d; 2005e). The Strategy for Combating Radicalisation and Recruitment builds upon previous work since the European Council Declaration on Combating Terrorism of March 2004 and sets out the guidelines for combating radicalisation and recruitment into terrorism. (Council, 2005/11/22). The European Counter-Terrorism Strategy was based on the UK's *CONTEST Strategy* and brought all previous decisions, measures and initiatives together under one comprehensive framework based on four pillars: prevent, protect, pursue and respond. Each pillar of the strategy contains a concrete set of action points (Council, 2005e).

2.4 Current state of EU counter-terrorism cooperation: IS and the Foreign Fighter phenomenon

The phenomenon of European foreign fighters emerged in early 2013 with the rise of the Islamic State (IS), also known as ISIL or Daesh. IS was officially recognised as a major concern in 2014 when the Council adopted a specific strategy addressing the phenomenon.[1] However, to date the concept of 'foreign fighter' is not yet specified under EU law, nor are there common guidelines in place with regard to the sentencing of returning foreign fighters. [2] In response to this threat the JHA Council agreed on a package of measures put forward by the Counter-Terrorism Coordinator. In December 2013 four main areas were identified for further EU action: prevention, information exchange on identification and detection of travel, criminal justice response, and cooperation with third countries (Council, 2014b, p. 11). Consequently, the Council agreed upon a revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism in view of 'the changing nature of the threat', which was endorsed in May 2014 (Council, 2014a). The main points of actions set out in the following period concerned: (i) the finalisation of the Passenger Name Record (PNR) directive; (ii) improved checks at external borders; (iii) enhanced judicial response and update on the 2002 framework decision on combating terrorism; (iv) strengthening of information exchange and (v) acceleration of the implementation of existing measures (2014e). The PNR directive concerns the sharing of airline passenger data from international flights in order to prevent terrorism and serious crimes. It would, however, raise concerns with regard to privacy protection ("EU Passenger Name Record (PNR) Directive", 2016, June 1). The EU furthermore promotes the enhanced use of existing databases and measures, such as the SIS, VIS and Europol (De Kerchove, 2016/10/06).

2.5 Conclusion

Since 11 September 2001, counter-terrorism cooperation in the EU has developed into a rather distinctive and multi-dimensional policy area within the broader institutional space of the JHA pillar. EU cooperation in the field of counter-terrorism has proven to be very event driven: the three attacks of 9/11, 11/3 and 7/7 prompted the majority of counter-terrorism measures and instruments that would lead to the contemporary EU counter-terrorism strategy. The EU counter-terrorism policy did not take substantial shape until the attacks of 9/11. As mentioned above, 9/11 served as a catalyst behind increased cooperation in the field of counter-terrorism and led to a surge of EU counter-terrorism measures in the years

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[1] This document is restricted.
[2] A directive on the harmonisation of the definition of 'foreign fighters' is currently on its way. See: *The Assimilation of terrorists and foreigners is a serious mistake which does not match reality: Interview with Gilles de Kerchove, EU Counter-Terrorism Coordinator.* Available at: http://www.robert-schuman.eu/en/doc/entretiens-d-europe/ee-90-en.pdf

after the attacks. It facilitated judicial and police cooperation and the finalisation of actions that had been on the internal security agenda since the Tampere Council. It furthermore laid ground for the harmonisation of national legislation. The second half of 2002 until the attacks in Madrid can be seen as a period of 'normalisation' in counter-terrorism policy. The Attacks on Madrid in 2004 and London in 2005 made clear that Europe was now both a target and a base for terrorism and accelerated further development of EU counter-cooperation. The foundations laid after 9/11 and the harmonisation of national legislations enabled further operational cooperation, resulting in the first EU Counter-Terrorism Strategy. The rise of IS around 2013 led to a renewed attention on both internal and external security EU policy and resulted in a revised version of the EU Strategy for Combating Radicalisation and Recruitment to Terrorism.

EU counter-terrorism cooperation has come a far way and developed into a separate policy domain within the EU that and became an integral part of and driving for closer cooperation in the ASFJ. Although the main responsibility in terrorism matters still lies within the hands of the member states, the EU now plays an important coordinating and supportive role that has been strengthened over time.

CHAPTER 3: A THEORETICAL FRAMEWORK FOR EUROPEANISATION AND POLICY CONVERGENCE

The following chapter will provide the theoretical underpinnings for the analysis. It will highlight the relevant concepts in the field of European integration theories that underlie the assumptions made in this thesis. The main assumptions underlying this thesis can be summarised as follows: (i) processes of Europeanisation or socialisation have taken place in the field of internal security and counter-terrorism cooperation, (ii) this has to a certain degree resulted in top-down europeanisation in which the EU as an actor has impacted the political structures and processes of the member states, (iii) this process can be best understood in light of a social constructivist framework in which the EU affects the discursive and behavioural practices as well as the identities of its member states.

The following chapter is structured as follows. The first section provides for an overview on key concepts of European integration. The first part elaborates on the idea of a multi-level type of governance in the EU. The second part of the first section aims to provide a basic understanding of Europeanisation. The second section continues with a social constructivist reading of Europeanisation, or socialisation. The third section concludes the theoretical framework and offers an introduction into the case study analysis.

3.1 Key notes on European Integration

3.1.1 Multi-level governance

This thesis relies on the assumption that EU internal security governance can be understood in light of a of multilevel governance approach. This approach was first articulated by Marks, Hooghe and Blank (1996) who referred to the process of European integration as a '…polity creating process in which authority and policy-making influence are shared across multiple levels of government – subnational, national, and supranational (p.342). Aalberts (2005) summarised this approach in three main points. First, multilevel governance connotes a 'sharing of competencies amongst a variety of actors at a variety of levels' (p. 5). Second, this development resulted in the blurring of boundaries between the national and international arena. Third, this 'multi-tier negotiating system' has led to a loss of control for national governments (p. 6).

This thesis does not aim to explicitly expand on the state of EU governance and transfer of national powers to the EU. It does however acknowledge the complexity of decision-making in European governance and the changing context resulting from European integration: the EU can to a certain degree be seen as one semi-actor operating amidst 28 sovereign

national member states, whose competencies vary depending on the policy field. While member states hold the primary responsibility in this 'high politics domain' of counter-terrorism and are reluctant to transfer powers to the supranational level, at the same time, the terrorist attacks of the last two decades have led to a common internalisation of the terrorist threat and underlined the need for closer cooperation and coordination under the framework of the EU. This has resulted in a certain degree of institutionalisation of EU counter-terrorism governance in the realm of internal security, in which competencies are now spread across multiple institutions at EU level, such as the European Commission, European Parliament, European Council, the European External Action Service, Court of Justice of the EU, and many EU agencies (Oliveira Martins, p. 136). The degree of cooperation and coordination vary significantly across strands of the counter-terrorism strategy; in some areas such, as terrorism financing and customs and border security, the EU has more discretionary powers than in other sectors, such as intelligence and infrastructure (Argomaniz, 2011).

3.1.2 Europeanisation

Parallel to the multi-level governance approach, Europeanisation literature made its way into European Integration studies. Whereas multi-level governance is concerned with the state of play of European polity, Europeanisation is focused on the processes by which European integration takes place. Aalberts (2005) argues that although little cross-referencing between multi-level governance literature and Europeanisation research exists, the latter can be seen as a theoretical supplement to the former, in that it explores the impact of the changing national context resulting from a multilevel type of governance.

At the most general and broad level, Europeanisation considers both a top-down and bottom-up perspective in which the concept accounts for the domestic impact on the EU level as well as the impact of the EU on domestic level, or as Howell states: a process of *uploading* and *downloading* (Bulmer & Lequesne, 2005; Howell, 2004). This view is reflected in Radaelli (2003) his conceptualisation of the term, who defines Europeanisation as:

> 'Processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies' (p. 30).

Along the same lines, Börzel explains Europeanisation as a 'two way process' approach in which the bottom-up dimension accounts for the 'evolution of European institutions as a set of new norms rules and practices' and the top down-dimension refers to the 'impact of these new institutions on political structures and processes of the member states' (Börzel, 2002, p. 193). Since the 1990s, the majority of scholars have tended to focus on the latter dimension of Europeanisation: the *top-down dimension* or the processes through which the EU impacts national constellations. This top-down dimension is the starting point for the analysis in this thesis. While acknowledging both sides of the Europeanisation process and accounting for the bottom-up process in the analysis, for the purpose of this thesis the focus is put on the top-down dimension, or how EU policymaking impacts the domestic level. Scholars who adopt a top-down approach in Europeanisation research tend to focus on the causal processes by which the EU impacts national change. Ladrech (1994) offers a clear definition for this approach: 'Europeanisation is an incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making' (p. 69).
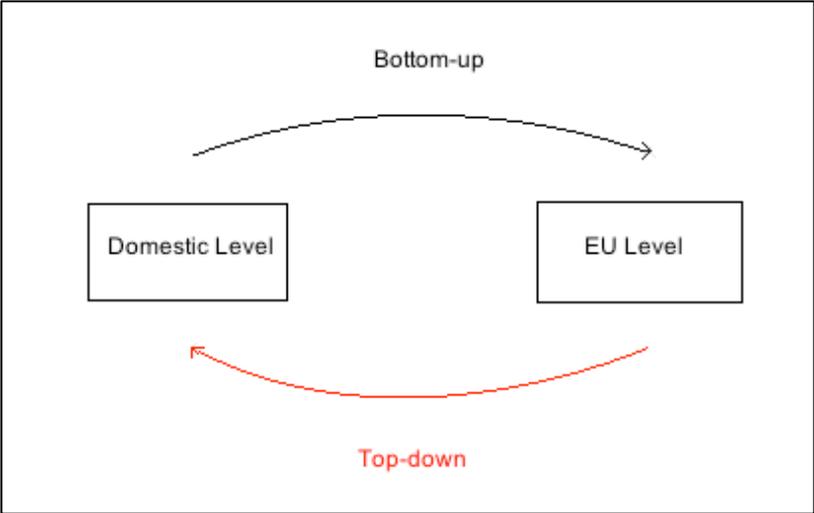
Figure 1. The Process of Europeanisation

A prominent put forward mechanism behind this process of top-down Europeanisation is *adaptational pressure,* which results from a mismatch between the national and European level. The higher level of misfit, the higher the pressure to adapt to the European level. (Radaelli, 2000; Börzel and Risse, 2003). As policy misfits lead to adaptational costs at domestic level, member states tend to adapt to avoid these costs. When taking the bottom-up perspective into account, these adaptational costs result in an attempt to upload national policies to European level in order to reduce these costs. However, as Börzel and Risse (2003) assert, given the 'regulatory patchwork' of EU regulations and many actors involved, it

is unlikely for member states to be able to upload their preferences to such a degree as to avoid adaptational pressure. Additionally, other facilitating factors are often mentioned as further criteria for the national adaptation process.

This adaptation process resulting from a misfit can be further explained by two approaches. The first approach, stemming from the rational institutionalist school of thought follows a *logic of consequentialism* and connotes the idea that 'the misfit between European and domestic level 'provides societal and/or political actors with new opportunities and constraints in the pursuance of their interests' (Börzel & Risse, 2000, p. 2 building upon March and Olsen, 1998). A second approach, following a sociological institutionalist view of the *logic of appropriateness,* explains the adaptational pressure as resulting from a misfit between 'domestic norms' and 'collective understandings', emphasising a 'process of persuasion'. (Börzel, 2000, p.2 building upon March and Olsen, 1998). According to this approach, change results from a collective understanding of what is considered appropriated in a certain structure.

Policy convergence is then explained as a possible outcome of this process and can be defined as 'any increase in the similarity between one or more characteristics of a certain policy (e.g. policy objectives, policy instruments, policy settings) across a given set of political jurisdictions (supranational institutions, states, regions, local authorities) over a given period of time' (Knill, 2005, p. 768).

3.2 A Constructivist take on European integration

Another way to approach European integration is from a social constructivist perspective.[3] Constructivism emerged around the 1990s as a critique to materialist or rationalist approaches and gained prominence by writings from scholars such as Emanuel Adler, Alexander Wendt, John Ruggie and Peter Katzenstein. In order to understand European integration through a constructivist lens, a short introduction on its core assumptions is provided first. Central within social constructivism is an emphasis on: the role of norms, the social construction of reality, mutual constitutiveness of agent and structure, and the role of identity in political life.

A fundamental assumption within the constructivist school of thought is the idea that reality is socially constructed. Adler (1997) describes this as following: 'the manner in which the

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[3] It must be noted that a distinction can be made between different strands of constructivism. Constructivism has furthermore been applied in different ways considering international politics and European integration. For a discussion on the latter, see: Checkel, J.T. (2006). *Constructivist approaches to European Integration.* ARENA Working Paper 6, 2006. ARENA and University of Oslo. Retrieved from http://arena.uio.no

material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world' (p. 322). Risse (2009) complements this by stating that: 'human agents do not exist independently from their social environment and its collectively shared system of meanings' (p. 145; Wendt, 1999). A further central belief derived from the idea above is that social reality is reproduced through the interaction of agent and structure, that is to say, structures (in this case e.g. institutions[4] or interstate systems) shape the identities of agents (or actors, in this case member states) and how they behave, while at the same time agents construct and reconstruct structures (Aalberts, 2005; Wendt 1999).

Social constructivists furthermore hold the idea that interests, preferences as well as subsequent political behaviour are all socially constructed: they are produced and given meaning through social interaction. These interests and preferences are influenced by underlying reasons of actions (i.e., ideas, values and norms). In other words, the latter shape the 'definition of political problems' and 'the search for policy alternatives (Kaunert, 2012, p. 480). The role of norms in social interaction is key to a constructivist understanding of interest and preference formation. Katzenstein (1996) defined norms as 'a standard of appropriate behaviour for actors with a given identity' (p.5; Finnemore & Sikkink, 1998). [5] Norms emerge through socialisation and are institutionalised through a 'political process of interaction between shared knowledge, material resources and practices prevalent among states as well as interests of individual actors' (Bano, 2015).

Not only national interests and preferences are socially constructed, national identities as well are relational and result from social interaction between states (Aalberts, 2005; Wendt, 1994). Hinnebusch pinpoints that '…the systemic structure comprises shared international norms into which states are socialised and these not only constrain their behaviour but also help constitute the identities that motivate [emphasis removed] their conduct' and 'conform to interests … [which] are not self-evident derivatives of position, but are shaped (constituted) by identity (Hinnebusch, 2003, p. 359; Riim, 2006, p. 37).

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[4] Risse (2009) defines institutions as social structures impacting on agents and their behavior (p. 147). See for further information and the view of different schools of thoughts on this concept: Risse, T. (2009) Social Constructivism and European Integration', in Wiener, A. & Diez, T. (eds) (2009) *European Integration Theory*, pp. 147-148.

[5] It is important to note here that a thin line exists between what sociological institutionalists define as 'institutions' and constructivists define as 'norms'. Finnemore and Sikkel highlight one important difference: norms connote 'single standards of behavior', whereas institutions 'emphasise the way in which behavioral rules are structured together and interrelate' (1998, p. 891). In general, social constructivism aligns well with the sociological institutionliast school of though that adheres to the approach of the 'logic of appropriateness'. For more information on the distinction between the 'logic of appropriatness' and the rationalist 'logic of consequentialism' see March and Olsen, 1989.

Top- down European integration read in light of social constructivism is focused on how member states are impacted by the normative and ideational context of the EU. Instead of focusing on *policy* outcomes per se, social constructivism is rather focused on europeanisation as a form of collective identity formation.[6]

To summarise the previous paragraphs, it can be stated that according to social constructivism, the interrelated notions of interests, preferences, identities as well as subsequent political behaviour are not given or exogenous, but socially constructed and capable of change: they are produced and given meaning through social interaction within the institutionalised structures of the EU. These interests and preferences are on their turn influenced by underlying reasons of actions (i.e., ideas, values and norms). Meaning that the latter shape the 'definition of political problems' and 'the search for policy alternatives (Kaunert, 2012, p. 480). Central within this are normative structures, which themselves are intersubjective and thus produced through interaction between member states. Collective norms produce the 'rules of the game' and define and redefine the interests and identities of states. As Risse (2009) pinpoints, the normative structure of the EU 'deeply affects discursive and behavioural practices' and influences how actors see themselves (Risse, 2009, p. 148).

Checkel explains European integration directly as a form of socialisation. Within this process, Checkel underlines the importance of norms and social learning (Checkel, 2001a). He defines *social learning* as a way of socialisation that connotes a 'process whereby actors, through interaction with broader institutional contexts (norms or discursive structures), acquire new interests and preferences – in the absence of obvious material incentives'. [include: In this case, however, the material incentive is securing national security] In a similar vein, Atkinson (2006) explains socialisation as an identity and interest forming process of social interaction in which 'norms and rules become shared ideas of what is appropriate, rather than constraints on behaviour (p. 511). Wiener (2008) shows how studies on security communities have shown that membership is likely to enhance norm convergence (Adler and Haas, 1992; Adler; 1997, Adler and Barnett, 1998; Schimmelfennig, 2000, in Wiener, 2008). Hence, through the influence of norms, interests and preferences may convergence towards an 'European interest' (Kaunert, 2012).

In this respect, it can be argued that according to social constructivism, European top-down integration takes place by means of a process of socialisation in which member states'

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[6] In this section the focus is again put on top-down Europeanisation, it therefore does not expand on the formation of collective norms, also known as *collective identity formation.* For further information on this, see for instance Thomas Risse his work.

acquire new interests and preferences and 'norms and rules become shared ideas', which can eventually be institutionalised. Norms may thus achieve a certain degree of institutionalisation that brings about a change in state behaviour (Wiener, 2006). Not much controversion exists around the idea that the EU impacts its member states. The question is rather how, and to what extent the EU has impacted its constituent members. Or how Börzel and RIsse (2003) pinpoint: 'the issue is no longer whether Europe matters but how it matters, to what degree, in what direction, at what pace, and at what point of time'.

3.3 Europeanisation: convergence?

Following from the above, the analysis in this thesis is based on the assumption that a certain degree of Europeanisation of internal security has taken place within the EU, which is expressed by a degree of institutionalisation of counter-terrorism cooperation and a distinctive security discourse at the European level. Debates on the current state of play of EU security governance and its degree of actorness in this context seem to be inconclusive. Yet, the main strands of literature tend to be centered around Edwards and Meyer (2008) their statement that the EU is somewhere in the midst of the continuum between being a 'mere facilitator of member states' efforts' in counter-terrorism and a 'security provider' with 'operational role in its own rights' (Edwards & Meyer, 2008, p. 21).

In terms of EU counter-terrorism cooperation, the mechanism resembles Börzel (2002) his explanation of Europeanisation as a two way process in which the emergence of a set of intergovernmental common norms and practices enables the formation of a more supranational normative structure at European level, which in turn enables closer cooperation on operational level. To understand this development, this thesis relies heavily on a social constructivist reading of this process in which interests, preferences, identities as well as subsequent political behaviour are believed to be shaped by social interaction within and with the EU. An important factor in this is process is the formation of collective norms consolidated on the EU level, which constitute the rules of the game and redefine the interests of states.

The acknowledgment of this process of Europeanisation or socialisation in the field of counter-terrorism cooperation is the starting point for the analysis of this thesis. In the context of this thesis, europeanisation is understood as a socialisation process. The primary focus is to understand to what degree this process has impacted member states their security discourses and practices in this field. It does so by mapping the national standpoints and measures in the field of European cooperation in counter-terrorism and highlighting how

these nowadays relate to the EU stance. As the following analysis can not be seen in complete isolation from the processes leading up to the research context, the final part of the analysis will take the theoretical framework on socialisation (although with prudence and careful demarcation) into account. [7]

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[7] From hereon Europeanisation is used instead of socialisation for the reason of conceptual clarity.

CHAPTER 4: RESEARCH DESIGN

The following chapter sets out the research design for the analysis in this thesis. The research method adopted for this thesis is a *qualitative ideographic case study*. The research question is descriptive in nature: it aims to map and understand *how* national positions in counter-terrorism are related to the institutionalisation of EU Counter-terrorism and whether a certain degree of convergence has taken place resulting from Europeanisation. Following the definition of Yin (2003), this type of case study is 'used to describe an intervention or phenomenon and the real-life context in which it occurred' (in Baxter & Jack, 2008, p. 548). The analysis in this thesis consists of two levels. The first part of the analysis entails a holistic multiple case study on both EU level and national level on the evolution of counter-terrorism in relation to the three phases of terrorism encountered in Europe: post 9/11 international terrorism, homegrown terrorism and the rise of the foreign fighter phenomenon. The method applied to this part of the data analysis is the *method of structured focused comparison* performed through a so-called *critical discourse analysis..* The second part of the analysis consists of a comparative case study centred on the institutionalisation of European cooperation in counter-terrorism. This part of the analysis aims to understand how national standpoints with regard to countering terrorism have evolved in relation to the EU stance on counter-terrorism and looks at whether convergence has taken place in this context.

4.1 Research method: qualitative ideographic case study

The research question in this thesis will be answered through a qualitative case study approach. Yin (1994) defines a case study as: '..a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence'. Yin states that the 'distinctive need' for applying a case study method '…arises out of the desire to understand complex social phenomena' and has a distinct advantage over other methods when 'how' and 'why' questions are being asked (Yin, 1989, p. 3). A case study method should furthermore be considered when phenomenon and context are not clearly evident in real-life situations (Yin, 1989, p. 13). In a similar vein, Stake (1994) argues that a case study approach provides a mode of inquiry for an in-depth examination of a phenomenon (Stake, 1994, p. 244). Both are relevant characteristics of the research subjects and question in this thesis.

The case studies in this thesis are *ideographic* of nature, meaning that 'the aim is to describe, explain, interpret, and/or understand a single case as an end in itself rather than as a vehicle for developing broader theoretical generalisations' (Levy, 2008, p. 4). This analysis does not aim to draw generalisations beyond the cases covered in this thesis, nor does it aim

to derive theoretical conclusions from the results. Within *ideographic* case studies, a distinction can be made between *inductive/descriptive* and *theory-guided* case studies. What Levy (2008) labels as an *inductive* or *descriptive* case study (2008) is also known as a *configurative-idiographic* case study (Eckstein, 1975; Verba, 1967) or *atheoretical* case study (Lijphart, 1971). This type of case study adopts a strong interpretive approach and is not explicitly theory guided, but rather focused on contextual description (Landman, 2003; Levy, 2008). It furthermore follows the idea that everything is interconnected and therefore encompasses all aspects of a case. Theory-guided case studies on the other hand follow a concrete and explicit conceptual framework and are guided by explicit analytical assumptions and causal propositions. These case studies purposefully 'focus on some theoretically specified aspects of reality and neglects others' (Levy, 2008, p. 4).

Following Eckstein and Levy, this thesis is thus idiographic in nature in the sense that it aims to interpret a 'historical episode' rather than to generalise beyond the cases themselves (Levy, 2008). It is furthermore to a certain degree configurative in nature in the sense that it aims to 'present depictions of the overall configuration' in the particular cases of the EU level and national level. Although this thesis is guided by a theoretical framework on Europeanisation, socialisation processes and convergence, the aim of the analysis is not to demonstrate causality, but rather to look at the outcomes of this process, meaning that the framework primarily serves to explain the assumptions underlying the thesis. That being said, a key assumption within the thesis does entail the acknowledgement of causal importance of EU counter-terrorism cooperation in domestic change in this field. Furthermore, the theories and concepts set out in the previous chapter do not serve as a strict guideline for the analysis nor do they limit the scope of the case studies in any particular way.

The case study analysis consists of two layers. The first layer adopts a *holistic case study design* (Yin, 1989) consisting of five holistic *within-case* studies in which the EU and member states are studied separately. The term *holistic* indicates that only one unit of analysis – the respective counter-terrorism approaches - can be identified instead of multiple subunits as is the case in embedded case studies. (Yin, 1989). This part of the study serves the goal of mapping and understanding each respective (both national and EU) setting and standpoints. The second layer consists of a *comparative case study* between the member states and the EU. The aim of this part of the study is to determine national member states' their relative standpoints in the fight against terrorism in relation to the evolution of the EU stance of counter-terrorism.

4.3 Case selection

In the process of case selection, it is of importance that '…the unit of analysis is related to the way the initial research questions have been defined" (Yin, 1989, p. 22). The units of analysis in the case of this research are the *EU's* institutionalisation of counter-terrorism cooperation, and *European member states* their counter-terrorism approaches and related security discourses.

The member states selected for the case studies are: the United Kingdom, the Netherlands, Spain and Germany. The cases were selected with the nature of the research question in mind. In order to answer the question, the case selection does not have to adhere to strict selection criteria or a significant number of cases. Where Haverland (2005) for instance highlights the need for caution in case selection when aiming to demonstrate causality in Europeanisation processes, this applies to a lesser degree to the analysis in this thesis, which is as mentioned earlier, concerned with the outcomes of these processes. Following this line of reasoning, the four cases were selected with the aim to offer a representative picture of different EU member states perspectives, to encompass a variety of domestic backgrounds in terrorism and threat perceptions prior to 9/11, and general stances on cooperation in terrorism as part of internal security. Selection criteria that were taken into account included: stances on European integration and position within the EU, previous experience with domestic or international terrorism, existence of terrorism legislation, level of threat perception, harsh versus moderate approaches, stances on EU security cooperation, and high impact terrorist incidences or dismantlement of terrorist attacks on national soil during the period of analysis. The UK and Germany, for instance, can be considered each other's opposites in terms of stances regarding EU integration. The UK is known as a euro-sceptical member state, whereas Germany adopts a multilateral and predominant euro-enthousiastic approach. Furthermore, while all of the four cases have experienced terrorism prior to 9/11, only Spain and the UK had pre-set national legislation in place prior to the attacks. In view of general counter-terrorism approaches, the UK is known for its strong and proactive counter-terrorism policy, while the Netherlands and Spain hold a rather moderate approach.

A second selection aim was to avoid biased representation with regard to policy transfer directed towards more influential member states. For this reason, member states with an already significant impact in the field of terrorism were selected. Of this selection, three are part of the EU 'big five' - France, Germany, Italy, Spain and the United Kingdom. This selection criterion thus aims to reduce the effects of horizontal convergence.

By selecting countries as such, it allows to trace their evolvement over time across the different formative periods from different perspectives. A final selection criterion concerned

practical considerations with respect to language barriers in the analysis of data: Dutch is my first language and I possess a good command of English and Spanish.

4.4 Data Selection

As the research consists of an analysis on different levels and of different actors, the data selection processes differ as well. In general, a method of *data source triangulation* is applied across the analysis in order to increase the validity and reliability of the case studies and to provide for a more comprehensive context for the collected primary data. Therefore, the data used in this study is a combination of secondary data (e.g., journal articles, reports, news content) and primary data (e.g,, policy documents, legislation, speeches).   This line of reasoning is supported by Yin (2009), who states that '…the most important advantage presented by using multiple sources of evidence is the development of *converging lines of inquire,* a process of triangulation and corroboration…' (p. 115-116).

The analysis as a whole, but in particular the comparative case study, relies predominantly on primary sources and online news sources. Primary data in the case of the European Union include: EU policy documents in the area of counter-terrorism, security strategies, formal speeches by EU officials as well as informal statements, communications between EU institutions, reports, policy proposals, and memo's and press releases issued by EU institutions. For the member states these include: government publications, legislation, reports, speeches, interviews and conferences. The online news sources that inform the analysis include reliable national newspapers and news websites such as Euractiv and the EUobserver and databases such as Statewatch. Euractiv and the EUobserver are of particular importance since both of these sources provide reliable background information and records of interviews, speeches, and formal (Council of the EU and European Council) and informal meetings (e.g., meetings of the 'big five', the treaty of Prüm).

The first part of the analysis - the multiple case study - relies on both secondary and primary sources. The secondary sources, together with the use of primary data, provide for a general overview and serve as a context for the second part of the analysis – the . The second part of the analysis – the comparative case study - is performed with help of primary data and the context provided in the previous section. On EU level, the focus is put on the European Council and the Council of the European Union since those remain the institutions that hold the main responsibility in the field of counter-terrorism. The JHA Council formation in particular, has taken the lead in counter-terrorism related documents and measures since the terrorist attacks of 9/11. The counter-terrorism policy sectors that are included in the analysis are: anti-radicalisation and anti- terrorist recruitment, police and intelligence cooperation, judicial cooperation, infrastructure and transport protection, customs control and border security, anti-terrorism financing, response management and external relations. With regard

to the national case studies, primary data includes: government publications, legislation, speeches, interviews and conferences. Data sources used for this part of the study are government websites and newspapers.

The analysis covers the period from September 2001 until 2015, with a main focus on the initial periods after the three formative points that functioned as a catalyst for the EU approach to counter-terrorism. These formative points include: the attacks on the World Trade Center and Pentagon on 11 September 2001, the homegrown terrorist attack on Madrid in March 2004 and London in July 2005, and the rise of the foreign fighter phenomenon starting from the beginning of 2013. Consequently, the selected data covers the period from 2001 to 2015, with an initial focus on the years of: 2001 and 2002. 2004 until 2006, and 2013 and 2014.

In addition to the formative points, a list of documents is identified which are key to the development of the EU CT strategy. The table below provides an overview of these documents. The listed documents form the backbone for this analysis, however, where needed, other documents are used to support the list and to give a complete overview of counter-terrorism developments.

Date	Document
September 2001	EU Joint Declaration September 11 attacks in the US, DOC/01/12
September 2001	Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001 SN140/01
October 2001	Coordination of implementation of the plan of action to combat terrorism, 12800/1/01 (REV 1)
June 2002	Council Framework Decision of 13 June 2002 on combatting terrorism, 2002/475/JHA
June 2002	Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States 2002/584/JHA
December 2003	A Secure Europe in a Better World -European Security Strategy
March 2004	Extraordinary Council meeting – Justice and Home Affairs, 7555/04 (Presse 94)
March 2004	Declaration on Combating terrorism, revised Plan of Action
June 2004	EU plan of Action on combatting terrorism, 10010/3/04 REV 3
March 2005	The Hague Programme – Strengthening Freedom, Security and Justice in the European Union, 2005/C53/01
July 2005	Council Declaratoin on the EU response to the London bombings, 11158/1/05 REV 1
November 2005	The European Union Strategy for Combating Radicalisation and

	Recruitment to Terrorism, 14781/05
November 2005	The European Union Counter-Terrorism Strategy, 14469/1/05, REV 1
March 2006	Data Retention Directive of the European Parliament and of the Council of 15 March 2006, 2006/24/EC
December 2009	The Stockholm Programme – An open and secure Europe serving and protecting the citizens, 17024/09
May 2014	Revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism 9956/14
June 2014	3319th Council Meeting JHA
November 2014	Report on the implementation of the EU Counter-Terrorism Strategy

Table 1. Key documents in the development of EU Counter-terrorism cooperation

4.5 Data analysis method

There are two methods of data analysis applied in the following analysis.

First, the analysis employs what George and Bennett (2005) classify as a method of 'structured focused comparison'. This part is *structured* in that it is guided by a set of questions applied to all country case studies and *focused* in the sense that it 'deals only with certain aspects of the historical cases examined' (p. 69). The demarcation and aspects of focus in this part of the analysis are set out in the section below.

Second, a Critical Discourse Analysis (CDA) is applied to the case studies. A CDA is necessary in this case as discourse underpins political behaviour, meaning that the discourse on terrorism constitutes counter-terrorism practices (Hagmans, 2013). Following the constructivist perspective that terrorism is socially constructed (Hülsse and Spencer, 2008; Jarvis, 2009), our understanding and representation of the nature of this terrorist threat then lays at the heart of the narratives that underpin the terrorism discourse. For this reason, to uncover the terrorism discourse, we must look at '…the discourse in which the social construction of terrorism takes place', which can be found in the alleged core elements of the terrorist threat (Hülsse and Spencer, 2008).Performing a discourse analysis on a counter-terrorism approach concerns the 'vocabulary, assumptions, labels and narratives used to describe and explain the nature and causes of terrorism' (Jackson, 2007, p.234).

There are many different approaches to discourse analysis. The method applied in this analysis follows Fairclough (2003) his conceptualisation of a *textually oriented discourse analysis*. Fairclough distinguishes between two main types of CDA, which are textually oriented discourse analysis and non-textually oriented discourse analysis. Fairclough (2013) emphasises the dialectical relationship between discourse and social reality, he states that 'language use is always simultaneously constitutive of: (i) social identities. (ii) social relations,

and (iii) systems of knowledge and beliefs…' (p. 92). For this reason, social research must take account of language.

For performing a discourse analysis, Fairclough has developed a three-dimensional model consisting of three dimensions of discourse and three corresponding methods of analysis. The three dimensions of discourse are: (i) language text, spoken or written, (ii) discourse practices (text production and text interpretation), (iii) sociocultural practice. The corresponding methods of analysis include: (i) *description* of the language text through a textual analysis, (ii) *interpretation* of the relationship between discursive processes and text, and (iii) *explanation* of the relationship between the discursive processes and the social processes (Fairclough, 2013, p. 132).
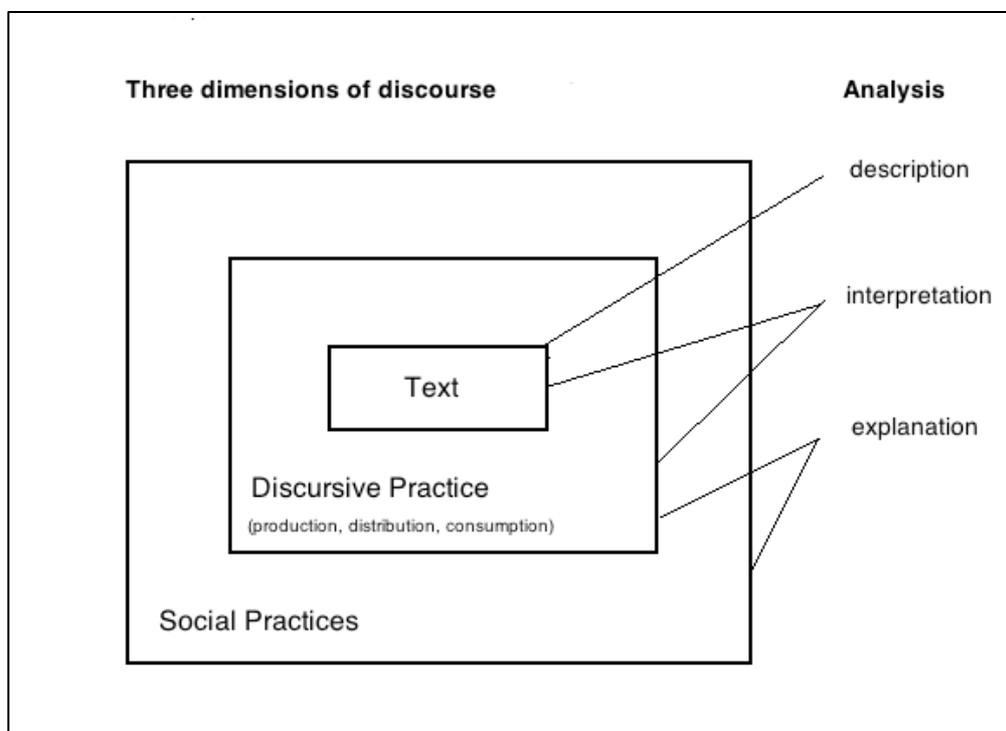
Figure 2. Fairclough's three-dimensional framework for discourse analysis.
Adapted from Social Theory of Discourse (p.73), by Fairclough, N.

In the first dimension of text, the focus is on *how* texts are constructed and *why* they are constructed in this particular way. An important notion here is the concept of *intertextuality*, which refers to the fact that 'texts draw upon, incorporate, recontextualize and dialogue with other texts' (Fairclough, 2003, p. 17). This concept is central to Fairclough his emphasis on change, meaning that language always builds upon earlier established meanings. (Jorgensen & Philips, 2002). The second dimension aims to understand processes of production, distribution and consumption of text. The third dimension may include different levels of social organisation: 'the context of situation, the institutional context, and the wider

societal context' (Fairclough, 2013, p. 95). All three dimensions are interrelated and constitute each other. As Jorgensen and Philips (2002) explain, it is through the discursive practices that texts shape and are shaped by social practice.

In doing so, a discourse analysis aims to show how language works to 'establish the initial ideational conditions of possibility for action' while at the same time constructing the widers structures of meaning that 'make those actions intelligible and legitimate' (Jackson, 2007, p. 234).

Fairclough his method is useful in that it provides for an applicable and guiding framework for an in-depth CDA while at the same time being loose in its application. One can choose where to begin the analysis, as long as all three dimensions of discourse are acknowledged and covered in the corresponding types of analysis. Fairclough furthermore acknowledges that CDA alone is not always sufficient in social studies and should be used together with other methods of data analysis (Fairclough, 2003). It is furthermore useful for studying the concept of terrorism, because the meaning of the notion of terrorism in itself is highly disputed and subject to ones own interpretation.

4.6 Operationalisation

The analysis in this thesis consists of two different layers. The first part of the analysis entails a holistic multiple case study on both EU level and national level on the evolution of counter-terrorism in relation to the three phases of terrorism encountered in Europe. The second part of the analysis consists of a comparative case study centred around the institutionalisation of European cooperation in counter-terrorism. This part of the analysis aims to understand how national standpoints with regard to countering terrorism have evolved in relation to the EU's stance on counter-terrorism and looks at whether convergence has taken place in this context. The adopted method of analysis in this part is a critical discourse analysis. The following two subsections contain an outline of the two levels of analysis.

The aim of the analysis is to answer the following main question:

To what degree have European member states shown convergence towards the European position on terrorism during the institutionalisation of European counter-terrorism cooperation?

When studying the above, we first have to clarify what is being analysed. It should first be noted that convergence is difficult to determine and varies across levels of analysis. For this reason, one needs to be specific with regard to the object of analysis and cautious in their statements (Börzel and Risse, 2000). In the case of this research, no clear taxonomy can be

established for comparing the EU impact on domestic level. However, a further demarcation of the objects of research is possible and necessary.

Börzel and Risse (2003) distinguish between three overlapping dimensions of domestic change: policy, politics and polity. This thesis is primarily focused on policies: standards, instruments, problem-solving approaches and policy narratives (p. 6). Within this dimension, the main focus lies on the framing of the terrorist threat across the three formative periods. Moreover, as stated in the previous chapter, the following analysis concerns the end results of the top-down approach of Europeanisation, meaning that the bottom-up approach is neglected for the purpose of this thesis. The analysis is furthermore confines itself to the *end results* of the top-down approach, leaving out the *processes* through which this takes place. The consequence of not taking into account the mechanisms by which top-down Europeanisation works is that this dimension is conceived as a black box in this analysis, in which it is assumed that socialisation somehow takes place and in-depth analysis on the *how* and *why* side of this process are left aside. The research question allows for this type of demarcation and the main reason for doing so lies in time and size constraints of the thesis.

Furthermore, the institutionalisation of European counter-terrorism is examined across three observed formative points which functioned as a catalyst for the EU approach to counter-terrorism and served as turning points in the framing of the terrorist threat: the attacks on the World Trade Center and Pentagon on 11 September 2001, the homegrown terrorist attack on Madrid in March 2004 and London in July 2005, and the rise of the foreign fighter phenomenon starting from the beginning of 2013. These points are considered as 'traumatic events' and functioned as a catalyst for the institutionalisation of the EU approach to counter-terrorism and each coincided with a reframing of the terrorist threat at EU level.

Period	Perception of the threat	Characteristics	Pillar
Post 9/11	Terrorism as a common external threat to European societies	Transnational network terrorism	Focus on protect
Post London and Madrid	Terrorism as an internal security threat, Europe is both a base and target.	Homegrown terrorism	Focus on prevent
Rise of Islamic State	Terrorism as both an internal and external security issue	Returning Foreign Fighter phenomenon	Focus on prevent and protect

Table 2. The three formative periods

4.6.1. Holistic Multiple Case Study

The first part of the study consists of a multiple case study on the four member states. The case studies are guided by the following questions and are chronologically divided according to the three formative periods specified above:

1	Threat Perception	How do member states conceptualise the threat of terrorism at each given formative point? (Short-term response and medium-term response)
2	Response	How is this translated into concrete measures?
3	EU level cooperation	What are the member states' stances on EU level cooperation?
		How and to what degree are EU measures transposed into national policy?

Tabel 3. Holistic Multiple case study design: guiding question

This part of the analysis is thus focused on the following aspects: the understanding of the threat, undertaking of concrete actions in response to the content of the threat and stances on multilateralism in EU cooperation. The main (policy) aspects considered in the study are: (i) rhetorical framing of the threat; (ii) data and intelligence sharing; (iii) police and judicial cooperation; and (iv) balance between repressive and preventive measures. First, how the terrorist threat is framed is key to understanding the responses to the terrorist threat (Beck Miner, 2013) Second, data and intelligence sharing as well as police and judicial cooperation are important aspects of European level cooperation in counter-terrorism and have been the subject of much debate. Third, the balance between repressive and preventive measures is a much-discussed topic in the literature as well as within the EU and is closely related to the security-freedom trade off (Pastore et al., 2005). The above questions will be compared across the three formative periods to highlight the changes over each period of time.

I herein apply a constructivist approach following Risse (2009) his line of reasoning: 'if we want to understand and explain social behaviour, we need to take words, language and communicative utterances seriously'. It is through discursive practices that agents make sense of the world and attribute meaning to their activities' (p. 149). This part of the analysis will look at whether the evolvement of the terrorist threat has resulted in a convergence of national security discourses in the field of terrorism towards the European position. Guided by Fairclough his three-dimensional framework for discourse analysis, the section will take into account the three levels of discourse (text, discursive practice and social practice) according to three corresponding levels of analysis (description, interpretation, explanation).

4.6.1. Comparative Analysis

The final part of the research, chapter 6, aims to deliver an in-depth analysis on the degree of national convergence towards the European position on counter-terrorism. It consists of a comparative analysis in which the findings from the domestic case studies are put against the case study on the European Union with the aim to answer the research question. It looks at where collective measures were possible, where intersubjectivity exists in this field and whether a certain degree of socialisation or Europeanisation can be identified. In doing so, the final section will necessarily take into account theories on Europeanisation and policy convergence.

4.7 Limitations

As is the case within many social science research, limitations and pitfalls exist in answering the research question of this analysis. These limitations must be acknowledged and a proper demarcation of the scope of the research must be made in order to avoid false statements.

The analysis in this thesis states to map the degree of converge within the EU on a domestic level. However, due to the scope of this thesis, it is not possible to cover all 28 member states in this analysis, the sample size is therefore limited to four cases. I have taken into account the possibility to perform a quantitative study as to avoid limitations with regard to the sample size, but have chosen not do so for the following reasons. First, national standpoints are difficult to categorise or classify in measurable data, especially since counter-terrorism is a field that covers multiple policy areas. As Yin (1989) pinpointed, case studies concern a distinctive situation in which there will be many more variables of interest than data points. Furthermore, measures taken in view of counter-terrorism are often interrelated to other security issues, which makes it difficult to identify the reasoning behind certain actions or standpoints. Second, in order to identify convergence a more detailed study is required, for which a quantitative study is not suitable.

A second limitation can be found in the discursive approach itself. An inherent limitation to adopting a discursive research method is that discourse does not always reflect actions. As Schmidt and Radaelli (2004) pinpoint, 'sometimes words reflect action, and sometimes they obscure or even belie action' (p. 194). For this reason, it is important to acknowledge the broader institutional setting in which discourses are situated. Furthermore, the impact of material factors and variables should not be disregarded (Schmidt and Radealli, 2004). This thesis aims to minimise this factors by dividing the analysis in two parts, where the first parts consists of a multiple case study on the counter-terrorism standpoints, and the second part compliments this with a comparative case study through a discourse analysis.

Furthermore, it should be noted that within this analysis no statements can be made about the causal impact of processes of Europeanisation or socialisation on member states. For this reason, the research question in this thesis is focused on understanding how the domestic level relates to European level and what degree of convergence can be identified, it does not aim to understand to what degree processes of socialisation can explain this change. Even if the aim was to establish a causal explanation there is a risk of overestimating the effects of Europeanisation and neglecting other important explanatory factors on domestic level, such as changes in discourse due to norm entrepeneurs, changes in government, etcetera. Other exogenous factors may have had an impact as well, such as the normative role of the UN or other states that might have served as a policy example.

CHAPTER 5: MULTIPLE CASE STUDY ANALYSIS

5.1 Introduction

This chapter sets out an analysis of the evolvement of counter-terrorism discourse and practices at both EU and national level. In doing so, it aims to offer insight into how the standpoints at both levels have evolved over the three formative points that functioned as a catalyst for the EU approach to counter-terrorism. As mentioned previously, these formative points include: the attacks on the World Trade Center and Pentagon on 11 September 2001, the homegrown terrorist attack on Madrid in March 2004 and London in July 2005, and the rise of the Foreign Fighter phenomenon starting from the beginning of 2013. In particular the attacks of 9/11 and the homegrown attacks on Madrid and London can be seen as formative points in European counter-terrorism in the sense that they pushed forward closer cooperation between EU member states. Not only did these three points in time shook Europe and accelerate cooperation under the framework of the EU, they are also important in that they each represent a different phase of terrorism, as will be laid out below in this chapter. As shown in chapter 2, EU cooperation in counter-terrorism has shown a substantial degree of institutionalisation over the course of the last 15 years. Underlying this process of institutionalisation is the formation of a certain degree of common perception of the terrorist threat between EU member states. The one thing that we can say thus far is that this threat perception consists of a shared view in which states perceive terrorism to pose a substantial enough transnational and common threat to their national security to enable this level of institutionalisation at EU level.

This part of the analysis consists of two parts. Firstly, it will elaborate on the EU perception of the terrorist threat and the discourse and practices underlying the institutionalisation of the EU counter-terrorism policy across the three formative moments. Secondly, it will provide for a case study on how national stances on terrorism have evolved in relation to the EU standpoint on counter-terrorism. The next chapter will subsequently building on the findings of both sections and elaborate on whether a certain degree of convergence has taken place in this field.

5.2 European Union

5.2.1 Introduction: counter-terrorism cooperation prior to 9/11

'Terrorism was not invented on 9/11', as many have stated before, yet for the European Union (EU) in some means it was. Although by this time international terrorism was not a new phenomenon to Europe and had already set a foot in the door of the European security agenda, it was not perceived as a significant common threat either. The terrorist threat remained largely domestic in nature and European states saw no need in further expanding the limited intergovernmental and mostly informal cooperation in countering terrorism that was already in place at this time.

To set the scene for the development of EU counter-terrorism, it is necessary to go back to the early 1970s. Around this time, European countries that were familiar with terrorism were mostly facing *internal terrorism* bread within their own national borders. Accordingly, terrorism was mainly an internal security issue. During the 1970s, the terrorist threat in Europe predominantly originated from national left-wing groups or separatists striving for revolution, communism or other political goals, such as the *Red Brigades* in Italy, the *Red Army Fraction* in Germany and the *Irish Republican Army* in Ireland (Council of the EU, 2005; Kudnani, 2012). In the late 1970s, the character of terrorism began to change with the rise of transnational terrorism, such as the murder on 11 Israeli athletes in Munich during the Olympics of 1972 by a Palestinian terrorist organisation and heightened tensions in the Middle East (Baker-Beall, 2014). As a consequence of this new *international terrorism*, European states became forced to take on a more intergovernmental approach in dealing with these threats. (Hoffman, 2002, 2006 in Baker-Beall, 2014). Although the number of terrorist incidences remained constant, governments and scholars started to experience a shift in the nature of terrorism around the mid 1990s. This new terrorism was increasingly driven by religious goals, rather than ideological goals and was aimed to cause a larger number of casualties (Crenshaw, 2008, in Baker-Beall, 2014).

Even though EU counter-terrorism cooperation slowly took form during these years and became formalised under the third intergovernmental pillar with the signing of the treaty of Maastricht, it was still considered to be an integral component of other interlinked security concerns, such as drug trafficking, illegal immigration and organised crime (DG for external policies, 2008). Until the attacks of 9/11, counter-terrorism would not form the impetus behind further deepening and integration in the field of internal security and remained under the umbrella of the intergovernmental third pillar. The reason being that member states simply did not perceive terrorism to be a transnational threat needing cooperation under the

framework of the EU. It was furthermore in line with the general security policy across Europe, which was primarily a realm of national interest and responsibility for each member states, in which member states were – and still are – reluctant to give in on their sovereignty (Weiss, 2013).

5.2.2 EU Counter-terrorism cooperation post 9/11: Terrorism as a common external security threat to European societies

Three days after the attacks, the heads of state and government of the EU, the President of the EP, the President of the European Commission and the High Representative issued a Joint Declaration in which they strongly condemned the attacks and expressed their solidarity with the US (EU, 2001). The attacks gave momentum to the meta-narrative of a European *fight against terrorism*, a discursive construction that would become equivalent to European cooperation in this domain as well as a driving force behind its integration and institutionalisation. As the Council proclaimed shortly after the attacks: 'the fight against terrorism, will, more than ever, be a priority objective of the European Union' (European Council, 2001, p.1). The Joint Declaration, in line with subsequent EU publications and communications, was characterised by an unprecedented strong response to the attacks on a rhetorical level. The document refers to the attacks as 'acts of savagery', an 'assault on humanity' perpetrated by 'faceless killers', an 'evil' that had to be eliminated (EU, 2001, p.1). These strong speech acts reflect the discursive load of the notion and justified, under the guise of the fight against terrorism, a swift adoption of the various counter-terrorism measures, instruments and institutions that would be agreed upon in the immediate aftermath of the attacks. The attacks marked the first phase of a process of progressive institutionalisation of European cooperation in terrorism and accelerated the development of an area of freedom, security and justice.

Moreover, even though the attacks were committed on American soil, the EU perceived the attacks to be much broader than that and portrayed the acts of terror as a global threat to the Western democratic world, by stating that 'these attacks are an assault on our open, democratic, tolerant and multicultural societies' and that "*our* [emphasis added] citizens will not be intimidated" (European Council, 2001, p. 1) In other words, the threat posed by terrorism underwent a certain degree of internalisation, or rather, *europeanisation* (Monar, 2007), in which the terrorist threat became defined as a 'real challenge to the world and to Europe'; a global threat posed to Western societies instead of an isolated attack aimed at the United States (European Council, 2001). This perception is clearly reflected in the swift acceleration of EU police, intelligence and judicial cooperation in this field.

In the succeeding period, the terrorist threat came to be framed as an external, global, common, transnational, hierarchical and religiously motivated threat aimed to cause massive causalities with an Islamic extremist terrorist network at its core (e.g., European Council, 2003). This threat was acknowledged as a new phase in terrorism. Gijs de Vries stated that '…we are familiar with terrorism. But indiscriminate cross-border religiously motivated terrorism is new' (CVCE, 2004). Interestingly, even though Council situation and trend reports acknowledged the existence of an Islamic threat connected to the Al Qaeda network, official documentations refrained from directly linking terrorism to the Islam and Al Qaeda was hardly ever mentioned in EU publications. Official EU documents only referred to the *Muslim World* in the context of rejecting equations of terrorism and Muslims and encouraging coalitions in the fight against terrorism (e.g. Council, 2001b; 2002a; 2002b). The European Security Strategy would be the first official publication in which the EU directly referred to 'religious extremism' as source of the terrorist threat (p. 3).

With the adoption of the *Framework Decision on Combatting Terrorism* (2002/475/JHA) in June 2002, the EU agreed upon a broad common definition and a legal framework for the prosecution of terrorists. In doing so, the EU laid the foundation for national legislative harmonisation of counter-terrorism and cleared the path for closer judicial and police cooperation. As described in the framework decision, a 'terrorist offence' is an offence that 'may seriously damage a country or an international organization' with the aim of: 'seriously intimidating a population; or 'unduly compelling a government or international organization to perform or abstain from performing any act'; or 'seriously destabilising or destroying the fundamental political, constitutional, economic, or social structures of a country or international organization' (Council, 2002d, p. 2). The EU notion of terrorism in the direct aftermath of 9/11 thus describes terrorism as an external criminal offence as part of the JHA pillar requiring a criminal justice-based response based on law enforcement (DG for external policies, 2008; Jackson, 2007). The EU its criminalisation of terrorism and emphasis on law enforcement stood directly opposed to the US its military driven approach, which conceptualised terrorism as an act of war. This difference in perception was clearly illustrated in their respective discursive constructions of threat: whereas the EU referred to its counter-terrorism approach as a *fight against terrorism,* the US systematically referred to it as the *war on terror* (Jackson, 2007; Keohane, 2005). Related to this discourse, the EU held an overall negative opinion towards a war in Iraq and saw an invasion of the country as a last resort (European Commission, 2003; "United in theory, divided in practice", 2003, February 20).

The European Security Strategy of 2003 reaffirmed the key priority of terrorism by listing it as one of the five interlinked key threats to European security among the proliferation of weapons of mass destruction, regional conflicts, state failure, and organised crime (European Council, 2003). The ESS highlights the interconnectedness between these threats and describes them as being 'more diverse, less visible and less predictable'. Due to their complex nature, 'no single country is able to tackle these problems alone. In addition, the ESS states, due to increased convergence of European interests and member states' mutual solidarity, the EU should take the responsibility for global security and in building a better world (European Council, 2003, p. 1&3). With this, the ESS not only emphasised the necessity for closer cooperation, but also ascribes member states a certain moral accountability in taking this responsibility to achieving a more secure Europe.

The ESS describes the current phase of terrorism as 'well-resourced, connected by electronic networks', and 'willing to use unlimited violence to cause massive casualties' (p. 3). It underlines the complexity of causes behind the terrorist threat, including the 'pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies' (European Council, 2003, p.3). In order to deal with this threat, a mixture of instruments was required, under which 'intelligence, police, judicial and other means' (European Council, 2003, p.7). The ESS was a clear call for a multidimensional response to the terrorist threat (Monar, 2007).

In addition, the ESS implicitly changed the maintained perception of terrorism at that time, by stipulating that Europe is now '… both a target and a base for such terrorism', meaning that terrorism had both an internal and external character (European Council, 2003, p.3). It is therefore important to note that the full internalisation of the terrorist threat that would become the norm after the homegrown terrorist attacks of 2004 and 2005 has is roots in the ESS of 2003. This internal perception of the threat was not surprising, given that the years 2002 and 2003 were characterised by the identification of a significant number of to Al Qaeda linked logistical terrorist cells across EU member states (Council, 2002a; 2002b). Moreover, the ESS indirectly described terrorism as not only posing a physical threat to Europe, but also as an immaterial threat that undermined 'openness' and 'tolerance' of the EU (European Council, 2003, p. 3).

The events of 9/11 thus provided for a surge of new, but mostly previously initiated, measures in the field of counter-terrorism, in particularly focused on intelligence sharing, and judicial and police cooperation. It set in motion a legislative harmonisation that opened the door for closer cooperation, consisting of measures such as (chapter 4): a common definition for terrorism, maximum and minimum sentences for terrorist offences, legislation on asset freezing and terrorist financing and the European Arrest Warrant. Furthermore, a number of

structures for enhanced cooperation and coordination between national services were developed or strengthened such as Eurojust, Joint Investigation Teams and the extension of Europol's and SITCen's mandate. These developments were facilitated by strong speech acts under the narrative of the European *fight against terrorism.* From 2001 to 2003, the *europeanised* terrorist threat underwent a transformation from a purely external and global threat towards a more complex threat with both an internal and external character. The attacks allowed for a certain harmonisation of EU security policy and paved the path for the adoption of ambitious counter-terrorism measures that had been on the agenda ever since the Tampere Summit. such as the Framework Decisions on the definition of terrorism, Joint Investigation Teams and the European Arrest Warrant. It is safe to say that the 9/11 attacks led to a certain degree of bottom up Europeanisation that allowed for top-down Europeanisation in the field of judicial, police and intelligence cooperation.

5.2.3 EU cooperation in counter-terrorism after the attacks on London and Madrid: Europe as both a base and target of terrorism

The homegrown terrorist attacks of 11 March 2004 on Madrid constituted the second formative moment for EU counter-terrorism cooperation and the terrorism discourse. As the European Council's Declaration on Combating Terrorism reads: 'the callous and cowardly attacks served as a terrible reminder of the threat posed by terrorism to our society. Acts of terrorism are attacks against the values on which the Union is founded' (European Council, 2004a, p.1).

Not only were the Madrid bombings the first major instance of Islamic terrorism on European soil, they also reaffirmed that Europe was now indeed 'a target and a base for terrorism' (European Council, 2003). The threat was no longer a global, abstract and external security threat, but now stemmed from radicalised individuals originating and operating within European societies themselves without formal or direct ties to larger terrorist networks; also known as *homegrown terrorism* (Crone & Harrow, 2010; de Vries, 2004). Consequently, the attacks marked the full internalisation of the terrorist threat within Europe and gave a new impulse to the 'EU-isation' of the *fight against terrorism.* The threat was furthermore perceived to be increasingly focused on soft targets and civilians, rather than key infrastructure and causing mass causalities.

The recognition of the threat of homegrown terrorism resulted in a focus on the prevention of terrorism with at its core the aim to uncover the root causes of the terrorist threat. This renewed focus was mirrored in the European Council Declaration, which listed the aim to address '…the factors which contribute to support for, and recruitment into, terrorism' as one

of its high level strategic objectives for the enhancement of the EU Plan of Action to Combat Terrorism. (European Council, 2004a, p. 9).

The recognition of the threat of homegrown terrorism opened new ways of thinking about the threat and in the following months many consultations and studies on the issue were held to gain a deeper understanding of the current threat situation (Coolsaet, 2010). In May the same year a joint assessment undertaken by COTER and TWG, identified the following root causes: radicalisation, regional conflicts and failed or failing states, globalisation and socio-economic factors, alienation, propagation of an extremist world-view, and systems of education' (Coolsaet, 2010; Confidential Council document 11562/04). The characteristics of terrorism were thus evolving, and to address this change the EU had to adjust its approach accordingly. It was against this backdrop that the European Council called upon the Council to develop a strategy to combat radicalisation and recruitment to terrorism, which would be finalised and adopted by the end of 2005.

In November 2004 the Council approved the Hague Programme on strengthening freedom, security and justice in the EU. In contrast to its predecessor the Tampere Programme, the balance between freedom, security and justice in the Hague Programme was verged more towards the security pillar: security issues in general and terrorism in particular were predominantly emphasised in the programme. More remarkable is that the pillar for strengthening freedom was now infiltrated with security topics that traditionally did not belong in the scope of this pillar, such as biometric identifiers and data, the fight against illegal immigration and border checks (Balzacq & Carrera, 2013; Council, 2005b). It further stressed the need for solidarity between member states and between member states and the Union as a whole, by stating that 'effective prevention and combating of terrorism in full compliance with fundamental rights requires Member States not to confine their activities to maintaining their own security, but to focus also on the security of the Union as a whole' (Council, 2004e, p.28).

The EU response to the terrorist attacks in Madrid evolved very much in line with its response to the events of 9/11. The attacks prompted a surge of both previously initiated and new measures within only a couple of months after the attacks and accelerated closer cooperation within the EU. However, again similar to the post 9/11 period, a return to normalcy set in as time passed by and slowed down the developments that had been set in motion.

Amidst the preparations for a more comprehensive approach to counter-terrorism and in particular radicalisation and recruitment to terrorism, Europe was struck by another serious terrorist attack. The London bombings of 7 July 2005 were the second major homegrown terrorist attacks on European soil. The attacks were met with a similar rhetorical reaction as the Madrid attacks. The Council declaration reaffirmed its commitments in the field of terrorism and reconfirmed that the attacks stood 'affront to universal values on which the European Union is based'. Against the backdrop of the London attacks, however, the Council declaration introduced a new rhetorical element: 'central to those values is commitment to democratic and open institutions and societies governed by the rule of law within which people of *all faiths and backgrounds* can live, work and prosper together [emphasis added] (Council, 2005c). Whether at this point the reference to religion was consciously related to a more sensitive discourse in light of radicalisation is unclear, however, it does mark the beginning of a more cautious approach towards the use of language.

In response to the call for a more comprehensive approach and building upon preparations that had started after the attacks on Madrid, in November 2005 the EU simultaneously issued two landmark documents in its fight against terrorism: the *European Union Strategy for Combating Radicalisation and Recruitment to Terrorism* and the *European Union Counter-Terrorism Strategy* (Council, 2005/11/22a; 2005/11/22b). The Strategy for Combating Radicalisation and Recruitment contains three main strands of action: to disrupt the activities of networks and individuals who draw people into terrorism; to ensure that voices of mainstream opinion prevail over those of extremism; and to promote more vigorously security, justice, democracy and opportunity for all.

The strategy identifies propaganda of 'a particular extremist worldview', or narrative about the West, as the core of the issue which 'distorts conflicts around the world as a supposed proof of a clash between the West and Islam' and which incites anger and both explains and aggravates grievances, making individuals more inclined to resort to violent radicalisation or recruitment (p.3). To overcome this, the EU must ensure that moderate voices are empowered to prevail over the 'distorted version of Islam put forward by Al-Qa'ida and others'. Interestingly, not only the perceptions on Western policies need to be addressed, but 'unfair or inaccurate perceptions' of Muslims and Islam as well.

In addition, the strategy lists a number of conditions, which can serve as a driving force in the radicalisation process. These conditions include: poor or autocratic governance; states moving from autocratic control via inadequate reform to partial democracy, rapid but unmanaged modernisation; lack of political and economic prospects; unresolved international and domestic strife; and inadequate and inappropriate education or cultural opportunities for young people (p. 4). These conditions are in general not present in the EU, but might be an

issue in segments of society, states the document. This acknowledgment was of significant importance as it was the first time that the EU explicitly incorporated social and economic problems as driving forces of terrorism. To overcome this, the EU must both focus on tackling discrimination and inequalities as well as promoting 'good governance, human rights, democracy, […] education and economic prosperity' outside Europe (p.5).

Furthermore, for the first time in its fight against terrorism, the EU actively seeks to engage Muslim communities in the fight against terrorism. It calls upon the public in general and Muslims in particular, to actively engage in addressing this issue and underlines the need for closer cooperation with Muslim communities. Measures proposed under this header include the promotion of dialogue, conversing with Muslims in order to create a deeper understanding of the issue, encouraging moderate imam voices to stand up, and calling upon Muslims in particular to explicitly condemn extremist activities.

In addition, the strategy advocates for the development of a 'non-emotive lexicon' for discussing these issues in order to not aggravate divisions in society and to stop making a link between Islam and terrorism (p.4).

Lastly, the strategy identified new means through which radicalisation and recruitment are being facilitated, including the Internet, prisons and places of education or religious training (Council, 2005/11/22a, p.3). Internet in particular would become acknowledged as an important facilitator of radicalisation and recruitment to terrorism.

With the strategy on radicalisation and recruitment to terrorism, the EU counter-terrorism discourse took on a different direction. It explicitly acknowledged the threat posed by Islamic extremism and underlined the importance of engagement of the Muslim world. By taking on the threat through an individual perspective, while at the same time taking into account social and economic factors, it broke away from an approach that was still very much build upon the threat posed by an external, global and network-type of terrorism. It displayed a deep understanding of the impact that language can have and would continue to incorporate this in its further communications (Jackson, 2007). The strategy also made clear that, even though the terrorist threat was now characterised by a predominantly internal character, the external dimension was still an indivisible part of terrorism.

The *European Union Counter-Terrorism Strategy* was a landmark document in the sense that it provided for more policy coherence through developing the first EU multidimensional, comprehensive strategy for guiding future actions in view of counter-terrorism. With actions divided across its prevent, protect, pursue, and respond pillars, the strategy aimed to realise the Union's strategic commitment: 'to combat terrorism globally, while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and

justice' (Council, 2005/11b, p. 3). The strategy integrated the content of the Strategy on Radicalisation and Recruitment to Terrorism into its prevent pillar and therewith addresses the root causes or factors leading to radicalisation and recruitment. By issuing both documents separately yet simultaneously, the EU send out a clear message of radicalisation and recruitment to terrorism being a fundamental priority in its counter-terrorism approach. Key priorities include issues such as a common approach to tackle problem behaviour, strategies to better explain EU policies, promotion of good governance, democracy, education and economic prosperity, inter-cultural dialogue, development of a non-emotive lexicon for discussing the topic, and research on the issue in order to develop effective policy responses.

The protect pillar concerned the protection of citizens and infrastructure and the reduction of vulnerability to attacks and included priorities related to furthering police and intelligence cooperation and information sharing. Key priorities concern the introduction of biometrics in EU passports, establishment of the VIS and second generation Schengen information system (SISII), risk analysis by the newly established European Border Agency FRONTEX, common standards for aviation, port and maritime security, an overall programme for critical infrastructure protection, and further research on the topic. The pursue pillar is focused on the pursuit and investigation of terrorists across borders and globally. Key priorities include the strengthening of national capabilities through peer evaluation, increased use of Europol and Eurojust for police and judicial cooperation and integration of the Joint Situation Centre's threat assessments, mutual recognition of judicial decision through adoption of the European Evidence Warrant, implementation and evaluation of existing legislation and the ratification of international Treaties and Conventions, the principle of availability of law enforcement information, tackling of access to weapons and explosives and terrorist financing, and technical assistance to third countries. The final pillar, the respond pillar, stands for the preparation for terrorist attacks and to manage and minimise the consequences of an attack in terms of the aftermath, response and assistance to victims. Focus areas are a community mechanism for civil protection, EU crisis co-ordination arrangements and supporting operational procedures, revision of legislation on the Community Mechanism for civil protection, development of risk assessment, improved co-ordination with international organisations, and sharing of best practices and approaches for assistance to victims of terrorism (Council, 2005e). The strategy furthermore underlines that member states themselves are primary responsible in this area, yet emphasises the added value of collective action through the EU (Council, 2005e).

The London attacks reaffirmed the internal and individual character of the terrorist threat and aimed to establish a deeper understanding of the roots of and complex driving forces behind

radicalisation and recruitment. It led towards a more holistic approach that showed a greater understanding of the complexity of the threat and its underlying causes.

The homegrown attacks again changed the concept of terrorism known to date and allowed for further harmonisation in the field of counter-terrorism legislation and measures resulting in the adoption of two land-mark documents: the European Union Strategy for Combating Radicalisation and Recruitment and the European Union Counter-Terrorism Strategy. It is furthermore worth noting that central to the anti-terrorist approach in this period was the explicit role for human rights and the rule of law. As Counter-Terrorism Coordinator de Vries stated, Democractic states must avoid doing the very thing that terrorists expect of them, which is to overreact. They must conduct their fight in accordance with the rule of law' (CVCE, 2007). In the aftermath of the homegrown attack, further Europeanisation of counter-terrorism cooperation took place in the fields of judicial, police and intelligence cooperation. A particular step forward in information sharing was the Directive on data retention. Furthermore, customs and border security was enhanced through the adoption of the Visa Information System, the Schengen information System was broadened and the concept of biometrics was introduced.

5.2.4 The Foreign Fighter phenomenon: internal and external dimension
The rise of the Foreign Fighter phenomenon can be characterised as the most recent phase in the European terrorist threat. The threat concerns IS trained violently radicalised European citizens who upon return from IS occupied territory are incited to committed terrorist attacks on European soil.

The issue of foreign fighters joining IS differs from the previous two phases of terrorism in that the demarcation of the issue and the start of the phase are less clear than the rise of strictly transnational terrorism and homegrown terrorism. Furthermore, the rise of the foreign fighter phenomenon is not marked by a sudden critical event. Already around the end of 2012 it became clear that the amount of European foreign fighters leaving for Syria to join the Islamic State (IS) and to receive training had increasing and the threat of returning foreign fighters soon became of concern to European states (Europol, 2013). Since late 2013, the foreign fighter issue became a top priority of EU counter-terrorism and by the end of 2014 the Council had identified that more than 3000 EU citizens were involved in the phenomenon of foreign fighters (Council, 2014c).

What is new in the threat posed by the foreign fighter threat is that it is a clear two-dimensional threat with both an external and internal character that both reinforce each

other. The threat is external in that it stems from IS and requires a stronger focus on Syria, Iraq, Libya and the Sahel. To address this we must '… continue to promote good governance, rule of law, human rights, democracy, education, economic development, security sector reform, and stability by means of political dialogues and via our assistance programmes' (Council, 2014/05/09). The threat is internal in that individuals from within our societies are participating in the phenomenom, being misleaded and lured into joining the caliphate by IS its 'narrative of religion' and 'ideology that feeds on fear' and creates cleavages and hatred' (Mogherini, 2015). The internal character reinforces the need for a stronger preventive approach focused on countering the IS narrative and addressing cleavages and grievances in society through socio-political measures (Council, 2014a; 2014c). The prevent pillar is now focused on both preventing individuals from leaving to join the caliphate as well as the terrorist threat posed by those returning to Europe after having received training from IS. This requires a three-fold inclusive policy focused on the preventive counter-radicalisation, disengagement as well as deradicalisation (Council, 2014/05/09).

Furthermore, the rise of IS led to a change of focus and rhetoric in the prevent pillar. In response to the current threat perception, the EU more strongly advocates for the distinction between Muslims and terrorists. As High Representative Federica Mogherini stated, 'the terrorists also want to divide us from our Arab and Muslim friends, here and in our region. […] Their un-holy war has nothing to do with faith' and 'Muslims [themselves] are the first victims of Dae'sh' (Mogherini, 2015).

This shift towards an even more sensitive rhetoric is also reflected in the revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism of May 2014 (Council, 2014a). The revision of 2008 already showed a step towards a more neutral discourse by avoiding conflating Muslims with terrorism through, for instance, replacing labels as 'Muslim groups' to 'faith groups' and a general decrease in the use of Muslim and Islam rhetoric. The 2014 revision goes a step further and avoids using any Islamic or Muslim-related terms.

The revised strategy further acknowledges the involving character of terrorism and adds the phenomenon of foreign fighters to forms of terrorism (Council of the EU, 2014a). To counter radicalisation, the revised strategy puts *promoting of security, justice and equal opportunity for all* at the top of the agenda. Compared to the 2005 Strategy and revised strategy of 2008, the 2014 strategy puts more emphasis on internal societal factors contributing to an environment favourable to radicalisation, such as 'inequality, marginalisation, social exclusion, and a difficult access to quality education' (Council, 2014a, p. 6).

Furthermore, the strategy now makes even more use of an inclusive approach towards communities and civil society in general. For instance, the strategy states that counter-narrative initiatives should be carried out together with 'those with local influence', under

which community leaders, teachers, families, academics, religious leaders and 'others who lead or shape public opinion and who can tell a positive and credible story'.

Consequently, the rise of the foreign fighter phenomenon led to a renewed focus on the terrorist threat, in particular the prevent pillar of EU Counter-terrorism. Internet and social media were already prior to the rise of IS identified as instruments used in the radicalisation and recruitment process, however, after 2013 they became identified as the most critical sources in the spread of radicalisation and recruitment to terrorism as well as an instrument to prevent people from turning to terrorism (Council, 2014c). In the revised counter radicalisation and recruitment strategy, Internet and social media are described as means for the 'dissemination of propaganda material, fundraising, recruitment and communication with like-minded individuals, but also as a virtual training camp, as well as a means of exchanging skills and know-how' (p. 9). In this context, the EU now explicitly recognised the importance of effective and tailor-made government communications to challenge extremist ideas (Council, 2014c).

The phenomenon of foreign fighters made further clear that a deeper understanding of the driving forces behind the radicalisation process was necessary (Council, 2014c). Besides research to better understand the phenomenon, education became critical to prevent and counter people from radicalising (Council, 2014c). Different thematic working groups and awareness raising programmes were encouraged and developed to better inform policy makers.

In general, the EU now advocates for a more multi-level and comprehensive approach in order to build resilience against the radicalisation and recruitment process. This approach includes the recognition of a complex process during which extremist ideas develop in an individual and requires intervention from both the EU and the national level, as well as civil society and the private sector.

5.3 Conclusion

The EU discourse on counter-terrorism has clearly evolved through three different phases of terrorism. The first phase following the attacks of 9/11 can be characterised by an international and hierarchically organised terrorist threat with an Islamic extremist network at its core, aimed at causing mass casualties. This type of terrorism was not only a threat to material security of European states, but also to Western democratic values and openness. Moreover, the threat was not targeted at one state in particular, but to 'us', the Western world in general. The new global Islamic extremism was met with strong speech acts under the narrative of a European fight against terrorism and cleared the path for closer intelligence,

judicial and police cooperation on counter-terrorism within the framework of the EU. More importantly, it marked the beginning of a distinctive discourse on terrorism at the European level, that gave rise to cooperation in intelligence sharing, judicial and police cooperation and led to initial legal harmonisation facilitating further cooperation in counter-terrorism.

The second phase is the rise of homegrown terrorism after the attacks on Madrid and London in 2004 and 2005. The homegrown terrorist threat resulted in the full internalisation and europeanisation of the terrorist threat and led to a focus on the concept of radicalisation and the root causes underlying this process. It furthermore gave rise to a more holistic, inclusive and socio-economical approach to dealing with the threat, which in turn required awareness of the effects of language and the development of a non-emotive lexicon.

The most recent phase of terrorism in Europe is the returning foreign fighter phenomenon. This phase is marked by a two-dimensional threat requiring both an internal response focused on preventing radicalisation, disengagement and deradicalisation, as well as an external approach focused on the promotion of good governance, the rule of law, stability and economic development in critical regions of the world. To achieve this, the EU advocates for a multilevel and comprehensive approach with an even more sensitive rhetoric.

PART II: EUROPEAN MEMBER STATES

Prior to the attacks of 9/11, European experiences with terrorism and responses to the threat varied greatly from member state to member state. While some European states had extensive experience with terrorist groups operating on their soil, other states had had hardly any exposure to the phenomenon of terrorism. Prior to 9/11, only six out of 15 countries had significant experience with terrorism: the United Kingdom, France, Spain, Germany, Italy and Portugal. At the time of the attacks, only 5 member states had specific counter-terrorism legislation in place: the UK, Germany, Italy, Spain and France (Statewatch, 2001). The existence and depth of national institutional frameworks to deal with the terrorist threat varied amongst states as well. Generally speaking, both the terrorist perception and the means used to tackle the threat were far from uniform during this time.

Other factors, such as domestic political factors play a part in the formation of the terrorism responses, influenced the speed of the implementation of EU measures and debates on sensitive issues such as freedom versus security debates. Furthermore, the relationship between the US and the respective member states strongly influence the post 9/11 reaction in terms of a taking on a more military approach (US) versus a criminal justice based approach (EU).

5.3. The United Kingdom

5.3.1 Country Context

There are three things to notice before continuing with the analysis. First, the UK is traditionally seen as a euro-sceptical member state emphasising its national sovereignty. Second, the UK has always had strong connections with the United States (Pastore, Friedrichs & Politi, 2005). Third, the UK is known as a traditionally eurosceptic country reluctant in any steps towards closer integration. Logically, these aspects will influence the findings from the analysis below.

The UK is one of the countries in Europe with the most extensive experience in the field of terrorism. It has a longstanding history with domestic terrorism stemming from the *Irish Republican Army* (IRA) that stretches back to the 1970s and is related to the conflict with Northern Ireland. For this reason, the UK had a well-developed counter-terrorism approach and apparatus in place before the attacks of 9/11. The main building block of the UK its counter-terrorism strategy was the comprehensive *Terrorism Act of 2000.* The Terrorism Act provides for an extensive set on counter-terrorism legislation, sets out a definition of terrorism and terrorist offences and renders a significant amount of power to the police and security services when dealing with terrorism. The Terrorism Act describes terrorism as:

'The use of threat of a specified action where the use or threat is designed to influence the government or to intimidate the public […] , and the use or threat is made for the purpose of advancing political, religious or ideological cause'. The action falls under the scope of terrorism if 'it involves serious violence against a person, […] damage to property, endangers [another] persons life [..], creates a serious risk to the health or safety of the public [...], or is designed to interfere with or seriously to disrupt an electronic system (House of Commons, 2000, p. 1).

5.3.2 Analysis

I. Post-9/11

The Blair's government response to the attacks of 9/11 was strongly worded and reflected its traditionally strong solidarity to the US. Prime Minister Tony Blair declared that 'this mass terrorism is the new evil in the world' (The Prime Minister's Office, 2001a) and that 'this attack is an attack not only on America, but on the world' ("Tony Blair's speech 12 September", 2001). In terms of condemnation and speech acts, the British response is similar to that of the EU in the direct aftermath of the attacks.

The UK showed a direct internalisation of the terrorist threat, resulting in the adoption of a range of precautionary measures and a heightened state of security alert (The Prime Minister's Office, 2001a). As Blair stated shortly after the attacks, Britain was now 'at war with terrorism' ("Tony Blair's speech 12 September", 2001). The proclamation of being 'at war with terrorism', which would continue to be used throughout its discourse, closely resembled the US response. The framing of a 'war on terrorism' was reflected in its support for a military approach to the threat and the framing of the perpetrators as 'illegitimate soldier terrorists', following orders from a hierarchical network with Al Qaeda at the top (Croft and Moore, 2010, p. 824).

Moreover, the terrorist threat became linked to the regimes that 'harbored and supported' this threat: 'if the regime in Afghanistan refuses to do what they know they should, then our enemy's friend also becomes our enemy too [*sic*]', 'our fight is with a terrorist network and a regime that sustains them in mutual support'. (The Prime Minister's Office, 2001b; "Tony Blair's speech 12 September", 2001). Under the guise of holding those responsible for the attacks to account, the UK justified its military invasion in Afghanistan and sided with the US ("Text:Tony Blair's Statement", 2001). It furthermore participated in the US-led invasion of Iraq in 2003. The UK its 'war on terrorism' approach stood directly opposite to the EU its moderate fight against terrorism through its criminal justice based approach, and its emphasis on stabilisation through political dialogue 'with those countries and regions of the world in which terrorism comes into being (Council, 2001b, p.3).

In the wake of 9/11, the United Kingdom adopted the far-reaching *anti-terrorism, crime and security act 2001*. The act encompassed every aspect of Britain its counter-terrorism approach, including the freezing of assets, immigration and asylum, criminal law enforcement, terrorism prevention, chemical and biological substances, and the retention of data communication. Part four on immigration and asylum contained a provision that would soon become a subject of controversy ("'Draconian' terror law attacked by head of Bar, 200; ""Rights 'trampled' by war on terror", 2002). The provision was controversial as it allowed for indefinite detention of suspected international terrorists without trial, in case deportation was impossible due to a risk to life or human right. The provision was deemed to be discriminatory and in breach with the European Convention on Human Rights and would be ruled unlawful in 2004 and replaced by the Prevention of Terrorism Act 2005 ("Anti-Terrorism, Crime and Security Act 2001", 2001). David Blunkett, Home Secretary, defended the bill by stating that this was a case of public emergency: 'the presence of such extremists here at this time, and for the foreseeable future, creates a situation of public emergency threatening the life of the nation' ("No names, no charges, no explanations", 2002, September 9). Additionally, he speaks of a need for a 'balance' between 'the rights of the accused and the rights of the community' (Blunkett, 2002). Along similar lines, Blair stated that the bill covers 'basic things that we need to be able to do to protect the security of our own citizens' and that the government was determined to '…get the balance right between human rights, which are important, and society's right to live free from terror' ("Britain placed under state of emergency", 2001; Castle & Morris 2001, in Tsoukala, 2006). In addition, after 9/11 immigration and asylum would become increasingly linked to the terrorist threat in the United Kingdom. This was clearly institutionalised in the terrorism act of 2001.

In general, the UK evidently took on a strong repressive approach based on the framing of the terrorist threat as an act of war, rather than a criminal act. It can be stated that the counter-terrorist approach that the British government took after 9/11 can be seen in light of a process of securitisation, very similar to the approach adopted by the US. By making use of strong speech acts and a worst-case scenario approach in which the terrorist threat was framed as an existential threat to national security, it justified the use of far-reaching measures (Bigo, et al, 2008; Emmers, 2010). Although the UK took an active role in pushing forward EU cooperation in the field of JHA, actions taken in this period are more pointed towards securing national interest in the best way possible rather than taking on a multilateral approach under the EU framework.

II. Post-London and Madrid

The Madrid bombings and in particular the London bombings brought about a strong response in the UK. In November 2004, Blair describes the threat as a 'wholly new phenomenon, worldwide global terrorism based on a perversion of the true, peaceful and honourable faith of Islam', whose '...roots are not superficial but deep, in the madrassehs of Pakistan, in the extreme forms of Wahabi doctrine in Saudi Arabia, in the former training camps of Al Qaida in Afghanistan; in the cauldron of Chechnya; in parts of the politics of most countries of the Middle East and many in Asia; in the extremist minority that now in every European city preach hatred of the West and our way of life' (Blair 2005/07/07). This statement reflects a still standing strong external perception of the terrorist threat. Moreover, the threat is still considered as being linked to the regions and countries in which it originated: 'we don't have to wonder what type of country those states would be'. The roots of the extremist ideology that is the driving force behind the terrorist attacks is believed to be deeply rooted in Al Qaida and is taking advantage of our 'tolerance' and 'good nature' ("Blair speech on terror", 2005). Blair clearly refutes the idea that any actions by the West have led to these events: the true cause for the attacks can be found in a deeply rooted extremist belief, not in any injustice caused ("Blair speech on terror", 2005).

The period following the homegrown terrorist attacks marks a slow but evident change in the articulated threat perception of the British government: from an exclusive military approach focused on the exclusively external threat posed by Al Qaida, towards a both external and internal dimension with a focus on individual radicalisation driven by a deeply rooted Islamic extremist ideology ("Blair speech on terror", 2005; Government of the United Kingdom, 2006). This violent ideology is rooted in a distorted version of the Islam (Government of the UK, 2006). The *Countering International Terrorism: the UK's Strategy* of 2006, describes the threat as stemming from '…radicalised individuals who are using a distorted and unrepresentative interpretation of the Islamic faith to justify violence.' The only effective response towards this threat is '…the power of argument, debate, true religious faith and true legitimate politics…' and championing our values of freedom, tolerance and respect for others' ("Blair speech on terror", 2005). From hereon, we see a complete change in discourse and shift away from a military solution towards a more peaceful soft-power response.

Furthermore, even though the government has generally avoided linking Muslims or the Islam to terrorism, it was indirectly an evident topic of concern. However, around 2004 this seemed to be changing. Blair acknowledged in his statement on anti-terror measures that 'this is a religious ideology, a strain within the world-wide religion of Islam, as far removed from its essential decency and truth as Protestant gunmen who kill Catholics or vice versa,

are from Christianity' ("Blair speech on terror", 2005). Moreover, nearly every communication related to terrorism now includes references which underline that Muslim communities themselves or the Islam do not pose a threat to national security, are partners in the struggle against terrorism, or praise the Muslim communities for their contribution to society (Home Office, 2006)

In 2003, the government developed the in 2006 published *Countering International Terrorism: the UK's Strategy,* also known as *CONTEST.* The strategy consists of four pillars: pursue, prevent protect and prepare. In general, it is evident that the EU counter-terrorism strategy was developed according to the UK strategy: the strategies bear a strong resemblance to one another. This comes as no surprise given that the UK held the presidency of the Council of the EU at the time of drafting and, in addition, the UK was one of the few member states with a rather comprehensive counter-terrorism strategy in place at that time. Up until the London bombings of 2005, the protect pillar would remain the key pillar of the strategy, after 2005 the focus shifted towards the prevent pillar. With the Prevent pillar becoming more important, the government its focus turned towards understanding the concept of radicalisation and what drives people to violent radicalisation. In the strategy, the government underlines that Muslim communities in themselves are not a threat and that the government will enhance partnership with Muslim communities to combat extremism (p. 1). Under the Prevent pillar, the strategy is focused on tackling disadvantages in both the UK and 'elsewhere', deterring the facilitation of terrorism and 'engaging the battle of ideas'- challenging extremist ideologies. In general, this includes a stronger focus on equality programs and cohesion building in the UK, increased control in prisons and particular mosques that could be breeding grounds for extremism, and challenging extremist beliefs on both community and international level.

Although the UK has a tradition of being a Eurosceptic member state, especially in the field of internal security, the United Kingdom showed a high degree of compliance on measures imposed and proposed by the EU. In particular in the prevent pillar, the UK implemented most measures in a timely manner (Abrahamsson, 2012). The attacks on London led to a push from the British Presidency to adopt various measures, such as the European Evidence Warrant and the Directive on Data Retention, and by the end of 2005 the UK had implemented all main EU measures in its legislative system, including the four framework decisions (Argomaniz, 2011; Council, 2005f). The UK further took the lead in the adoption of a number of measures such as the Data Retention Directive ("Homeland Security comes to the EU: European Commission publishes Action Plan on terrorism", 2004, March). In addition, The UK's counter-terrorism strategy CONTEST played a predominant role in the

development of the EU counter-terrorism strategy adopted in 2005. In general, it can be observed that after the homegrown terrorist attacks, the UK its anti-terrorism approach broke away from the US and began to show an increasing similarity to that of the EU.

III. European Foreign Fighters

The phenomenon of Foreign Fighters made its way into the political discourse of the UK around early 2013. By mid 2014, the threat stemming from ISIS had been fully acknowledged as a security priority and in August 2014 the UK raised its threat levels from substantial to severe. Around that time, it was believed that around 500 UK citizens had left the UK to join the war in Syria and Iraq (Government of the UK, 2014).

In a press statement held on August 29, David Cameron clearly voiced the twofolded dimension of the threat, by stating that 'the ambition to create an extremist caliphate in the heart of Iraq and Syria is a threat to our own security here in the UK' (Government of the UK, 2014). The root cause of ISIS was seen in 'a poisonous ideology of Islamist extremism that is condemned by all faiths and by all faith leaders'. Islamist extremism was now defined as 'a poisonous political ideology supported by a minority'. The threat differs from the existing threat perception in that ISIL aims to establish its own material presence in the form of a state 'on the shores of the Mediterranean and bordering a NATO member' ("David Cameron: Isis is planning to attack UK", 2014; Government of the UK, 2014).

Cameron argues that, this threat requires both an internal and external approach and cannot be solved by solely addressing grievances over Western foreign policy, poverty, instability, or dictatorship in the crisis area (Government of the UK, 2014). He, above all, advocated for a strong political and multidimensional response consisting of 'aid, diplomacy, political influence, and our military'. In order to overcome the threat we must show support to '…democracy, the rule of law, the independence of the judiciary, the rights of minorities, free media, free association, a propel place in society for the army…'. At the same time, emphasis should be on the prevention of radicalisation and recruitment by addressing the extremist ideology before it turns people to violence. This includes 'challenging the thinking of extremist ideologues, identifying the groups in this country that push an extremist agenda, and countering tthem by empowering the overwhelming majority who believe in British values of democracy, the rule of law and respect for minorities' (Government of the UK, 2014). For this to succeed, the UK is need of a 'tough, intelligent, patient and comprehensive approach'. (Government of the UK, 2014). This statement reflects the general approach that the UK had adopted in its fight against counter-terrorism starting from the attacks on London. The

government clearly accepts the complexity of the threat, taking on a multidimensional and thorough approach focused on both the internal and external aspect of the terrorist threat, much alike what the EU advocated for.

The main emphasis in the UK counter-terrorism approach after the rise of ISIS is put on preventing individuals from traveling to conflict zones, through a mixture of both preventive and repressive measures (Vidino, 2014). Britain took its existing extensive counter-terrorism approach and customised it to the threat posed by returning foreign fighters. In reaction to the rise of IS and the threat of returning foreign fighters, the British government made plans to increase the powers of intelligence agencies in terms of data collection and retention ("Anti-terrorist measures in EU go in all directions", 2015; European Parliament, 2015). In addition, it amended its legislature under the Counter-Terrorism and Security Bill (2014) to allow for the confiscation of passports, even if this would render an individual stateless (European Parliament, 2015). In further set up a number of new initiatives under the counter-radicalisation strand of the Prevent pillar, such as the Channel programme focused on providing support to those vulnerable to radicalisation (Home Office, 2015). Another initiative is the Counter-Terrorism Internet Referral Unit (CTIRU), allowing citizens to report extremist online content (European Parliament, 2015). In terms of external approach, the UK joined to global coalition against ISIS by expanding its military support to the war in Syria.

To summarise, the government clearly accepts the complexity of the threat, taking on a multidimensional and thorough approach focused on both the internal and external aspect of the terrorist threat, much alike what the EU advocated. At the same time, the UK attaches great value to safeguarding the balance between liberty and fundamental rights (Government of the UK, 2014). Furthermore, the UK continued to apply its policy to not conflate the Jihadist ideology with Islam. In the context of EU cooperation, the UK, and all four states in general acknowledged the need for closer cooperation. Many work streams, initiatives, projects and working groups among member states were set up, both within and outside of the EU, however all forms of multilateral cooperation were strongly advocated for by EU institutions (European Parliament, 2015). The United Kingdom took the lead in a new EU work stream focused on community sentiment and tailored communications (Council, 2014c).

5.3.3 Conclusion

The United Kingdom's reaction to the 9/11 attacks was in line with the expectations set by its extensive experience with terrorism and close relationship with the US. The attacks marked the beginning of a 'war against terrorism' and resulted in an immediate internalisation of the

terrorist threat and led to the adoption of a number of precautionary measures. For the UK, the obvious link between the terrorist threat and regimes supporting this threat, justified its military support to the invasion in Iraq. The course taken by the UK in the aftermath of the 9/11 attacks can be seen as a rather repressive and reactive approach characterised process of securitisation in which the terrorist threat was framed as an existential threat to national security. The Madrid and London bombings shifted the threat perception from an external military threat towards an internal homegrown threat, driven by a deeply rooted Islamic extremist ideology. The attacks gave rise to a more sensitive approach and a focus on counter-radicalisation. In reaction to the attacks the government developed the CONTEST strategy, its first comprehensive counter-terrorism strategy. The rise of the foreign fighter phenomenon required a strong multilateral and multidimensional approach, encompassing actions under all pillars, both internally and externally.

5.4 the Netherlands

5.4.1 Country Context

The Netherlands has had relatively few instances of terrorism compared to some other European states. The main instances from terrorism stemmed from Mollucans in the 1970s who after the independence of Indonesia required their own independent state (Netherlands Internal Security Service, 2001). Prior to 9/11, the Netherlands had no specific counter-terrorism strategy in place nor was terrorism defined as a criminal offence (Internal Security Service, 2001). The Netherlands did have a number of policy measures in place encompassing terrorism within its criminal justice system and existing plans for a more comprehensive approach. It further recognised terrorism as a serious threat to the international legal order. However, prior to 9/11, terrorism was a relatively new policy area in the Netherland and it would only be after the attacks of 9/11 that terrorism would gain priority on the national security agenda and that actions and plans would be taken further (Internal Security Service, 2001). It must further be noted that besides the international turning points the development of the Dutch counter-terrorist approach was steered by the assassinations of Dutch Politician Pim Fortuyn in May 2002 and Dutch Film Director Theo van Gogh in November 2002.

Terrorism as defined by the Internal Security Service prior to the attacks of 9/11 entails the use of violence or the threat to use violence with the objective to achieve social change or to influence   political   decision-making   (Internal   Security   Service,   2001).

5.4.2 Analysis

I. Post-9/11

The Dutch response in the immediate aftermath of 9/11 is in harmony with the general European response to the attacks. In his statement of September 12, Prime Minister Wim Kok expressed his solidarity with the US and proclaimed that 'thousands of people have been deprived of their lives by these appalling acts of mad, terrorists minds' and that 'yesterday's catastrophic events require us to tackle all forms of terrorism, be it national or international, with even more force' (Kok, 2001). He emphasised that democratic powers must work together and that the prevention of terrorism is now more than ever a key priority. He furthermore made clear that, the US could 'count on the full support of the Dutch government…" and that the international community will not rest before those responsible for the attacks are being held accountable (Kok, 2001; "Netherlands vows backing for U.S." in Gallis, 2007).

Terrorism was, in line with the general EU response, framed as an internal issue and threat to western democratic values. Prime Minister Kok made this clear by stating that 'international terrorism has declared war on the essential values inherent to the free world and by doing so it has also declared war on us' (Kok in Koele & Poorthuis, de Volkskrant, 2001/10/22). However, as we will see below, this initial framing of the threat as a *war* stretching beyond the US, was not reflected in measures that were taken in the aftermath of the attacks. The immediate response to the attacks of 9/11 was thus one of condemnation of the acts, solidarity to the US and a certain degree of internalisation, but also one of moderation and European unity.

After the attacks of 9/11, Islamic terrorism was acknowledged as a serious security concern on both international and national level. At the core of the terrorist threat was a transnational, flexible, jihadist network (Ministry of the Interior and Kingdom Relations, 2001; The Netherlands Ministry of Security and Justice, 2011). Islamic terrorism was defined as 'carrying out violent activities, aimed at the realisation of a society that corresponds with extremist views on how such a society should be arranged according to the sources of the Islam' (Ministry of the Interior and Kingdom Relations, 2002, p. 15). Inherent to Islamic terrorism was the conscious disruption of society and the induction of fear with an increased focus on soft targets in society. The overarching driving factor of terrorism was identified as an 'international holy war (or Jihad)' against 'enemies' of the Islam (Ministry of the Interior and Kingdom Relations, 2002).

lready in 2001, radicalisation made its entry into the Dutch terrorist threat assessment. This development was partially steered by the identification of small terrorist cells operating in the

Netherlands and would be reinforced by the assassination of Pim Fortuyn in 2002. In its annual report of 2001, the AIVD explicitly acknowledged the link between religious extremism, terrorism and radicalisation (*Jaarverslag binnenlandse Veiligheidsdienst).* Furthermore, the report emphasised the negative influence of terrorism and radicalisation on the perception of Islam and integration of Muslims in Dutch society (Ministry of the Interior and Kingdom Relations, 2001).

This early focus on the preventive side of terrorism is a characteristic of the so-called Dutch *comprehensive* or *wide-ranging approach* to counter-terrorism. The comprehensive approach entails a broad focus on the preventive strand of counter-terrorism and on understanding and addressing the developments preceding acts of violence, on both national and international level. This encompassing approach would remain an integral part of the Dutch counter-terrorism strategy (Ministry of the Interior and Kingdom Relations, 2001; The Netherlands Ministry of Security and Justice, 2011). Moreover, the approach acknowledges the consequences that radicalisation may have in terms of its alienating and polarising impact on the integration of Muslims citizens, as well as this being a conscious strategy of Jihadists extremists (Ministry of the Interior and Kingdom Relations, 2002).

In addition to this, the Dutch approach reflects an early understanding of the effects of language in both it statements as well as in its official publications. With the speech acts in the immediate aftermath of the attacks being a slight exception, the Netherlands seems to have carefully assessed its language use and maintained a significant degree of awareness about the adverse effects that language may have. The Dutch discourse showed no linkage between Muslims and terrorism, it strictly referred to the threat as stemming from Islamic extremism or violent Jihadism (Ministry of the Interior and Kingdom Relations, 2002).

Even though the Dutch approach strongly emphasised the endogenous character of terrorism through its focus on violent radicalisation, it took into account the exogenous character of terrorism. This involved the use of biological and chemical weapons and the proliferation of weapons of mass destruction (Ministry of the Interior and Kingdom Relations, 2002). This was evident from both speech acts as well as the Dutch involvement in Iraq and Afghanistan. However, this side of the threat perception was secondary to nationally focused preventive measures and underrepresented in official communications and publications.

The terrorist threat perception outlined above was clearly reflected in the measures that were taken in the period following 9/11. The Dutch response was, again similar to many European member states, an event driven approach: measures were introduced in response to major events, in particular international events sparked the development and implementation of new measures and institutionalisation. (The Netherlands Ministry of Security and Justice, 2011). Key measures include the *Action Plan for Counter-Terrorism and Security* of October

2001 *(Actieplan Terrorismebestrijding en Veiligheid),* the establishment of *the General Intelligence and Security Service (AIVD)* in 2002 as successor of the *Internal Security Service* (Binnenlandse Veiligheidsdienst), the *Intelligence and Security Service Act 2002 (Wet op de inlichtingen en veiligheidsdiensten 2002)* and the *Law on Terrorist Crimes (Wet Terroristische Misdrijven)* for the implementation of the EU Framework decision on combatting terrorism.

The Dutch comprehensive or wide ranging approach was characterised by an emphasis on preventive measures and a quest for understanding what it was that drove individuals to violent radicalisation. In general, the development of the Dutch Counter-terrorism strategy reflects a modest approach giving due consideration to proportionality between terrorist activities and the response to these activities (Den Boer, 2007). Central to this was the safeguarding of fundamental rights (The Netherlands Ministry of Security and Justice, 2011).

Furthermore, the Netherlands highlighted the need for international cooperation in terrorist matters. This included cooperation within the framework of the EU. This was evident from ambitious statements made by government officials as well as publications and communications highlighting the need for cooperation under the framework of the EU. The Netherlands took a positive view of EU initiatives and would transfer them into national law in a relatively timely manner (CODEXTER, 2008).

II. Post-London and Madrid

The AIVD described the attacks on Madrid and London as a 'turning point in the international political arena [that] is clearly reflected on [sic] the situation in the Netherlands' (the Ministry of the Interior and Kingdom Relations, 2005, p. 5). Prime Minister Balkenende stated that 'terrorism is an evil that can strike all European countries'. He further argued that in order to maintain security and to cope with the terrorist threat, cooperation within the European Union and at a global level is of crucial importance ('g8: attacks on London are an attack against all nations", 2005, July 7).

The homegrown terrorist attacks on London and Madrid altered the threat perception in the Netherlands, however, because the Dutch terrorist perception was already centred around radicalised individuals, the change was less present than in most European member states and the EU. The terrorist threat was no longer perceived as a strictly vertically structured network, but rather as consisting of increasingly horizontally structured 'semi autonomous local cells' inspired by the ideology of violent jihad (Ministry of the Interior and Kingdom Relations, 2004; 2005). Radical Islam became defined as 'the politico-religious pursuit of

establishing - if necessary by far-reaching means - a society which reflects the perceived values from the original sources of Islam as purely as possible' '(Ministry of the Interior and Kingdom Relations, 2005b, p.7). The main cause of terrorism was described as a 'deep-seated hatred of the West (Ministry of the Interior and Kingdom Relations, 2004, p. 9). According to the AIVD, this hatred of the West was a particular driving force in the violent radicalisation of young extremists and was partially rooted in the European support for the conflict in Iraq. The murder on Theo van Gogh strengthened the internalisation of the threat, which was now framed as 'a threat rooted in and aimed against the Western society itself' (Ministry of the Interior and Kingdom Relations, 2005, p. 13).

The government distinguishes between three characteristics of the radicalisation process: the individual process, the interpersonal process and the influence of external circumstances. The emphasis was put on the individual process of radicalisation, very much related to identity and self-image. Whereas the Dutch approach attaches importance to external factors such as social and political circumstances within society, it above all highlights the individual characteristic and disregarded the view that meeting these grievances or addressing related social problems would prevent individuals from radicalising (House of Representatives of the Dutch Parliament, 2005).

The government adopted a set of concrete actions in the aftermath of the homegrown terrorist attacks. In 2005, the position of the National Counter-Terrorism Coordinator was established with the aim to minimise the risk of an attack by taking on a coordinating role (the Netherlands Ministry of Security and Justice, 2011). In the aftermath of the homegrown terrorist attacks, the Dutch approach to countering terrorism showed a remarkable focus on creating a deeper understanding of the terrorist threat and performed a large number of studies and reports on its various aspects, under which the underlying factors of radicalisation, recruitment and sites and means of radicalisation. Internet became identified as one of the main means of radicalisation and recruitment and became a centrepiece within the preventive strand (House of Representatives of the Dutch Parliament, 2005; Ministry of the Interior and Kingdom Relations, 2005; 2006). The government's counter-terrorism strategy was divided across three main strands: creating a deeper connection within society between those vulnerable to radicalisation and the democratic legal order and Dutch society in general, empowerment and increased resilience against radicalisation, and active interference as a last resort (House of Representatives of the Dutch Parliament, 2005; 2005b).

In terms of EU cooperation, the Netherlands showed a high degree of compliance (Abrahamsson, 2013). Already in 2004, the Netherlands changed its laws on extradition and

surrender procedures to be in line with the EAW. It furthermore adopted all framework decisions that had come into force after 9/11 (Council, 2005f). During the Dutch presidency of the EU in second half of 2004, the Netherlands initiated a number of arrangements to improve European cooperation between intelligence and security services, under which the reform of SITCEN under the framework of the EU (Ministry of the Interior and Kingdom Relations).

III. European Foreign Fighters

Already by the end of 2012, the Netherlands had identified the problem of jihadists leaving to the country to join the war in conflict zones as a key security issue. In the Spring of 2013, it was estimated that more than 100 Dutch foreign fighters had left to join the war in Syria. (ICCT, 2013; Minister of Security and Justice, 2013). That same year, the terrorist threat level was raised to substantial, meaning that an attack on the Netherlands was deemed as a realistic scenario (Minister of Security and Justice, 2013).

The foreign fighter phenomenon is described as 'jihadtravellers' who after having joined Jihad terrorist groups to fight or receive training, return to their countries of residence (Minister of Security and Justice, 2013). The current terrorist threat is related to three developments: first, the increase in 'jihadtravellers' travelling to conflict zones, in particular to Syria; second, the rise of Islamist radicalisation of young people in the Netherlands; and third, the complex transition towards democracy in countries in North Africa and the Middle east following the Arab uprisings giving rooms to the rise of jihadist organisations (Minister of Security and Justice, 2013). The perpetrators are difficult to identify and do not fit a single or fixed profile (General Intelligence and Security Service, 2014). The current 'unknown threat' calls for a renewed focus on radicalisation (Minister of Security and Justice, 2013). Central to this new terrorist threat is the role of social media and propaganda. According to the Dutch government, the Internet, and social media in particular, are not just a means of dissemination, but an inherent characteristic of the new threat which have drastically changed the nature, speed and reach of jihadist propaganda. Social media allowed for a shift from a 'fluid' hierarchical structure in the 2000s, to the rise of a less targetable horizontal and decentralised structure, supported by a 'small number of choreographers in the background' that play a shaping role the jihadist *ideological outlook* and support the network in its activities. However, these individual choreographers are not vital to the survival of the network and are easily replaceable (General Intelligence and Security Service, 2014). The General Intelligence and Security Service (2014) described the current network as a 'swarm': (i) a flexible and resilient movement characterised by decentralised collective-self-guidance

lead by background choreographers and supported by a strong online and ofline social network and defined by a strong mobilising power through social media. The current threat is therefore less vulnerable, more flexible and more adaptable than the previous known phase of homegrown terrorism (General Intelligence and Security Service, 2014).

According to the Dutch government, the Netherlands is seen as a country 'where Muslims suffers discrimination and where their faith is regularly insulted', a country 'hostile to Islam' (Minister of Security and Justice, 2013). Speech acts by politician Geert Wilders, for instance, have aggravated this problem. Furthermore, the Netherlands explicitly acknowledges the link between foreign intervention and the increased risk of terrorism. For instance, Dutch presence in Muslim countries such as Afghanistan gives rise to grievances and puts the country in a position where it is seen as a 'crusader[s] against Islam' (Minister of Security and Justice, 2013).

In 2013, the Minister of Security and Justice, Ivo Opstelten raised his concerns about the narrowing approach that the Dutch government had adopted lately in its fights against radicalisation and calls for a return to its previous comprehensive approach. (Minister of Security and Justice, 2013). This return to a more comprehensive approach, under the Action Plan on Polarisation and Radicalisation 2007-2011 - very much in line with the EU approach- can indeed be identified in the following period. In 2014, Minister of Social Affairs and Employment Lodewijk Asscher and Opstelten addressed the changing terrorist threat in a new action programme 'An Integrated Approach to Jihadism'. The programme is build upon the existing anti extremist or 'anti-jihadist' policy and aims to 'protect democracy and the rule of law, counter and weaken the jihadist movement in the Netherlands and eliminate the causes of radicalisation' (Government of the Netherlands, 2014). The spearheads of the integrated approach include: (i) the possibility to revoke nationality of jihadists joining terrorist groups with the exception of leaving individuals stateless; (ii) measures to prevent individuals from leaving for conflict zones; (iii) the use of social media in both developing counter-narratives and the prevention of dissemination of jihadist material; and (iv) measures focused on decreasing social tensions and preventing people from radicalising. (Government of the Netherlands, 2014). It furthermore made it possible to convict those individuals returning to the Netherlands after having participated in the jihad or after having received training (ICCT, 2013).

The last point of the integrated approach, the prevention of radicalisation, has long been a focus area of the Dutch government. In relation to the recent recurring threat, this includes an increased focus on the internet and social media, Muslim community engagement, the

development of counter-narratives and a general emphasis on youth and education. (Government of the Netherlands, 2014). In general, the Dutch response to the foreign fighter phenomenon can be characterised for its timely, comprehensive and relatively soft approach focused on community engagement and prevention rather than repression. On the EU level, the Netherlands initiated the *European Joint Initiative on Internet Counter-Terrorism* project (EJI-ICT), aimed at addressing terrorist content on the Internet (European Parliament, 2015).

5.4.3 Conclusion

The Netherlands, as a country with relative little experience with terrorism compared to the other three countries, had prior to 9/11 no specific counter-terrorism legislation in place. After 9/11, the Netherlands quickly caught up with the other member states and developed a rather comprehensive approach much in line with the general EU stance. The global terrorist threat was framed as a threat to western democratic values with at its core a hierarchical transnational and flexible Islamic network. The Netherlands showed a thorough understand of the effects of language and adopted a sensitive and almost non-emotive lexicon towards terrorism. Soon after the 9/11 attacks, years earlier than other countries, it began to focus on radicalisation and its underlying causes. It furthermore upheld a high standard with regard to the safeguarding of fundamental rights.

The homegrown attacks on Madrid and London led to a stronger focus on counter-radicalisation, however, in general the Netherlands continued the course after the 9/11 terrorist attacks. On a notable level compared to other EU member states, the Netherlands was focused on researching and understanding the source of the threat and most effective strategy it. The threat perception changed towards a horizontally structured threat inspired by jihadism, but rooted in a deep-seated hatred of the West. This hatred against the West and its norms and values, mainly stemming from the individual radicalisation process rather than the influence of external factors, was what drove individuals towards violent radicalisation. Consequently, the Dutch approach towards counter-terrorism became increasingly focused on countering radicalisation and addressing those factors in society that were contributing to this process.

The rise of IS and the foreign fighter phenomenon made that the Netherlands stepped up and broadened its fight against terrorism. The government identified three causes of the threat: an increase in foreign fighters, the rise of Islamic youth radicalisation in the Netherlands and a complex transition towards democracy in countries following the Arab uprisings. The radicalisation process was furthermore increasingly rooted in circumstances external to the individual, but inherent to its perception of Dutch society as discriminating and insulting to its religion. Furthermore, social media was considered as a key characteristic of

the threat, not only facilitating the dissemination of its message, but also changing the nature and reach of the threat. In reaction to these new developments, the Dutch government adopted an integrated approach to Jihadism very much in line with the prevent pillar of the EU.

5.5 Spain

5.5.1 Country Context

Spain has a long-standing experience with terrorism stemming from the left-wing separatist terrorist organisation *Euskadi Ta Askatasuna* (ETA) dating back to the 1960s. For this reason, Spain was well equipped when the terrorist attacks struck on 9/11. Prior to the attacks, the Spanish counter-terrorism approach was predominantly repressive in nature and known for its harsh approach. Although Spain had extensive counter-terrorism laws in place, it did not have a pre-existing counter-terrorism strategy and terrorism was covered defined under the criminal code *(Có digo Penal)* as a crime conducted by an individual or with help of an organisation with the aim to create a situation of severe insecurity, fear or to disturb public peace with the overall intent to overthrow the existing political order (Spanish Supreme Court, 1997). As spelled out in art. 571 of the criminal code, a terrorist group or terrorist organisation entails 'those who belonging, acting in the service of or collaborating with armed groups, organizations or groups whose objective is to subvert the constitutional order or seriously alter public peace' (Human Rights Watch, 2005).

5.5.2 Analysis

I. Post-9/11

When the attacks of 9/11 struck in the US, the Spanish Prime Minister José María Aznar reacted in the same vein as the rest of Europe. He strongly condemned the attacks and stated that they were an 'attack against us [democratic societies] all' and constituted a 'crime against humanity'. However, he called upon his people to have confidence in the government and its measures and 'legitimacy' to curb the threat ("Aznar: Ha sido un ataque contra todos nosotros", 2001). The conservative José María Aznar government showed itself to be a strong ally of the US and pledged to support the US with 'all necessary means' in its fight against terrorism ("El Gobierno español ofrece "los medios necesarios", 2001). Siding with Britain, Spain expressed its unconditional support to an US-led invasion of Iraq, stating that the use of military force was inevitable ("Schröder and Aznar pledge full support for US", 2001; "Where security council members stand", 2003).

The Spanish government perceived the Islamic terrorist threat to be different from the terrorist threat than Spain had experienced to date: the perpetrators were not interested in overthrowing the government nor seizing power, but even more frightening, they sought to put an end to our societies, governments, and values and norms all together (Aznar, 2003). The sole aim of the perpetrators, according to Aznar, was to impose and spread their religion in the world and to eradicate those who do not wish to convert (Aznar, 2004). Aznar his words unquestionably reflected the harsh approach that the Spanish government would take in its fight against the terrorist threat. Although rhetorical framing of the threat as the 'fight against terrorism' rather than the 'war against terrorism' and the incorporation of terrorism in the criminal code suggest otherwise, the terrorist threat after 9/11 was mainly seen as an act of war declared by Osama Bin Laden. This can be partially explained by the great contrast between the internal nature of the terrorist threat posed by ETA over the last decades and the new unprecedented and large-scale international terrorism that the world had to deal with now. Furthermore, even though Islamic terrorism has made its entry into the national security agenda, the ongoing national threat remained the primary security concern.

In the following years, the Spanish government would introduce a number of primarily preventive initiatives building upon its already extensive set of counter-terrorism measures, under which a new anti-terrorism law in 2002 and the establishment of a National Anti-Terrorism Center (*Centro Nacional Antiterrorista)* in early 2004 ("La ley de partidos para ilegalizar a Batasuna, aprobada sin modificaciones en el Senado", 2002; "El Gobierno Aprueba la creación del Centro Nacional de Coordinación Antiterrorista", 2004). It further increased border controls and surveillance across the state. However, many of the measures taken were still focused on ETA. The greatest change in Spain's counter-terrorism approach in light of international terrorism was a shift from an internal criminal approach towards an external approach characterised by the government its military support to the US-led invasion.

In terms of EU cooperation, Spain took a very straightforward and ambitious approach after the attacks of 9/11. In the field of national security in general, and the fight against ETA in particular, Spain has always been a proponent of strong bilateral and multilateral cooperation. This combined with Spain's pre-existing hard counter-terrorism approach, makes that it's role as driver behind closer cooperation in the fight against terrorism under the EU framework came as no surprise. Spain has taken the forefront in reaching agreement on measures, under which increased police cooperation, the establishment of Joint Investigation Teams, the European Arrest Warrant and a common definition on terrorism

("Spanish Presidency plans to boost EU security policy", 2002). During its Presidency of the Council of the European in the first half of 2002 in particular, Spain has tried to push through various initiatives to step up cooperation and called for 'more Europe for citizens, more Europe in the world, and more Europe due to the Euro' ("Spain takes over the EU flag, pledges more Europe", 2001). However, it is debatable to what extent Spain's ambitious plans are driven by a genuine pro-integrationist or pro-multilateral stance. Given the fact that many measures remain strictly intergovernmental and that Aznar has contested multiple times the idea of a 'federal blueprint' for the EU, it is reasonable to believe that national security is the main driving force behind these initiatives.

II. Post-London and Madrid

The attacks on the Madrid railway system of 11 March 2004 (known as M-11 in Spain) were not only the first major international terrorist attacks on European soil; they also completely altered the terrorism that Spain had known to date. The tragic attacks led to a strong initial reaction across Spain and called for immediate action in bringing those responsible for the bombings to justice. Aznar called for a strong international and European coalition against terrorism ("Enérgico discurso de Aznar contra el terrorismo", 2004; "Millions protest Madrid attacks, 2004). Shortly after the Madrid bombings Aznar suffered an electoral defeat and leftist pro-European José Luis Rodríguez Zapatero took office as Prime Minister, who immediately promised to withdraw its troops from Iraq (" new Spanish PM promises Iraq withdrawal", 2004). When it became clear that not ETA, but Al Qaeda was behind the attacks, the deeply rooted threat perception changed rapidly and made place for a full acknowledgement of the Islamic terrorist threat. The new type of 'homegrown terrorism', however, seemed to have made less impact in Spain than in other European states, possibly because Spain had experienced ample exposure to national terrorism in previous decades through its longstanding battle against ETA.

The attacks on London, only a year after the Madrid bombings, were met with great solidarity by Zapatero and gave impetus to an 'alliance of civilisations', or a united front against terrorism, between the two countries and Muslim countries ("Blair and Zapatero in anti-terror 'alliance of civilisations", 2005). In general, the newly installed Zapatero government took on a more internally focused, proactive and law-enforcement based approach towards countering terrorism after the attacks on Madrid and London. (Neve et al., 2006). Moreover, it broke away from the previously ETA-centered approach and reformed its criminal code in order to deal more effectively with the current terrorist threat. Furthermore, the Zapatero government presented itself as an example in balancing human rights and security, however,

it has been widely criticised for its strict incommunicado detention period, terrorist suspect restrictions and treatment of terrorist convicts (Human Rights Watch, 2005). Furthermore, although in the aftermath of the London attacks the Spanish counter-terrorism discourse slowly started to show references to the importance of radicalisation, compared to the other member states Spain's progress on this front was slow and relatively little. The complex process through which radicalisation takes place and contributing socio-economic factors remained underexposed. Within the Spanish strategy in general, the main focus lies on executive and judicial powers, rather than the prevent pillar (European Parliament, 2014).

In terms of cooperation within the EU framework, the new government seemed ambitious than in the aftermath of the 9/11 attacks under the Presidency of Aznar, however, it did actively participate in meetings, forums and negotiations and timely implemented EU legislation (CODEXTER, 2013). By the end of 2005, Spain was still working on the full implementation of measures taken in the years after the 9/11 attacks (Council, 2005f).

III. European Foreign Fighters

By the time the foreign fighter phenomenon made its entry into Europe, Spain had largely caught up with the other member states in terms of counter-radicalisation measures. In 2010, for instance, Spain had criminalised offences such as incitement and recruitment into terrorism and terrorist financing and training (source). Around late 2013, the Spanish government began to acknowledge the threat posed by returning fighters and raised the terrorist threat level. Terrorist threat levels due to returning foreign fighters and recruitment into terrorism reached its heights in 2014, primarily because of Spain its geographical proximity, large immigrant population from conflict areas and a number of identified and dismantled terrorist cells in the country (Spanish Government, 2013; "Spain raises terror threat level due to risk of jihadist attacks", 2014, September 10; "Spain arrests seven accused of recruiting women for Islamic State, 2014, December 16). In early 2014, the Spanish government announced that 17 individuals had left Spain to join the war in Syria ("17 yihadistas han viajado de España a Siria", 2014).

The 2015 annual report on National Security speaks of terrorism as 'one of today's greatest global challenges' and 'the worst enemy of freedom and democracy'. Already in mid 2013, Spain's Secretary of State for Security, Francisco Martinez Vazques, described the current terrorist threat as 'characterised by self-radicalisation and self-training mainly through the internet, which is absolutely different to what we knew before' (ICCT, 2013; "Theresa May urges action on 'jihad tourism'", 2013, July 7). However, at the same time he reassures that,

the Jihadist terrorist threat is not a new phenomenon for Spain and that the government is well aware of the implications of the threat (Spanish Ministry of the Interior, 2014). Similarly, the threat is referred to as the 'terrorist threat of the 21st century', reflecting the Spanish perception of the threat as an already existing phenomenon with merely new characterics (Spanish Ministry of the Interior, 2014). Furthermore. In Spain as well, social media is identified as a critical component of the terrorist threat, also refered to as 'la Yihad Digital" (Spanish Ministry of the Interior, 2014). The proposal for the new law amending the criminal penal code, speaks of the terrorist threat being led by 'charismatics' who spread their ideological messages and incitement through internet, in particular social media (Spanish General Court, 2015).

However, Spain it's high threshold of proof for pre-departure criminalisation of foreign fighters, made it difficult to address to issue pre-emptively/as required (CSS, 2014; "Theresa May urges action", 2013). Spain's secretary for security, Francisco Martinez Vazques, argued that self-radicalisation through the use of internet should also be considered a criminal offence. ("Theresa May urges action", 2013)

Only in mid 2015, Spain would amend its penal code to more effectively counter the current jihadist terrorist threat. It furthermore set up the centralised National Intelligence and Counter-Terrorism Center in 2014 (*Centro Nacional de Lucha Contra el Terrorismo)* ("Interior crea un centro de intelligencia de terrorismo y crimen organizado", 2014; Spanish General Court, 2015). The rise of the Foreign Fighter phenomenon led to an increased focus on the preventive strand of counter-terrorism in the Spanish counter-terrorism approach and in 2014, the government finally adopted its first counter-radicalisation strategy. However, the main emphasis within the strategy remained on judicial and executive measures and the topic of radicalisation remained, compared to other European Member States, relatively unaddressed at both operational and discursive level. Even though the government had adopted a counter-radicalisation strategy, this strategy addressed the process on a rather superficial and reactive level, not so much on a more individual or operational level (explain, examples).

In the context of cooperation on the EU level, Spain remained a strong proponent of a joint response and common approach to address the issue ("Anti-terrorist measures in EU go in all directions", 2015; "Theresa May urges action", 2013).

5.5.3 Conclusion

Spain, one of the countries most experienced with terrorism, had an extensive counter-terrorism laws in place prior to the attacks of 9/11. The attacks of 9/11 were treated as an act of war rather than as a criminal offence. Soon after the attacks, Spain sided with the US and the UK and offered its full military support to the US-led invasion of Iraq. The threat was framed as an external Islamic extremist threat seeking to spread its extremist religion in the world. Although Spain stepped up its fight against terrorism, the new global terrorist threat was never fully internalised and remained a rather distant 'war' against democratic societies and humanity. This can be largely explained by the persisting threat posed by ETA. Spain did intensify its, already harsh and repressive, counter-terrorism approach.

In light of the Madrid and London attacks, the new installed government took on a more internally focused approach towards the threat. This approach was more law-enforcement based and better tailored towards the new homegrown threat. However, unlike other member states, Spain's repressive approach hardly encompassed the radicalisation component.

In addition, even though the new government had announced to better secure the balance between fundamental freedoms, human rights and security, it was still met with widespread criticism by its citizens and the international community on its still harsh counter-terrorism measures.

The rise of the foreign fighter phenomenon was considered as one the current greatest global challenges and for Spain in particular due to its geographical proximity to conflict zones. The threat posed by foreign fighters was mainly characterised by radicalisation on an individual level led by a group of 'charismatics' who incited new soldiers and spread their message through means of social media. While it was clear that the current phase of terrorism differed greatly from the previous one, at the same time, the issue was treated as an already existing threat in a new guise with a merely new structure and new characteristics. The approach adopted in response to the terrorist threat had not changed much and could still be considered mainly repressive, with a focus on judicial and executive measures. Although the process of radicalisation was now slowly making its entrance into the political discourse, it remained unaddressed at operational level and failed to touch upon critical issues such as the individual radicalisation process, socio-economical circumstances contributing to this process or widely used measures across the EU such as the development of a counter-narrative.

5.6 Germany

5.6.1 Country Context

Germany is typically seen as a strong multilateralist and pro-European country (Friedrichs, 2005). The fast majority of pre-existing German counter-terrorism measures enclosed in the German Criminal Code evolved from the government its fight against the Red Army Fraction (RAF) *(Rote Armee Fraktion)* that became active in the late 1960s. The RAF, also known as the Baader-Meinhof group, was a national left-wing terrorist group responsible for a significant number of terrorist attacks on German soil between the 1970s and late 1990s. Prior to the attacks of 9/11, Germany had counter-terrorism measures in place, however, not to the same extend as other countries with extensive experience in terrorism such as Spain and the United Kingdom (Den Boer & Wiegand, 2015). Germany was further one of the six countries with a separate clause for terrorist acts in its criminal law. According to German Criminal Law, terrorism was defined as a '…long-term struggle to achieve political aims by means of attacks on persons and property, especially serious criminal offences such as those named in Section 129a (1)[8] of the Criminal Code, or offences that aid in their preparation' (Federal Ministry of the Interior, 2004a).

5.6.2 Analysis

I.   Post-9/11

The German reaction to 9/11 was similar to the broader European reaction. German Chancellor Gerhard Schroeder stated that these attacks were a '…new dimension of faceless barbarism', and were aimed at '…the entire civilised world, and equally so at Christian, Jewish, Islamic and other beliefs' ("Schroeder urges EU unity in terror fight", 2001). The attacks were a 'declaration of *war* [emphasis added] against the free world' (Schroeder, 2001a).

In line with the general EU framing of the attacks, the terrorist threat was considered a global threat reaching far beyond its actual target. However, contrary to the general response, Germany did not immediately put the terrorist threat at the top of its security agenda nor was there a direct internalisation of the terrorist threat. At a speech held at the Bundestag on 12 September, Schroeder proclaimed that 'there are no indications of any security threat in our country (Schroeder, 2001a). Nevertheless, at the same time Schroeder stated that Germany would enact measures to eliminate the 'breeding grounds of terrorism'.

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[8] Membership, participation or formation of any organisation the objectives, or activity of which, are aimed at murder, manslaughter, hostage taking, inflicting serious physical or psychological injury, computer sabotage, arson, crimes involving firearms, certain serious environmental crimes or other serious criminal offences.

Not surprisingly given its commitment to multilateralism and pro-European stance, Germany's initial reaction attached great value to international and in particular European cooperation. Europe was considered to play an important role in the '…answer to terrorism' and '..securing international peace inevitably means greater European responsibility'. ("Schroeder urges EU alliance to combat terrorism", 2001). Germany expressed strong solidarity with the US and ensured to support the US on a both moral and practical level (Schroeder, 2001/09/11). Regardless of this solidarity, Germany strongly opposed the US-led invasion in Iraq. Schroeder stated that 'we are not available for adventures, and the time of cheque book diplomacy is over once and for all' ("German leader says no to Iraq war", 2002; "France and Germany unite against Iraq war, 2003).

The terrorist threat in Germany became predictably channelled around the Islamic terrorist threat. Before the implementation of the EU framework decision on combating terrorism, terrorism was purely enshrined in the German Criminal Code. Terrorism thus remained a strictly criminal act under the German Criminal Justice system and terrorist suspects were not treated any differently or had any other rights than criminals in general. Germany was the only state that did not implement any new legislation in the area of criminal justice or procedural law (Den Boer & Wiegand, 2015).

More so than other European states and in light of its past, Germany approached the issue of terrorism with caution and attached great value to the rule of law, fundamental freedoms, human rights and democracy and above all it adopts a pro-multicultural approach. For instance, many publications on terrorism in the year following 9/11 went hand in hand with documents or sections overwhelmingly addressing minority rights, xenophobia and right-wing extremism (see i.e. Federal Ministry of the interior, 2005). Terrorism in itself was, however, perceived as an act of unknown dimension against these very fundamental values to both German society and the democratic world (Schily, September 20, 2001; Federal Ministry of the Interior, 2002).

Although Islamic terrorism was identified as a serious security threat, it was only in 2005 that International Islamist terrorism would be placed at the top of the security agenda and received a separate chapter in the *Annual Report on the Protection of the Constitution* among other types of terrorism and crimes, such as Right-Wing Extremism and Anti-Semitism. Compared to other member states countries, official document publications showed little reference to the phenomenon.

In the aftermath of 9/11, Germany adopted a number of measures aimed at countering terrorism and soon caught up with frontrunners in the field such as the United Kingdom, France and Spain (Den Boer & Wiegand, 2015). In September, the Department of the Interior

issued two *safety* or *security packages* that would be adopted in November. The first safety package concerned the abolishment of the 'privilege of religion' (*Religionsprivileg)* which made it possible to investigate and abolish religious associations if they posed a threat to the constitutional order (Committee of Experts on Terrorism, 2011; "Steuererhöhung für Kampf gegen Terror", September 20, 2001). It furthermore introduced and expanded a number of preventive measures on money laundering, biometrics in identity cards, and expanded and improved preventive and security measures. The second safety package was adopted in 2002 and improved cooperation between and broadened mandates of security authorities (Committee of Experts on Terrorism, 2011; German Federal Ministry of the Interior, 2002). The Counter-Terrorism Act of 2002 (*Terrorismusbekämpfungsgesetz*) was mainly focused on the prevent pillar and expanded police powers in the field of information sharing (Committee of Experts on Terrorism, 2011; German Federal Ministry of the Interior, 2005). In 2004, Germany took a step forward in a more centralised approach to counter-terrorism with the establishment of the Joint-Counter-Terrorism Centre (GTAZ) (*Gemeinsame Terrorismsabwehrzentrum)*, a joint platform that facilitated cooperation between 40 internal security agencies (German Federal Ministry of the Interior, 2014).

In general, the German response to international terrorism can be characterised as moderate compared to other European member states and repressive of nature. The prevent pillar became increasingly important in the years following 9/11, when it became clear that Germany itself was a potential terrorist target (Schily, 2004/05/17). Other main objectives in the years following 9/11 included stricter border controls and a push towards stricter immigration control, international cooperation in data exchange and the protection of sensitive infrastructure (Neve et al., 2006).

In terms of EU cooperation, Germany repeatedly emphasised the need for closer European cooperation in terrorism matters for the approach to be effective and timely adopted the majority of EU level measures. In October 2001, Germany expressed its commitment to implementing the EU Action Plan, including the common definition of terrorism and the EU Arrest Warrant ("Schröder and Aznar pledge full support for US", 2001). In general, Germany adopted a strong multilateral and solidary approach in which it predominantly refers to a 'we', in the sense that it includes not only Germany, not only Europe, but the whole democratic world that is under threat (see i.e. Schroeder, 2001a). It further ambitiously engaged in operational cooperation on European level and implemented EU measures in a timely manner.[9] In the aftermath of 9/11 as well as in later years Germany would often take the lead

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[9] Taking into account its federal and decentralised structure that caused delays in implementation.

in the negotiation of various proposals such as biometric identifiers, preventive information gathering, information sharing and police cooperation (Bossong, 2013; German Delegation, 2002; Miko &Froehlich, 2004).

II. Post-London and Madrid

As a reaction to the attacks on London and Madrid, Germany stepped up its fight against terrorism. In 2005 Schroeder acknowledged the priority of terrorism by stating that 'I […] condemn in the strongest possible terms these insidious acts, which have cost the lives and health of many innocent people. We agree that the international community must do everything and use all available means to fight terrorism together' ("Terror in London: World Leaders React", 2005). In comparison to other European states, Germany its strong reference to international cooperation is remarkable.

The attacks on Madrid and London led to an - although compared to other member states a relative late - internalisation of the terrorist threat ("Recruits of Madness, 2005, July 11).

The attacks made clear that a new type of threat had arisen in Europe. Interior Minister Otto Schily stated that we can no longer speak of a 'hierarchical organization acting in a closed manner', but rather of groups 'that hardly act within a logistically linked network at all anymore. Our goal now is to isolate them within the Muslim milieu' ("the changing threat of al Qaida: how widespread is terrorism in Europe?", 2005, July 11). The current threat thus now stemmed from a diffused homegrown network-type terrorism. To tackle the Islamic terrorist threat, 'it must be fought on a broader basis and must primarily be a contest to spark the imagination in the Islamic world by demonstrating the benefits of freedom in modern western society' ("Rethinking the war on terror", 2006).

The homegrown attacks furthermore allowed for a closer linkage between terrorism and Islamic Extremism. However, although Islamic terrorism gained importance in Germany, it remained a form of terrorism and did not receive the same attention as it did in other European countries or on European level, both in terms of policy and legislative initiatives as well as in terms of research on the root causes underlying the terrorist threat. For instance, centralised policies on community or youth radicalisation were not put in place. According to Berczyk and Vermeulen (2015) this is done intentionally to avoid the creation of suspect communities. This is contrary to city and district level, where Islamic extremism and Muslim community engagement does receive significant attention and is often incorporated in preventive security policies (Berczyk & Vermeulen, 2015). The media and the internet are further recognised as two important sources of radicalisation (Federal Ministry of the Interior, 2005).

In the aftermath of the attacks, Germany implemented a number of new legislative and operational measures. In 2004, a Common anti-Terror Centre (GTAZ) *(Gemeinsame Terrorismus-abwehrzentrum)*, was created to increase cooperation between all agencies involved in the fight against terrorism (Federal Ministry of the Interior, 2004b). Furthermore, increased pre-emptive powers were rendered to the police, biometrics were introduced in passports and further measures were taken in the field of information sharing and exchange. In 2006, a controversial and long debated Anti-Terror Database was set up holding a wide range of personal data on terrorist suspects that was accessible under a rather wide definition of terrorist suspects and activities ("Germany agrees on anti-terror database", 2006, September, 5). In the field of immigration, a new and stricter Immigration Act was adopted that had been on the table since 2001. Generally speaking, the Madrid and London attacks allowed for the adoption of more pre-emptive measures and more centralisation in the field of counter-terrorism. However, few far-reaching measures were adopted and the German approach remained relatively moderate compared to the rest of Europe. Finally, Germany was one of the few countries that did not develop a counter-terrorism strategy in light of the 9/11 attacks or the attacks on Madrid and London.

In terms of European cooperation Germany did not change course and took the lead in the implementation of the EU Counter-Terrorism Strategy ("Germany's new role against terror", 2007, October 2). By now, Germany had implemented all EU measures adopted in the aftermath of 9/11 except for the Framework decision on the European Arrest Warrant (EAW), for which the court had ruled its extradition procedures to be in conflict with German law (Council, 2005f; "European arrest warrant ruled unconstitutional in Germany", 2005, July 19). Germany further struggled to pass the Data Retention Directive of 2006 ("What does the death of the EU data directive mean?", 2014,).

III. Foreign Fighters

Similar to the rest of Europe, Germany feared the potential impact of foreign fighters leaving to join the war in conflict join ("Germany fears return of European jihadists in Syria", 2013, May 16). . The Federal Office for the Protection of the Constitution and Counter-Terrorism had estimated that in late 2013, more than 210 extremists had left Germany to join the war in Syria, rising to more than 600 extremists in early 2015 (Federal Ministry of the Interior, 2014; "Über 210 Islamisten nach Syrien gereist", 2013, October 26). In 2014, Interior Minister Thomas de Maizière denounced that, 'what we had seen as an abstract danger from returnees ready to fight has now become a concrete and deadly danger for Europe, including for Germany' ("Officials say Islamic Terrorism is Germany's Big Domestic Security Risk", 2014). Although Germany had not yet experienced any major Islamic terrorist attacks on its

soil, the threat level remained substantially high and it was estimated that around 6000 Germans adhering to the 'ultra-rigid Salafi interpretation of Islam' – compared to 4500 in 2012 – were at risk of actively engaging in terrorist attacks. ("Officials say Islamic Terrorism is Germany's Big Domestic Security Risk", 2014; Federal Office for the Protection of the Constitution, 2015).

The German government explicitly highlights the changing dimension of the terrorist threat, and stated that 'even before 9/11, the threat situation was in constant flux and remains so today' (German Federal Ministry of the Interior, 2016). The Islamic State is considered a globally, well organised and substantially financed terrorist organisation established to set up an globally leading Islamic State based on an radical interpretation of the Islam (Federal Ministry of the Interior, 2014 & 2015; Federal Office for the Protection of the Constitution, 2015). ISIS is characterised by the extreme brutality it employs in its terrorist activities and atrocities against non believers. The early military gains made by IS, the 'establishment' of its caliphate and rapid spread of its message encourages individuals to join the organisation in conflict areas (Ministry of the Interior, 2014). The German threat perception and discourse on IS and the threat posed by returning foreign fighters is very much in line with that of the EU and general Europe, both in terms of its perceived structure and unpredictability, and the emphasis on social media as a key characteristic of the new threat (Federal Ministry of the Interior, 2014).

What differs from Europe's general stance on terrorism is Germany's approach towards the balance between tolerance and security and democratic values. The German government - still firmly- supports the promotion of religious tolerance, civil rights and multiculturalism (see i.e. "Der Islam gehört zu Deutschland", 2015; "German leaders attend Muslim community rally", 2015). It strongly opposes the conflation of Islamist extremism with the Islam and in 2015 Merkel denounced that committing terrorist attacks in the name of God should be considered blasphemy ("Germany's Angela Merkel Says Terrorists Commit 'Blasphemy'", 2015, January 15). However, in recent years, the German public has started to question the government's open approach and express its criticism on the lack of the trade-offs between tolerance and democratic values. This has given rise to the emergence of some national anti-Islamic sentiments in the country, for instance embodied in the far-right anti-Islam movement PEGIDA challenging this view and protesting against the government its stance on issues such as Islamic immigration and integration   ("German anti-Islam group PEGIDA stages anniversary rally in Dresden", 2016, October 16).

In light of the substantial threat level, The German government took various efforts to be better prepared against the Jihadist terrorist threat and amended its legislation to lower the burden of proof with regard to returning foreign fighters. Early 2015, the German government approved new measures related to the criminalisation of traveling to conflict zones and the confiscation of passports (European Parliament, 2015). It further planned to strengthen its terrorist financing laws and to adopt measures making incitement to terrorist camps with the intent to participate in 'acts of violent subversion' or to receive training a criminal offence. However, data retention remained of the table since it was considered to be contravening with fundamental rights ("Anti-terrorist measures in EU go in all directions", 2015; "Germany set to pass 'one of the harshest' anti terror laws in Europe, 2014). Furthermore, the German government owed to its strong tradition on integration and implemented various programs on countering radicalisation and Muslim-engagement (Bureau of Counter-Terrorism and Countering Violent Extremism, 2015) In terms of its external approach, Germany is a member of the global coalition against ISIS and has provided military support to Iraq.

5.6.3 Conclusion

Contrary to the general reaction to 9/11, the attacks did not lead to an immediate internalisation of the threat and it would take until the homegrown attacks of 2004 and 2005 for Germany to put the terrorist threat at the top of its security agenda. Germany did, however, strongly condemn the attacks and regarded them as a new global dimension of the terrorist threat, aimed at the entire civilised world. The German government treated the threat as a crime under its criminal justice system and opposed the idea of a the West being at 'war' with terrorism. Not surprisingly given its pro-European stance, Germany emphasised the responsibility of the EU in addressing the issue.

After the attacks, Germany was the only state that did not adopt new legislation in the area of criminal justice or procedural law. It did slowly catch up with other states in the adoption of counter-terrorism measures following the attacks and worked towards a more centralised approach. The homegrown attacks on Madrid and London changed the German approach and led to an increased focus of the prevent pillar. The threat perception in Germany was very much in line with that of the rest of Europe. However, Germany's approach was different in that it adopted a pro-multicultural approach in which it attached great value to tolerance and religious freedom. In general, the German response to international terrorism can be characterised as moderate compared to other European member states, with a strong focus on soft measures under the prevent pillar, however including measures that were repressive of nature. The foreign fighter phenomenon made clear that the terrorist threat was evolving and that the threat was now a 'concrete and deadly danger' to Europe. ISIS was seen as an

almost professional and substantially financed organisation, determined to establish its Caliphate as a leading Islamic State by means of a barbaric approach. In light of this threat, Germany took serious efforts to amend its legislation in order to effectively deal with the phenomenon of returning foreign fighters. However, its stance on tolerance and balance between security and democratic values remained unchanged. This in combination with Germany its alignment with the EU approach to counter-terrorism, made that Germany has proved itself to be the best pupil in the class.

CHAPTER 6: COMPARATIVE CASE STUDY

6.1 Introduction

The following chapter consists of the final part of the research and will set out a comparative case study based on the findings from the domestic case studies performed in chapter 5. In doing so, it aims to provide an in-depth analysis on the degree of national convergence towards the European position on counter-terrorism and whether a certain degree of socialisation or europeanisation can be identified. This chapter will take into account theories on Europeanisation and policy convergence as set out in the theoretical framework in chapter three. The first section aims to set out how national standpoints with regard to counter-terrorism have evolved in relation to the EU stance on counter-terrorism. The second section looks at whether convergence has taken place in this context.

6.2 European Counter-Terrorism versus domestic Counter-Terrorism approaches

At this point, we can state that the EU its counter-terrorism approach has institutionalised into a distinctive and multidimensional policy field covering a variety of measures under its four pillars: pursue, prevent, protect and prepare. This institutionalisation at European level had first to be preceded by the development and in some cases even the establishment of counter-terrorism policies at national level. This institutionalisation process covers a broader time period and goes back to earlier national experiences with counter-terrorism. All four countries had experience with terrorism prior to 9/11: the United Kingdom and Spain were the countries most experienced in this field, Germany had a long-standing history of terrorism on its soil as well, and the Netherlands to a lesser degree. The United Kingdom and Spain were very well equipped in terms of counter-terrorism measures, Germany to a lesser degree. The Netherlands on the other hand had no counter-terrorism measures in place. After 9/11, the Netherlands soon caught up with the two front-runners and Germany followed after the homegrown attacks on Madrid and London.

However, the way that the countries responded to the terrorist threat varied greatly. For the United Kingdom and Spain, 9/11 marked the beginning of a war against terrorism. The terrorist threat for the United Kingdom was closely linked to the countries it originated from and was therefore predominantly considered as an act of war, rather than a crime. Spain had a similar perception of the terrorist threat. In both countries, the threat became immediately internalised and resulted in a repressive and proactive approach with a strong focus on both

precautionary and international military measures. The Netherlands and Germany internalised the threat as well, although Germany to a much less degree than other member states, but botch countries framed the threat much more similarly to the discourse employed at the European level. The threat was perceived as a criminal act and marked a much more cautious and moderate fight against terrorism. All four countries perceived the terrorist attacks as a global attack on openness and western democratic values and reacted strongly to the attacks on a rhetorical level. The threat perception employed by the four states was similar to the European level as well: the threat was perceived as an external, global, common, transnational, hierarchical and religiously motivated threat aimed to cause massive causalities with an Islamic extremist terrorist network at its core. All four member states would adopt the main measures implemented at EU level after 9/11, namely: the 2002 framework decision on the European Arrest Warrant, the 2002 framework decision on Joint Investigation teams, the 2002 Framework decision on combating terrorism on a common definition for terrorism, and the 2003 framework decision on asset freezing.

The attacks on Madrid and London were met with similar initial reactions across the four member states. At the European level, the homegrown attacks led the full internalisation and europeanisation of the terrorist threat and resulted in a focus on the concept of radicalisation and the root causes underlying this process. It furthermore gave rise to a more holistic, inclusive and socio-economical approach to dealing with the threat, which in turn required awareness of the effects of language and the development of a non-emotive lexicon. The causes of radicalisation were identified as complex, rooted in both grievances resulting from socio-economical circumstances as well as in a distorted version of the Islam put forward by Al-Qaeda and the propaganda of a particular narrative about the West. To address this, a multidimensional approach was needed focused on tackling societal problems, such as discrimination and inequalities, a strong external approach promoting good governance, democracy and human rights, as well as the development of a strong counter-narrative.
The homegrown attacks led to a more internal approach in the United Kingdom and Spain and shifted the discourse and practices from a 'war against terror' towards the European 'fight against terrorism'. In this period we can again distinguish a similar divide between the responses of the United Kingdom and Spain on the one hand, and Germany and the Netherlands on the other hand. The United Kingdom and Spain continued to employ a harsh and repressive approach. However, after the new government in Spain took office this approach softened and became more proactive and law-enforcement based. The UK its approach underwent a remarkable change as well: while it did not waive its repressive measures, it developed a very comprehensive counter-terrorism strategy with a strong focus on the prevent pillar. As part of its focus on radicalisation under the prevent pillar, the UK

started to employ a more sensitive approach to the use of language. In Spain, the adaption towards a focus on homegrown terrorism and radicalisation was rather absent and the terrorist threat remained still very much focused on ETA. The Netherlands and Germany, again, took on an approach very similar to that of the EU. The Netherlands went even further and developed a comprehensive and integrated approach with great focus on the complex underlying individual socio-economical causes of radicalisation, research on the concepts central to terrorism and a very strong non-emotive lexicon. It must be noted that radicalisation had entered the Dutch discourse and policy domain years before it came to the attention of the other member states. The United Kingdom as well, focused strongly on what drove individuals to violent radicalisation and subsequently modified its approach to the identified driving factors. Implementation data retention framework decision

Germany and the Netherlands in particular, attached great value to the safeguarding the balance between fundamental rights and freedoms on the on hand and security on the other hand. Germany in particular held a very high standard and advocated for a multicultural approach with a strong focus on integration and soft measures. Spain, on the other end, received much criticism on its harsh counter-terrorism measures, such as its strict incommunicado detention period and treatment of terrorist convicts.

The rise of the foreign fighter phenomenon made clear that the EU needed to employ an even stronger multilevel and comprehensive approach to the threat, including an even more sensitive rhetoric. This phase of terrorism is marked by a two-dimensional threat requiring both an internal response focused on preventing radicalisation, disengagement and deradicalisation, as well as an external approach focused on the promotion of good governance, the rule of law, stability and economic development in critical regions of the world. Under the prevent pillar, this required a three-folded inclusive policy focused on preventive counter-radicalisation, disengagement as well as deradicalisation. In general, the EU was increasingly focused on addressing internal societal factors that contributed to the radicalisation process. Consequently, the EU more strongly advocated for the distinction between Muslims and terrorists. Furthermore, the Internet and social media in particular became of great importance in the counter-terrorism approach. Even though the foreign fighter phenomenon and the rise of ISIS led to a more external orientation, the threat remained a primarily criminal act, rather than an act of war.

All four member states took on a similar outlook to the threat, consisting of: preventing radicalisation and increasing the resilience of those vulnerable to radicalisation and recruitment, preventing individuals from traveling to conflict zones as well as returning to the

country after having received training from ISIS. In the context of external measures, all four countries participated in the global coalition against ISIS in Syria and Iraq. Furthermore, All countries further intensified multilateral cooperation.However, in general, no noteworthy change in approach can be identified in the countries. The Netherlands returned to its comprehensive and integrated approach and the United Kingdom retained its strong focus on the radicalisation and recruitment process. Germany fought my demonstrating the benefits of freedom in modern western societies and Spain its pre-dominantly repressive approach slowly made place for an increased focus on soft measures in the field of counter-radicalisation. Remarkably, for Germany the rise of IS led to a substantial rise in threat level and the German government responded to this by employing harsh measures such as the criminalisation of the intent to travel to conflict zones.

6.3 Convergence?

Before we turn to answering the research question, we first need to return to the process of Europeanisation. In the context of this thesis, Europeanisation has been defined as a two way process in which the emergence of a set of intergovernmental common norms and practices enables the formation of a more supranational normative structure at European level, which in turn enables closer cooperation on operational level (Börzel, 2002). The bottom-up mechanism of Europeanisation explained for the process in which member states transferred powers and policies, but also imposed their norms, values and ideas to the EU level. The top-down mechanism of Europeanisation, the focus of this thesis, connotes the second phase of the Europeanisation process, in which the EU on its turn, re-orients and reshapes the direction of national policies and discourses in a certain policy field. Within this process in particular, the constructivist approach to Europeanisation, or socialisation, cannot be denied. This process of socialisation encompasses the process by which member states 'through interaction with the broader institutional context(norms and discursive structures) acquire new interests and preferences' and 'norms and rules become shared ideas' that have the potential to become institutionalised and bring about a change in state behaviour (Checkel, 2001a; Wiener, 2006). This process will eventually lead to the harmonisation of national approaches, or a certain degree of policy convergence towards the European approach. Policy convergence can then be defined as 'any increase in the similarity between one or more characteristics of a certain policy (e.g. policy objectives, policy instruments, policy settings) across a given set of political jurisdictions (supranational institutions, states, regions, local authorities) over a given period of time' (Knill, 2005, p. 768). In the context of counter-terrorism, I follow the approach that Europeanisation is a two way process in which the emergence of a set of intergovernmental common norms and practices enables the

formation of a more supranational normative structure at the European level, which in turn enables closer cooperation on operational level. Policy convergence can be defined as 'any increase in the similarity between one or more characteristics of a certain policy (e.g. policy objectives, policy instruments, policy settings) across a given set of political jurisdictions (supranational institutions, states, regions, local authorities) over a given period of time' (Knill, 2005, p. 768).

The top-down process of Europeanisation has allowed for the development of a counter-terrorism approach at the EU level, located in the intergovernmental realm of internal security. Whereas prior to 9/11 the EU had practically no say in the field of terrorism cooperation nor had a discourse on the topic made its entry into the European level, in 2016 the EU counter-terrorism approach has developed into a distinctive policy domain and integral part of the ASFJ. As the EU its Counter-Terrorism Coordinator Gijs de Vries already stated in 2006, terrorism 'has changed the role and functioning of the European Union' (2006/11/19). The attacks of 9/11 gave rise to the EU anti-terrorism policy arena and led to the swift approval of a number of significant counter-terrorism measures that allowed for initial harmonisation of national legislation and laid the foundations for further cooperation in this field. Key measures adopted in this period include the adoption of measures in the field such as the European Arrest Warrant and a common definition for terrorism in the field of judicial cooperation, police cooperation was institutionalised through the establishment of JITs and the extension of Europol's mandate, and legislation was adopted in the field of terrorist financing. The Madrid and London attacks set in motion a progressive degree of institutionalisation resulting in the adoption of EU legislation in the field of intelligence, police, and judicial cooperation. The attacks furthermore led to closer border cooperation through the establishment of the VIS and the extension of the SIS. Moreover, the homegrown attacks led to the adoption of two landmark documents in the EU its fight against terrorism: the European Union Strategy for Combating Radicalisation and Recruitment and the European Union Counter-Terrorism Strategy. Since then, the scope of EU counter-terrorism measures has developed into a distinct policy area covering a variety of different fields in the competences of the EU. However, the main responsibility and control remains in the hands of national member states.

When we employ Börzel (2002) his interpretation of Europeanisation to the area of counter-terrorism, it is evident that national member states have consolidated their perceptions, norms and practices at the EU level, allowing for the development and institutionalisation of a EU counter-terrorism approach. However, the question is to what extent this 'supranational normative structure' was established and whether it has led to an increased similarity

between national anti-terrorism policies? Or how Börzel and Risse (2003) pinpoint: 'the issue is no longer whether Europe matters but how it matters, to what degree, in what direction, at what pace, and at what point of time'. More specifically, to what degree has a top-down process of europeanisation taken place and can we identify an actual converging development in discourse and practice in national counter-terrorism approaches towards a more European approach?

First of all, it is safe to say that the EU counter-terrorism policy is making a move towards a multilevel governance arena in which a sharing of competences between the European and national level has taken place, in which a 'multi-tier negotiating system' has developed in the field of anti-terrorism. However, within this multilevel type of governance, control remains in the hands of member states, who are reluctant to transfer powers to the European level when it comes to a domain as close to the heart of national security as terrorism.

The analysis in this thesis has further shown that a certain degree of socialisation and harmonisation has taken place between the European level and national level in the field of the terrorist threat perception and counter-terrorism approaches. Although we can observe a clear harmonisation in terrorist threat perceptions and the discursive and policy levels between the member states and the EU, as well as between the respective member states, it is difficult to determine whether this convergence is channelled around a more European stance towards counter-terrorism.

First of all, there are difficulties in establishing the direction of this convergence. Can we speak of an actual vertical convergence in the sense that the EU has somewhere in the institutionalisation of its counter-terrorism approach started to impose its normative structure on the member states, or are the –more influential– member states changing the normative structure of the EU? As stated before in chapter three, it is difficult to distinguish between the top-down or bottom-up processes of Europeanisation, both processes seem to be taking place simultaneously. Another question that arises is, can we differentiate between horizontal and vertical convergence? Another plausible explanation for apparent convergence or harmonisation is horizontal socialisation or policy transfer between member states, resulting from the copying of best practice or dominant perceptions from the bigger member states. Furthermore, if we look more closely at the changes that have taken place in the four countries over the period from 2001 to 2015, we see that although adaption to the changing terrorist threat has taken place, general stances and approaches to counter-terrorism have remained largely the same. Apart from the United Kingdom its increased focus on soft measures and Spain its trend towards a less repressive approach and stronger focus on counter-radicalisation, no major changes in the general courses can be

identifiedThe changes that did take place during this period of time can be largely explained by adaptation to the changing characteristics of the terrorist threat or national political changes, such as the installation of a new government. On the other hand, in the case of Germany and the Netherlands, we could, generally speaking, identify a 'fit' between the development of the EU and national level counter-terrorism policies since the early days of the development of their counter-terrorism policies onwards.

As Edward and Meyer (2008) have stated before, the EU seems indeed to be somewhere in the midst of a continuum between being a facilitator of member states efforts in counter-terrorism and a security provider with a operational and normative role in its own rights. However, on this continuum, the EU is closer to being a mere facilitator and effective coordinator rather than an entity with operational and normative role. The main achievement for the EU in this field was the facilitation of initial legislative harmonisation after the attacks of 9/11 and homegrown attacks on London and Madrid, which allowed for closer and more effective national cooperation. Although a convergence in both the terrorist perception and the discourse level can be identified, the 'normative role' of the EU in this harmonisation is hard to proof.

CHAPTER 7: CONCLUSION

7.1 Concluding remarks

This thesis aimed to shed light on how national practices and discourses on terrorism relate to the evolving EU approach to terrorism. More specifically, it aimed to analyse to what degree European member states have shown convergence towards the European position on terrorism during the institutioanlisation of European counter-terrorism cooperation?

In the context of this question, I follow the approach that Europeanisation is a two way process in which the emergence of a set of intergovernmental common norms and practices enables the formation of a more supranational normative structure at the European level, which in turn enables closer cooperation on operational level (Börzel, 2002). Policy convergence can be defined as 'any increase in the similarity between one or more characteristics of a certain policy (e.g. policy objectives, policy instruments, policy settings) across a given set of political jurisdictions (supranational institutions, states, regions, local authorities) over a given period of time' (Knill, 2005, p. 768).

As became clear from chapter 5, national discourses and practices on terrorism have evolved over time in response to the changing terrorist threat over the last decade. This can be explained by the evolving characteristics of terrorism, a greater understanding of the concept and a subsequent revision of existing counter-terrorism measures to more effectively fit the new characteristics of the new terrorist threat.

For the European Union, it was only after the events of 9/11 that terrorism came to play a significant role in the EU its security agenda. It is undeniable that the EU counter-terrorism approach has since then undergone an incremental process of institutionalisation throughout the last two decades. The process of institutionalisation at European level was set of by the developments of 9/11 and has proven to be very event driven: the attacks of 9/11, the homegrown attacks on Madrid and London, and to a lesser degree the rise of the foreign fighter phenomenon, prompted the majority of counter-terrorism measures and instruments in a relatively short time period after the events. The attacks gave momentum to the European 'fight against terrorism' and marked the beginning of a process of progressive institutionalisation of European anti-terrorism cooperation. The scope of EU counter-terrorism measures has since then developed into a distinct policy area covering a variety of different fields in the competences of the EU. Although the main responsibility in the field of the high-

politics domain of terrorism remains in the hands of the member states, the EU plays an increasingly distinctive coordinating and supporting role in this, facilitated by a degree of national harmonisation at legal, discursive and operational level.

It is evident that a significant process of bottom-up Europeanisation has taken place in which the constitutive member states allowed for the transfer of power and policies based on their norms, values and perceptions, towards the EU level. The precondition for this bottom-up transfer of policies and powers was a significant enough degree of common threat perception between EU member states.

When we turn to the top-down process of europeanisation, many questions arise with regard to cause and effect and the influence of external factors. In general, the analysis in this thesis has identified a certain degree of convergence between the national and EU level in the field of counter-terrorism policy. Although essential differences remain, counter-terrorism strategies and discourses of member states have shown some strong similarities in response to the evolving terrorist threat over the last two decades. It is, however, difficult to prove whether this harmonisation is caused by top-down europeanisation, or socialisation stemming from 'above'. Intervening factors in establishing this causation are external factors such as national adaptation to characteristics of the evolving terrorist threat or national political or institutional changes. Other problems arise when trying to distinguish between horizontal and top-down vertical policy convergence. A possible and plausible scenario is that convergence between national member states has taken place and subsequently has been reflected at the EU discursive and operational level, rather than a sole vertical convergence towards a 'supranational' or higher European level. Furthermore, it must be emphasised that Europeanisation is a two way transfer process, making it difficult to distinguish between the impacts of both mechanisms.

To conclude, a certain degree of harmonisation between the national and European level has clearly taken place, however, it is difficult to determine whether this has been preceded by a process of top-down europeanisation. To state that convergence towards a EU stance on counter-terrorism has taken place may not stand up to further scrutiny. In order to be able to answer this research question more accurately, one would need to perform a broader and more in-depth case study, include more member states in the analysis and taking into accounting other explanatory factors.

7.2 Limitations

During the course of writing process, I have encountered a number of non-accounted for difficulties and limitations. I will briefly touch upon the two main problems that I encountered. The first difficulty is related to data collection. While some governments, such as the United Kingdom and the Netherlands, have very well organised and open databases covering large time periods, other countries, such as Spain and Germany have less clearly organised and concentrated databases available. This led to difficulties in finding the information and carrying out a systematic comparison. This combined with an incredibly large dataset covering the time period from 2001 to 2015, made it very difficult to avoid a 'pick and choose' approach in data collection where a personal bias prevails over a more systematical approach.

Furthermore, the time period and scope of the analysis appeared to be too large for this master thesis. Both the overload of information and the broad concept of terrorism contributed to difficulties during the writing process. Terrorism has proven to be a topic consisting of many different aspects and covering many different policy fields and in retrospect, it would have been wise to focus on a certain aspect of counter-terrorism policy over a shorter timeframe rather than trying to cover a 15 year evolution of the concept in one master thesis.

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