

The European Union and the Fight against Terrorism:



Master Thesis
International Public Management and Policy

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April 2009

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One for All and All for One?

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Preface

This master thesis *The European Union and the fight against Terrorism* is written for the Master International Public Management and Policy of the department of Public Administration of the Erasmus University of Rotterdam.

Although the manuscript starts off with this preface, this section is actually written last. Finally, after 'countless' hours spend behind my computer, I can say I completed this last part of my academic education and take the next step in life: entering the world of the working people. I will take this step with great pleasure as I am eager to display the lessons learned the last years. The process of writing this thesis was a bumpy ride, it began in the summer of 2007 at the COT in The Hague, where I participated in the research project *Transnational Terrorism, Security & the Rule of Law*. Then I decided suddenly to put my graduation on hold to go working as a volunteer in Bolivia, and after returning in the Netherlands in the beginning of 2008 I experienced quite some difficulties with coming back on the graduation track. Looking back I would say that this was not a surprise, the transition from working with deprived children in an developing country to writing fulltime on the phenomenon of terrorism in the European Union, while being in the 'safe haven' of Rotterdam is rather difficult. Although, due to this sudden step out of my comfort zone, which led to finishing this manuscript later than planned, I am now confident I can make the step to a professional career with the right ambitions.

However, I can not take this step without giving thanks to a number of persons, who have helped my during the process of writing this thesis. At first, I want to thank my coach Frans van Nispen, who has helped me with and advised me on this project, with great patience I must say. Next to that, he was always available for questions and advise during the whole IMP Master. Furthermore, I would like to thank Menno van Duin, for standing in as coach at the last moment, and Ko Colijn, for being the co-reader of this thesis and the team members of the TTSRL project team at the COT, where the idea for this thesis was born.

To my 'little' brothers Bob and Job, the 'Schoonhoven gang', the 'IMP elite' and other friends and family I would like to say thank you for supporting me.

Special thanks I would like to express to my parents, who have always supported my choices - successful and less successful - with regard to my education, for their patience and belief in my capabilities.

And last, the most important person, who never stopped believing in me and helped all the way during this sometimes tough process, in a thousand ways and different roles. Sören, thank you, without you I could not have done this!

Executive Summary

Research Framework

In this comparative case-study research on European integration in the field of counter-terrorism, the following central research question will be answered:

Will an Union-level strategy, in which EU member states' domestic priorities and goals converge, serve the aim of combating contemporary terrorism better than the present EU counter-terrorism cooperation?

This will be done by following a framework of sub questions. On the basis of these sub questions the empirical data will be collected with regard to contemporary terrorism, the present EU counter-terrorism cooperation and the three selected case studies, the EU member states Germany, the Netherlands and the UK:

1. Why is the threat of contemporary terrorism perceived as a common danger to the internal security of the whole EU?
2. Which counter-terrorism cooperation forms are established since 9/11 within EU context?
3. What are the historical experiments with terrorism in Germany, the Netherlands and the UK prior to 9/11?
4. What are the current domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK?
5. To what degree are the domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK compatible?
6. Can the domestic priorities and goals of Germany, the Netherlands and the UK better be fostered by an Union-level strategy?
7. What recommendations can be made to improve the fight against contemporary terrorism in Germany, the Netherlands and the UK?

The empirical data will be analysed on the basis of the European integration theory of intergovernmentalism. The main features of this classic integration theory are looking at integration as a process, which can be explained by its main argument of the logic of diversity; the EU is seen as a project of cooperation amongst nation states, which are the centre of political power and are pooling their sovereignty with the EU; the supranational EU structure is considered a dependent variable in the process of integration in which the national governments are considered the key actors, who's key political issues are high politics, which are linked to matters of national security. The theoretical framework is completed with the concept of horizontal Europeanisation in order to portray the current EU counter-terrorism cooperation. This concept entails the impact of European integration on the member states by means of horizontal mechanisms. Europeanisation through these mechanisms concerns a process without hierarchical pressure from the supranational level onto the member states to conform to EU policies.

On the basis of this theoretical framework I have deduced the following hypothesis:

The aim of combating contemporary terrorism will not be better served with an Union-level strategy opposed to the current EU counter-terrorism cooperation, due to the lack of synthesis among the national interests of Germany, the Netherlands and the UK following on from their different domestic priorities and goals with regard to contemporary terrorism.

The individual cases will be set up according the same format: firstly, the historical experiments with terrorism will be described and analysed. Secondly, the same will be done for their domestic priorities and goals, which are linked – to make a comparison

possible - to the four strands of work of the current EU Counter-Terrorism Strategy: prevent, protect, pursue and respond. Finally, these parts will be combined, which will lead to a sub conclusion on the individual cases. This, in turn will enable me to compare them with help of the theory of intergovernmentalism. In order to complete the conclusion on the member states I will compare how they perceive contemporary terrorism and their domestic priorities and goals in the context of their national situations. And last, the national situations will be combined with the respective government outlook of Germany, the Netherlands and the UK.

Conclusions

The threat of contemporary terrorism, a form of non-state terrorism, is being perceived as a common danger to the internal security of the highly interconnected and interdependent EU member states, based on the combination of the increasing globalisation and the phenomenon of mass communication, and the main characteristics of contemporary terrorism: the horizontal network structure; the core ideology, based on a totalitarian foundation; the explicit commitment to mass-casualty terrorism, part of its dual aim to receive maximal attention and a maximum of deathly victims; and the lack of a basis or need for diplomatic or political compromise.

Since 9/11 a complex governance system consisting of both vertical (centralised decision-making) and horizontal (decentralised, networked and informal policy cooperation) counter-terrorism arrangements, has emerged within the EU. It is focused on the internal dimension of fighting terrorism, in contrast to the American approach, in which the external dimension of counter-terrorism is highlighted. Furthermore, both the EU and its individual member states regard terrorism primarily as a criminal act and consider the alignment of national legislation with regard to this indispensable in their fight against contemporary terrorism.

A substantial degree of convergence between the member states' national security approaches is reached on the basis of horizontal Europeanisation mechanisms: member states have committed themselves to bring their national counter-terrorism arrangements into line through the EU Action Plan against Terrorism and the EU Counter-Terrorism Strategy, both expressions of their common commitment to fight terrorism. Next, they have agreed to share information, follow recommendations and adopt best practices through a detailed Road Map which was drawn up to follow up the implementation of counter-terrorism measures and initiatives agreed on. This in turn, does not mean that the role of the individual member states in international coordination with regard to counter-terrorism has diminished, as cooperation in this field of high politics is still framed after the national sovereignty. Although the member states have realised that they are less capable of managing and controlling all counter-terrorism efforts, they regard the EU primarily as a facilitator of their cooperation, therefore there is little transfer of national responsibilities concerning the operational provision of security to the supranational level. The member states are content with relying on existing and as effective experienced bilateral or multilateral forms of cooperation outside the EU framework and are more inclined to deepen and expand them, rather than to invest in bureaucratic EU institutions concerned with counter-terrorism.

With regard to the historical experiments with terrorism in Germany, the Netherlands and the UK the following answers can be given. Germany most prominent and extensive experience with terrorism was the encounter with the left social-revolutionary RAF. The peak of this organisation was in the 1970s. During this decade both the German government and the general public considered RAF terrorism a severe threat to German internal security. This perceived threat triggered extensive counter terrorism measures based on a criminal approach.

Confronted with the terrorist actions by South Moluccan activists – the most structural form of terrorism in Dutch history - the Netherlands developed the 'Dutch Approach'. The

Dutch aimed at dialogue and integration of the activists and or terrorists, as the Dutch government took the view of regulating and solving societal tensions instead of combating them. This approach, qualified by its opponents as 'soft', can be characterised by the pursuit of non-violent solutions, as long as possible.

The UK is the most experienced EU member state of the three when it comes to non-state terrorism. The anti-colonial violence in the British colonies was considered a task for the British army, and long time it was believed unthinkable that terrorism would occur in the homeland. The wealth of experience and knowledge on terrorism developed during the decolonisation period was used in the conflict with the IRA, the UK's most prominent and extensive encounter with terrorism, which lasted from 1968 till 1999. Again the British army was brought into action, however when the conflict was progressing the military approach proved insufficient and counterproductive. Tactics were changed, and the focus became on a more human approach.

The individual case studies of the three selected countries provide the following domestic priorities and goals in countering contemporary terrorism. The German government considers the threat of contemporary terrorism to be the main threat to its internal security, as being part of global zone under threat and gives priority to Protect and Pursue and aims respectively at reducing the vulnerability to terrorist attacks and at investigating and pursuing terrorists. The Dutch government considers contemporary terrorism a threat to the western world and certainly to the Netherlands in the near future and gives priority to Prevent and therefore its goal to tackle the factors or root causes of people turning to terrorism. The UK government considers the UK a prime target and gives priority to Prevent, aiming at the tackling the factors or root causes of people turning to terrorism. In the following figure the degree of compatibility of the domestic priorities and goals in countering contemporary terrorism of the three case studies is presented:

	Contemporary terrorism perceived as threat to internal security?	Contemporary terrorism perceived as common threat?	Covering all four EU Counter-Terrorism Strategy's strands of work?	Priority given to Prevent strand of work?	Priority given to Protect strand of work?	Priority given to Pursue strand of work?	Priority given to Respond strand of work?
Germany	Green	Green	Green	Red	Green	Green	Red
Netherlands	Green	Green	Red	Green	Red	Red	Red
UK	Green	Red	Green	Green	Red	Red	Red

Figure 1: Comparison between the German, Dutch and British approach of contemporary terrorism.

Concluding, there exists no overall compatibility among the domestic priorities and goals of Germany, the Netherlands and the UK. Though there is partial compatibility between approaches, proving the relative success of the current EU cooperation mechanisms between the member states, like the EU Counter-Terrorism Strategy, which aims at convergence between them without supranational pressure. Both Germany and the UK cover all strands of work of this Strategy, but set different priorities. Whereas the Netherlands does not cover the Respond strand of work properly, but like the UK gives priority to Prevent.

The combination of the outlook of the German, Dutch and UK government - the latter has a nationalist outlook, whereas the former both have a significantly lesser nationalist outlook – and their different national situations – based on national ideas and ideals, precedents and past experiences, and domestic forces and rulers - results in different national interests among Germany, the Netherlands and the UK. The diversity among the national interests of Germany, the Netherlands and the UK derives from the fact that the fight against contemporary terrorism is related to their internal security and consequently their national sovereignty. In these matters of high politics the three of them prefer to

control their own uncertain situation and tolerate no losses, in stead of giving priority to a fully shared responsibility and burden in fighting contemporary terrorism. Consequently, because of the lack of a common interest among Germany, the Netherlands and the UK, their individual domestic priorities and goals will not be fostered by an Union-level strategy, given that their national securities will not be better secured as a result of further European integration in matters of internal security and law and order. Instead, the current EU counter-terrorism governance system in which horizontal counter-terrorism arrangements have the upper hand and which lacks hierarchical pressure from the supranational level allows them to cooperate on their own terms, based on their domestic priorities and goals with regard to contemporary terrorism. The lack of a common interest is illustrated in the next figure:

	Germany	The Netherlands	UK
Domestic Priority	Protect & Pursue	Prevent	Prevent
Perception Contemporary Terrorism	Common Threat	Common Threat	No Common Threat
National Situation with regard to Terrorism	Focus on Criminal Prosecution & Prevention within Rule-of-law	Focus on Integration & Dialogue	Focus on Integration & Dialogue
Government Outlook	Nonnationalist	Moderate Nonnationalist	Nationalist

Figure 2: Indicators Diversity among National Interests of Germany, the Netherlands and the UK.

Based on the individual case studies the following recommendations can be made. As the UK and German approach against contemporary terrorism cover all strands of work defined in the EU Counter-Terrorism Strategy the Netherlands needs to follow the British and German examples in my opinion. On the basis of this research the UK has the most balanced approach. Although the German overall approach reflects the UK approach, the German society would be served by an earlier starting point in the fight against contemporary terrorism. In this context the German government could follow the Dutch and British approaches, which both aim at integration, de-escalation and dialogue in order to prevent people from becoming potential terrorists, rather than stopping potential terrorist becoming actual terrorists. Whereas the Dutch government pays considerable attention to the Prevent strand of work, and seems to ‘forget’ to take measures for whenever an actual attack occurs. And, since history proves that terrorist attacks can never be prevented at any time, I recommend the Dutch government to follow the German and UK approaches in this context.

On the basis of the above I have to give a negative answer to the central question of this research, which aimed at examining whether EU member states under influence of the threat of contemporary terrorism are willing to take another step in the process of European integration. There is no synthesis among the national interests of Germany, the Netherlands and the UK on the basis of diverse domestic priorities and goals with regard to contemporary terrorism. Therefore the aim of combating contemporary terrorism can not be considered better served by means of an Union-level strategy than it is served by the present counter-terrorism cooperation within the EU, from the present viewpoint of the individual member states. The current EU counter-terrorism governance system which has emerged after 9/11, allows the member states to cooperate with each other on the basis of their domestic priorities and goals with regard to contemporary terrorism, without the EU forcing them to conform. Though the member states are committed to bring their national security approaches into line since 9/11, they themselves decide what policy processes, instruments, politics, and polities are used in the fight against contemporary terrorism. This confirms my hypothesis, which was deduced from the theoretical framework.

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List of Abbreviations and Acronyms

AIVD	Algemene Inlichtingen- en Veiligheidsdienst - General Intelligence and Security Service
AT	Austria
BE	Belgium
BBK	Bundesamt für Bevölkerungsschutz und Katastrophenhilfe - Federal Office for Civil Protection and Disaster Response
BKA	Bundeskriminalamt - Federal Criminal Police
BND	Bundesnachrichtendienst - Federal Secret Services
CDA	Christen Democratisch Appèl – Christian Democratic Appeal
CDU/CSU	Christlich Demokratische Union Deutschlands - Christian Democratic Union/ Christlich-Soziale Union - Christian Social Union
CSI	Container Security Initiative
CSFP	Common Security and Foreign Policy
CTG	Counter-Terrorist Group
DE	Germany
DK	Denmark
D66	Democraten '66 – Democrats '66
EAW	European arrest warrant
ECSC	European Coal and Steel Community
EEC	European Economic Community
EL	Greece
EMU	Economic and Monetary Union
EP	European Parliament
EPC	European Political Cooperation
ERC	Expertise Centre for Risk and Crisis Communication
ES	Spain
ETA	Euskadi Ta Askatasuna - Bask Country and Freedom
EU	European Union
EURATOM	European Atomic Energy Community
EUROJUST	EU Body - permanent network of judicial authorities
EUROPOL	European Police Office
FI	Finland
FCO	Foreign and Commonwealth Office
FR	France
GIA	Groupe Islamique Armé - Armed Islamic Group
HAMAS	Ḥarakat al-Muqawama al-Islamiyya - Islamic Resistance Movement
IE	Ireland
IGC	Intergovernmental Conference
IGO	International Organisation
IRA	Irish Republican Army
IT	Italy
JHA	Justice and Home Affairs
LPF	Lijst Pim Fortuyn – List Pim Fortuyn
LU	Luxembourg
MAD	Militärisches Abschirmdienst - Military Counterintelligence
MLG	Multi-level Governance
NL	The Netherlands
PFLP	Popular Front for the Liberation of Palestine
PIRA	Provisional Irish Republican Army
PLO	Palestinian Liberation Organisation
PSI	Proliferation Security Initiative
PT	Portugal
PvdA	Partij van de Arbeid – Labour Party
PWGT	Police Working Group on Terrorism
RAF	Rote Armee Fraction – Red Army Faction
RARA	Revolutionair Anti-Racistische Actie - Revolutionair Anti-Racist Action
SE	Sweden
SEA	Single European Act
SPD	Sozialdemokratische Partei Deutschlands - Social Democratic Party of Germany
STASI	Ministerium für Staatssicherheit - State's Security Office
TEU	Treaty on the European Union
UK	United Kingdom of Great Britain and Northern Ireland
US	United States of America
VVD	Volkspartij voor Vrijheid en Democratie - People's Party for Freedom and Democracy

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Chapter 1. Introduction of the Issue

1.1 Introduction

At 11 September 2001 (9/11) the world received a wake-up call. The terrorist attacks by the Al Qaeda network in New York and Washington made clear that nobody in this world is safe for acts of terror, and that even the most powerful nation in the world is vulnerable. The casualties and economic damage were unprecedented in history. The international broadcasting agencies provided us with the images of the Twin Towers in New York collapsing over and over again, and no matter where one saw these images the threat of international terrorism came close everywhere. A new set of international terrorist threats became visible and caused public anxiety and political action across the Western world.

In the direct aftermath of the 9/11 attacks the president of the United States (US), George W. Bush declared a 'war' on international terrorism, and Great Britain's Prime-Minister Tony Blair said: '[t]his mass terrorism is the new evil in our world today. It is perpetrated by fanatics who are utterly indifferent to the sanctity of human life. We, the democracies of this world, are going to have to come together to fight it together and eradicate this evil completely from our world' (The Financial Times, 12 September 2001). This was however not the first time such statements were given by world leaders to express their horror over the atrocities of terrorism and call on international cooperation to fight terrorism. In his article *The Four Waves of Rebel Terror and September 11* David Rapoport states that exactly 100 years before the 9/11 attacks a similar declaration was made by the newly inaugurated US President Theodore Roosevelt, after his predecessor President William McKinley was assassinated by an anarchist. Roosevelt summoned 'a worldwide crusade to exterminate terrorism everywhere' (2003:36). A quick glance at history shows us, we need to be very careful about the difficulties on the long journey towards the elimination of terrorism. 'The lineage of rebel terrorism is ancient, going back at least to the first century. Hinduism, Judaism, and Islam produced the Thugs, Zealots, and Assassins respectively; these names are still used to designate terrorists' (Rapoport, 2003:37).

The call for international action against the Al Qaeda network was put into action by the UN-sanctioned invasion of Afghanistan and the US-led invasion of Iraq. In both actions European countries participated, leading to the situation in which European countries, especially Western, moved up the 'terrorist value chain' to become a 'core target' (Edwards & Meyer, 2008:2). And, indeed the train bombings in Madrid in March 2004 and the bombings of Underground trains and a double-decker bus in London in July 2005, made clear that the European continent was not immune from attacks by the Al Qaeda network. These bombings proved once more, that terrorist acts nowadays are committed by increasingly internationalised networks. Terrorism has evolved into an unpredictable menace posing a threat to the whole world, which undermines the openness and tolerance of all societies. Consistently, the threat of international terrorism continues to hold the attention in Europe and is perceived as one of the most salient security threats across the European Union (EU). Terrorism is no longer considered a phenomenon limited to national or regional areas, so-called domestic terrorism, as cells following the Al Qaeda lead operate world-wide and may commit terrorist offences anywhere in Europe and 'on a much greater scale than long-established European terrorist groups such as ETA and the IRA' (Keohane, 2008:126). Across Europe governments acknowledge the fact that the fight against terrorism needs to be coordinated in an international context.

The terrorist attacks of 9/11, and those in Madrid and London generated a sense of urgency with regard to combating terrorism within all EU member states, and the EU felt ready for stepping up its own counter-terrorism efforts. The attacks 'seemed to unleash an unprecedented wave of policy interventions within the European Union' (Den Boer, 2003:1). The Union committed itself to fight international terrorism and urged its member states to cooperate in this ambition on the basis of a broad approach. In December 2003 the EU governments agreed on the European Security Strategy *A Secure Europe in a Better World*, which states that 'none of the new threats is purely military; nor can any be tackled by purely military means' (2003:7). To counter terrorism a mixture means is needed, like intelligence, police, judicial, military and other means. This recommendation expresses the different view on the threat of terrorism between the EU and the US. The US is fighting a war, in which 'global efforts to mobilise against terrorism can be compared with those required for a world war' (Keohane, 2005:6). In contrast to the Americans, Europeans regard terrorism predominately as a criminal and not a military act; therefore they focus on legislation to criminalize terrorism (Armitage, 2007:3). Most EU action in countering terrorism has been taken in the Justice and Home Affairs (JHA) area, particularly measures aimed at facilitating policing and intelligence-sharing through legislation and capacity-building. Two Council Framework Decisions were laid down by the Council of JHA ministers in June 2002 urging member states to line up their national legislation with regard to the European Arrest Warrant and the surrender procedures between EU member states; and to combating terrorism. In their article *Introduction: Charting a Contested Transformation* (2008) Geoffrey Edwards and Christoph Meyer even talk about a window of opportunity used by the European Commission after 9/11, and subsequently after the attacks on European soil to accelerate and eventually pass stalled legislation in the JHA area, like the pre-exiting initiative on the European Arrest Warrant. According to EU Justice Commissioner Vitorino the terrorist attacks have led to a 'giant leap forward' for EU Justice and Home Affairs co-operation' (Den Boer, 2003:1). A patchwork of decisions and counter-terrorism mechanisms was the result of this so-called giant leap forward. This cluttered situation eventually led to the adoption of the EU Counter-Terrorism Strategy by the JHA Council, under the UK EU Presidency¹, at the end of 2005. With this strategy the EU decided to focus its counter-terrorism efforts on four main objectives: prevent, protect, pursue and respond.

However, terrorism whether of domestic origin or with an international character, is not a new phenomenon in Europe, since many EU member states suffered from terrorist attacks over many decades. Because of their own history with terrorist activities several EU member states have already developed efficient national structures and legislation to counter terrorism and to cooperate with each other on an intergovernmental basis. With this fact in the back of one's mind, I arrive at the centre of the problem which is to be addressed in this thesis. Namely, since the 1970s, when terrorism became a significant problem for the European Community (EC) and the first steps towards joint European cooperation against terrorism were made, individual EU member states have been determined to hold on to their national sovereignty in national security matters. For the reason that, since the Treaty of Maastricht European economic integration has been strengthened due to the free movement of persons and goods across national borders within the EU, 'matters of justice and home affairs remained at a purely intergovernmental level, under the so-called Third Pillar' (Wilkinson, 2005: 30). This research will examine whether EU member states under influence of the threat of contemporary terrorism are willing to take another step in the process of European integration, and answer the call for 'concerted and collective European action', which is

¹ The UK presidency lasted from 1 July until 31 December 2005.

essential in the fight against terrorism, according to the EU (Council of the EU, 14469/4/05 REV 4, 30 November 2005:6). However, national situations differ from member state to member states because of their history, in this case their historical experiences with terrorism. Therefore, I will compare the individual cases of three EU member states, namely Germany, the Netherlands and the United Kingdom (UK). What are their domestic priorities and the goals with regard to countering terrorism, to what extent are these goals and priorities compatible, and can they better be fostered by cooperation in form of one structured univocal EU approach? By asking these particular questions the research focuses on the process of European integration in the field of countering terrorism. Consequently, I have chosen for a theory from the whole range of European integration theories to explain whether the so-called common security threat of contemporary terrorism needs a common approach of all EU member states under EU wing. By making use of the classic European integration theory of intergovernmentalism, which places member states at the centre of the integration process, I will be able to shed light on and assess the empirical situations of Germany, the Netherlands and the UK. However, while intergovernmentalism, a so-called macro-theory, lacks a more nuanced view on European integration in today's cluttered field of counter-terrorism, I will complete the theoretical framework with the concept of horizontal Europeanisation, for the final fine-tuning. This concept refers to the impact of European integration on the member states through horizontal mechanisms.

Starting point of this thesis - a public administration study - is my internship, as part of the International Master Programme of Public Management and Policy, at the COT, the Institute for Safety, Security and Crisis Management in The Hague. During my three and a half month internship I have participated in the research project *Transnational Terrorism, Security & the Rule of Law* (see annex I). This project is co-financed by the European Commission under the Sixth Framework Programme, Priority 7: Citizens and Governance in a Knowledge-based Society, and conducted by a consortium of six partners. The partners of this consortium have committed themselves to provide the European Commission with an outline of the nature of the present threat of terrorism within the EU, and with a compiled insight into the various response options to terrorism that are available to European governments, since in their opinion:

'Transnational terrorism is one of the most substantial threats to security and the Rule of Law within the European Union. Approaches towards this problem, however, diverge. As member states implement different policies based on different basic assumptions, a structured univocal strategy towards transnational terrorism is absent. Considering the continuing integration within the European Union, an Union-level strategy with regards to terrorism is imperative' (Proposal TTSRL, 2007).

The TTSRL partners name an Union-level counter-terrorism strategy as a logic consequence of the continuing EU integration, therefore the next paragraph of this chapter, which serves as an introduction to the research issue, will be devoted to a brief outline of the European integration process since the 1950s. Furthermore, to provide the reader of this thesis with a proper context, before the actual problem issue - shortly introduced above - is to be addressed in paragraph 1.4, I will present some background information on the pillar structure of the EU, the JHA pillar and the European counter-terrorism cooperation prior to 9/11. In paragraph 1.5 the concepts from the research question and subsequently the scheme of analysis will be presented, followed by a paragraph in which the research will be defined to the three individual EU member states. Paragraph 1.6 will serve the purpose of explaining the choices made in this

research, the so-called methodology. The last paragraph of this introduction chapter serves as framework and structure for the research.

1.2 From World War II to the European Union

1.2.1 European Integration

It was in the aftermath of World War II that the birth of what we call nowadays the EU, took place. At the heart of the idea of an integrated Europe was the traditional hostility between two founding fathers of the Union, France and Germany. On a press conference on 9 May 1950 Robert Schuman, the French minister of Foreign Affairs presented a plan, on which he had agreed with the West German chancellor Konrad Adenauer and the French businessman Jean Monnet, to unite the French and German coal and steel industries under the administration of a single joint authority. The three men thought if Germany and France could cooperate, perhaps a foundation for further European integration would be provided (McCormick, 1999:57). The invitation they made towards other European countries was accepted by Italy and the three Benelux countries, Belgium, the Netherlands and Luxembourg, and led to the signing of the Treaty on the European Coal and Steel Community (ECSC) on 18 April 1951 in Paris. The Treaty came into force on 23 July 1952 and is the origin of the EU institutions as we know them today. On 25 March 1957 the six above mentioned countries signed in Rome the Treaty establishing the European Economic Community (EEC), which entered into force on 1 January 1958. The development of a common agricultural policy, an agreement on a common external tariff for all goods coming into the EEC, and the construction of a single market were made possible due to this treaty. At the same time, the Treaty establishing the European Atomic Energy Community (EURATOM) was signed; the two treaties became known as the Treaties of Rome. The three European Communities were provided with a Single Commission and a Single Council on 1 July 1967, when the Merger Treaty, signed in Brussels on 8 April 1965, came into force.

In 1973 the EEC was expanded with the accession of Denmark, Great Britain and Ireland, followed in the 1980s by Greece, Portugal and Spain.

In 1987 the twelve member states signed the Single European Act (SEA); the main objective of this treaty was 'to add new momentum to the process of the European construction so as to complete the internal market' (www.europa.eu-i). This treaty created the single biggest market and trading unit in the world and amended the existing EEC Treaty. It gave the EEC responsibility over new policy areas, like research and development, environment and regional policy; it gave legal status to European Political Cooperation (EPC – foreign policy coordination) to work more closely on security and defence issues and to meetings of the heads of government under the European Council; moreover it gave new powers to the Court of Justice, the European Parliament and the Council of Ministers. For instance to facilitate the establishment of the internal market, the Council was allowed – in an increasing number of cases - to take decisions by qualified majority voting instead of unanimity.

The next step in the European integration process was the signing of the Treaty on the European Union (TEU) in Maastricht on 7 February 1992, which entered into force on 1 November 1993. This treaty made political integration possible next the already existing economical integration, as it introduced new forms of co-operation between the member states. Next to supranational cooperation in the economic sphere intergovernmental cooperation in the fields of justice and home affairs and security and defence was added to the existing Community system, which created a new structure: the European Union. This economic and political Union consists of three pillars: the European Community –

the former ECC, which was reformed and strengthened, the Common Foreign and Security Policy (CFSP), and Justice and Home Affairs (JHA). In the latter two areas a more formal intergovernmental cooperation was introduced between the member states. Next to the new structure, the concept of European citizenship was introduced, the powers of the European Parliament were reinforced and the Economic and Monetary Union (EMU) was launched.

After the first two enlargement rounds in the 1970s and 1980s Austria, Sweden and Finland joined the EU in January 1995, expanding the number of member states to 15 countries.

On 1 May 1999 the Treaty of Amsterdam, which was signed on 2 October 1997, entered into force. This treaty amended and renumbered the existing EU and EC treaties, and consolidated versions of the EU and EC treaties were attached to it. It took two years of negotiation and discussion to come to a common goal: 'to create the political and institutional conditions to enable the European Union to meet the challenges of the future' (www.europa.eu-i). The representatives of the member states agreed on several matters, like instituting a single European currency – the Euro - in January 1999, which became the official currency on 1 January 2002 in 12 member states², enlargement of the EU towards the east, further development of existing policies, and modest reforms of the EU institutions, like the weighting of votes in the Council and the composition of the Commission.

The next treaty, the Treaty of Nice was signed on 26 February 2001 and entered into force on 1 February 2003 and prepared the EU of 15 member states for its enlargement with 10 members. The Treaty of Nice, the Treaty on the EU and the EC Treaty were revised on four key areas - size and composition of the Commission; weighting of votes in the Council; extension of qualified-majority voting; enhanced cooperation - and merged into one consolidated version.

On 1 May 2004 eight central and eastern European countries - the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia – and Cyprus and Malta joined the EU. In October of the same year the 25 member states signed a Treaty establishing an European Constitution, which was supposed to streamline democratic decision-making and management in the enlarged EU. Furthermore, the treaty created the post of a European Foreign Minister. Before the constitution could come into force, all member states needed to ratify the treaty, which eventually never happened. In both France and the Netherlands the people voted 'No' to the European Constitution in referendums. Meanwhile, the enlargement of the EU kept on going, since in January 2007 Bulgaria and Romania entered the Union, raising the number of member states to the present 27 countries.

After the French and Dutch 'No' votes against the European Constitution, EU leaders declared a 'period of reflection', which eventually led to the signing of the most recent treaty, the Lisbon Treaty on 13 December 2007. This treaty (a Reform Treaty) amends the current EU and EC treaties, without replacing them, and is hoped to enter into force on 1 January 2009, after ratification in all 27 member states. The Lisbon Treaty aims at making the EU 'more democratic, meeting the European citizens' expectations for high standards of accountability, openness, transparency and participation; and to make the EU more efficient and able to tackle today's global challenges such as climate change, security and sustainable development' (www.europa.eu-i).

² The euro countries are Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal and Finland. Slovenia qualified in 2006 and was admitted on 1 January 2007 with Cyprus and Malta joining on 1 January 2008. Currently there are 15 EU member states in the Eurozone.

Like stated before, since the Maastricht Treaty the structure of the EU consists of three pillars, which will be abolished when the Lisbon Treaty enters into force. The first pillar of the EU consists of the Community Pillar corresponding to the three Communities: the EC, Euratom and the former ECSC. The second pillar is committed to the CFSP under Title V TEU, and the last pillar is about police and judicial cooperation in criminal matters, which comes under Title VI TEU³. In the next subparagraph the decision-making procedures of the three pillars will be presented.

1.2.2 European Union and its Pillar Structure

The three EU pillars have different decision-making procedures. In the first pillar the so-called Community method is applicable as decision making regime, which proceeds from an integration logic with due respect for the subsidiarity principle⁴. Its most prominent features are the monopoly of the Commission on the right of initiative - only the Commission can submit proposals to the Council and European Parliament; decisions in the Council are extensively made by qualified majority voting; an active role for the European Parliament; and a uniform interpretation of Community law by the Court of Justice. In other words, because the member states have given up parts of their sovereignty to the institutions of the EU, the common EU institutions act independently of the member states. The decision-making regime is mostly supranational – literally at a level above national governments, which means that decisions can enter into force without the support of all member states and individual member states can be outvoted. The Community pillar and its policy focus is primarily with the traditional cooperation areas within the EC: the Single Market with the free movement of persons, services, goods and capital across borders; cooperation in fiscal and monetary issues (EMU); and common policies, like agricultural, trade, transport, industrial, consumer protection. The Community institutions have several legal instruments, listed in Article 249 of the EC Treaty, available to carry out their tasks: regulations, directives, decisions, and recommendations and opinions (www.europa.eu-iv).

In contrast to the supranational decision making regime in the first pillar, in which the member states share their sovereignty via the Community institutions, the second and third pillar use the intergovernmental method of operation. Decisions are mainly taken at the level between the EU member states, therefore authority remains with the member states. The main features of these pillars are the fact that the Commission's right of initiative is shared with the member states or confined to specific areas of activity; decisions in the Council are extensively made by unanimity; the European Parliament needs only to be consulted; and no role in the second and a minor role in the third pillar for the Court of Justice. In the second and third pillar specific legal instruments are used; in the field of CFSP strategies, joint action and common positions are available, and in the area of JHA decisions, framework decisions, joint positions and conventions are used to address matters. In the next subparagraph the decision-making process under the third pillar will be presented more detailed.

³ The Treaty of Amsterdam transferred judicial cooperation in civil matters, which was covered by the third pillar to the first pillar. This is called communitisation: 'transferring a matter which, in the institutional framework of the Union, is dealt with using the intergovernmental method (second and third pillars) to the Community method (first pillar)' (www.europa.eu:ii).

⁴ The subsidiarity principle means that EU decisions must be taken as closely as possible to the citizen. In other words, the Union does not take action (except on matters for which it alone is responsible) unless EU action is more effective than action taken at national, regional or local level (www.europa.eu:iii).

1.2.3 Justice and Home Affairs

Since the coming into force of the Maastricht Treaty in 1993 the area of JHA is incorporated in the EU institutional framework. With this treaty European integration extended to 'the last two bastions of national sovereignty: foreign and security policy and justice and home affairs' (Börzel, 2003:218). However, like stated above a completely new set of institutions, the second and third pillar, was created by the member states to keep supranational actors from real access to these areas. This can be explained as a clear indication of the intense tensions between national sovereignty and European integration in the fields of CFSP and JHA.

Since the 1970s member states have cooperated in the field of JHA, though in an informal way and on intergovernmental basis. In the 1980s the call for a territory without internal borders became louder, but an agreement among all EC member states was impossible to reach. The discussion resulted in 1985 in an agreement among five member states – Belgium, France, Germany, Luxembourg and the Netherlands - to abolish all checks on people travelling between them, creating a territory without internal borders: the Schengen area (named after the Luxembourg town where the agreement was signed). Although not all EC member states took part in this intergovernmental cooperation, it was an important step toward European integration in the field of JHA. After the first agreement a further convention was drafted and signed on 19 June 1990, and when it came into effect in 1995, it abolished checks at the internal borders of the states which signed the agreement. One single external border was created, where immigration checks were to be carried out in accordance with identical procedures in every Schengen country. They established 'common rules regarding visas, right of asylum and checks at external borders were adopted to allow the free movement of persons within the signatory States without disrupting law and order' (www.europa.eu-v).

In the following years the Schengen area extended to 13 member states in 1997, when the Treaty of Amsterdam was signed. On 1 May 1999 this treaty came into force and incorporated the Schengen rules taken since 1985 into the institutional framework of the EU. The Schengen area is the first concrete example of enhanced cooperation - an arrangement whereby a group of EU countries work together in a particular area, even if the other EU countries are unable or unwilling to join in, however outsiders are free to join in later if they wish - between the thirteen member states⁵ (www.europa.eu-v).

Under the third pillar, the EU is creating an area of freedom, security and justice to both protect its citizens against international crime and terrorism, and provide them with equal access to justice and respect for their fundamental rights in all member states. The inclusion of all the new member states, which have joined the EU since 2004, in this area is considered a major challenge. Once this area is fully developed policies concerning issues like fundamental rights, EU citizenship, personal mobility, asylum and immigration (legal and clandestine), visa policy, effective management of the external frontiers and close cooperation between national police, judicial and customs authorities will be uniformly implemented across the EU (www.europa.eu-v). In 2004 the so-called The Hague Programme was adopted, in which these priorities were reaffirmed. This

⁵ Currently, the full Schengen members are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden plus Iceland and Norway, which are not EU members. Denmark does not fully take part in the Schengen rules, as well as the United Kingdom and Ireland. The latter two do not take part in the Schengen rules on free movement of persons, external border controls and visa policy. The representatives of these States therefore do not vote on these matters in the Council.

programme is scheduled to run from 2005 to 2009, and consists of detailed proposals for EU action on terrorism, migration management, visa policies, asylum, privacy and security, the fight against organised crime and criminal justice.

Once every two months, Justice ministers and Interior ministers from each EU member state come together in the JHA Council to pursue the goal of creating an area of freedom, security and justice and to discuss the development and implementation of cooperation and common policies in this area. This Council – acting unanimously on the initiative of any member state or of the European Commission - can make use of different legal instruments under Title VI of the EU Treaty, to address these matters, namely:

- Common positions (art. 34 TEU), which are adopted to define the approach of the EU to a particular matter.
- Framework decisions (art. 34 TEU), which are adopted to approximate (align) the laws and regulations of each member state. Both the European Commission and individual member states can initiate a proposal, which needs to be adopted unanimously in the Council. A framework decision is binding on the member states, and stipulates the result that has to be achieved, however the choice of form and methods is left up to the national authorities. The European Arrest Warrant is based on such a framework decision.
- Decisions (art. 34 TEU), which are adopted in all areas to reach the stated goals for police and judicial cooperation, except for approximating the laws and regulations of the member states. Decisions are binding and any measures required to implement them at Union level are adopted by the Council, acting by a qualified majority. In 2002 EUROJUST, the European judicial agency based in The Hague, was created by such a decision.
- Conventions (art. 34 TEU), which are established to be recommended to the member states for adaptation in accordance with their respective constitutional requirements.

Framework decisions and decisions are binding on the member states, however they are not directly applicable; they have to be implemented into national law of the member states. Since the entry into force of the Treaty of Amsterdam in 1999, they have replaced the instrument of joint action⁶, to make action under the reorganised third pillar more effective, given that both are more binding and more authoritative. Since the creation of the third pillar under Title VI of the EU Treaty, matters concerning justice and home affairs were dealt with solely under the intergovernmental rules, but the Amsterdam Treaty transferred asylum, immigration and judicial cooperation in civil matters to the Community pillar under Title IV of the EC Treaty. Improving collaboration between national authorities to overcome the incompatibility between the different judicial and administrative systems of the member states, like the mutual recognition and enforcement of foreign judgments, is the main objective of judicial cooperation in civil matters. With the reorganisation the third pillar was preserved, since the provisions on police and judicial cooperation in criminal matters remained under Title VI TEU. The aim of this cooperation is to prevent and combat racism and xenophobia, organised crime, terrorism, trafficking in human beings, crimes against children, drug trafficking, arms

⁶ A legal instrument under former Title VI of the EU Treaty that was used between 1993 and 1999. It meant coordinated action by the Member States on behalf of the Union or within the EU framework in cases where, owing to the scale or effects of the envisaged action, the Union's objectives could be attained more effectively by common action than by the Member States acting individually (www.europa.eu:vi).

trafficking, corruption and fraud. Together Title IV of the EC Treaty and Title VI of the EU Treaty form the legal basis for the area of freedom, security and justice.

This paragraph introduced the reader to the EU and its third pillar, in which representatives of the EU member states decide on matters of JHA matters, and in which most EU counter-terrorism action has been taken. Consequently the next paragraph will deepen this introduction chapter by presenting the fight against terrorism within the European context from the 1970s up to 9/11.

1.2.4 Historical Background European Counter-Terrorism Cooperation

The first steps towards strengthening of European cooperation against terrorism – on ad hoc basis and outside the Community's legal framework - were taken in the 1970s, when various EC member states faced major terrorist attacks on their own soil by all sorts of terrorist groups: the PLO, ETA, IRA, Italian Red Brigades, and RAF. In 1976, after a number of intergovernmental meetings on terrorism in the early 1970s, the TREVI Group⁷ was created by the EC member states. TREVI served as a forum for internal security cooperation amongst the interior and justice ministers in the internal security area, with a special emphasis on the fight against terrorism. In 1985 the scope of the TREVI Group was extended to illegal immigration and organised crime.

In 1977 the European Convention on the Suppression of Terrorism obligated ratifying member states to apply the principle of *aut dedere aut judicare* (to extradite the suspect or bring the suspect before your own judicial authorities) in the case of a terrorist offence or an offence connected with a terrorist offence. This was a new development, for the reason that throughout modern history terrorism is predominately considered a political crime, and as matter of that principle the European democracies could not guarantee extradition in cases of terrorism. Although the Convention made extradition on grounds of terrorism possible, state parties to the Convention could refuse extradition when the offence was political or politically motivated, and whenever prosecution based on grounds of race, religion, nationality or political opinion by the requesting state was feared (Wilkinson, 2005:29). Furthermore, some coalitions between European intelligence services were organised, like the Police Working Group on Terrorism (PWGT), established in 1979 and which brought together senior police officials to compare methods for combating the IRA in Britain and Ireland, the Italian Red Brigades, and the German RAF (Keohane, 2005: 17).

In the 1980s some counter-terrorism mechanisms were included in the legal framework of the EC through the Schengen Agreement and the Treaty on the SEA. And, in the next decade the EU participated in initiatives with the Council of Europe⁸ 'to augment cooperation in terms of extradition, sharing intelligence, and accrediting foreign diplomats' (Wilkinson, 1992; Zagari, 1992; Chalk, 1994, in: Enders & Sandler, 1999:146). And, the Madrid European Council in 1995 established in its conclusions that terrorism represents a threat to the democracy, to the free exercise of human rights and to development in the economic and social sphere of each EU member state. Moreover it stated that terrorism is becoming more transnational and can not be dealt with

⁷ 'The name 'Trevi' has been open to many interpretations. It has been variously attributed to: the presence at the 1971 meeting of the Dutch Minister Mr Fonteyn (which means fountain); the name of a famous fountain in Rome; the Trevi district in Rome; and as an acronym for either 'Terrorisme, radicalisme et violence' or terrorism, radicalism, extremism and international violence' (www.statewatch.org).

⁸ The Council of Europe was founded in 1949 and has at this moment 47 European member countries and one applicant country, Belarus. The Council of Europe seeks to develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals (www.coe.int).

'effectively solely by means of isolated action and using each individual State's own resources [and perhaps] might take advantage of any differences in legal treatment in different States to try to gain impunity' (La Gomera Declaration, Madrid European Council Presidency Conclusions, 15 & 16 December 1995).

In 1996 the EU Convention on Extradition was signed to facilitate extradition between the member states in certain cases – the use of political exemptions as grounds for refusing extradition was banned. Furthermore, it supplemented other international agreements, like the European Convention on Extradition (1957), the European Convention on the Suppression of Terrorism (1977) and the EU Convention on Simplified Extradition Procedure (1995). In the next years the issue of terrorism and the fight against it were referred to in several settings; in the Treaty of Amsterdam, in the Vienna Action Plan on how to implement the provisions of this treaty concerning the creation of an area of freedom, security and justice, and in the conclusions of the Tampere European Council in 1999, at which a comprehensive approach was adopted to put into practice the new political framework established by the Amsterdam Treaty in the area of JHA.

In July 1999 the European Police Office (EUROPOL) began to operate, after its creation by a Council Act of 26 July 1995. Among its many activities, EUROPOL supports the national law enforcement activities of the member states against terrorism.

According to Wilkinson (2005: 30) modest though useful incremental steps were taken in the late 1990s to improve EU cooperation in the fight against terrorism, among them were: the establishment of the European Judicial Network in 1998 to simplify and accelerate the process of judicial requests by one member state to another member state; and the establishment of the EU Convention on Mutual Assistance in Criminal Matters in 2000, to facilitate efficient mutual judicial assistance between courts, police and customs authorities of the different member states, because they all have different legal and judicial systems.

This list of counter-terrorism cooperation forms is not exhaustive, as it is impossible to discuss all types of cooperation in the European context. However, this general outline is included as part of the introduction to the issue of research, which is presented in the next paragraph.

1.3 Addressing the Issue

1.3.1 Issue of Research

In the run-up towards this paragraph a united Europe as at stance now in the EU, the third pillar which incorporated the area of JHA in the EU institutional framework and its decision-making regime, and the historical background of the fight against terrorism within the European context have passed in review. These situations and environments provide a general context and contribute to the explanation of the research issue of this master thesis.

European integration has led to the situation in which the EU is an area of increasing openness and interdependence in which people, ideas, technology and resources move freely, and therefore the EU considers 'collective European action, in a spirit of solidarity, indispensable to combat terrorism' (Council of the EU, 14469/4/05 REV 4, 30 November 2005). Because of the interconnectedness and interdependence of EU societies the potential threat of contemporary terrorism is being perceived as a common danger to the internal security of all EU member states. Historically, the internal security of nation states is always dealt with as part of national policy-making, but since the collapse of the Iron Curtain issues of internal security have gradually moved away from a national

military threat to more contemporary threats, which are due to internationalisation and globalisation, transnational. The increase and intensification of cross-border crime, illegal immigration and international terrorism have led to a situation in which the state borders no longer correspond to the boundaries of the problem (Anderson, 1993, in: Turnbull-Henson, 1997:2). The transnational dimension of these problems has changed the traditional conceptions of internal security within the EU member states, since their governments have realised that they are not able to cope with them on their own, leading to the creation an area of freedom, security and justice in recent years. More specifically, the growth of global terrorism has led to intensified counter-terrorism cooperation between the EU member states.

The Union sees itself committed to jointly fight terrorism, because the threat of contemporary terrorism is perceived as a common menace to all EU citizens. At the same time it is very clear the EU does not run its own counter-terrorist operations; the actual fight against terrorists is the sole responsibility of the member states, as police forces, border and judicial authorities, security and intelligence agencies are all under national control. In his working paper *The EU and Counter-Terrorism* for the Centre for European Reform Daniel Keohane describes a nightmare scenario for European security officials, that fits the need for collective European action to combat terrorism: '[..] to discover, after a terrorist attack in an EU member state, that another EU government had held crucial information about a suspected attacker' (2005:1). To enforce this scenario Keohane gives a striking example from reality: in 2003 the Italian police force arrested a Moroccan citizen, Mohamed Daki, for trying to recruit terrorists to attack American troops stationed in Iraq. During their investigation the Italian authorities discovered that this was not the first time that Daki was being questioned by an European national police force concerning terrorism. In 2001 Daki was already questioned by the German police about his suspected link to the Hamburg Al Qaeda cell, that carried out the 9/11 attacks. Because they could not find conclusive evidence proving the link, the German police could not arrest him and had to let him go. This resulted in losing track of him completely.

The above described scenario and example are characteristic for the paradox in the EU fight against terrorism. On one hand, national governments through their representatives in the JHA Council agree that close cooperation in the field of counter-terrorism is a bare necessity, because of the crossing-border nature of today's terrorism. Moreover, they issue official statements on how to cooperate against terrorism that indicate perfect consensus among all member states. On the other hand, member states are reluctant to cooperate, for example in sharing crucial information, afraid that unwanted eyes may catch a glimpse of internal security matters. '[T]he gap in trust coupled with the risk for sources and free-riding between the national 'haves' and 'have-nots' in intelligence terms prevents a quicker evolution, institutionalization and task expansion' of European law enforcement bodies' (Edwards & Meyer, 2008:14). Ministers in the JHA Council exercise restraint in transferring political authority or resources upwards to either the European Commission or law enforcement agencies at the European level in order to provide them with real powers to be effective in combating terrorism. This reluctance stems from the fact that internal security issues concern the core of national sovereignty; giving the EU real powers, for example in the field of investigation and prosecution, might interfere with existing laws and security practices in the individual member states (Keohane, 2005:3). Wilkinson states that this has ever been the case since EU member states started working together in combating terrorism: 'the loopholes [in the European Convention on the Suppression of Terrorism signed in 1977] are clear evidence of the major weakness which has bedevilled all efforts to strengthen European-wide cooperation

against terrorism right down to the present day: European states have been determined to retain their sovereignty prerogative in matters of national security and law and order' (2005:29-30). The question is, are EU member states at this point in history under threat of contemporary terrorism willing to give up national sovereignty in these matters and provide the EU with real powers to combat contemporary terrorism?

Consider the current situation with regard to countering terrorism:

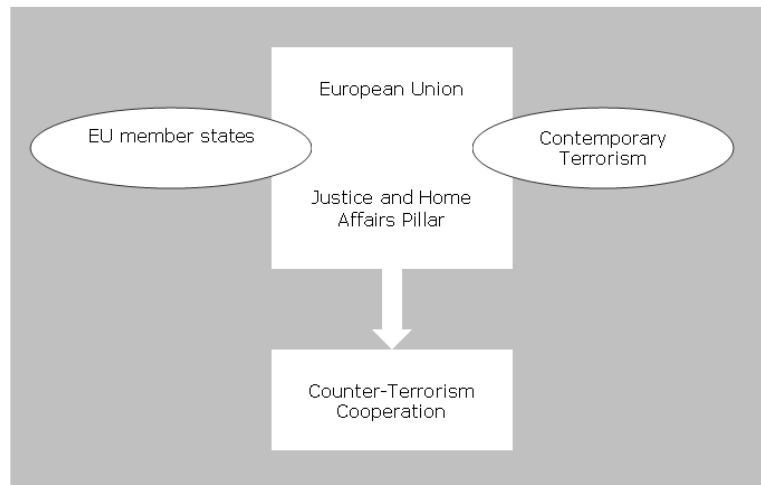


Figure 1.2: Influence of EU member states and Contemporary Terrorism on Current Counter-Terrorism Cooperation

In order to examine whether further EU integration in the field of counter-terrorism as a consequence of the threat of contemporary terrorism is feasible and necessary, the national cases of individual EU member states need to be analysed. This is a logic consequence of the fact that the EU is build upon foundations laid down by its member states. Moreover, the individual member states of the EU are to be considered the key actors in EU decision-making, since they decide on the 'architecture' of the EU in the European Council or Intergovernmental Conferences and on more daily policy affairs in the Council and its supporting committees through their representatives (Bulmer & Lequesne, 2005:2-3).

However, before we turn to the individual cases, a closer look at the phenomenon of contemporary terrorism and its potential threat is necessary. Why does it pose a problem to the whole Union, where as in the past transnational acts of terrorism by European groups, often supported from outside the continent, were not considered a common threat to European security? Next to this, the current forms of cooperation within the EU in reaction to contemporary terrorism, in which the individual member states participate, need to be explored in order to sketch the present-day situation next to the situation of further EU integration in the field of counter-terrorism.

At the level of the member states the historical experiments with terrorism prior to 9/11 in general need to be studied before we turn to the present, for the reason that these influence the way member states at national level perceive the threat of contemporary terrorism. Countries with experiences of home-grown or anti-colonial terrorism in the past are sensitive in a different way to terrorist threats from countries without such an experience, resulting in national differences of what to fear and how to engage with security issues. Secondly, genuine cooperation expressed by the JHA Council as 'concerted and collective European action' to fight today's terrorism is only feasible if member states hold a shared opinion upon how to fight terrorism. Therefore the current

domestic priorities and goals concerning countering terrorism of the selected member states need to be explored and compared. As, for member states to give up national sovereignty in matters of internal security and law and order, they need to have the opinion that their priorities and goals with regard to countering terrorism are best fostered by European integration; will integration serve the national interest better than the current situation?

1.3.2 Objective and Research Question

The problem issue addressed in the previous paragraph needs to be transformed into a research question, furthermore the objective of this research needs to be made clear. The research is set up to compare the individual cases of Germany, the Netherlands and the UK in order to affirm or take the edge of the argument putted forward by the partners conducting the TTSRL research:

'Transnational terrorism is one of the most substantial threats to security and the Rule of Law within the European Union. Approaches towards this problem, however, diverge. [...] Considering the continuing integration within the European Union, an Union-level strategy with regards to terrorism is imperative' (Proposal TTSRL, 2007).

By proving this argument right or wrong, I will make an effort to contribute to the existing learning on European integration, because the research is about an integration process within the European context. This research is to be considered a study in the tradition of public administration, in which in general the workings and the organisation of governments are studied. According to Hakvoort (1996) public administration studies serve a twofold bridging function, namely to establish a link between multiple disciplines, like political, sociological, historical, juridical and economical science, and a connection between theory and practice. With regard to the former, a link between law, historical, political and sociological science is made in this research to conclude on the behaviour of the three EU member states in question. Concerning the bridge between theory and practice, the theoretical framework, which is addressed in the next chapter, will guide the research on this particular process of European integration. On the basis of this framework I will assess and compare the empirical situations of Germany, the Netherlands and the UK.

As for the practical objective of this master thesis, recommendations will be made on how to improve the common fight against terrorism within the European context, in whatever shape. These recommendations can be useful for European counter-terrorism and security officials on one hand, and on the other hand for national government officials in the EU member states in question, who are engaged in the field of counter-terrorism, like officials from the Ministries of Justice and Home Affairs and intelligence services.

The objective mentioned above will be achieved by answering the following central research question:

Will an Union-level strategy, in which EU member states' domestic priorities and goals converge, serve the aim of combating contemporary terrorism better than the present EU counter-terrorism cooperation?

In order to answer this central question, several sub questions are formulated, which are derived from the central question. On the basis of the next six sub questions the empirical data will be collected in order to provide a proper answer to the research

question. Firstly, the threat of contemporary terrorism and the current counter-terrorism cooperation in EU context need to be addressed:

1. Why is the threat of contemporary terrorism perceived as a common danger to the internal security of the whole EU?
2. Which counter-terrorism cooperation forms are established since 9/11 within EU context?

Secondly, concerning the individual member states, the following empirical sub questions are formulated to compare the three individual cases:

3. What are the historical experiments with terrorism in Germany, the Netherlands and the UK prior to 9/11?
4. What are the current domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK?
5. To what degree are the domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK compatible?
6. Can the domestic priorities and goals of Germany, the Netherlands and the UK better be fostered by an Union-level strategy?

In order to make a practical contribution with this research the last sub question is formulated the following way:

7. What recommendations can be made to improve the fight against contemporary terrorism in Germany, the Netherlands and the UK?

The sub questions serve as a guide and framework for doing the empirical research, on the basis of them the actual research will be done. In the last paragraph of this introduction chapter the framework of sub questions is integrated in the thesis structure. In the next paragraph the individual concepts of the central research question are described and defined, followed by the scheme of analysis and the operational research question. Subsequently, the research will be defined to the three individual cases of Germany, the Netherlands and the UK.

1.4 Conceptualisation

This paragraph is the link between the central research question, the theoretical framework, which will be presented in chapter 2 and the actual research. In order to establish this connection the central research question needs to be conceptualised and be made operational. At first, by means of the conceptualisation, the independent terms in the research questions will be explained and defined, and on basis of these concepts a scheme for analysis will be presented. Secondly, these terms will be linked to the theoretical framework to make them operational for application in practice (Babbie, 1998: 139).

1.4.1 Concepts

The central research question, formulated in the previous paragraph, needs to provide insight into the scheme of analysis of this research. The research question is made up out of several independent building stones: *contemporary terrorism*, *Union-level strategy*, *EU member states*, *domestic priorities and goals* and *present EU counter-terrorism*

cooperation. In this paragraph these building stones will be described and defined. Furthermore the scheme of analysis in which the connections between the individual concepts will become clear and the operational research question will be presented.

Contemporary Terrorism

Terrorism is not a new phenomenon, however in recent year's terrorism, and particular its international dimensions, have come to be appreciated as a prominent threat to Western and European security. For the past four decades both academic scholars in the field of terrorism studies and policy-makers have tried to formulate a general acceptable definition of terrorism and failed, while when studying the phenomenon of terrorism one is engaging a controversial empirical object of study. This lack of consensus is obviously according to Walther Laqueur (1998), one of the world's most eminent scholars in the field of terrorism, as 'any attempt to be [...] specific is bound to fail, for the simple reason that there is not one but many terrorism' (In: COT-ii, 2007:12). Terrorism results from different context-specific factors such as historical preconditions, the type of political regime, and socio-economic conditions, et cetera. Furthermore, it does occur too infrequently – from a statistical point of view – to allow generalization on its how, when, why and whom. Thirdly, terrorism is a complex and multi-faceted phenomenon, which is not bound to one place or region. Last, the phenomenon has such a strong moral connotation, that the term terrorism can hardly be used in a value-neutral manner (COT-ii, 2007:13). Paul Wilkinson, a well-known scholar in the field of terrorism, argues it is rather important to distinct terrorism from violence and insurgency in general. 'Some journalists and politicians have tried to use it as a synonym for guerrilla war, but terrorism is a special mode of violence which, since the late 1960s, has more often than not been used entirely alone, in a pre-insurgency situation. And it is this type of attack – spasmodic bombings, shooting, kidnapping – which has been the characteristic modern pattern in western democracies' (2005:9). Wilkinson defined terrorism briefly as 'the systematic use of murder, injury and destruction or threat of same to create a climate of terror, to publicise a cause and to intimidate a wider target into conceding to the terrorists' aims' (2005:9).

With regard to the different types of terrorism, there is also a lack of consensus within the academic field. Currently, the most commonly used classifications are political orientation-based typologies, like the classification provided by Bruce Hoffman (1998). This scholar distinguishes four types of terrorism: ethno-nationalist, left-wing, right-wing and religious. Clearly, an analysis of a specific terrorist campaign is only meaningful, when the unique political, historical, and cultural context and the ideology and goals of the terrorists involved, are taken into account. There is however an other essential categorisation within the academic literature. This categorisation focuses on the geographical boundaries of terrorist campaigns and makes a fundamental distinction between domestic and international terrorism. Domestic terrorism is limited to one specific locality or region within the borders of one country perpetrated by (a group of) national citizens against a national, regional or local target. Examples of domestic terrorist campaigns are those of the IRA and the ETA. However, practically speaking, it is very difficult to find terrorist campaigns, which are purely domestic. In most cases of domestic terrorism one or more transnational features are recognizable, like the cross-border movement of the perpetrators and the foreign origin of explosives and weapons, which is also applicable on the IRA and ETA according to the RAND-MIPT Terrorism Knowledge Base and literature study. Moreover, almost every terrorist group seeks the attention of the international media in order to influence foreign opinion and governments. Wilkinson (2005:11) defines international terrorism as 'an export of [terrorism] across international frontiers or against foreign targets in the terrorist' state

or origin'. The terrorist attacks of the West-German RAF during the 1970s and 1980s on American targets, among others, in West-Germany are examples of international terrorism. In addition to the distinction between domestic and international terrorism, many scholars nowadays speak about another geographical category, namely global terrorism, which refers to the term contemporary in the central research question. Regarding this phenomenon *Deliverable 1, work package 2 of the TTSRL research project* concludes that the 'recent high-profile terrorist attacks on American and European soil [...] have had a profound impact on the scholarly debate concerning the consequences of globalization and, more specifically, the threat of non-state actors to security and the means for individual states to ensure security. Policy perceptions of terrorism are, in fact, moving away from state-based terrorism to transnational terrorist networks' (2007:59). As a result of globalization terrorists nowadays are able to operate in a highly distributed global network, like the Al Qaeda network, in which the terrorists share information among each other and that allows small groups, so-called cells, to commit highly coordinated, deadly attacks. This global terrorism poses a threat to international peace and security; its perpetrators aim at causing international disturbance. In the context of this research the focus is at the threat of global terrorism to the EU, which is 'an area of increasing openness, in which the internal and external aspects of security are intimately linked. It is an area of increasing interdependence, allowing for free movement of people, ideas, technology and resources' (Council of the EU, 14469/4/05 REV 4, 30 November 2005). Because of its openness and interdependence the EU can be considered an environment which terrorists abuse to pursue their objectives. Based on the above mentioned definitions the term contemporary terrorism in the central research question can be defined as:

The systematic use of murder, injury and destruction or threat of same within the EU by cells part of transnational terrorist networks to create a climate of terror on a global scale, to publicise a cause and to intimidate a wider target, aiming at international disturbance.

Union-level Strategy

The concept *Union-level strategy* consists of two individual terms. I will start with explaining the latter one, the noun strategy, as Union-level is an adjective to strategy. The Oxford English Dictionary Online hands several definitions for a strategy, including this one: 'In (theoretical) circumstances of competition or conflict, as in the theory of games, decision theory, [...] a plan for successful action based on the rationality and interdependence of the moves of the opposing participants.' Subsequently a strategy can be described as a scheme of action; an organized and detailed plan according to which something is to be done; a strategy sets an intention or ambition for the future (Oxford English Dictionary Online, 2008). In terms of politics a strategy is used to achieve goals 'in any given setting, an actor prefers some outcomes to others and pursues a strategy to achieve its most preferred possible outcome. [...] The actors' strategy is its attempt to come as close as possible to the outcome it most prefers (Frieden, 1999: 41).

The term strategy in the central research question refers to the plan on how to combat contemporary terrorism in order to protect European societies and make Europe safer, the preferred future outcome. The current EU Counter-Terrorism Strategy defines its strategic commitment the following way: '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 of the EU, 14469/4/05 REV 4, 30 November 2005). This strategic commitment is also applicable on the strategy mentioned in the research question, which is accompanied by the adjective Union-level, and this adjective refers what kind strategy should be pursued to achieve the most preferred possible outcome,

namely a strategy at the level of the EU. This strategy should be seen in the context of the EU as an actor, running its own counter-terrorism operations, as the outcome of the political process in which EU member state governments increase the power of EU institutions because they believe it is in their national interest to transfer national powers to the supranational level. Or as Hoffmann states: 'as the result of rational decision-making within a historical context [under threat of contemporary terrorism] that was conducive to strong and clearly defined national interests of the nation state governments involved' (Hoffmann in: Wiener & Diez, 2004:8). A strategy opposite to the current EU Counter-Terrorism Strategy, which focuses mainly at fighting terrorism at the level of the member states, because police forces, border and judicial authorities, security and intelligence agencies are all under national control. Therefore, the concept of an *Union-level strategy* in the research question refers to:

A strategy pursued by the EU, as an individual actor - resulting from the process in which synthesis is reached among the EU member states' national interests - to fight contemporary terrorism in order to make Europe safer.

EU Member states

States that belong to an international organisation (IGO) are member states of that specific international organisation. The term member state is also used to mean the government of those states which are members to an IGO. An IGO can be defined as 'a body whose member states are states. [...] IGOs are established by treaty and usually operate by consent, with a permanent secretariat to service the organisation. They consist of universal bodies such as the United Nations, which all countries can apply to join; regional organisations such as the European Union; and single-purpose institutions which perform a specific function' (Hague & Harrop, 2001:47).

In this research the member states of the EU are analysed. The EU is an regional organisation to which only European countries can apply⁹. The Union is both a political project and a form of legal organisation. With regard to the latter, article 1 TEU states that the task of the EU is 'to organise, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples'. The EU is based on the rule of law, since every EU action is derived from the treaties, on which all member states have agreed voluntarily and democratically. To keep up with societal developments earlier signed treaties have been changed and updated. EU member states have ratified the Treaty on the European Union, which was established in Maastricht on 7 February 1992 (see paragraph 1.2 for more information on the Treaties prior to the TEU). Consequently the Treaty of Amsterdam (1997) and the Treaty of Nice (2001) amended and reformed the former EC and EU Treaties. The Treaty of Nice, the former EU and EC Treaties have been merged into one consolidated version. Consequently, EU member states can be defined as:

European states, which have voluntarily subjected themselves to the rule of law of the EU, striving for organised relations between them and their peoples based on solidarity and consistency.

How these organised relations should be defined is questionable. Member states - of any IGO - can have common goals, however their national interests are not common by definition, according Hoffmann's logic of diversity (which is explained in the next

⁹ The many debates on the question 'where does Europe begin and where does it end?' are left aside in this research.

chapter). 'Every international system owes its inner logic and its unfolding to the diversity of domestic determinants, geo-historical situations, and outside aims among its units' (1995:72).

The definition stated above can be narrowed by defining the term state. From 1 January 2007 the EU consist of the following member states: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK. These 27 EU member states can be considered states. Statehood is the dominant principle of political organisation, according to Rod Hague and Martin Harrop in *Comparative Government and Politics* (2001:6). In order to define statehood they distinguish state from government. The state is a more abstract term than government, because it refers to 'the ensemble formed by government, population and territory. [...] Sometimes used to mean the same as government, the state is better understood as a political community formed by a territorially defined population which is subject to one government. The Montevideo Convention of 1933 regarded the capacity to enter relations with other states as one of four core features of states. The others were: a permanent population, a defined territory and a government' (Hague & Harrop, 2001:6). A state defines the political community of which its government is the executive branch: 'A government consists of institutions for making collective decisions for society. More narrowly, government refers to the top political level within such institutions' (Hague & Harrop, 2001:5). Inherent to statehood is its capacity to regulate the legitimate use of force within its territory. With regard to this German sociologist Max Weber noted that the exclusive feature of the state is its integration of force with authority. This authority stems from the concept of sovereignty, which 'refers to the ultimate source of authority in society. The sovereign is both the highest and the final decision-maker within a community. Internal sovereignty refers to law-making power within a territory, [and] external describes international recognition of the sovereign's jurisdiction over its territory. The phrase 'the sovereign state' reflects both dimensions' (Hague & Harrop, 2001:7). Whenever in this research EU member states are mentioned, I refer to the narrow definition of Hague & Harrop of government:

Actors acting on behalf of EU member states' government.

Domestic priorities and goals

Domestic in terms of politics concerns the internal affairs of a nation state. A domestic policy consists of all government policy decisions, programs, and actions that primarily deal with internal matters. Therefore a domestic policy is the counterpart of a foreign policy, in which the relation with other nation states is the main concern. Literally defined domestic means the 'pertaining to one's own country or nation; not foreign, but internal; inland [or] home' (Oxford English Dictionary Online, 2008).

A priority can be described as a thing that is regarded as more important than others, or as something which needs special attention. With regards to the former description a priority can be named a preference. Whereas a goal is an objective, a destination, an end or result to which efforts or ambitions are directed, to which behaviour is consciously or unconsciously directed (Oxford English Dictionary Online, 2008). In terms of policy analysis Deborah Stone (2002:37) defines a goal as 'a term that conveys the central tenet of modern policy analysis – namely, that policy is the rational attempt to attain objectives. [...] They are often invoked as justifications for a policy, for a government action, or the government's not taking action. [...] They are often called values, suggesting a more complex array of considerations rather than a definitive endpoint.' So far, domestic priorities and goals can be described as internal matters of high importance

and objectives, to which efforts are directed, defined at the member state level. In relation to terrorism, both can be linked to the national security of the individual EU member states. The concept of security may be described as an essentially contested concept, it refers to different sets of issues, purposes and values, often closely reflecting theories of international relations. In this context Helga Haftendorn claims that in the field of security studies a lack of a common understanding of what security is, exists. Consequently, she asks whether security 'is a goal, an issue-area, a concept, a research program, or a discipline' (1991:5). Traditionalists in the field of security studies regard the concept in exclusively military and state-centred terms. From the 1980s onwards, and especially after the collapse of the Soviet Union, scholars increasingly began to emphasize the need for a broader understanding. Richard Ullman (1983) was one of the first scholars to criticise the almost exclusive focus on military threat in conventional thinking of security. He stated that 'defining national security merely (or even primarily) in military terms conveys a profoundly false image of reality' (in: Haftendorn, 1991:5). He suggested a broader definition: 'A threat to national security is an action or sequence of events that (1) threatens drastically and over a relatively brief span of time to degrade the quality of life for the inhabitants of a state or (2) threatens significantly to narrow the range of policy choices available to the government of a state or to private non-governmental entities (persons, groups, corporations) within the state' (in: Haftendorn, 1991:5).¹⁰ Apart from the lack of consensus all 'concepts of security have, however, one principle thing in common – they are based on fear of actual and potential attacks on public authorities, persons and property' (Anderson & Apap, 2002:2). Barry Buzan tries to by-pass the absence of a common understanding of what security is, by arguing that national security can only be defined in relation to specific cases, but never in a general context (1983:6, in: Haftendorn, 1991:5). In this research the specific case is the fear of actual and potential attacks of contemporary terrorism. Every EU member state's concept of security corresponds to specific domestic values, vulnerabilities, and capabilities to meet the perceived challenges. Asymmetries in capacities and perceived vulnerabilities affect how different member states address counter-terrorism. Haftendorn claims that 'regional variations of security concepts can be explained by different national priorities (Haftendorn, 1989) and the resulting security strategies, which are in part culturally and geopolitically determined' (1991:13).

To make matters not unnecessary complicated and to make a comparison between domestic priorities and goals of different member states possible, I will link the concept of domestic priorities and goals to the four strands of work of the current EU Counter-Terrorism Strategy (see chapter 3). To face the threat of contemporary terrorism the EU has defined four strand of work in its current EU Counter-Terrorism Strategy, namely prevent, protect, pursue and respond (Council of the EU, 14469/4/05 REV 4, 30 November 2005). Each of them serves a different objective:

- prevent aims at tackling the factors or root causes of people turning to terrorism;
- protect aims at reducing the vulnerability to attacks;
- pursue aims at impeding the planning, travelling and communications of terrorists; at cutting off funding and access to attack materials; and eventually bring the terrorists to justice;
- and response aims at minimising the consequences of a terrorist attack.

If we follow Haftendorn's argumentation on security concepts, domestic priorities and goals can be explained by naming the main priorities of individual EU member states:

¹⁰ This definition must be seen in a specific cultural context: the highly industrialised Western democracies. Other countries have very different concepts of security (Haftendorn, 1991:5).

prevent, protect, pursue or response. Consequently, these priorities are linked to certain objectives (see above), which Haftendorn names security strategies. I have named them goals in the central research question. Based on this analysis the concept of domestic priorities and goals in the research question refers to:

The security strategies pursued by individual EU member states to reduce the fear of actual and potential attacks of contemporary terrorism on their societies, based on the principle priorities, which are defined at national level in relation to the specific case of contemporary terrorism, to serve the national security best.

Present EU counter-terrorism cooperation

This concept is composed of several individual terms, which will be defined individually. The first adjective in this concept, present, refers to 'the period of time now occurring, the current moment, [...] opposed to the past and the future' (The Oxford English Dictionary, 2008). In the context of this thesis present is concerned with the period of time now occurring since the attacks of 9/11 in 2001. The second adjective, EU, refers equal to the term EU explained in the third concept of this paragraph to the context of the EU: the organisation in which European states, have voluntarily subjected themselves to its rule of law, striving for organised relations between them and their peoples based on solidarity and consistency.

Before I turn to the term counter-terrorism, I will define the noun cooperation. The Oxford English Dictionary (2008) describes it as '[t]he action of cooperating, of working together towards the same end, purpose, or effect, or a joint operation'. This definition in combination with the adjectives present and EU refers to EU member states working together since 9/11 up till now towards the same end, namely to counter terrorism in order to protect themselves best. Moreover, the term cooperation amounts to every effort of working together within the context of the EU: supranational and intergovernmental at EU level, multilateral and bilateral between EU member states outside the EU framework, and even cooperation of EU member states with so-called third-countries.

The last adjective in this concept, counter, can be described as contra or against (The Oxford English Dictionary, 2008) and terrorism refers to the concept of contemporary terrorism, defined above. Consequently the cooperation is intended against the systematic use of murder, injury and destruction or threat of same within the EU by cells part of transnational terrorist networks to create a climate of terror on a global scale, to publicise a cause and to intimidate a wider target, aiming at international disturbance.

Therefore, the concept of present EU counter-terrorism cooperation is concerned with:

Today's forms of cooperation established by EU member states since 9/11 in order to counter contemporary terrorism.

1.4.2 Scheme for Analysis and Operational Research Question

In the previous sub paragraphs the individual concepts in the research question are defined. Based on these concepts the following scheme for analysis, the model for doing research, is created, at which the fear of actual and potential attacks of contemporary terrorism serves as starting point:

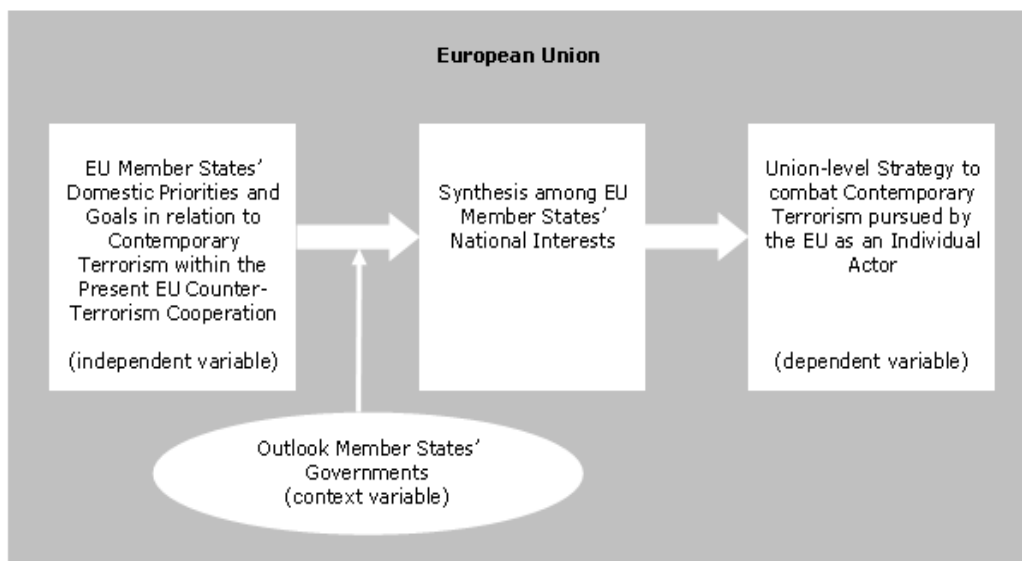


Figure 1.3: Scheme for analysis

This scheme serves to answer the central research question, which is made operational the following way:

Synthesis among EU member states' national interests on the basis of converging domestic priorities and goals with regard to contemporary terrorism; leading to supranational institution-building as a better manner to fight contemporary terrorism opposed to the present EU counter-terrorism.

1.5 Defining the Research

In order to answer the research question, the individual EU member states need to be analysed. The domestic priorities and goals in relation to contemporary terrorism need to be explored, consequently they need be compared, for the reason that the degree to which they are compatible increases the feasibility of a common interest among the member states – opposite to diversity between national interests – to create an Union-level strategy. However, an analysis of all 27 member states is not realistic in the context of this research. Within the EU different threat perceptions are visible among the 27 member states responding to specific domestic values, vulnerabilities, and capabilities to meet the perceived challenges (van Leeuwen, 2003; von Hippel, 2005; Zimmermann and Wenger, 2006, in: Edwards & Meyer, 2008:8). Such cross-national differences are also visible in the responses of EU citizens to the 2006' Eurobarometer question to list the two most important issues facing the country at the moment (2006:26). This information is relevant to this research based on the assumption that national policy with regard to contemporary terrorism and the national public perceptions of the threat are influenced by the degree of media attention (media discourse) for contemporary terrorism: whether contemporary terrorism is an issue in a society (COT-ii, 2007:7)? Therefore I have defined the research by choosing three individual members as units of research based on the information from the Eurobarometer 2006 in combination with a language requirement and relevance to the research. Firstly, differences in the Eurobarometer 2006 are visible between the 10 new EU member states and the 15 older member states: citizens in the former EU-15 show different concerns compared to the 10 new member

states mentioning more frequently terrorism, 11 percent versus 2 percent, whereas the EU average is 10 percent. Subsequently I have excluded the 10 new member states from the following table:

AT	BE	DE	DK	EL	ES	FI	FR	IE	IT	LU	NL	PT	SE	UK
2	6	2	28	3	36	3	4	5	9	4	19	2	5	17

Figure 1.4: Terrorism listed by EU-15 citizens as most important issue facing their country in 2006 - %

Based on these numbers I have made the following graph in which the countries are clustered in different ranges:

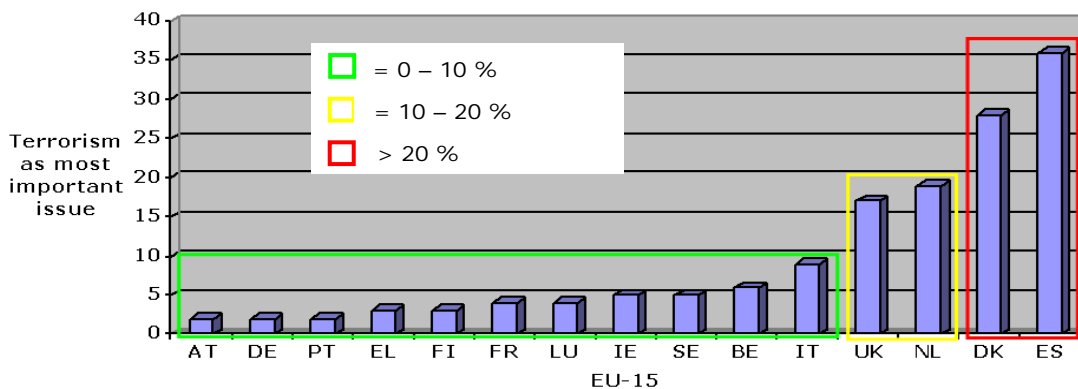


Figure 1.5: Terrorism listed by EU-15 citizens as most important issue facing their country in 2006 can be clustered in three ranges - %

Ideally from each range a country would be selected, however the practical consideration of language has made my decide to select countries in which either German, Dutch or English information is available. Dutch is my mother tongue, and I have a good command of the English and German language, therefore no language barriers are possible when analysing German, Dutch or English documents. Based on this requirement the following countries are possible: Austria, Belgium, Germany, Ireland, the Netherlands and the UK:

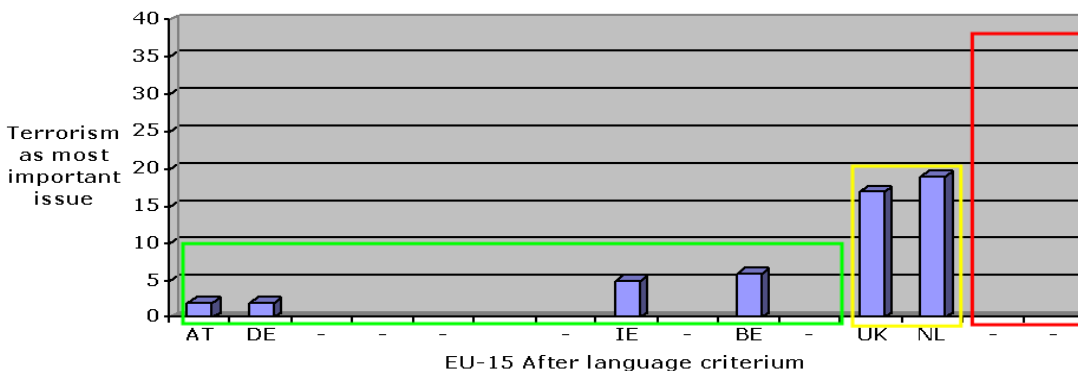


Figure 1.6: After language selection six EU member states remain in first two ranges

I have defined this list further on the criteria of historical experiments with terrorism and (potential) contemporary terrorism attacks. This leaves Germany, the Netherlands and the UK, because only these countries meet those criteria, to be analysed as individual cases in order to answer the research question. These individual EU member states are introduced below:

Germany

Germany, a democratic parliamentary federal state, is situated in the centre of Europe – das Land in der Mitte - and borders on Denmark, Poland, Czech Republic, Austria, France, the Netherlands, Belgium and Luxembourg. Present Germany, the Bundesrepublik Deutschland, came into being after the unification of West Germany (EU founding member state) and East Germany on 3 October 1990, and consists of 16 federal states, so-called Bundes Länder. Berlin is the German capital and the federal republic has over 82 million inhabitants - last count in 2007 (www.deutschland.de).

The Netherlands

The Netherlands, Koninkrijk der Nederlanden, is a constitutional monarchy and parliamentary democracy, and is situated in Western Europe between the Nordsea in the west and north, Germany in the east, and Belgium in the south. The kingdom, also one of the founding fathers of the current EU, has 12 provinces, and its capital is Amsterdam, though its government is seated in The Hague. In 2007, the Dutch population counted 16,3 million heads (www.minbuza.nl).

The United Kingdom

The United Kingdom of Great Britain and Northern Ireland is like the Netherlands, a parliamentary democracy with a constitutional monarch as Head of State, and consists of the four home nations, namely England, Scotland, Wales (which together make up Great Britain) and Northern Ireland. The UK is situated on the British isles off the coast of Western Europe, its capital is London, and has one of the largest populations in the EU, over 60 million. The UK joined the EC in 1973 (www.direct.gov.uk).

Each of them will be analysed according the same format, which will be introduced in the next paragraph.

1.6 Methodology

In this paragraph the choices made in this research will be explained. Doing research, in this case social science research, implies making choices continuously in order to get a grip on the complexity of reality. In this research the complex reality consist of the EU being under threat of contemporary terrorism. Not only need choices to be made, they need to be accounted for as well in order to make the research trustworthy. This paragraph starts with the purpose of the research, because the purpose eventually stipulates the phrasing of the research question. The next sub paragraphs will present the method of research, the collection and processing of the empirical data and the trustworthiness, by means of the validity and reliability, of this research.

Like stated above the purpose of the research shapes the research, because the research is designed on the basis of what the researcher wants to achieve with it. In his work *Real World Research* Colin Robson mentions a 'tripartite classification', which is commonly used to clarify the purpose or purposes of a research (2002:58-60), it distinguishes between exploratory, descriptive and explanatory purposes:

- Exploratory: the researcher wants to explore a subject to find out what is happening, this type of research can provide new insights and asses a phenomenon in a new light. New ideas and hypotheses can be generated for further research in the future.

- Descriptive: a descriptive research serves to carefully portray an object of study - situations, events or persons - to this end the researcher will observe the object of study for a certain period of time.
- Explanatory: the researcher seeks an explanation of a situation or problem, often in the form of causal relationships. This type of research tries to provide insight in why something is happening, by explaining patterns and identifying relationships between aspects of the phenomenon.

These three purposes can be used complementary, they do not necessarily exclude each other; a research may be concerned with more than one purpose. This is the case in this research; descriptive, exploratory and explanatory elements can be traced in the sub questions. The research describes and compares three situations, namely the individual cases of Germany, the Netherlands and the UK (3 and 4) in relation to and under influence of contemporary terrorism (1) in order to give an explanation for the (un)feasibility (5) and (un)necessity (6) of an Union-level strategy opposed and the current EU counter-terrorism cooperation (2)¹¹. Next to this sub question 7 is included to make recommendations. However, the main purpose of this research is explanation: is an Union-level strategy a better solution than the current EU counter-terrorism cooperation to the problem of contemporary terrorism?

1.6.1 Methods of Research

In the methodology of social science research a distinction is made between quantitative and qualitative research. The former is about the amount of the collected data (often numerical data), whereas the latter is about specific details; not the quantity but the quality, the content, of the data matters. Robson prefers the distinction between fixed and flexible design, instead of the division between quantitative and qualitative. 'In principle (and not uncommonly in practice), so-called qualitative designs can incorporate quantitative methods of data collection. All of these approaches show substantial flexibility in their research design, typically anticipating that the design will emerge and develop during data collection. [While] so-called quantitative approaches call for a tight pre-specification of the design prior to data collection' (2002:164). I have chosen for a qualitative approach, or in Robson's words a flexible design, in order to capture the subtleties and complexities of the situation involved and to be able to make changes during the research, whereas a quantitative approach would fail to do so. Flexible design research knows three traditions, namely case studies, ethnographic studies and grounded theory studies. I will use the case study approach in this research. According to Robson in case study research 'the *case* is the situation, individual, group, organisation or whatever it is that we are interested in' (2002:177). Robert Yin (1981, 1994), an advocate for using case studies to do social research provides us with the following definition: 'Case study is 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' (in Robson, 2002:178).

The most fundamental characteristic of a case study is its focus on an particular case, or a small set of cases, studied in its own right. A case study concentrates on a phenomenon in a certain context, however according to Yin between context and phenomenon no clear line can be drawn (in: Blatter, 2007:122). The context Yin talks about is provided in chapter 1 of this research, in which the EU in its current form, the JHA pillar and its decision-making regime, and the fight against terrorism prior to 9/11 within the European context were presented.

¹¹ The numbers refer to the particular sub questions, see paragraph 1.7.

Many types of case studies can be mentioned, among them are: an individual case study, a set of individual case studies, a community study, a social group study, studies of organisations and institutions, and studies of events, roles and relationships (Robson, 2002:181). In the context of this research, the first two sub questions can be considered small case studies in which the phenomenon of contemporary terrorism and the current EU counter-terrorism cooperation are analysed.

Whenever more than one single case is studied, the term multiple case studies is appropriate. In fact, the study is repeated and the theory is tested again; it is common thought that this is for the purpose of gathering a sample of cases in order to make generalisations to a population, which should be considered a misconception according to Robson. Yin (1994) makes the useful analogy that carrying out multiple case studies is more like doing multiple experiments' (Robson, 2002:183). A multiple case study concerns analytic or theoretical generalisation, in which a higher degree of insight is possible: 'the data gained from a particular study provide theoretical insights which possess a sufficient degree of generality or universality to allow their projection to other contexts or situations' (Sim, 1998:350, in: Robson, 2002:177). In this light Agranoff and Radin have pleaded for the comparative case study approach in the context of public administration research. They built on the multiple case model of Yin. However, they do not want to regard the different cases as separate experiments, they prefer to use them as comparative governmental situations next to each other in order to discover crucial variables (Hakvoort, 1996:121). This research is set up as a comparative multiple case study; three individual cases are analysed at the same time to discover crucial variables. In order to investigate whether an Union-level strategy is feasible and necessary three EU member states, Germany, the Netherlands and the UK are analysed. I have made the choice of investigating only three EU member states, because an in-depth analysis of all EU member states is practically and theoretically not feasible. George & Bennett (2005: 234) claim that 'case selection is arguably the most difficult step in developing a case study research design' (in: Blatter, 2007:177). Apart from the fact that these three member states are relevant in relation to the subject of research, the practical consideration of language also played a role, which is discussed in paragraph 1.6. Apart from this practical consideration, all three member states are interesting cases in my opinion, because of their different positions in the EU. The UK, an EU heavyweight on the British Isles for the coast of continental Europe often reluctant to the upward transfer of national sovereignty to Brussels. Germany, an other heavyweight in EU context, with its central position on the continent, acting for long time as the engine behind the European integration process. And the Netherlands, often referred to as the biggest among the smaller EU member states, for a long time pro Europe, because it gained many benefits from the integration process, however this sentiment is decreased in recent years.

However, '[t]he primary criterion for case selection should be the relevance to the research objective of the study, whether it includes theory development, theory testing, or heuristic purposes' (George/Bennett 2005: 83, in: Blatter: 2007:177). All three selected countries are relevant, because they are all former EU-15 member states. Furthermore each of them have prior experiments with terrorism - however not to the same extent - which makes them relevant in the context of this research, as I am interested in links with the past. Moreover, each of the selected member states has experienced contemporary terrorism (potential) attacks. So to say, the extension of the research with multiple cases occurs by maximising on comparable characteristics (Hakvoort, 1996:121).

The individual cases of Germany, the Netherlands and the UK will be set up according the same format. At first, the historical experiments with terrorism will be described and

analysed. Secondly, the same will be done for their domestic priorities and goals. Finally, these parts will be combined, which will lead to a sub conclusion on the individual cases. This, in turn will enable me to compare them with help of the theoretical framework, making the research a multiple comparative case study. In order to complete the conclusion on the member states I will compare the manner in which they perceive contemporary terrorism and their domestic priorities and goals in the context of their national situations. And last, the national situations will be combined with the respective government outlook of Germany, the Netherlands and the UK.

1.6.2 Method of Data Collection

The selection of a method or methods for collecting data is based on what kind of information is sought, from whom and under what circumstances. I will collect the empirical data with the help of documents, to be more specific, with the help of written documents; books, reports, newspapers, letters, etcetera. A common approach to documentary analysis is content analysis: '[...] a research technique for making replicable and valid inferences from data to their context' (Krippendorff, 1980, in: Robson, 2002:350). By doing a content analysis the manifest and latent content of existing material is analysed. The manifest content concerns the factual content, whereas the latent content is shaped by the interpretation of the researcher. Content analysis is an indirect method of data collection, because the empirical data is collected on second-hand basis and serves to state facts and opinions, and the reconstruction of argumentation, discourse and rhetoric (Robson, 2002:354). In this research the content – manifest and latent – of several written documents will be analysed, like EU documents, government documents and reports of the three member states, newspapers, articles, on paper as well as on the internet. Next to the information obtained purely for this research, I will use information collected during my internship at the COT, which is gathered on the basis of content analysis and interviews, and is processed in several COT documents.

Two short comments are relevant with regard to the data collection, namely the period of time which is covered by the documents used in this research, and the choice for doing research on the basis on content analysis. With regard to the former it is noteworthy to mention that the government documents used, in particular those on which chapters 5, 6 and 7 are based, cover the period from September 2001 till today. Since the 9/11 attacks, followed by the Madrid and London bombing in respectively 2004 and 2005, Germany, the Netherlands and the UK have stepped up counter terrorism measures. However, due to elections and internal party politics changes of or within governments took place during this period, which might interfere with the consistency of the counter terrorism approach, written down in government papers and reports, in the three countries.

From 1998 till 2005 Germany was governed by a red/green coalition, in which the social-democratic SPD and The Greens (Alliance 90/The Greens) were brought together, under leadership of SPD Chancellor Gerhard Schröder. In the 2005 elections CDU member Angela Merkel was elected Federal Chancellor and since then she leads the grand coalition of the Christian-democratic CDU/CSU and the SPD.

With regard to the Dutch situation, in 2001 the Netherlands was governed by a social-democratic and liberal government, made up of the liberal parties VVD and D66, and the labour party PVDA, which provided the Prime-Minister Wim Kok. Since July 2002 the Christian-democratic Prime-Minister Jan-Peter Balkenende leads the Dutch government, however with four different coalitions. The three previous Balkenende coalitions were composed of the Christian-democratic CDA respectively with the VVD and the populist

LPF party (I), with the VVD and D66 (II), and solely with the VVD (III). Currently, the Netherlands is governed by the Balkenende IV Government, which is made up of the CDA, the PVDA and the Christian-social Christian Union.

The UK is the sole member state in which no government change occurred. From 2001 till the present day the Labour Party is in charge, however in June 2007 Tony Blair was succeeded by Gordon Brown as Prime-Minister.

Whenever the change of government or Prime-Minister has had consequences for the counter terrorism approach in the selected EU member states this will be mentioned during the research. This comment does not apply to EU paperwork used in the research, since a logical sequence of counter terrorism measures without interference is present.

I have made the choice for doing research solely by means of content analysis, and not by conducting interviews to obtain additional information, based on the fact that this raises the degree of comparativeness. By exploring documents with regard to counter terrorism written on the account of the German, Dutch and British governments I will be able to do research with data which is comparable, without interference from the environment.

The empirical data collected through content analysis need to be classified and analysed; the processing of the information. The data will be rewrite and summarised to make them manageable for analysis. The analysis involves looking at the data on the basis of the theory and drawing conclusions upon them. Whenever the research material is of qualitative nature, as is the case in this research, the transition from classifying to analysing proceeds fluently: classification and analysis blend together. When the researcher starts to classify, the analysis starts simultaneously, because interpretation is in fact making an analysis (Hakvoort, 1996: 156). Robson states in this context that the analysis of the empirical data in flexible designs is done by description, themes and assertions (2002:165).

1.6.3 Validity and Reliability

To establish trustworthiness and to make a research believable the concepts validity and reliability are of major importance. In general the concept of validity refers to whether the findings of a research are 'really' about what they appear to be about. Reliability is concerned with the consistency or stability of the operations of a research; if the research is repeated will it the same results are obtained (Robson, 2002: 93)?

The concept of validity can be split into internal and external validity. In relation to case studies, the latter is concerned with '[t]he degree to which descriptive or causal inferences for a given set of cases can be generalized to other cases. It is also called generalisability.' Whereas internal validity refers to 'the degree to which descriptive or causal inferences from a given set of cases are correct for those cases' (Seawright & Collier, in: Blatter, 2007:136). In other words, did you measure what you wanted to measure? The external validity of this research is rather low, since the national situation of the three member states concerned are unique, and therefore generalisation is difficult, or even impossible. According to Robson, this is not an issue, because many case studies try to provide an explanation and understanding for a one specific case. 'It very rarely involves the selection of a representative (let alone random) sample of settings from a known population which would permit the kind of statistical generalization typical of survey designs' (Robson, 2002:177). This is the case in this research, I have studied three unique cases – three EU member states out of a population of 27 EU member states, for above stated reasons. However, perhaps crucial variables will be

discovered, allowing analytic or theoretical generalisation, in which they could be projected to other EU member states.

With regard to the internal validity, some remarks are essential as well. Like stated before, this research can be considered a qualitative research; the method of collecting the empirical data is of qualitative nature, and requires a great part of interpretation by the researcher. The data collected through document analysis are interpretations of the contents of these documents by me, as researcher. In this context Robson (2002:171) mentions Mason, who shows what a researcher could do to demonstrate the validity of interpretation: 'In my view, validity of interpretation in any form of qualitative research is contingent upon the 'end product' including a demonstration of how that interpretation was reached. This means you should be able to, and be prepared to, trace the route by which you came to your interpretation' (196:150). This will be done in this research by carefully explaining what conclusions are based on which data, and how these data are collected, analysed and processed during the research. Every step and choice made in the research will be explained and justified in order to clear how the so-called end product is reached.

Apart from the interpretation of data, another threat to the validity in flexible design can be mentioned: inaccurate and incomplete data. To provide a valid description the researcher has to make sure the data used is accurate and complete (Robson, 2002:171). With regard to the government documents of Germany, the Netherlands and the UK, I have to rely on the fact that they are complete. However, it is not certain that all information available is presented in these documents, because in many cases it involves confidential information which could influence national security matters.

The reliability of a research is determined by the degree to which the research is influenced by the researcher. Because of the interpretation of the collected data by me, the researcher, it is impossible to exclude the influence of the researcher. In relation to reliability 'the concern is whether the tool or instrument produces consistent results. Thinking in such terms is problematic for most qualitative researchers' (Robson, 2002:176). This is also the case in this research, because of differences in interpretation. By acting with an open mind, being objective, neutral and accurate – by keeping track of the activities carried out during the research - a qualitative researcher can enhance the reliability of its research, and so did I.

1.7 Thesis Structure

This paragraph gives an outline of the structure of this thesis, in which the framework of research questions is incorporated. The thesis consists in fact of three individual parts; the first part covers the introduction and the framework for the actual research and consists of chapter 1 and 2. The second part, chapter 3, 4, 5, 6, 7 and 8, covers the empirical research, in which the analysis and interpretation of the empirical data is presented. And, the last part, which consists of chapter 9, presents the conclusions of the empirical research.

Chapter 1: Introduction of the Issue

In this chapter the research issue and the central research question with its sub questions are presented, preceded by a general outline of the European integration process, background information on the pillar structure of the EU, the JHA pillar and the European counter-terrorism cooperation prior to 9/11, serving as context for the research issue. Furthermore, the concepts in the research question are defined and presented like the scheme of analysis and the research question is made operational for the actual research. In paragraph 1.5 the research is defined to three EU member states.

And last, in the previous paragraph the methodology of this research is presented in order to explain the choices made during the research. The purpose of the research, the method of research in form of a comparative case study and the format for the individual cases, the method of data collection, by means of content analysis, the processing of the data, and the trustworthiness of this research is described.

Chapter 2: Theoretical Framework

The next chapter presents the theoretical framework of this thesis. The empirical data of the actual research will be analysed on the basis of the European integration theory of intergovernmentalism and the concept of horizontal Europeanisation. In the first paragraph of this chapter an brief outline on European integration theories is presented, followed by the comparison between neofunctionalism and intergovernmentalism, which explains the differences between supranational and intergovernmental approaches towards the European integration process. Furthermore, in the third paragraph the main foundations of intergovernmentalism will be presented, as well as the logic of diversity and the explanation for using the European integration theory of intergovernmentalism. To complete the theoretical framework the concepts of Europeanisation and horizontal Europeanisation will be presented in paragraph 2.4. The chapter will be closed with the presentation of a hypothesis drawn from the theoretical framework.

Chapter 3: Threat of Contemporary Terrorism

In this first empirical chapter the first sub question derived from the central research question will be dealt with: *Why is the threat of contemporary terrorism perceived as a common danger to the internal security of the whole EU?*

In order to give an explanation for the perceived common danger of contemporary terrorism the nature of this phenomenon needs to be described. Firstly, to provide insight in its nature contemporary terrorism needs to be labelled a form of non-state terrorism, or so called rebel terrorism. Secondly, a distinction between contemporary terrorism and other forms of rebel terrorism needs to be made on the basis of the main characteristics of contemporary terrorism, in order to answer the question why it poses a threat to all EU societies, where as in the past other forms of rebel terrorism in the European context, were not considered a common threat.

Chapter 4: EU Cooperation since 9/11

In this chapter the cooperation between EU member states in the field of counter-terrorism since 9/11 will be presented in order to answer the second sub question: *Which counter-terrorism cooperation forms are established since 9/11 within EU context?* Paragraph 3.2 covers the current situation in order to make a comparison between what has been accomplished yet between the member states with regard to cooperation and the potential situation of the EU pursuing, as an individual actor, its own counter-terrorism strategy. First, the difficulties for the EU with regard to combating terrorism, because of its own institutional nature and the blurry area of counter-terrorism, will be described. And second, an overview and analysis of the main counter-terrorism measures taken in EU context after the attacks on 9/11 in the US, on 11 March 2004 in Spain and on 5 July in the UK, are presented.

Chapter 5, 6 and 7: EU member states: Germany, the Netherlands and the UK

These three chapters cover the individual member states (chapter 5: Germany, chapter 6: the Netherlands and chapter 7: the UK) and handles the third and fourth sub question. Each chapter starts off with an introduction, followed by a paragraph in which the third sub question is answered: *What are the historical experiments with terrorism in [respectively] Germany, the Netherlands and the UK?*

A description of the most prominent terrorist threats in the history of Germany, the Netherlands and the UK will be given in order to explain potential different security concepts in relation to terrorism. This is important in relation to the next sub question which deals with today's domestic priorities and goals of the three member states in countering contemporary terrorism.

The analysis and interpretation of the empirical data with regard to the fourth sub question will be presented in paragraph 3 of the chapters 5, 6 and 7: *What are the current domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK?*

Whereas the previous sub question focuses on the past, this sub question is about the present. The principle priority and consequently the goal linked to this priority of the three selected member states will be described. This will be done by exploring which of the four strands of work - prevent, protect, pursue or response - defined in the current EU Counter Terrorism Strategy, are considered to serve the national security in relation to contemporary terrorism best in respectively Germany, the Netherlands and the UK. In the German case the principle priority will be drawn from the five objectives set by the German government in its approach to counter contemporary terrorism. With regard to the Netherlands, the letter *Counterterrorism Policy* (2003-2004) from the ministers of Justice and Internal Affairs & Kingdom Relations will be useful to name the core priority of the Dutch government in order to fight contemporary terrorism. The English main priority will be taken from the *UK Strategy: Countering International Terrorism* (2006), which is divided into four principal strands. Subsequently by naming the main priority, the security strategy (goal) pursued by each of them to reduce the fear of actual and potential attacks of contemporary terrorism on their societies, can be distinguished.

Chapter 8: Comparison between the member states

In chapter 8 the three individual member states will be brought together in order to compare them and answer the fifth and sixth sub question. Again the chapter will begin with an introduction, followed by a paragraph devoted to the fifth sub question: *To what degree are the domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK compatible?*

This sub question focuses on the question whether Germany, the Netherlands and the UK hold a shared opinion on how to fight contemporary terrorism. By comparing the domestic priorities and goals of the three, which have been identified on the basis of the previous sub question, differences and/or similarities can be named, which allows me to conclude on the degree of feasibility of an Union-level strategy. Do they have a common objective on how to combat contemporary terrorism?

The next sub question, handled in paragraph 3, reads: *Can the domestic priorities and goals of Germany, the Netherlands and the UK better be fostered by an Union-level strategy?*

Apart from a common goal, a common interest among the member states is essential to make a Union-level strategy possible. Therefore, this sub question explains the necessity of an Union-level strategy: will the national security of respectively Germany, the Netherlands and the UK be better secured as a result of transferring matters of internal security and law and order to the supranational level than it is secured within the present EU counter-terrorism cooperation? The comparison, made to answer the fifth sub question, enables me conclude whether synthesis or diversity will arise among national interests of the individual EU member states. Based on this conclusion I can make the assessment whether further integration in the field of counter-terrorism is in favour of all three member states concerned.

Chapter 9: Conclusions

In the last chapter of this master thesis I will present the answers to the seven sub questions on the basis of the previous empirical chapters in order to answer the central research question. With this I hope to serve the academic objective I have set myself, to contribute to the existing learning on European integration and public administration. Furthermore, the limitations of and the general recommendations from this research will be presented in order to comply with the practical objective of this research. I will end this chapter and the thesis with a reflection on the processes of conducting the research and writing this manuscript.

Chapter 2. Theoretical Framework

2.1 Introduction

In the introduction chapter is already stated that this research is about European integration in the field of counter-terrorism. In order to tell something about the actual situation - will contemporary terrorism trigger EU integration - a theory is needed, which explains the concept of integration, the motives behind integration, and how integration comes into being. Ever since the establishment of the first regional cooperation in Europe after World War II, the ECSC, theoretical disputes on the nature of the EU and its integration process are going on. Therefore, prior to the presentation of the actual theory which serves as the theoretical framework for this research, this chapter starts off with a paragraph on European integration theories in general. Subsequently, the differences between supranational and intergovernmental approaches are highlighted, by comparing the theories of neofunctionalism and intergovernmentalism. The latter one will guide the study on the phenomenon of contemporary terrorism and the empirical national cases of the selected member states. In paragraph 2.3, the main foundations of intergovernmentalism will be presented, as well the logic of diversity developed by Stanley Hoffmann, for a long time the principle representative of intergovernmentalism. The logic of diversity answers – on the basis of intergovernmentalism - the central question in integration theory: what explains changes in functional scope and institutional capacity of regional integration efforts? Furthermore, an explanation for the choice of using intergovernmentalism will be given, supported by a figure in which a comparison is made between the similarities and differences between supranational and intergovernmental approaches of integration. However, because nowadays ‘almost everyone recognizes that no single theory or approach can explain everything one would like to know and to predict about the EU’ (Schmitter, 2005:268), I will present in paragraph 2.4 the concept of Europeanisation and its horizontal mechanisms to complete the theoretical framework. The concept of horizontal Europeanisation, which entails the impact of European integration on the Union’s member states through horizontal mechanisms, will help me to portray the current EU counter-terrorism cooperation in which its member states participate. The chapter will be closed with the presentation of a hypothesis drawn from the theoretical framework.

2.2 European Integration Theories

2.2.1 Debates on European Integration

Since World War II we have witnessed the emergence of a new political phenomenon, namely cooperation and integration of nation states on a regional scale. The EU is the prime example of such a regional alliance. Not so much because it was the first regional cooperation, moreover because it has gone furthest in transferring power from its member states to its central institutions. While other regional groupings are still more about cooperation, in the EU integration and the creation of a new polity is essential. The term *integration* is heavily contested over time. Ernst Haas, one of the most influential neofunctionalist integration theorists (see next paragraph), defined integration in *The Uniting of Europe*, his classical study of the ECSC, as the process ‘whereby political actors in several, distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre, whose institutions process or

demand jurisdiction over the pre-existing national states (Haas, 1958:16, in Rosamond, 2000:12). This broad definition includes both a social process, namely the shifting of loyalties, and a political process in which negotiation and decision-making about the construction of supranational institutions takes place. Intergovernmentalists prefer a less demanding definition, they focus mainly on the political processes. Although both approaches have different starting points, they both consider integration primary as a *process*: they are more concerned with the process of integration than with the *outcome*, the new system of governance to which integration leads (Wiener & Diez, 2004:3). Whereas, more modern approaches, like multi-level governance (described below), focus on the actual outcome of the integration process.

The process of European integration can be characterized by gradualism; for example by the gradual expansion of the powers and competences of the European institutions from the economic to a more political sphere, and the gradual expansion of membership from six member states in the beginning towards the total of 27 member states today. By emphasizing the incremental nature of European integration one can distinguish two different processes within the wider integration process. Firstly, the process of reforming the treaties which first established the EC and later the EU. These treaties are agreed on at Intergovernmental Conferences, where national governments' representatives negotiate the legal framework within which the EU institutions operate (Christiansen, 2001:583). Secondly, the process in which EU institutions operate within the framework of the treaties – the so-called primary legislation – with their specific tasks and with a degree of autonomy. These institutions, like the European Commission and the European Parliament, conduct the daily affairs of the EU in which they develop policies and pass secondary legislation, like EU directives and regulations. The fact that these processes take place in different arenas makes that the EU possess a very complex institutional machinery. This complexity and the continuous changes over time, has led to debates on the nature of the EU and its integration process. The alleged nature of a subject matter serves as a basis for where to locate investigations. Ben Rosamond provides in *Theories of European Integration* (2000: 14-15) at least four locations for the study on European integration:

1. Understanding the EU as an IGO, in this light the EU is seen as a purely intergovernmental body, which is clearly created to converge the preferences and common interests of its member states.
2. Approaching the EU as a form of regional cooperation in the global political economy; studies in this field aim at offering 'reflections upon and possible generalizations about the tendency of groups of territorially-adjacent states to cluster together into blocs' (2000:15).
3. Studying the EU with the objective to provide insight into policy-making dynamics, turning the attention to formal and informal policy processes, in which different actors try to put forward their interests.
4. Treating the EU in a category of its own, regarding it as a *sui generis* phenomenon; and therefore broader generalizations are not possible.

Disagreement on the nature of the EU and European integration, and the fact that these four general approaches are all open to different theoretical angles, have lead to fierce debates among integration theorists. In their book *European Integration Theory* (2004:5-6) Antje Wiener and Thomas Diez provide a brief selection of controversies within the integration literature:

- *The role of state interests in the founding years*: During the early years of integration the emphasis was mainly on the interests and power of the big

member states, France and Germany; a realist perspective. During that phase France wanted to control Germany and Germany was having an interest in getting back onto the international stage. On the other side of the debate, neofunctionalists stressed the role of private and sectorial interests within the European integration process.

- *The lack of major institutional developments in the 1970s*: Within the European integration process and literature the 1970s are often called the ‘doldrum years’ of integration, because political integration seemed to stagnate. Some scholars have disputed this opinion, stating that a lot of changes took place, slightly less visible, nonetheless they made possible the ‘reinvigoration’ of integration and integration theory in the course of the 1980s (Caporaso & Keeler, 1995 in: Wiener & Diez, 2004:5). In addition to this political argument legal scholars have advanced the argument of ‘integration through law’ during this period, since the legal interdependencies between the member states increased.
- *The agreement on the Single European Act (1986)*: The SEA was agreed on during an Intergovernmental Conference with a dual mandate, because it aimed at further European integration – the process of creating an Union - so as to the completion of the internal market. Therefore it was necessary to conclude on a treaty relating to a common foreign and security policy as well as on an act amending the EEC Treaty, for the purpose of institutional change. The agreement re-launched the theoretical debate between those stressing the importance of intergovernmental bargaining prior to treaties and scholars emphasizing the role of Community institutions and private actors in the integration process (McCormick, 1999:18).

Although many theoretical debates and controversies between different schools can be mentioned with regard to European integration, ‘it has been the exchange between ‘supranational’ and ‘intergovernmental’ approaches which has had the greatest impact on the study of European integration’ (Christiansen, 2001:584). The principle debate is between neofunctionalists, stressing the importance of supranational institutions and interest groups at national and international level, and intergovernmentalists placing member states at the centre of the integration process, which started in the mid 1960’s and is usually presented as the main ongoing schism in the integration theory literature since that time. The next paragraph focuses on the differences of these two alternatives. However before we enter the debate between supranational and intergovernmental approaches some remarks are appropriate. Rosamond states that the ongoing debate among neofunctionalists and intergovernmentalists tends ‘to pose two diametrically opposed scenarios for the European future: the EU as an intergovernmental organisation versus the EU as a putative supranational state’ (2000:105). However a variety of in-between outcomes are possible between those two opposites. Like stated before both theories focus on the process of integration, but fail to capture the enormous complexity and dynamics of the institutional EU machinery emerged from this process. One of the main approaches to EU polity nowadays is multi-level governance (MLG), which seeks to avoid two pitfalls, namely that of state-centrism and that of treating the EU as only operating at the European level in the Brussels’ institutions, and tries to combine a view of the EU in policy process terms in which its special features are acknowledged. The term governance refers to ‘the process of making collective decisions, a task in which government may not play a leading, or even any, role (Hague & Harrop, 2001:5). Or like Kooiman states, ‘the pattern or structure that emerges in socio-political systems as ‘common’ result or outcome of the interacting intervention efforts of all involved actors. This pattern cannot be reduced to one actor in particular...’ (1993:4 in: Rosamond, 2000:109). MLG starts off with the acknowledgement that overlapping competencies

among multiple levels of governments and the interaction of political actors across those levels exist. Marks and Nielsen (in Rosamond, 2000:110) claim that national executives are in fact powerful, but they are only one part of the variety of actors in the European context, since the member states can not be considered the exclusive link between the domestic politics and intergovernmental bargaining at the supranational level. Theorists in the MLG tradition talk about a set of overarching, multi-level policy networks in the EU context, which makes the construction of a grand theory, like intergovernmentalism or neofunctionalism, difficult. Subsequently, among MLG researchers is admitted that they lack particular expectations of the dynamics of the polity in EU context beyond a sense that the boundaries between the European, national, local levels of governance will become less clear-cut (Rosamond, 2000:111). Because the interest of this research lies with the process on integration between the member states, I will focus at the more classical theories of European integration, in which the boundaries between the national cases are distinctively drawn.

2.2.2 Supranational versus Intergovernmental

Neofunctionalism has been integral to the study of European integration, and is considered a synonym for integration theory by many. When analysing European integration one will be confronted with neofunctionalism at some point, for the reason that the neofunctionalist propositions on integration, developed by Ernst Haas among others, bear a striking resemblance with the strategies of Monnet and Schumann, the founding architects of the EC, to integrate Europe (Rosamond, 2000:50).

Neofunctionalism is built around the proposition that an international society of states can acquire the procedural characteristics of a domestic political system. Like stated in the previous paragraph neofunctionalism focuses on the process of integration rather than on the outcome, therefore it stresses the importance of actors, who are pursuing their interests within a pluralist political environment, and politics is considered as a group-based activity. These two assumptions, the interested actor and group-based politics meant that in every modern political system self-interested groups would be present. 'So the Europeanization of polity would also be evident in the appearance of Europe-wide interest organisations' (Rosamond, 2000:56). In order to create an IGO with nation state features the central European institutions should differ to a great degree from those of a traditional intergovernmental organisation; the traditional role of national governments as gatekeepers needed to be reduced to give societal groups direct access to these institutions for a dialogue, which could generate integrative processes and outcomes. Next to the transfer of the pluralist polity to the supranational level, neofunctionalists were convinced that national technocratic mechanisms needed to be transferred to supranational institutions. According to Haas governments were not about traditional high politics, but the satisfaction of welfare and material needs were to be considered the political key issues. This technocratic view held that government was seen as a set of 'managerial' tasks; the 'administration of things' prevailed public policy-making driven by ideologies.

These assumptions and the studies of the ECSC by Haas and of the EEC by Leon Lindberg serve as a basis for the neofunctionalist premises constructing a framework of regional integration (McCormick, 1999:14). This framework tries to explain the reasons and manners behind the process in which individual states voluntarily come together at the expense of partial loss of national sovereignty, while seeking common strategies to enhance peace and prosperity among them. According to the neofunctionalist logic two or more states decided to cooperate in a certain economic sector under the wing of a supranational authority, which is to effectuate the operations. The integration in this

specific sector will not only generate the supposed benefits, but will also create new needs, tensions and problems that will increase the pressure, the so-called 'functional linkage pressure', to cooperate in other sectors (Rosamond, 2000:58). Simultaneously, two other processes are going, namely the rise of new interest groups at the regional level due to the interested actor and group-based politics, and secondly the increasing level of transactions between actors in the integrated region generated by the economic integration.

The most important neofunctionalist concept to explain the driving forces behind regional integration is the concept of spillover, developed by Haas. In his original formulation on spillover, he referred to 'the way in which the creation and deepening of integration in one economic sector would create pressures for further economic integration within and beyond that sector, and greater authoritative capacity at the European level' (Rosamond, 2000:60). Haas considered the EEC as spillover from the ECSC; the initial decision by the six governments to place the coal and steel sector under a supranational authority created pressure to extend central authority into neighbouring areas of policy. The extension of the common framework with new policy areas would increase the involvement and influence of supranational institutions and simultaneously diminish the role of the member states, for they give up national sovereignty in these specific policy areas. According to Haas this process, the expansive logic of sector integration, would continue in the EEC: the liberalisation of trade within the Customs Union would lead to common economic policies and eventually would spillover into political areas leading to political integration (Haas, 1958:311, in: Laursen, 2003:2). The concept of spillover was accepted in general in the early years of European integration, but when the integration process started to slowdown in the 1960s and simultaneously nationalist sentiments revived, Haas' theory was considered too deterministic. The French President Charles de Gaulle was the key figure in the nationalist resurgence; for the most part he was responsible for vetoing the membership application of the UK in 1963 and he objected to proposals for institutional reform. His actions laid the foundation for the so-called 'empty chair crisis' in 1965 when France abstained from Council proceedings for seven months. This crisis ended with the Luxembourg Compromise, signed on 30 January 1966, which facilitated national vetoes in the Council of Ministers whenever very important national interests were at stake. This agreement is in general considered 'as a moment when the fundamental premises of the integration experiment were renegotiated heavily in favour of the member states and when the principle of *intergovernmentalism* trumped that of *supranationalism* (Rosamond, 2000: 75, emphasis in original).

The De Gaulle phenomenon and its implications for the integration process inspired Stanley Hoffmann in writing a systematic contextualisation of these events, and by doing that he countered neofunctionalist arguments. According to Hoffmann neofunctionalists had only eyes for the process, and failed to locate their constructed integration dynamics in a proper historical context (Rosamond, 2000: 76). Hoffmann argued that, on one hand, the national situations and role perceptions in EC member states were still rather diverse, and on the other hand member states had not been capable of concentrating solely on the building of the new community. Moreover he tried to provide more general points about inherent qualities of the international system in general and the logics of closer international cooperation and functional integration in particular. Consequently, he stated that '[e]very international system owes its inner logic and its unfolding to the diversity of domestic determinants, geo-historical situations, and outside aims among its units' (1995:72). Hoffmann objected the neofunctionalist logic of integration argument, associated with the 'Monnet method' of community building, with the logic of diversity, which sets limits to the degree of the spillover process. The logic of diversity will be

addressed in the next paragraph, which covers the theory of intergovernmentalism and its main arguments.

In terms of identifying key actors in the process of European integration neofunctionalism and intergovernmentalism rather differ. The neofunctionalist approach highlights supranational institutions like the European Commission, which was believed to be in a unique position to manipulate both domestic and international pressures on the member states' governments to advance the integration process, and national and transnational interest groups. In contrast, intergovernmentalism emphasises the centrality of national governments, which behave like rational actors and whose legitimacy is based on domestic principles of authority and hierarchy (Bulmer & Lequesne, 2005:5). The neofunctionalist approach considered supranational institution-building as a automatic consequence of the spillover process, in which national power politics are transferred to a supranational level with procedural characteristics resembling that of national political systems. In other words, European integration is self-sustaining. For that reason neofunctionalism is considered a theory of change and transformation, whereas intergovernmentalism accentuates international politics as usual, although under new conditions. Intergovernmentalists explain supranational institution-building 'as the result of rational decision-making within a historical context that was conducive to strong and clearly defined national interests of the nation state governments involved' (Hoffmann in: Wiener & Diez, 2004:8). From this perspective, the power of supranational institutions only increases whenever national governments believe it is in their national interest to transfer national powers to the supranational level. George Tsebelis and Geoffrey Garrett suggest in their paper on the institutional foundations of intergovernmentalism and supranationalism in the EU 'at the risk of oversimplifying' that intergovernmentalists, who focus on treaty bargaining, view the EU's institutional structure as the dependent variable. While, supranationalists view the EU's institutions as actors, not as dependent variables (2001: 385).

2.3 Intergovernmentalism

2.3.1 Main foundations

Whereas neofunctionalism is based on the proposition that an international organisation, in casu the EU, can acquire nation state features, intergovernmentalism considers the EU firstly as a project of cooperation amongst states (Bulmer & Lequesne, 2005:5). There is the possibility of inter-state cooperation, when it is in the national interest of the member states. Approaching the EU as an international organisation is a tradition on which a lot of theories within the field of European integration draw, according to Rosamond (2000:14). However, it is obvious that the EU is more than an simple example of an intergovernmental organisation. In the Introduction of his book *The European Sisyphus: Essays on Europe, 1964-1994* (1995) Stanley Hoffmann has tried to define his own position in the theoretical debate between those who saw the development of what once was the EEC, later became the EC, and nowadays is known as the EU toward some sort of federal entity led by partly supranational institutions and 'through the process that Monnet had created and Ernst Haas turned into a theory, and those who believed that it would amount to little more than a *Europe des Etats*, in which the intergovernmental bodies (the Council of Ministers, the European Council) would dominate' (1995:3, emphasis in the original). In his earlier essays Hoffmann, tried to put efforts in demonstrating he did not agree with the federalist theory and its vision on Europe. Later, after the introduction of the Single European Act and the Maastricht Treaty he started

analyzing the EC as a unique international regime with a mix of intergovernmental and federal features that should to be recognized as '*sui generis* and whose final form is far from settled' (1995:4). In the context of the high economic interdependence between its member states, the EU should be considered a more profound form of international regime. This regime can be defined as a set of common norms, institutions and policies allowing its member states to manage more efficiently specific areas, which are transferred to the supranational level (Bulmer & Lequesne, 2005:6).

Next to defining his own position Hoffmann pays attention in his *Essays on Europe* to the relationship between the member states on which foundations the EU is build and the European identity. This identity is constructed through an experiment in blending sovereignty, and at the same time the creation of supranational authorities that exercise powers, transferred from the national level to them, in several important policy areas, such as agriculture, competition and trade. Hoffmann raises the question whether this situation leads to a diminution of the role of the member states. He points out that the relation is not a zero-sum game, but on the contrary results in a strengthening of the role played by member states, as it encourages their adaptation to constraints imposed by the international environment. Throughout his essays Hoffmann tries to emphasise the continuing centrality of nation states in – as well as in spite of - the process of European integration (Rosamond, 2000:76). Like scholars in the realist tradition Hoffmann claims that states are the basis units in world politics, they remain the centre of political power and the entity to which its citizens are loyal; the basis of citizenship is still nationality. He underlines the importance of national interests in the post-war international politics of Europe, but he rejects the distinct line drawn by realists between domestic and international politics. Hoffmann argues 'that state interests are not simply reducible to power and place [in the international system]; that they are constructs in which ideas and ideals, precedents and past experiences, and domestic forces and rulers all play a role' (1995:3).

With regard to the main foundations the following concepts are important in the context of this research, namely the possibility of inter-state cooperation and the continuing centrality of nation states in the process of European integration. I will investigate whether synthesis or diversity will arise among the national interests of Germany, the Netherlands and the UK on the basis of their domestic priorities and goals with regard to contemporary terrorism. Will the three of them, on their own terms and of their own free will, consider European cooperation as a possibility to increase their national security?

2.3.2 Logic of diversity

As stated before, based on his analysis of the de Gaulle phenomenon in the 1960s Hoffmann concluded that the chance of synthesis among member states of an international organisation would be little, because '[e]very international system based on fragmentation tends to reproduce diversity through the dynamics of unevenness' (Hoffmann, 1995:72). This diversity would arise out of both the natural plurality of domestic imperatives and the fact that every nation state's situation within the global international system would be unique. So, the pull of both the domestic imperatives and events and problems in the global context would tend to create centrifugal tendencies. Consequently, these impulses would create diverse rather than convergent interests among member states of the same regional subsystem:

'[...] the nations that coexist in the same apparently separate 'home' of a geographical region cannot escape the smells and noises that come from outside through all the windows and doors, or the view of outlying houses from which the interference issues.

With diverse pasts, moved by diverse tempers, living in different parts of the house, inescapably yet differently subjected and attracted to the outside world, the residents react unevenly to their exposure and calculate conflictingly how they could either reduce the disturbance or affect in turn the people in the other houses. Adjusting their own relations within the house is subordinated to their divergences about the outside world; the "regional subsystem" becomes a stake in the rivalry of its members about the system as a whole' (Hoffmann, 1995: 73).

However, the common home could still overcome the lack of synthesis, if either one of the inhabitants or the fear of a threatening neighbour would force them to come together. This on the other hand, could not happen any more, since the present system (of modern nation states) was based on principles of national self-determination, making it 'profoundly conservative of diversity' (1995:74). With the result that only the willingness of nation states to come together and to give up national power, Hoffmann talks about national self-abdication, would be left to make unification possible. This was exactly what happened in Europe after World War II. The dream of a new Europe could not be established by force. The fact that the European integration experiment in the early 1960s failed, shows that even an unification movement under perfect conditions – without force – 'can fail not only when a surge of nationalism occurs in one important part but also when differences in how the national interest is assessed rule out agreement on the shape and purpose of the new, supranational whole' (Hoffmann, 1995:75). In other words, the member states were not able to agree on the appropriate location of their new supranational entity in the global system, because of diverse national interests. The national interest is influenced by three factors:

- the feeling of national consciousness, a sense of 'cohesion and distinctiveness' setting one group apart from others, which is part of:
- the national situation, a condition, made up by the internal features and the global position of a nation state; and
- the doctrine or ideology of nationalism, the way in which the dictates or suggestions of the national situation are interpreted. Nationalism 'gives absolute value and top priority to the nation in world affairs' (Hoffmann; 1995:76).

The relationship between these factors is a complicated relationship, because the different factors may influence the others in various ways. Nationalism can be triggered by, and the other way around activate, national consciousness when nationality is oppressed; but nationalism can also serve as a substitute for national consciousness, when this is fading or weak; and a national situation can be assessed equal by a nationalist and a nonnationalist leader, as both would oppose the actions taken on basis of this assessment by the other. Based on the relation between these three factors, the national interest can be defined as: national situation x outlook of foreign policy-makers. This definition makes clear that similar national situations can lead to different foreign policies, particularly based on whether the policy-makers are nationalist or not. Moreover, it is also evident that defining national interests in different nations in compatible terms is difficult if the outlook is nationalistic, even when the national situations are quite similar. On the opposite, in case of nonnationalist outlooks with different national situations the same incompatibility may arise (Hoffmann, 1995:76). In his essay *Obstinate or Obsolete? France, European Integration, and the fate of the Nation-State* Hoffmann analysed the fate of the six founding EC member states in the post-war years by examining the basic features of their national situations, consequently by commenting upon the unification process, according the above stated logic. Based on this analysis he came to the conclusion that the diversity of national situations produced

- and even today produces – a fundamental division between resigning nations and resisting nations. In the analysis the acceptance or rejection of the dependence on the US in facing the threat from the Soviet Union was of major importance. Since each member state retained autonomy, each of them were given numerous choices between European unity as an emancipation weapon and European unity as a way to make dependence more relaxed. According to Hoffmann, the determination of each national position towards the US was the common imperative, but each member state has defined its position on its own. Hoffmann concluded that at first the diversity of national situations did not appear to block the unification process, because the movement of unification grew on ambiguity. Some member states – the resigning nations - accepted American predominance as part of European life in order to receive protection, and others – the rejecting nations - accepted it in spite of their disagreement while they were building a new Europe and this was the most effective way to challenge the American hegemony. However, even ambiguity has its limits. The division among the member states following the disagreement on how to approach US' dominance became more and more visible once they had to come to an agreement on how to engage with matters of high politics (Hoffmann, 1995:79). The concept high politics will be explained in the next section, after I have highlighted the important concepts from this section.

Hoffmann names the likelihood of diverse over converging interests among member states of the same regional subsystem as a consequence of domestic imperatives and the different perception of global events and problems. Both the domestic imperatives and the different perceptions of global phenomena are relevant in this research, because they influence the way the priorities and goals are defined at the member state level to fight contemporary terrorism. In this context both the national situations and the outlook of the three governments in question need to be taken into account.

Apart from the diversity of national situations, which explains the lack of synthesis among member states of the new Europe, another explanation can be given for the tensions in the European integration process. Namely, the fact that the member states could not agree on the transfer of controversial areas to the supranational level. Whereas Haas and Lindberg were convinced that industrialism and technocracy had become the leading logics of West European societies, Hoffmann had a different starting point. According to him government was about the traditional political activities, which meant 'not just that there would be intervening variables in the spillover process, but that functional linkages were simply not as decisive as the neofunctionalists supposed' (Rosamond, 2000:78). Hoffmann rejected the self-sustaining nature of European integration, the idea of a continuum from economics to politics. In his work economics and politics are portrayed as relatively autonomous; there are two separate circuits of political economy, namely one where states are willing to engage in integrative and cooperative activities, so called low politics and one characterised by high politics meaning that states are not prepared to give up national sovereignty in crucial matters (Rosamond, 2000:78). The distinction between high and low politics explains why integration is possible in several technocratic and uncontroversial areas, by means of what came to be called negative integration (Pinder, 1968 in: Rosamond, 2000:77): the removal of barriers to the operation of markets, because integration in these fields did not endanger vital national interests. Moreover, the choice for integration of low politics was also inspired by the wish to retain control over areas in which inter-societal transaction had taken over from transactions between states. In contrast, high politics in which matters of national security are involved, could nearly not be penetrated by integrative impulses.

Next to the previous mentioned important concepts for this research, high politics can be named. Following the argument that high politics are concerned with national security, I can make the assumption that countering terrorism can be named an issue of high politics, which underlines the statement putted forward by Wilkinson, mentioned in sub paragraph 1.4.1, namely that '[...] European states have been determined to retain their sovereignty prerogative in matters of national security and law and order.'

According to the neofunctionalists' logic of integration (see paragraph 2.2.2) the freedom of movement of national governments will gradually be restricted, which will lead to the doctrine of nationalism becoming useless and outdated and the national consciousness will change from a feeling of cohesion and distinctiveness into a feeling in which the interest of unification is most important. According to Hoffmann the logic of diversity does the opposite, it sets limits to which the spillover process 'can curtail the governments' freedom of action; it restricts to the area of welfare the domain in which the logic of functional integration can operate; indeed, insofar as discrepancies in other areas prevail, even issues belonging in the area of welfare may become infected by the disharmony, because of the links that exist among all areas' (1995:84). Furthermore, the logic of integration can be portrayed as a mixer in which a variety of ingredients, with different flavours and aromas, is put together, leading to one, delicious juice. The logic of variety by contrast, suggests that 'in areas of key importance to the national interest, nations prefer the self-controlled uncertainty of national self-reliance, to the uncontrolled uncertainty of the blending process [process of integration]; ambiguity carries only one part of the way' (1995:84). The logic of integration makes the assumption that every participating nation in the process of integration can be fooled now and then, since its overall gain will compensate its occasional losses, even when its calculations are proven wrong. Whereas the logic of diversity claims that participants never want to be fooled: a loss on one crucial matter will never compensate for a gain on another matter, certainly not on an matter less crucial. 'Permanent gains over losses might work in the arena of economic integration, but it could never prevail for political integration' (Rosamond, 2000:77). Moreover, the logic of integration regards the uncertainties of the expansion of tasks generated by the supranational function process as creative, whereas the logic of diversity considers it as destructive past a certain point, namely the threshold of high politics. Hoffmann talks about the ambiguity within the unification process that seduces and soothes the national consciousness into integration as long as the benefits are high, the costs are low, the expectations considerable. However, the same ambiguity can also stimulate and strengthen the national consciousness into nationalism whenever the benefits are low, the costs are high and the expectations are lowered to the minimum. Eventually, Hoffmann concludes that 'functional integration's gamble could be won only if the method had sufficient potency to promise a permanent excess of gains over losses, and of hopes over frustrations' (1995:84). Moreover, this may be true for economic integration, in which matters of low politics are concerned, but not for political integration of high politics.

Based on the descriptions of neofunctionalism in the previous paragraph and intergovernmentalism above I have created the next figure, in which a comparison is made between the similarities and differences between supranational and intergovernmental approaches of integration. This figure will support my preference for using a classic European integration theory in general and more specific my choice for intergovernmentalism.

	Supranationalism	Intergovernmentalism
Vision on Integration	Integration as Process	Integration as Process
Main Argument	Logic of Integration	Logic of Diversity
View on European Union	International Organisation with Nation State Features	Project of Cooperation amongst Nation States
View on Supranational Structure	Independent actor	Dependent Variable
Vision on Sovereignty	Transfer of National Sovereignty	Pooling of Sovereignty
Key Actors	Supranational Institutions & Interest Groups	National Governments
Key Political Issues	Satisfaction of Welfare and Material Needs	High Politics

Figure 2.1: Supranationalism versus Intergovernmentalism

The choice for using a classic European integration theory and not or a more up-to-date theory, as the guiding theory in this research is based on several considerations. First of all, this research is about the process of European integration with regard to counter terrorism, and not about the actual outcome, since there is still no outcome. I am interested in whether the member states consider an Union-level strategy a better solution for combating contemporary terrorism than the present situation, and therefore are willing to give up national sovereignty in the process of European integration.

The next considerations refer specifically to the preference for intergovernmentalism. The third EU pillar, the JHA pillar has an intergovernmental decision-making regime, in which decisions in the Council - by the Ministers of Justice and Internal Affairs as representatives of the member states - are extensively made by unanimity. These national representatives gathered in the Council remain the most powerful decision-makers, in spite of arguments provided by neofunctionalists about the independent position of the European Commission and the European Court of Justice. In general, these national decision-makers will act to secure their own interests, whatever they are. 'Crucially, these 'principles' retain the legal authority to rein in their 'agents' if they find it in their interests to do so. Thus at any given point in time the key propositions of intergovernmentalist theory are likely to hold' (Pierson, 1998:29). Consequently, matters of terrorism and countering terrorism are mainly addressed and defined at member state level before they are presented and discussed in the Council, which fits the intergovernmental emphasis on the continuing centrality of the EU member states, which themselves decide on whether they cooperate in the field of counter-terrorism and participated in the process of supranational institution-building. This is in turn connected to the next point of consideration; the third pillar concerns key political issues, so-called high politics, as matters of internal security are addressed, and like history taught us over and over again EU member states are reluctant to give up national sovereignty with regard to crucial matters for their national security. In this context the logic of integration does not apply, since integrative impulses have difficulties affecting high politics. Matters of national security are directly linked to the national interest of the

member states, and like Hoffmann stated member states usually prefer to rely on their selves, though on the basis of self-controlled uncertainty, to the uncontrolled uncertainty of an integration process.

The use of intergovernmentalism in this thesis serves the aim of explaining the potential path towards further integration in the field of counter-terrorism – a bottom-up process, the next theoretical concept is included to analyse today's situation with regard to counter-terrorism within the EU. To define the top-down relationship between the EU and its member states. In the next paragraph the concept of Europeanisation will be presented, followed by the two basic types of Europeanisation, namely vertical and horizontal mechanisms of Europeanisation. The latter concept will be described in order to complete this theoretical framework, before I present the hypothesis drawn from the combination of intergovernmentalism en horizontal Europeanisation.

2.4 Europeanisation and its Horizontal Mechanisms

Like stated in the introduction of this chapter, it is generally recognised by now that the process and the actual status of European integration can not be explained by one theory or approach, nor can intergovernmentalism. The European integration process 'has already generated the world's most complex polity and, [...] there is every indication that it will become even more complex now that it has ten new members and has been taking on new tasks' (Schmitter, 2005:268). With the expansion to the present 27 member states the EU faces a much greater heterogeneity of interests and demands, consequently it has become much more difficult to respond with an expansive ready-made package-deal that will serve every member state. However, according to Ulrika Mörth (2003) the term ready-made package-deal is in most cases not applicable to EU policies and legalisations. In order to understand this statement the concept of Europeanisation needs to be explained. In short, this concept amounts to the process of structural change - the impact of European integration – affecting actors and institutions, ideas and interests at member state level. Europeanisation is concerned with: where (polity, politics and policy); how (through which processes): and to what effect (scope of the impact) EU member states are affected by the Union? In a maximalist view it can be described as 'the structural change that it entails must fundamentally be of a phenomenon exhibiting similar attributes to those that predominate in, or are closely identified with, 'Europe'' (Featherstone, 2003:3). Whereas, in the minimalist explanation it concerns the response to the EU policies in general. Between the two of them countless definitions have been formulated, which I will leave aside here. According Claudio Radaelli, following his extensive survey of relevant literature on this topic, Europeanisation refers to: 'Processes of (a) construction, (b) diffusion, and (c) institutionalisation 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 public policies and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies' (2003:30). Following this definition Radaelli names two basic types of Europeanisation mechanisms, namely vertical and horizontal Europeanisation. Vertical mechanisms seem to make a clear separation between the level where the policy is defined, the EU level, and the domestic level, where policy has to be processed. Vertical mechanisms are based on adaptational pressure, and involve EU policies with one uniform interpretation in order to establish detailed compliance at member state level. Examples of them are 'hard instruments of EU policies' available in the first EU pillar, like regulations, directives and decisions of the European Court of Justice (2003:43). Horizontal mechanisms in contrast, treat Europeanisation as a process without the hierarchical pressure from the

supranational level onto the member states to conform to EU policies. The process of change involves different forms of framing, triggered by the market or patterns of socialisation, like 'the diffusion of ideas and discourses about the notion of good policy and best practice' (2003:41). In many policy areas, like education, health care, immigration and asylum, the member state governments define their own national policies rather than adopting EU ready-made packages based on hard law. Instead they share information, adopt best practice and bring their national policies into line, the so-called 'open method of coordination' (www.europa.eu-iii). The statement by Mörth concerns the in recent years increasing importance of these horizontal mechanisms, like framework directives and soft law. The former are binding on the member states as to the results to be achieved, they have to be transferred into national legal frameworks, consequently directives leave free rein to member states for manoeuvre as to the form and means of implementation (art. 249 EC Treaty). Soft law concerns non-binding measures, like guidelines, declarations and opinions, and is often used in policy fields where agreement among the member states on the use of hard law is not feasible or in those areas where the EU lacks competence to enforce hard law measures. This makes the concept of horizontal Europeanisation interesting in the context of this thesis, since the JHA pillar lacks the hard instruments available in the Community pillar. Moreover, the area of counter-terrorism concerns policy fields in which in general agreement among the member states is hard to reach, as these fields are regarded as parts of high politics and therefore touch issues of national security.

According to Mörth the basis of EU authority can not solely be found in the hierarchical supranational and binding decision-making regime of the community pillar, but also in less binding rules and other loose intergovernmental agreements. Although soft law is mostly referred to as non-binding, it can produce legal effects. In some policy fields member states are more willing to conform on a voluntarily basis than when they are legally obligated. In such cases soft law serves as a more flexible instrument for achieving policy goals. Therefore, 'soft law can also be defined in terms of content, that is a rule that is legally binding but loose in content' (Shelton, 2001, in Mörth 2003:160-161).

At the end, horizontal mechanisms of Europeanisation are intended to and aim at, as well as their vertical counterparts, creating policy changes in and consequently convergence between policy outcomes of the member states. However, because of their often ambiguous and vague nature, horizontal mechanisms leave free space to the member states on how to ensure compliance. In this context Tanja Börzel and Thomas Risse underline the importance of awareness when it comes to convergence of policy outcomes: convergence at the macro-level goes often hand in hand with a significant degree of divergence at the micro-level (2003). Member states are left with 'substantial discretionary power' to decide themselves what policy processes, instruments, politics, and polities are used to achieve compliance, which subsequently creates convergence at the EU level. Although Europeanization can lead to convergence in policy outcomes, it is often partial and 'clustered convergence' with regard to where, how and to what extend (2003: 71-72).

2.5 Hypothesis

Following these considerations and the description of intergovernmentalism and horizontal Europeanisation I am able to predict an answer, a so-called hypothesis, to the central research question, stated in the previous chapter. In other words, the theoretical framework itself explains why this particular answer can be predicted. Consequently, I have deduced the following hypothesis from the above:

The aim of combating contemporary terrorism will not be better served with an Union-level strategy opposed the current EU counter-terrorism cooperation, due to the lack of synthesis among the national interests of Germany, the Netherlands and the UK following on from their different domestic priorities and goals with regard to contemporary terrorism.

In my opinion the pull of the domestic imperatives in Germany, the Netherlands and the UK combined with the global phenomenon of contemporary terrorism, their potential different national situations and government outlooks, and the fact that countering terrorism is an issue of high politics, will create diverse rather than convergent interests among the three of them. Therefore the three selected member states will prefer the current situation with regard to counter-terrorism cooperation within EU context in which convergence is trying be reached on the basis horizontal Europeanisation mechanisms, for the reason that this serves their national interests better.

Chapter 3. Threat of Contemporary Terrorism

3.1 Introduction

With this chapter the second part of this thesis, the empirical part, starts off. A small case study on the phenomenon of contemporary terrorism will be presented in order to answer the first sub question: *Why is the threat of contemporary terrorism perceived as a common danger to the internal security of the whole EU?*

In the next paragraph the term rebel terrorism will be explained in order to classify contemporary terrorism a form of non-state terrorism. Subsequently, the four waves of rebel terrorism will be described to provide the reader with an small historical overview of non-state terrorism. In paragraph 3.3 a distinction will be made between contemporary terrorism and other forms of rebel terrorism based on the principle features of contemporary terrorism. This will be done in order to conclude on why the threat of contemporary terrorism is perceived as a common danger, where as in the past other forms of rebel terrorism in the European context, were not considered a common danger. Subsequently the last paragraph will provide the conclusion on why the threat of contemporary terrorism is perceived as a common danger to all EU member states' societies.

3.2 Rebel Terrorism

Like stated before, there is a lack of consensus with regard to the different types of terrorism within the academic field. The distinction between state-based terrorism and rebel terrorism is part of an classical categorization of terrorism. This classification focuses on the perpetrators and involves the distinction between state-based, state-sponsored and non-state terrorism. State terrorism is committed by governments and quasi-governmental agencies, so-called terrorism from above, and can be directed externally against foreign enemies, terrorism as foreign policy or internally against domestic opponents, terrorism as domestic policy (Martin, 2003:81). The violent suppression campaigns under Soviet leader Joseph Stalin during the 1930s and 1940s, and more recent the state repression activities in Myanmar, formerly known as Burma, are illustrative for state-based terrorism.

State-sponsored terrorism is a second form of terrorism as foreign policy, whereas states act as instigators of terrorism in other countries. During the Cold War many scholars did research on this particular type of terrorism, and argued that for example the Soviet Union became increasingly successful 'in its interventions in support of selected national liberation movements' (Wilkinson, 1986:35, in: COT-I, 2007:44). Although, since the collapse of the Soviet Union the academic field has signalled a decline in state-sponsored terrorism, after 9/11 attention for this type of terrorism appeared back on stage. US president Bush declared in the post 9/11 era a war on alleged 'rogue states', and referred to state sponsors of terrorism as the 'axis of evil', among them are Iraq, North Korea, Libya and Iran.

The third type of this classical categorisation of terrorism is non-state terrorism, and the acts of this type of terrorism have no direct origin in states; its perpetrators are non-state entities. Whereas state terrorism is considered terrorism from above, non state terrorism is called terrorism from below (Martin, 2003:81). Contemporary terrorism is committed by terrorists, who operate in cells part of transnational networks, which can be considered non-state entities. Within this classification four distinct, yet occasionally overlapping, phases can be identified (Hoffman, 1998; Rapoport, 2001; Andersen, 2002;

Rasmussen, 2002; Cronin, 2003; Pape, 2004, in: COT-ii, 2007: 19). The next sub paragraph will describe the four phases of rebel terrorism.

3.2.1 Four Waves of Rebel Terrorism

The four phases of non-state terrorism, or so-called rebel terrorism, are tied to profound political transformations in the international system. Namely terrorism associated with or related to the collapse of the European multinational empires, the decolonisation of the Third World, the Cold War, and the rise of Islamist fundamentalism. With regards to modern history, Rapoport distinguishes four waves of rebel terrorism, which are tied to the above mentioned phases (2003: 37). The first wave, the anarchist wave, is tied to the collapse of the European monarchies, especially multinational empires, like the Austro-Hungarian and Ottoman empire. It started at the end of the nineteenth century with emergence of nationalism and new universal ideologies, such as socialism and communism. The murder of Archduke Franz Ferdinand in Sarajevo on 28 June 1914 is considered the climax of this wave and gave the starting shot to World War I.

This wave was succeeded by the anti-colonial wave, and is linked to the decolonisation process of the Third World after World War II. Like its predecessor, this wave, which started after World War I, lasted about 40 years¹². The anti-colonial wave, the strive for independence in Africa, the Middle East and Asia, culminated after World War II. Former colonies struggled for liberation against their colonial masters.

The third wave, the new left wave, came to life in the 1960s with the radical Marxist, Leninist and Maoist student movements, and is linked to the Cold War and the ideological struggle between the East and the West. These student movements evolved into anti-American and anti-capitalist groups, like the RAF in Germany and the Italian Red Brigades, which under moral support of the Soviet Union, tried to destabilise Western societies with terrorist campaigns and revolutionary violence. Next to these anarchic-ideologue organisations, nationalist- separatist movements, like the IRA and ETA, made use a revolutionary ethos in their violent acts of separatism in order to obtain respectively independence from Great Britain and far-reaching autonomy within Spain. During this wave the term international terrorism, already used during the anarchist wave, revived again to describe the terrorist activities, as an increased internationalisation of terrorism took place in relation to the Middle East conflict. 'The revolutionary ethos created significant bonds between separate national groups. The Palestinian Liberation Organisation (PLO) had provided training facilities for other groups' (Rapoport, 2003: 42). Partnerships between different national groups were formed and these international teams cooperated in attacks, like the kidnapping and hijacking of the OPEC ministers during their meeting in Vienna on 21 December 1975, an operation in which RAF members operated side by side with Palestinians and which was led by the international terrorist Carlos¹³.

The last wave, the religious wave, began in the late 1980s, when the third wave started to ebb. Although religion played already an important role in the earlier three waves, since religious and ethnic identities often overlap, 'religion has a vastly different significance in the fourth wave, supplying justifications and organizing principles for the New World to be established' (Rapoport, 2003: 43). This wave is linked to the Post Cold

¹² Terrorist waves last about 40 to 45 years, however the third wave was somewhat abbreviated. This pattern suggest a human life-cycle pattern, in which parents seem to be unable to pass on their fight to their children (Rapoport, 2003: 37).

¹³ The Venezuelan terrorist Ilich Ramirez Sanchez, who was trained by the KGB and developed a network of cooperating groups, sometimes called the *Terrorist International*, ranging from Europe to Asia, including German RAF members, Palestinian and Japanese terrorists (Francis, 1985).

War period and the distinctive feature of non-state terrorism in this phase is the Islamist ideology, although terrorism by other radical religious groups emerged as well. For example, Christian terrorism committed by the American Christian Identity movement, the assassination of the Israeli Prime-Minister Rabin in 1995 by a Jewish fundamentalist, and the attack with nerve gas on the Tokyo subway in the same year by the Aum Shinrikyo group, which combines Buddhist, Christian, and Hindu religious themes (Rapoport, 2003:41). Islamist terrorism can be divided into two general subcategories, namely territorial organisations, like Hamas and Hezbollah, and various de-territorialized, neo-fundamentalist Islamist terrorist groups, participating in the global struggle of Al Qaeda (Roy, 2004:135; Staun, 2006:34, in: COT-ii, 2007:22). The former groups are mainly concerned with local, national, or regional conflicts and underpin their claims with a radical Islamist ideology, whereas the latter groups are part of 'an organisation with a purpose and recruitment pattern unique in the history of terrorism, namely Al Qaeda – led and financed by the Saudi Osama bin Laden' (Rapoport, 2003: 43). In this research the subcategory of territorial organisations, like Hamas and Hezbollah, is left aside, the focus is on the latter subcategory, the de-territorialized, neo-fundamentalist Islamist terrorist groups part of or linked to the Al Qaeda network. The ultimate goal of Al Qaeda is to establish a single state for all Muslims, governed by Islamic law, the Sharia. Most members of these groups have visited conflict hot-spots, like Afghanistan, Algeria and some radical mosques in Europe, and receive(d) training or support from Al Qaeda. Next to the terrorist affiliated with the Al Qaeda network, a new subcategory has developed, namely home-grown terrorists. These home-grown terrorists have joined the jihad through means of mass communication, like the internet, television and mobile phones, and are mostly self-radicalized, although some have visited training camps in the Middle East.

The next paragraph will focus on non-state terrorism of the fourth phase, terrorism related to Islamist fundamentalism, in particularly the Al Qaeda network, because 'this type of terrorism represents the main threat to the EU as a whole' (Council of the EU, 14469/4/05 REV 4, 30 November 2005:7). Moreover, this is the type of terrorism the concept of contemporary terrorism in the research question refers to.

3.3 Main Characteristics Contemporary Terrorism

Several characteristics of contemporary terrorism can be mentioned to set it apart from other forms of non-state terrorism and explain why this phenomenon poses a far more greater threat to the EU than other terrorist movements.

The name Al Qaeda means *the Base*. Under the leadership of Osama bin Laden and Ayman Zawahiri, the second man in line, the movement evolved in 1990s. In contrast to traditional terrorist groups with monolithic structures and centralised control, Al Qaeda developed into a world-wide 'network of networks' (Wilkinson, 2005:13). Three distinct features can be mentioned to define this network of networks. Firstly, the horizontal network structure with its global reach. Both bin Laden and Zawahiri serve as ideological and inspirational leaders, however the planning and actual execution of the terrorist attacks against the types of targets designated in Al Qaeda ideology and combat doctrine, is left to the affiliated networks and autonomous cells. Consequently, the threat of contemporary terrorism comes from a variety of individuals, groups and networks, ranging from larger groups with hierarchic and some sort of bureaucratic structure, to much looser and smaller groups of like-minded individuals. These elements often cooperate and assist each other, but could also pursue separate goals, as for the horizontal network structure of the movement (HM Government, 2006:7). Cooperation and assistance is possible due to the fact that many members of the Al Qaeda network

with different origins visited Afghanistan, prior to the overthrow of the Taliban regime, to receive training in special training camps. Because of the widely spread network of cells and affiliates in over 60 countries the Al Qaeda movement is able to cover the whole globe, making it the most dispersed non-state terrorist network in history (Wilkinson, 2005: 13).

Apart from its structure the core ideology of the Al Qaeda network can be mentioned as a key feature: 'a grandiose plan to wage a global jihad against America and its allies and against all existing Muslim governments in order to bring about nothing less than a revolutionary transformation of international politics' (Wilkinson, 2005:14). Terrorists within the Al Qaeda network have adopted 'a particular and malignant misinterpretation of Islamic teaching which they believe places an obligation on believers to fight and explicitly to kill to achieve their aims' (HM Government, 2006:8). This interpretation is sometimes referred to as Jihadism, and legitimises, in their beliefs, their terrorist acts. The Dutch Ministry of Home Affairs (2004:7) talks in this context about the radical Islam: the political-religious aim to bring about a society, if necessary with extreme measures, which resembles the most pure form of what is thought to be supposed in the original sources of Islam.

Al Qaeda aims at the expel of US influence and presence in the Muslim world. The UK Strategy for Countering International Terrorism (2006:8) states that the terrorists are trying to remove what they believe are un-Islamic and alien 'Western' influences from all Muslim nations, by means of resistance to secular institutions, to certain 'Western' human rights, and to Muslim religious practices of which they disapprove. Moreover, they seek to throw down the current governments of many Muslim states, because these governments maintain friendly relations and cooperation with the 'crusaders and Zionists', the terms by which Al Qaeda refers to the US, its allies and Israel. These Muslim governments have turned away from true Islam and are referred to as 'apostate' regimes, on the basis that they do not conform to the idea of Al Qaeda of how a Muslim state should be run. By naming them apostate, the terrorists believe they can justify their extreme measures, like violent action against these governments and their citizens, even though they are 'coreligionists' (HM Government, 2006:8). An other element of its core ideology, which is most important in the context of this research, is the argumentation of Al Qaeda that Islam itself is facing an active, sustained, and long-term attack from what they name the Christian and Jewish inspired, but secular, West. They can sustain this illusion, whilst the downplay of any evidence to the contrary, by characterising the relations between Westerners and Muslims as a long history of injustices and grievances. Based on this argumentation they are able to justify the rejection of the basic human rights and values and committing extreme violence in pursuit of their aims, by means indiscriminate attacks against ordinary innocent people in Western societies. Wilkinson states with regard to this that '[t]heir ideology is absolute and hence 'incorrigible', i.e. there is no basis for diplomatic or political compromise' (2005: 14).

This core ideology is most lethal in combination with the third feature of contemporary terrorists, namely their explicit commitment to mass-casualty terrorist attacks. '[T]hey do not limit their attacks to institutions associated with the state, but seek to attract maximum publicity from high profile attacks, deliberately causing large numbers of civilian deaths' (The House of Lords, 2005:9). In February 1998 bin Laden announced in a fatwa to the world that every Muslim, who had the opportunity, was obligated to kill Americans, including civilians and their allies. Next to their mass-casualty commitment, Al Qaeda and its affiliates have a typical tactic, namely to conduct coordinated suicide attacks without warning, by means of car or truck bombs, which are designed to maximise the bloodbath and economic destruction.

When comparing contemporary terrorist groups with traditional terrorist organisations, which committed attacks on European soil, like the IRA, a number of key differences are visible. According to Wilkinson, the IRA is the prime example of a traditional terrorist group active in Europe. He argues that 'the IRA can justifiably be regarded as the best armed, richest and most experienced terrorist group active in Western Europe between 1970 and 1996. It was responsible for killing more civilians than any other terrorist group in Europe' (2005:15).

The IRA aimed at dispelling the British from Northern Ireland and unite the whole of Ireland, but not solely by means of terrorism. The IRA leaders and the political wing of the organisation, Sinn Féin, recognised for practical and realist reasons that they would be more successful by pursuing their goal by political means. This resulted in the Good Friday Agreement in 1998, which led to a ceasefire, and eventually the IRA announced in 2005 that their armed struggle was over and weapons were set aside. As like already stated, in case of contemporary terrorism there is no basis for diplomatic or political compromise, nor a need, since Al Qaeda is certain that their global revolution will succeed, because they believe that Allah is on their side and will lead them to victory.

Another key difference between traditional terrorist groups and the Al Qaeda movement is that the former have not been conducting a global war, they have concentrated most terrorist attacks on the country or region where they claim to have the right to a separate state or far-reaching autonomy (Wilkinson, 2005:15). The ideological foundation of Islamist terrorism is of totalitarian nature, because it is based on a radical Islamist worldview, whereas in past decades no single ideological foundation for all terrorist acts can be detected. Although for instance the IRA, ETA and RAF tried to maintain some sort of international network for the supply of weapons and money, and political support, there was no aim to change the whole international system.

The third main difference is the commitment to mass-casualty terrorist attacks of contemporary terrorists. Whereas traditional terrorist groups, like the IRA and ETA, used terror to have 'a lot of people watching, not a lot of people dead' (Brian Jenkins in: Wilkinson, 2005:15) in order to achieve their goals, the Al Qaeda network, the leading exponent of global terrorism according to Wilkinson (2005:15), has a dual aim: maximal attention and as many casualties as possible. Traditional terrorist movements attacked mostly state institutions or representatives of those states in question, and warned the authorities often prior to an attack to achieve maximal attention in the media. The Al Qaeda network in contrast tries to attack targets where a lot of civilians are gathered, like public transport systems, hotels and restaurants, without a warning upfront.

For all of the above reasons and the fact that societies within the EU are interconnected and interdependent due to the European integration process, the potential threat of contemporary terrorism is being perceived as a common danger to the internal security of all EU member states. In other words, the EU member states that coexist in the EU, the common home of the European region, can not escape contemporary terrorism, that comes from outside through all the windows and doors of the common house. With regard to the common threat the Council of the EU has made several statements:

'The threat of terrorism affects us all. A terrorist act against one country concerns the international community as a whole. There will be neither weakness nor compromise of any kind when dealing with terrorists. No country in the world can consider itself immune. Terrorism will only be defeated by solidarity and collective action'
(European Council, 2004).

And in the fact sheet on the EU and the fight against terrorism (2007):

'Terrorism is a threat to all States and to all peoples. It poses a serious threat to our security, to the values of our democratic societies and to the rights and freedoms of the citizens, especially through the indiscriminate targeting of innocent people. Terrorism is criminal and unjustifiable under any circumstances.'

Apart from the key characteristics of contemporary terrorism and the differences between this phenomenon and traditional non-state terrorism, the concepts of globalisation and mass communication play a part as well. As a result of globalization terrorists nowadays are able to operate in a highly distributed global network, in which the terrorists share information through modern means of communication among each other, which makes them difficult to detect and to combat. Europol states in this respect that '[f]or more than a decade, supporters of Islamist terror groups have published written statements, articles by ideological leaders and online magazines on the Internet, exploiting the potential for swift and anonymous communication that this medium offers (2007: 25).

3.4 Conclusion

The concept of contemporary terrorism, named in the research question, can be labelled a form of non-state terrorism, or so-called rebel terrorism, based on the observation that it is committed by terrorists, who operate in cells part of transnational networks, which can be considered non-state entities. Contemporary terrorism fits perfectly in the fourth wave of rebel terrorism, the religious wave, in which religion justifies the use of violent attacks in order to establish worldwide revolution. In this wave, linked to Post Cold War era, the Islamist ideology is the most distinctive feature of religious terrorism. The leading exponent of fourth rebel terrorism is the Al Qaeda network, referred to as the network of networks. Three main characteristics are mentioned to define the Al Qaeda network, namely:

1. its horizontal network structure, with a global reach;
2. its core ideology, a global jihad against the Western World and its allies in order to establish a world-wide Muslim state;
3. and its explicit commitment to mass-casualty terrorist attacks.

Next to the main characteristics of contemporary terrorism three key differences between traditional terrorist groups and the contemporary terrorist networks are listed, which complete the list of main characteristics of contemporary terrorism:

4. no basis or need for diplomatic or political compromise; terrorism is the sole solution;
5. one totalitarian ideological foundation for all terrorist attacks (which resembles main characteristic 2);
6. and its dual goal in order to receive maximal attention and a maximum of deathly victims (linked to main characteristic 3).

These six key features in combination with the ever progressing process of globalisation and the phenomenon of mass communication makes that the threat of contemporary terrorism is being perceived as a common danger to the internal security of all EU member states, which have become, due to integration highly interconnected and interdependent. The threat of contemporary terrorism with its global reach affects all 27 EU member states, for the reason that they are all considered Western societies

according to its core ideology with which no dialogue is obligated or necessary. Therefore every EU member states can be struck by mass-casualty attacks in which innocent civilians are targeted, no EU member state can consider itself immune for contemporary terrorism.

Chapter 4. EU Counter-Terrorism Cooperation since 9/11

4.1 Introduction

In this chapter a description of the cooperation between EU member states in the field of counter-terrorism since 9/11 will be presented in order to answer the second sub question: *Which counter-terrorism cooperation forms are established since 9/11 within EU context?* Paragraph 3.2 starts off with explaining the difficulties for the EU with regard to combat terrorism, because of own institutional nature and the undefined and blurry nature of the counter-terrorism area. Followed by a sub paragraph in which an overview and analysis of the main counter-terrorism measures taken in EU context after the attacks on 9/11 in the US, on 11 March 2004 in Spain and on 5 July in the UK, are given. One needs to bear in mind that this overview will not be exhaustive, because it is impossible to discuss all cooperation forms. In the last paragraph the conclusion of this chapter will be presented.

4.2 The current situation

4.2.1 Difficulties

Directly after 9/11 the EU decided to step up the fight against terrorism and is doing so, however its ability to combat terrorism is limited for at least two reasons. The first reason concerns the nature of the EU, since the union is not a national government. Because police, security and intelligence, border and judicial authorities are under national control, crossing-border activities by these organisations are mostly conducted on a bilateral basis between member states and not at the EU level. For example, the cooperation in the Counter-Terrorist Group (CTG), set up in September 2001 by a non EU body, the Club of Berne, which brings together the heads of the national security and intelligence services of EU member states and those of Norway and Switzerland. Although there are no formal links – most domestic intelligence and security agencies are reluctant to give the Union a formal role - the CTG works closely with the EU and acts as the interface between the EU and the heads of these national agencies on terrorist matters (www.ejpd.admin.ch). Since its establishment the CTG has provided threat assessments to key EU policymakers in the field of counter-terrorism, based on information provided by experts of the services joined in the CTG, next to this it focuses on facilitation of operational cooperation and sharing of best practices (De Vries, 2006: 3). Next to cooperation in the CTG, senior police officials of the EU member states and again Norway and Switzerland come together in the PWGT, established in 1979 (see paragraph 1.2.4). This organisation provides operational communication between the police forces of its members at the level of the heads of the national counter-terrorism bodies.

The situation in the area of justice and home affairs is even more complex, as several member states, especially the larger ones, prefer to deepen their own relationships – on a bilateral basis - with third-countries instead of putting efforts in a common EU cooperation with states outside the EU institutional and policy framework. For example, the cooperation between the UK and Pakistan is much closer than the EU cooperation with this state. And, despite the collective EU concerns about the American counter-terrorism approach Germany has intensified its counter-terrorism cooperation with the US. It has allowed an American prosecutor and several FBI agents to carry out investigations in Germany in cooperation with a German federal prosecutor (Keohane, 2008: 129).

Secondly, the field of counter-terrorism is in itself not a defined policy area. Even national governments experience troubles to coordinate their own authorities involved in

counter-terrorism, for the reason that counter-terrorism requires action from different ministries and spans several policy areas. Next to the departments of Justice, Internal Affairs and Foreign Affairs ministers of Finance, Health and Education are involved in the fight against contemporary terrorism. Subsequently, coordination at EU level of the collective efforts of all 27 member states is even more difficult, since it concerns all three EU pillars, with their own decision-making regimes, making it a blurry situation. In the first pillar most decisions are taken through the Community method, whereas the decision-making regime in the second and third pillar is intergovernmental.

4.2.2 Reaction to 9/11, 11/03 and 05/07

After a special JHA Council meeting on 20 September 2001, a comprehensive EU Action Plan for closer police and judicial cooperation to fight terrorism was adopted at an extraordinary European Council on 21 September 2001. This Action Plan covers measures in six areas: judicial cooperation; counter terrorism services cooperation (police and intelligence services); financing of terrorism; border and immigration controls; other measures to counter terrorist harm and external JHA measures. In October of the same year a detailed Road Map concerning the implementation was drawn up to follow up the implementation of the various initiatives and measures identified in the plan. Following the Action Plan two framework decisions - as part of the judicial cooperation mentioned in the Action Plan - were adopted by the Council of JHA ministers on 13 June 2002:

1. on the European Arrest Warrant (EAW) and the surrender procedures between EU member states, which required the member states to introduce legislation to bring it into force by 1 January 2004: the EAW is based on the principle of mutual recognition of criminal judgements of the courts of all member states by fellow member states and replaced earlier Extradition Conventions; and
2. on combating terrorism, defining a common concept of terrorist offences which all the EU member states must include in their legal system, and to punish terrorist offences provisions in national legislation need to be made for: 'effective, proportionate and dissuasive criminal penalties, which may entail extradition; and mitigating circumstances (collaborating with the police and judicial authorities, finding evidence [...])' (www.europa.eu-vi).

According to the EU the adaptations mark an inflexion point in the process of building the EU counter-terrorist policy. Both decisions are meant to align the national legislation to respectively facilitate extradition between the member states based on mutual recognition, and to ensure that terrorism is fought and terrorists are prosecuted in the same way in all EU member states. However, the member states are free to make an individual choice regarding the form and methods of implementation. The EU and its member states consider terrorism mainly as a criminal act and the above mentioned framework decisions are prime examples of legislative instruments to criminalise terrorism. These instruments constitute key tools in the fight against contemporary terrorism, setting out the basis for the new policy (www.europa.eu-vii).

Next to these framework decisions, EUROPOL was given extra recourses to analyse the risks and threats of terrorism and to help exchange information among the member states. Additionally, it is charged with the duty to produce a *Situation and Trends Report on the terrorist activity in the EU (TE-SAT)* every year. Although EUROPOL was given a greater role in the fight against terrorism, it has still no executive powers and can not detain individuals; nor can it conduct home searches (www.europa.eu-viii).

Furthermore, the Task Force of Police Chiefs was set up in order to develop personal and informal contact between the heads of national police forces. The purpose of bringing them together is the exchange of information and providing assistance with the

development of more spontaneous interaction and closer cooperation between EU law-enforcement agencies, national and local police forces (www.europa.eu-viii). Both measures can be classified under the second area of the EU Action Plan, namely counter terrorism services cooperation. An other measure taken in this area is the Council Framework Decision of 20 June 2002 on Joint Investigation Teams, which enables national police and/or intelligence authorities from two or more member states to set up a team for one specific purpose and a limited period, to carry out criminal investigations in the member states in question. If requested by a member state, Europol can effectively participate in these Joint Investigations Teams.

In February 2002, another agency, EUROJUST, was created in the JHA pillar to enhance judicial cooperation, with the aim of facilitating interaction between the national judicial authorities and offering suspected or convicted persons the necessary safeguards. The establishment of this agency, based on a Article 34 TEU decision (see paragraph 1.2.3), was already proposed at the Tampere European Council to be 'the next major step in ensuring that there are no safe havens for criminals and terrorists in the European Union' (www.europa.eu-ix). EUROJUST is a high-level team of senior magistrates, prosecutors, judges and other legal experts from every EU member state working together.

With regard to the third area of the EU Action Plan, the financing of terrorism, the EU deployed initiatives with regard to cutting of terrorist funds after 9/11, on its own – by means of the adoption of the second Anti-Money Laundering Directive in December 2001 - and in cooperation with the UN and other international organisations.

The main initiatives taken in the next area, border and immigration controls, are the proposal of the European Commission for a Council Regulation establishing FRONTEX, the European Agency for the Management of Operational Co-operation at the External Borders of the EU member states in order to coordinate member states' operational activities at the external borders and facilitate the application of the Schengen acquis. And, two draft proposals by the Commission for a uniform format for visas and for residence permits for third country nationals, including the integration of biometric identifiers in passports.

Concerning other measures to counter terrorist harm, the fifth area, a programme to improve cooperation between the EU member states on the prevention and limitation of consequences of chemical, biological, radiological and nuclear (CBRN) terrorist threats, was adopted on 20 December 2002. Next to this, a pilot project for the victims of terrorist acts was set up in 2004.

The last area concerns external JHA measures and includes the following ones: cooperation with international organisations like the UN Centre on Transnational Corporations (UNCTC), UN Office on Drugs and Crime (UNODC), and the Organization for Security and Co-operation in Europe (OSCE); the European Commission is working closely with the Roma/Lyon group - the main forum for G8 cooperation on fighting terrorism and organised crime - especially in the travel security field; cooperation and integration of terrorism in the relations with the US and other third countries, like Russia, Canada and Japan; and providing JHA assistance to third countries in order to help them complying with key multilateral counter-terrorism instruments in the fields of border management; police cooperation; judicial capacity building and combating terrorist financing, through EU programmes (www.europa.eu-ix).

After the terrorist attacks on trains in Madrid on 11 March 2004, the EU declared 'that all the Member States will act jointly in a spirit of solidarity if one of them is the victim of a terrorist attack, mobilising all the instruments at their disposal, including military resources' (2004). This Declaration was issued at the European Council meeting, following the Madrid attacks, at which the European Council called the attacks callous and cowardly and serving as a terrible reminder of the threat posed by terrorism to European societies. On the basis of this Declaration - the general expression of a political line, but not legally binding - the 2001 Action Plan against Terrorism was supplemented and revised, setting out the EU's strategic objectives in the fight against terrorism:

1. 'to reinforce international efforts to combat terrorism;
2. to reduce terrorists' access to financial and economic resources;
3. to increase the capacity of the European institution and Member States to investigate and prosecute;
4. to protect the security of international transport and set up effective systems of border controls;
5. to strengthen the coordination between the Member States and thus the European Union's capacity to prevent and deal with the consequences of a terrorist attack;
6. to identify the factors that contribute to the recruitment of terrorists;
7. to encourage third countries to engage more effectively in combating terrorism.'

Like stated before, a Road Map was drawn up after the 2001 Action Plan to monitor its implementation, next to other documents of similar nature. When the European Council welcomed the revised and supplemented Action Plan on Terrorism in its meeting in June 2004, it urged the member states and relevant institutions on the basis of this Road Map to fulfil outstanding commitments within the time appointed. Next to this, it stated that it would review the Action Plan twice a year to update it, beginning at its meeting in December 2004. The Council envisaged that the Road Map and Action Plan 'would be regularly updated with a view to ensuring that the action which was required at any particular time in relation to individual measures would be clearly identified' (www.europa.eu-x). It should be clear which actions have been achieved, partially achieved or which actions should still be done. Consequently, the updated Action Plan of December 2004, drafted by the EU Presidency in cooperation with the Counter-Terrorism Coordinator – described below - and the European Commission, presented a first review. It contained a Cover note, an updated matrix in which all the actions under the seven objectives of the Action Plan were included, and an annex providing an overview of the member states' implementation of EU-legislation – a so-called scoreboard - in the fight against contemporary terrorism as well as ratification of the relevant UN-Conventions (www.europa.eu-x).

However, in spite of all these arrangements not all measures agreed on in the Plan and others adopted subsequently have been implemented in the member states. Due to the lack of hierarchical pressure observers have 'criticised the EU as a 'paper tiger' for the lack of implementation and as producing 'shopping lists' rather than a coherent and effective strategy' (Bures, 2006 and Keohane, 2005, in: Edwards & Meyer, 2008: 3).

During 2004 the European Commission displayed several actions concerning the fight against terrorism within the EU, among them were the proposal to the transfer certain data to Interpol – like data on stolen passports, to make an actual contribution to international action, and acting on a European Council request of 26 March 2004; the publishing of a report examining the measures taken by the member states to align their national legislation with the framework decisions of June 2002, and urging several member states that had not yet complied; and the adoption of a communication to the Council and the EU parliament stressing the importance of the right of access by law enforcement services of one member state to the databases of another member state.

On 25 March 2004 the European Council, following a proposal by its Secretary General Javier Solana, appointed the Dutchman Gijs de Vries as the first EU Counter-Terrorism Coordinator. In 2007 he was succeeded by the Belgian Gilles de Kerchove. The Counter-Terrorism Coordinator is supposed to coordinate the work of the Council of the EU with regard counter-terrorism, be well-informed on the available counter-terrorism instruments and the implementation of the EU counter-terrorism measures.

In November of the same year, the JHA Council agreed on a five-year plan known as The Hague Programme, which sets out ten priorities for the years 2005-2010. All current efforts to combat terrorism are based on this plan that covers all aspects of the member states' security and justice cooperation. 'A number of measures contained in the Hague programme should prove useful in the fight against terrorism' (Keohane, 2005:17). Like

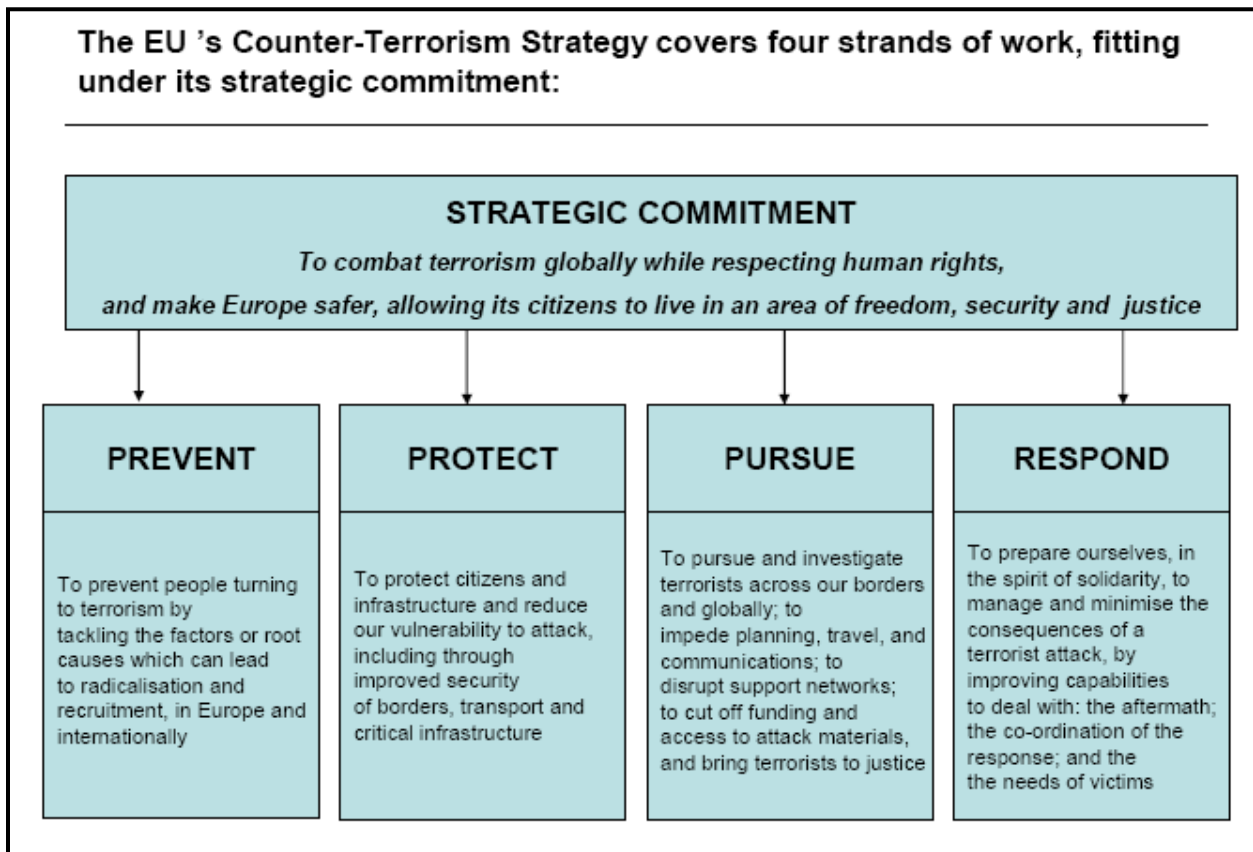
the agreement that national police officers from 2008 onward have the right to access information of law enforcement agencies in other EU member states.

Next to the proposal to appoint a EU Counter-Terrorism Coordinator, Solana announced during the JHA Council meeting on 8 June 2004 that national security services were to provide intelligence and strategic analyses on terrorist threats to the Joint Situation Centre (SitCen). SitCen is a department attached to General Secretariat of the EU Council and reports directly to Secretary General and brings together national experts to analyse intelligence assessments from the member states. Before, SitCen only analysed external threats, but following the agreement by the member states after Solana's announcement it has combined those external assessments with information from security services occupied with internal threats, and Europol since January 2005. SitCen sends advisory reports on necessary actions with regard to counter-terrorism to the JHA Council. It cooperates with JHA bodies, like the Strategic Committee on Immigration and Frontiers and Asylum (SCIFA) and representatives from the European Commission, EUROPOL, EUROJUST, the European Border Agency (EBA), the Task Force of Police Chiefs and the CTG. This can be considered a small, though significant development, because this way SitCen can encourage both national and EU officials 'to coordinate better their thinking on the terrorist threat' (Keohane, 2008:129).

Following the London bombings on 7 July 2005 the Council of the EU declared to strengthen its commitment to combating terrorism. By means of 'working with the assistance of the EU Counter-Terrorism Co-ordinator, and with the European Commission and the European Parliament, the Council will accelerate implementation of the EU Action Plan on Combating Terrorism and other existing commitments' (Press Release on Extraordinary Council meeting Justice and Home Affairs, 13 July 2005). The Council said it would agree on the Framework Decisions on the Retention of Telecommunications Data (October 2005), on the European Evidence Warrant (December 2005), and on the exchange of information between law enforcement authorities (December 2005); and adopt the Decision on the exchange of information concerning terrorist offences (September 2005). Furthermore, with regard to combating the financing of terrorism, the Council stated to agree by December 2005 on a Regulation on Wire Transfers and on a Code of Conduct to prevent the misuse of charities by terrorists; and to adopt the Third Money Laundering Directive and the Regulation on cash control by September 2005 (Press Release on Extraordinary Council meeting Justice and Home Affairs, 13 July 2005).

Since the 9/11 attacks in the US a patchwork of decisions and counter-terrorism mechanisms was created within EU context. In order to bring some clarity the JHA Council adopted under the UK EU Presidency, the EU Counter-Terrorism Strategy at the end of 2005, which was also welcomed by the EU Heads of States and Governments on 15 and 16 December 2005. The EU Counter-Terrorism Strategy - partly in line with the counter-terrorism strategy of the UK - covers four strands of work, namely prevent, protect, pursue and respond (see annex II). This Strategy did not replace the Action Plan on Terrorism, but its structure was changed along the four strands of work of the new Strategy. The Action Plan, regarded as a living document, continued to exist offering technical details and the possibility to check the member states' progress in the fight against terrorism. It is supposed to reflect the current, past and future developments in the fight against terrorism and will continuously be updated every six months before the June and December European Council (www.europa.eu-xi). Like the Action Plan the progress of the Counter-Terrorism Strategy will be reviewed by the European Council once every six months. Before this process of review a high-level political dialogue will take place between the Council, the European Commission and the European Parliament to discuss its progress and to promote transparency and balance in the Union's approach against contemporary terrorism.

In the next box the strategic commitment and the four strands of work of the EU Counter-Terrorism Strategy are presented:

Figure 1.1 EU Counter-Terrorism Strategy¹⁴

Actions covered by each strand of work are cross-cutting different policy areas. Because the EU member states are primarily responsible for the fight against terrorism, the EU can only add value by providing a framework in which:

- national capabilities are strengthened;
- European cooperation is facilitated;
- collective capability is developed;
- and international partnership is promoted.

The national arrangements of the individual member states are of critical importance to fight terrorism in Europe in an effective manner and this Strategy aims at bringing their national counter-terrorism strategies into line. Therefore, the member states' arrangements are subjected to peer evaluations on which recommendations and best practices can be identified, in that way they can learn from each other. The Strategy states in this respect that 'our common aim is to follow up and take full account of the recommendations identified during the EU's peer evaluation process. Member states will report back on how they have improved their national capabilities and machinery in light of these recommendations' (2005: 12).

Based on the above mentioned measures taken in EU context the following remarks can be made. In contrast to the US approach, in which agencies and resources were centralised under the umbrella of the new Department of Homeland Security, Europe did not respond by centralisation of its counter-terrorism authorities. Although EUROPOL and SitCen were given extra recourses and duties, they can not be considered the

¹⁴ Source: Council of the EU, 14469/4/05 REV 4, 30 November 2005

European counterparts of the American FBI and CIA. Both organisations are constrained in the exercise of their new tasks, since they are still highly dependent on intelligence information from individual member states, which decide themselves what to share and what not. Instead of centralisation, the field of counter-terrorism in the EU is characterised by a growing number of horizontal networks, in which JHA ministers, high-level government officials and national law enforcement agencies are involved. The EU governments and their national authorities concerned with law enforcement prefer to cooperate with each other outside the EU context, for example in the CTG and the PWGT, rather than giving priority to and putting efforts in intensification of their cooperation within the EU legal framework and with EU-level institutions, like EUROPOL, EUROJUST and SitCen. This preference seems to stem from the fact that the latter, the traditional hierarchical institutions concerned with initiatives confirmed by the European Council and/or JHA Council, are clustered as 'vertical' counter-terrorism governance arrangements. These organisations, whether they are EU bodies or receive administrative support from EU institutions, are considered direct extensions of the member states' political and executive power. Moreover, because they are held accountable for their actions they embody a relatively high level of democratic, legal and social legitimacy, which makes them quite bureaucratic and slow according to the professionals in the counter-terrorism field. Whereas the 'horizontal' institutions, for example the CTG and PWGT are considered highly successful, pragmatic and flexible. They consist of 'a differentiated set of members in the form of a more networked, enhanced co-operation, allowing the participation of non-EU actors and justifying their existence on the basis of their non-bureaucratic, professional and informational character' (Den Boer, Hillebrand & Nölke, 2008:102). They are regarded as more effective, since they are loosely composed and enjoy light accountability and legitimacy.

National police, security and intelligence authorities are hanging onto their own operational competences, for the reason that they question whether intelligence cooperation at EU-level can provide real value in the fight against contemporary terrorism. This is reinforced by the lack of adaptional pressure from vertical Europeanisation mechanisms in the field of counter-terrorism. JHA Ministers can not be pressured into agreement on transferring political authority or resources upwards to the European Commission or law-enforcement institutions at EU level. They are willing to cooperate on their own terms, based on their domestic priorities and goals with regard to contemporary terrorism rather than adopting EU ready-made packages enforced by hierarchical pressure from the EU level. This was subscribed by the then Counter-Terrorism Co-ordinator De Vries in his presentation *The European Union and the fight against terrorism* at the seminar of the Centre for European Reform in Brussels in January 2006, when he stated that the vital competences and resources to fight contemporary terrorism still remain at the national level:

'The fight against terrorism is and will remain, primarily the responsibility of national authorities. Member States generally agree that the EU should not establish 'federal' agencies mirroring the FBI or the CIA. Police forces, intelligence agencies, the judiciary, customs officers and other officials all remain instruments of national governments, under the control of national parliaments. The EU's role is to support these national authorities, not to replace them or to duplicate their work. Still, the role of the EU in the fight against terrorism is a growing one. This is as it should be: terrorism is both international and local and it must be countered at both levels' (2006: 10).

This is in line with Monica den Boer's 2003 *Critical Assessment of 9/11 and the Europeanisation of Anti-Terrorism Policy*, which states that the Europeanisation trend does not necessarily involves a decrease in power of the individual EU member states, it rather seems that they transform the way they exercise their power. Within the process of creating of a common JHA area, the member states have no intention to give up their powers, because after all issues of high politics are involved. Therefore they 'insist on

applying the proportionality and subsidiarity requirements onto the need for international cooperation' (2003:19).

Another difference with the US approach, in which the external dimension of counter-terrorism is heavily emphasised, the EU and its member states consider terrorism mainly as a criminal act and are much more concerned with the internal dimension of counter-terrorism measures. Therefore they prefer the phrase 'fight against terrorism' over the American 'war on terror'. This becomes clear from the fact that within the European context framework decisions to criminalise terrorism are considered key tools to fight terrorism, and JHA Ministries, and not the Ministries of Defence, are the lead agencies in counter-terrorism. Ministers of the former are considered to be in the heart of the European counterterrorism policies web (Armitage, 2007:3). Moreover, the European Counter-Terrorism Strategy, focuses at the internal dimension of counter-terrorism efforts. In general EU governments have the opinion that the American approach, which is considered over-reactive and military driven, focuses too much on short-term prevention and leaves a long-term political challenge of terrorism aside. Based on their history with domestic terrorism EU governments have learnt 'that terrorism is a means rather than an end' (Keohane, 2005:8); European terrorist groups like the ETA and IRA committed horrible terrorist acts, though on the basis of comprehensible political goals. Goals which were and sometimes still are considered justified by significant minorities in the countries in which these organisations operate(d). Therefore EU governments in general agree that terrorism of whatever nature can only be defeated with a long-term political approach, in which the focus needs to be divided between the actual terrorist activities, the reason why people turn into terrorists and why they are supported by parts on the society.

4.3 Conclusion

When concluding on the above it seems that since 9/11 the EU fight against contemporary terrorism has become more Europeanised. A complex governance system which accommodates both vertical (centralised decision-making) and horizontal (decentralised, networked and informal policy cooperation) arrangements, has emerged. To some degree national counter-terrorism strategies have been brought in line in order to bring them together at the EU level, though mostly on the basis of horizontal mechanisms. For example by means of EU Action Plan against Terrorism and the EU Counter-Terrorism Strategy. Both the EU and its member states are committed to fight terrorism and agree that terrorism needs to be regarded as a criminal act. Therefore most EU counter-terrorism measures are focused on the internal dimension of fighting terrorism - like the adoption of framework decisions to criminalise terrorism, which are considered key tools in this fight - opposed to the approach applied by the US, in which the external dimension of counter-terrorism is heavily emphasised. This underlines Mörth's statement about the increasing importance of horizontal Europeanisation mechanisms and the fact that the basis of EU authority can not solely be found in the hierarchical supranational decision-making. In turn, due to the lack of hierarchical pressure not all measures agreed on and others adopted subsequently have been implemented in the member states.

Other examples of horizontal mechanisms which have to lead to convergence between the member states' policy outcomes are the adoption of a scoreboard, in which an overview of the member states' implementation of EU-legislation is given, to capture the above mentioned commitment-implementation gap; the adoption of a peer review system with regard to the national arrangements in order to share information and adopt best practices to bring the national policies into line; and cooperation outside the EU institutional and legal framework, for example in the CTG and PWGT. Apart from the relative success of these instruments, the member states increasingly have realised that their national instruments against terrorism are less effective than they once were.

Although they still want to control counter-terrorism efforts, their capacity to manage them all is decreasing and the exercise of traditional sovereignty over high security issues like terrorism is regarded as less feasible than before. However, the role of the individual member states in international coordination with regard to counter-terrorism is still crucial, since the national sovereignty still prevails as the main framework of reference in the field of counter-terrorism cooperation. Counter-terrorism still is an issue of high politics, which will heavily affect the extent to which further harmonisation of counter-terrorism instruments is possible.

The member states are treating the EU primarily as a facilitator of their cooperation, and are not yet up to transferring national responsibilities with regard to the operational provision of security to the Union. They are willing to cooperate on their own terms, based on their domestic priorities and goals with regard to contemporary terrorism rather than adopting EU ready-made packages enforced by hierarchical pressure from the EU level. Moreover, they are actual content to rely on existing bilateral or multilateral forms of cooperation between them and their security services, and see more in investing in these effective horizontal organisations rather than deepen the as bureaucratic regarded vertical EU counter-terrorism governance arrangements, like EUROPOL, EUROJUST and SitCen.

Chapter 5. Germany

5.1 Introduction

This second empirical chapter is the first chapter in which one of the national cases will be handled. The second and third sub questions in relation to EU member state Germany will be discussed. The second sub question focuses on the past; the historical experiments with terrorism prior to 9/11 need to be described, whereas the focal point of the third sub question is the present situation; the current domestic priorities and goals in countering contemporary terrorism need to be explored. In paragraph 5.2 a description of the most prominent terrorist threats in the German history will be given, in which the RAF will be highlighted, because the German experience with terrorism is strongly connected with the terrorist campaign of this left-wing revolutionary organisation. In paragraph 5.3 the German principle priority will be described. Subsequently by naming the main priority, the security strategy (goal) pursued by Germany to reduce the fear of actual and potential attacks of contemporary terrorism on its society, can be distinguished. Paragraph 5.4 will provide the conclusions on the concerned sub questions.

5.2 Historical Experiments

In the last decades Germany has been confronted with various forms of terrorism and political violence. Three major types of political violence can be distinguished: left-wing terrorism; right-wing and racist violence; and transnational religious terrorism. The threat of these different types of terrorism was however perceived in different ways, as will become clear in the text below.

However, the principal German experience with terrorism can principally be linked to the RAF, also known as the Baader-Meinhof group, named after its founders Andreas Baader and Ulrike Meinhof. The RAF can be labelled a left social-revolutionary organisation, with an explicit political program and political goals, striving for the overthrow of German capitalism by means of a sustained urban guerrilla. They were trying to cause the downfall of the society their parents had created or like a RAF member said, a society 'of tired and corrupt old men who gave us Auschwitz and Hiroshima' (COT-ii, 2007:80, WODC, 2006:15). RAF terrorism can be categorised in Rapoport's third wave of rebel terrorism, the new left wave, which started in the 1960s. The organisation existed from 1970 to 1998, but was predominantly active in the 1970s, and was involved in transnational cooperation with like-minded terrorist organisations, like the French Action Directe group, a fellow left-wing terrorist organisation. By means of cooperation they hoped to create an umbrella anti-imperialist front of Western European guerrillas (Hoffman, 1998: 83, in: COT-ii, 2007:80). Because the RAF was trying to pursue an urban guerrilla with the use of violence, it refused to join the 'long march through the institutions', as favoured by student leader Rudi Dutschke, the most prominent spokesperson of the left-wing German student movement of the 1960s. The German government, however perceived the threat of activists infiltrating in official state institutions in such a grave way, that it implemented strict measures. The Extremists Decree was adopted in 1972, which subscribed, among other things, that officials needed to be tested for their democratic convictions (WODC, 2006:15). In case of a suspected extreme background the authorities could impose a 'Berufsverbot' (professional disqualification) on an official.

Initially, the RAF used arsons in order to fight their battle and the German youth sympathised with RAF actions, as their actions were considered not extreme violent. However, after the visits of some members to Palestinian training camps the armed battle in the German homeland started off with bank robberies and bomb attacks. In

1972 the sympathy was ebbing away and only two years after its emergence, in which five people were killed by a series of bombings, the first generation of RAF members were captured, adjudged and imprisoned in Stammheim. During their captivity the RAF members, among them were RAF founders Baader, Meinhof and Baaders' girlfriend Gudrun Ensslin, and high profile members Holger Meins and Jan-Carl Raspe, could communicate with each other through their advocates and were able to organise hunger strikes in order to protest against their solitary confinement. In spite of feeding under coercion, Meins died from the consequences of a hunger strike. This fact in combination with reports on the poor circumstances in which the RAF members were imprisoned led eventually to new sympathy among left orientated Germans.

In the following years, the new generation RAF members, the so-called second generation, orchestrated kidnappings in order to get the first generation released from prison, which initially succeeded. In 1975 imprisoned RAF members were released on which a RAF hostage came free. This release action by the German government was however not repeated, because the released members resumed their terrorist actions instantly. The second generation continued with their violence in these years by means of large-scale bomb attacks and more kidnappings. In 1976 Ulrike Meinhof was founded dead in her cell. In the official press release was stated that she had committed suicide, however many conspiracy theories among her death came into existence, on which RAF members started to commit assassinations. Among them was the murder of Siegfried Buback, the main prosecutor against RAF members (WODC, 2006: 14).

In the fall of 1977, referred to as the German Fall, the RAF kidnapped the German employer's Union chairman Hanns-Martin Schleyer, while Palestinian terrorists simultaneously hijacked a German airplane. They demanded the release of the first generation RAF members and Palestinian terrorists confined in Turkey. The hijacking ended in the Somali capital Mogadishu, where a special anti-terrorism unit (GSG9) raided the airplane, freed all hostages and killed the hijackers. The next day's three leading RAF members, Baader, Ensslin and Raspe, committed suicide in prison, followed by the execution of Schleyer by his hostage takers. Again conspiracy theories aroused in Germany, and even in other European countries doubts raised whether the official statement of the German government was truthful¹⁵.

In the 1980s and early 1990s terrorist attacks were committed and claimed by self-declared third-generation RAF members. In 1998 press agency Reuters received an eight-page statement in which the last RAF members announced the group's official dissolution and declared the urban guerrilla history. The decline of the RAF can be contributed to several factors, firstly the arrests of the group leaders in June 1972 led to the isolation of the decision-making top from the rest of the organisation, which resulted in a change in organisation with more commando-like leaders, who were less successful in their initiatives and decision-making. Secondly, the changes in organisation were accompanied by a loss of sympathy and support from the left oriented parts of the German society, due to the more violent actions. During its 28 year existence the RAF was responsible for 61 deaths, 230 injuries and 250 million material damage, and the German authorities devoted 11 million of pages of intelligence and/or police tasks on the organisation (De Graaf, 2007:107).

Mainly during the 1970s RAF terrorism was perceived by both the German government and the general public as a severe threat to German internal security. The often violent attacks, especially in the second half of that decade, triggered extensive measures, which in some cases were criticized by members of the German society as being excessive. In the eyes of the general public the extended powers to stop or arrest people mainly targeted youngsters with deviant looks, like having long hair (COT-ii, 2007:80, WODC, 2006: 15). In the general context there were no far-reaching counterterrorism strategies, for example focussing on the prevention of terrorism. The counter-terrorism strategy emphasised predominately a criminal approach, in the course of which the idea of sympathy for the RAF was being approached in the same criminal sphere. The approach

¹⁵ In later years released RAF members confirmed the collective suicide of the first generation RAF members.

pursued in the 1970s 'narrowed the gap between legislative and executive powers, [and] was characterised by a politicising of criminal law, focused on the question how the RAF hard core could be separated from its sympathising environment' (WODC, 2006:15). In this light the German Penal Code was amended in 1975, to exclude certain lawyers of RAF members who were regarded as sympathisers from the legal process. Paragraph 129a (membership of a terrorist organisation) was the starting point for the so-called 'Vorfeldkriminalisierung' (the attempt to a criminal offence is punished yet as it were an accomplished crime), with which the expression of sympathy for the RAF and the distribution of its body of thought could already lead to imprisonment. This act became known as the 'Lex BM' (after Baader-Meinhof) and comprised several acts, including provisions to allow court sessions even if the suspects in question could not attend them due to their own doing, because they were for example on hunger strike. Moreover, the use of a single lawyer by several suspects was forbidden to prevent the lawyer in question from acting as liaison between the RAF suspects, since no contact between them was allowed. Next to this, German authorities made use of 'Rasterfahndung', which is the ability to intelligently search and link different databases. This investigation method was implemented (without a statutory basis¹⁶) in the attempt to apprehend RAF members, and concerns a very simple concept: exploring the maximum amount of databases for certain features, which are constructed on a pre-fixed terrorist – or criminal – profile (COT-ii, 2007:83).

Next to the RAF terrorism Germany experienced in the late 1970s and early 1980s terrorist attacks committed by groups and individuals with right-wing and racist beliefs. It concerned mostly neo-Nazi's, who also tried to set up training camps in military style. During the Oktoberfest in Munich, the most notable attack was committed. Twelve people were killed in a bombing incident, which was carried out by Gundolf Köhler, a right-wing extremist.

When East and West Germany were reunited in 1990 right-wing violence emerged again, however in a different shape. In most cases gangs of young men with a tendency towards violence and who identified themselves with the skinhead subculture, committed rather spontaneously violent attacks against ethnical minorities, and other groups including Jews, left-wing activists, the handicapped and the homeless. However, only a limited proportion of the perpetrators had contacts with right-wing or neo-Nazi organisations. In 1993 right-wing violence reached its peak. In the early 1990s right-wing violence was perceived, in particular by federal, several state authorities and security forces, to be a serious threat to internal security and public order, however German authorities considered right-wing violence to be largely a problem of juvenile delinquency (COT-ii, 2007:81).

In 2000 a series of high-profile violent attacks were committed, including the murders of a Mozambique citizen and a homeless person, which gave rise to the fear of the emergence of a new right-wing terrorism, transforming right-wing violence into a major national security issue for some time.

Apart from left-wing and right-wing terrorism, which have been predominantly domestic security issues, Germany also experienced transnational terrorism. During the 1970s and 1980s a number of serious international terrorist incidents took place in Germany, including the hostage taking of the Israeli athletics team by the Palestinian Black September group at the 1972 Olympic Games in Munich. Until that point successive German governments had been very reserved with setting up elite units within the army force and police system, because of the fresh memories of the Nazi regime prior and during the Second World War. For this reason the 1972 Olympic Village was secured low profile. However, after this terrorist incident a national special unit, the

¹⁶ The creation of a statutory basis became necessary as the Federal Constitutional Court in a decision of 1983 (BVerfGE 65: 1) had ruled that collection, use etc. of personal data infringes upon the right to privacy (Albrecht, 2006:11).

Grenzschutzgruppe 9 (GSG9) was set up, 'which for reasons of historical sensitivities reported to the Bundesgrenzschutz [Federal Border Police] rather than the army' (WODC, 2006:16). The GSG9 reached a hero status in the German homeland when it liberated the German airplane in Mogadishu, hijacked by Palestinian terrorists cooperating with the RAF, during the 1977 German Fall.

In the next decade Germany was only marginally affected by transnational terrorism; the Kurdish nationalist organisation PKK – the country houses many immigrants with a Kurdish background - was the main source of terrorism carried out by foreigners on German soil. The PKK specialised in blackmailing Kurds in Germany and in committing attacks on Turkish businesses and consulates. In 1993 the PKK was banned by the German government, on which the organisation was renamed KADEK. Today it is known as KONGRA-GEL and although it claims that the organisation wishes to be a political party, German intelligence authorities still regard its potential for violence as substantial (WODC, 2006:15). Next to this Kurdish nationalist organisation several foreign terrorist groups had divisions in Germany, including the GIA and Hamas. Because their activities were predominantly non-violent, ranging from recruitment and fund-raising to political propaganda, transnational religious terrorism had little priority on the German security agenda for a long time (COT-ii, 2007:82). These perceptions did not change fundamentally until the early 2000s. Terrorism was increasingly perceived as a growing threat to national and European security following a worldwide series of large-scale terrorist attacks, however this growing threat remained for a long time rather abstract in the German context. In December 2000 a group of Islamist terrorists was arrested in Frankfurt, according German security authorities its members were presumably planning violent attacks in Western Europe. The incident nevertheless received only modest public attention (Malthaner and Waldmann, 2003: 123, in: COT-ii, 2007:82).

5.3 Domestic priorities and Goals

German authorities consider combating Islamist extremism and terrorism in the foreseeable future to be a core task. According to several statements its government sees Germany as part of a global danger zone facing the risk of contemporary terrorism, which developed itself since 9/11 into a worldwide threat. This becomes clear according the German government through the increase of willingness to use violence and its explicit commitment to mass-casualty terrorist attacks, the network structure and the crossing border nature of contemporary terrorism: 'Der Gewalt, der logistischen Vernetzung der Täter und ihrer langfristig angelegten, grenzüberschreitenden Strategie müssen wir mit allen rechtsstaatlichen Mitteln entgegentreten' (Federal Ministry of the Interior, 2004:1). For this reason, considerable weight is given to effective criminal prosecution and successful prevention within rule-of-law standards (Codexter, 2004:1). Next to this, Germany considers working together closely at the international level indispensable in the fight against terrorism. This approach is reflected in the five key objectives to combat contemporary terrorism and protect the national security set on national level by the Federal Ministry of the Interior (2004:226):

1. The destruction of terrorist structures by means investigations in order to put terrorists and terrorist groups under severe pressure.
2. The prevention of terrorist development by controlling extremism on the basis of banning radical organisations and putting immigration and borders under strict control.
3. The enhancement of international cooperation and data exchange on immigrants, who are suspected of terrorism, and actual terrorists.
4. The protection of the public and the sensitive infrastructure through permanent monitoring and threat analyses and by providing intensive security measures.
5. The removal of the causes of terrorism outside Germany by means of contributing to missions, which aim at creating international peace and stability.

In order to achieve these goals the German government is dedicated to give its security forces the necessary powers to fight this new form of terrorism; to improve the data exchange between the authorities concerned with terrorism; to impede the travelling of terrorist criminals to Germany; to improve the identification of already in Germany located extremists; to strengthen the examination of security-sensitive matters; to create the judicial foundations for the inclusion of biometric data in passports and ID cards; and to restrain the activities of extremist groups of foreigners in Germany more quickly (Federal Ministry of the Interior, 2004:2).

When linking the above stated objectives with the EU Counter-Terrorism Strategy the following findings can be reported. Objective 1 and the first part of objective 2, namely prevention of terrorist development by controlling extremism on the basis of banning radical organisations, can be classified under the Pursue strand of work, which goal is to pursue and investigate terrorists. The latter part of objective 2, putting immigration and borders under strict control, and objective 3 and 4 are classed under the Protect strand, which aims at protecting citizens and infrastructure and at reducing the vulnerability to terrorist attacks. And, objective 5 is part of the Prevent strand, although this objective does not cover the entire strand, since it focuses on international prevention, and the goal linked to this strand is to tackle the factors or root causes of people turning to terrorism in national and international context. Three of the four EU strands of work are covered, the last strand of work, Respond aiming at the preparation to manage and minimise the consequences of a terrorist attack, is not traceable within these objectives. However, Germany is active in this strand of work, since on 1 May 2004 the Federal Office for Civil Protection and Disaster Assistance (BBK) was set up. The BBK applies an interdisciplinary approach, in which all types of security measures for civil protection are combined, to achieve an effective protective system for the German population and the resources which are vital to individuals' survival (www.bbk.bund.de). Based on these five objectives the strands Protect and Pursue seem to have more priority with regard to serving the German national security best, because they receive more attention. With regard to the former the EU Counter-Terrorism Strategy states that efforts need to be made in the sphere of protecting key targets, enhancement of the protection of external borders, and the raise of standards in transport security (2005:10). Concerning the latter strand of work the EU states that the terrorist activity needs to be disrupted, terrorists need to be pursued by means of impeding terrorists' planning, disrupting their networks and the activities of terrorist recruiters, cutting off terrorists' funding and access to attack materials, and bringing them to justice, with respect to human rights and international law (November 2005:12). When examining the coalition agreement of the current CDU/CSU and SPD government and the Counterterrorism Packages I and II, introduced shortly after 9/11 under the former government of SPD and The Greens the priority given to Protect and Prevent becomes even more clear. The current coalition agreement states under the heading *Domestic policy: Germany - a safe and free country* that protection of the freedom and security of German citizens is one of the state's key tasks. However, freedom is inconceivable without security and therefore a balance between these two values has to be found constantly, in line with changing external conditions. The attention for this delicate balance has been emphasised by the successive German governments in recent years: 'the need to ensure that all of its domestic and international actions are consistent with the country's own laws, values and historical lessons of the Nazi era' (Miko & Froehlich, 2004:3). The protection of civil rights and liberties of those living in Germany, both citizens and non-citizens is of main concern. Nevertheless, this long-standing emphasis on civil rights should not be seen as a lack of political will to target contemporary terrorism, which becomes clear from the three following statements in the coalition agreement:

'Citizens have a right to be protected from crime. The terrorist attacks around the world have revealed a new dimension to this threat. There have been no attacks by Islamist

terrorists in Germany so far. That is partly due to the good work done by the security authorities. However, such attacks can by no means be ruled out.'

'The security authorities in Germany are in good shape. However, we will further develop the security architecture, which has proven its worth in principle, wherever necessary and review to what extent certain legal provisions, for example in the field of data protection, stand in the way of fighting terrorism and crime effectively.'

'The Federal and Land security authorities must have the legal powers to cooperate in order to combat terrorism effectively. On the basis of the preliminary work done by the Conference of Interior Ministers, we want to create an anti-terrorism database as quickly as possible' (www.bundesregierung.de-i).

In these statements Protect and Pursue are highlighted, by naming 'a right to be protected', 'the work done by security authorities', 'security architecture', 'legal provisions that stand in the way', 'authorities must have legal powers' and 'to create an anti-terrorism database'. Moreover, by the lack of naming preventive and responding strategies, which respectively focus at tackling the factors or root causes of an individual becoming a terrorist and minimising the consequences whenever a terrorist attacks takes place, the centrality of Protect and Pursue in the German approach is even more emphasised.

The German counter-terrorism approach is mostly reflected in new legislation, 'which comprises not only amendments to the law but which has also been combined with fund allocation and taking organisational measures' (WODC, 2006:17). According to the website of the Ministry of Home Affairs the German government proceeded to a targeted expansion of the security structures by means of several extensive statutory and administrative measures based on the changed threat analysis. The focus on Protect and Pursue becomes even more visible when examining the Counterterrorism Packages I and II introduced by the former government, in which the strategies to reduce the fear of actual and potential attacks of contemporary terrorism on its society are written down. The first package was introduced in October 2001 and passed by the Federal Parliament in December 2001, and concerned the strengthening the military forces in order to enable them to cope with new types of wars, so-called small or private wars by non-state actors. Dominant issues within this context were new communication equipment and new special weaponry. Furthermore, within the Criminal Code amendments were made: the expansion of the possibilities to impose prohibitions in accordance with the Associations Act to cover extremist religious communities and philosophical societies. Accordingly, prohibitions of associations are now also imposed on religious communities and philosophical societies if their objectives or activities aim at committing murder, genocide, or certain other criminal acts against personal liberty or endangering the public. Hence, the so-called religious privilege was abolished: extremist groups can be banned, even if they appear on the surface as merely religious associations. Moreover, convicted persons can be banned from holding public office and acquiring rights from public elections. With regard to the countering of financing of terrorism a programme for implementing control of financing terrorist activities was put in place that implements amongst others UN guidelines. And, investigations based on data mining (fishing net expeditions or so-called 'Rasterfahndung') as regulated in the Criminal Procedure Act, were highlighted, to identify so-called sleeper cells. All these measures can be categorised under the Pursue strand of work of the EU Counter-Terrorism Strategy, whereas the next measures, taken under Counterterrorism Package I, are considered examples of protective measures:

- The intensive monitoring airports and airlines staff the basis of information from the Military Counterintelligence (MAD), the Federal Secret Services (BND), the Aliens Central Record or the former East Germany's State's Security Office (STASI).

- Taking fingerprints when issuing visa to foreigners, and even foreign nationals may be fingerprinted in the process of issuing a visa.
- Moreover, foreign nationals entering the territory of Germany may be subject to investigation on the basis of information systems of the Offices for the Protection of the Constitution in order to identify whether these individuals have contact with extremist groups.

These last two measures received a lot of attention, because they were created to step up the control of immigrants from Arab countries, inspired by the German connection in the New York attacks, which had been prepared in part from the German city of Hamburg. The above mentioned measures are not the only protective efforts made, as after 9/11 protection of the German society and its infrastructure were placed high on the German counter terrorist agenda. The German government considers the issue of protecting sensitive infrastructure a core task, because in its opinion:

‘Modern societies depend on reliable infrastructures. Disruptions and breakdowns of the energy supply, for example, or in the fields of mobility, communications, and emergency and rescue services may cause serious economic damage and affect large portions of the population. It is therefore an important task of preventive security policy to protect facilities of major importance to the community whose failure or disruption would cause a sustained shortage of supplies, significant disruptions to public order or other dramatic consequences’ (www.bmi.bund.de-iii).

Therefore, the Federal Criminal Police (BKA) was assigned the task to share information with infrastructure operators, and together they have adopted framework programmes and agreements with regard to maritime, aviation and public transport security to determine details regarding information channels and protective measures in case the threat situation changes. In case of concrete threats against individual facilities, operators are informed and security measures strengthened.

The second Counterterrorism Package, also known as the International Counter Terrorism Act (Gesetz zur Bekämpfung des internationalen Terrorismus), aimed especially at fighting international terrorism, and like Package I was designed to improve clarification work in the run-up to counter-terrorist activities. It entered into force on 1 January 2002, and a variety of areas were adjusted in line with the new threat according to the German government. Most changes were made to the Federal Act on the Protection of the Constitution, the Military Counterintelligence Service Act, the Federal Intelligence Service Act, the Federal Border Police Act, the Federal Office of Criminal Police Act, and the Foreigners Act and other regulations pertaining to the law concerning foreign nationals in order to:

- give the security authorities the necessary legal competences;
- enhance the necessary flow of data between the authorities;
- prevent terrorist criminals entering the country in the first place;
- improve measures to secure identities during visa procedures;
- allow so-called sky marshals (armed members of the Federal Border Police) to be deployed on German airplanes;
- improve the means for carrying out border controls; and
- identify extremists who have already entered Germany.

Furthermore, the Security Clearance Check Act, the Law on Passports, the Law on ID Cards, the Law on Private Associations, the Law on Civil Aviation, the Federal Central Criminal Register Act, the Social Security Code and the Emergency Security Act for the Protection and Control of Energy were amended. These amendments made it possible to carry out security checks on individuals employed within facilities that are essential to the proper functioning of the country or vital for national defence, create the legal basis for

incorporating biometric features in passports and ID cards, and improve the efficiency of 'Rasterfahndung', which was already deployed during the RAF period, by including certain social data, amongst other measures.

After the failed bomb attacks with suitcases on two German railway stations, in Dortmund and Koblenz, in July 2006 – the police found the suitcases before detonation - the need for more protective measures was expressed by Federal Chancellor Angela Merkel. She reaffirmed her support for expanded use of closed-circuit cameras in train stations and other public places in order to secure Germany more effectively against attacks. The approach pursued by the German government, by means of security strategies based on Protect and Pursue, has proven right according the minister of the Interior, Wolfgang Schäuble. For the reason that when security authorities arrested three terror suspects in September 2007, who were planning several bomb attacks, he stated 'that the citizens of Germany can trust that the security authorities are doing a good job'. Moreover, nobody needs to be afraid. However, it was true that 'we are under threat from international terrorism and therefore need to be vigilant' (www.bmi.bund.de-ii).

From the 1970s onwards German counter terrorism strategies emphasised on criminal law based prevention, focal points were and are criminal investigation and prosecution, which is in line with the priority given to Pursue. Moreover it fits the earlier mentioned statement of the Committee of Experts on Terrorism of the Council of Europe that states that Germany has given considerable weight to effective criminal prosecution and successful prevention within rule-of-law standards (2004:1). The theme of the fight against the RAF was 'Vorfeldkriminalisierung' and the protection of the 'freiheitlich-demokratische Grundordnung' (the liberal-democratic order) against violence and radical expressions. The creation of new laws and central investigation authorities was the prime approach employed by the German government. This is in line with the fact, according a study under authority of the assembled state Ministers of the Interior in the 1980s, that the 'deutsche Empfindlichkeit' (German sensitivity) within society and its bodies politic as an effect of the Nazi era, caused the left-wing activists to be marked quickly as fundamentalists and extremists and to be pushed aside the politic dialogue. The German government employed criminal law instead of a discussion to target its radicalising youth (De Graaf, 2007:106). Central to this approach was the tradition of 'Rasterfahndung', which was deployed to apprehend RAF members in the 1970s and is now used in the fight against contemporary terrorism. The strategy pursued against the RAF resulted in success, according the German authorities, as the decline of this organisation was partly a consequence of the capture and imprisonment of its first generation leaders. The German government today is pursuing the same hard line, which is in line with the historical German domestic imperatives described above. In the same context, German authorities have been 'building up networks of preventive and repressive strategies, like the laws on associations or/and political parties, laws on religion and religious groups with facilitating prohibition of associations and organisations and threatening criminal penalties if activities justifying prohibition are not put on hold (Albrecht, 2006:34). With regard to actual lessons from the past, the German government tries to document and evaluate each measure taken in the fight against contemporary terrorism, which might be based on the side-effects and controversies during the RAF period.

5.4 Conclusion

Although Germany has been confronted with various forms of terrorism and political violence the last decades, the most prominent and extensive experience with terrorism was the encounter with the left social-revolutionary RAF, which aimed at the overthrow of German capitalism by engaging a urban guerrilla. Although this terrorist organisation existed from 1970 to 1998, it was mainly active in the 1970s. During this decade both the German government and the general public considered RAF terrorism a severe threat to German internal security. This perceived threat triggered extensive counter terrorism

measures based on a criminal approach, in which 'Berufsverbote' and 'Rasterfahndung' were prominent features. However no far-reaching counterterrorism strategies were introduced, in which the prevention of terrorism was highlighted.

Today, Germany considers the threat of contemporary terrorism to be the main threat to its internal security, as being part of global zone under threat. Although Germany covers all four strands of work defined in the EU Counter-Terrorism Strategy, which suggests that it perceives contemporary terrorism as a multi-faceted phenomenon, the current counter terrorism approach follows the same pattern as the approach during the RAF period, since it is focused on criminal investigation and prosecution. This is reflected in the fact that these security strategies receive more attention in the five key objectives to combat contemporary terrorism, defined at the federal level: destruction of terrorist structures by means investigations; prevention of terrorist development by controlling extremism and strict control on immigration and borders; enhancement of international cooperation and data exchange on (potential) terrorists; protection of German citizens and sensitive infrastructure; and removal of the causes of terrorism behind the German borders. Four out of the five objectives fit the Protect and Pursue strands of work in the EU Counter-Terrorism Strategy. Based on this observations I can conclude the Germany considers Protect and Pursue its main priorities with regard to contemporary terrorism. The conclusion that Germany considers it national security best served by protective and pursuing measures is supported by several statements, amongst them declarations from the current coalition agreement, and the content of Counterterrorism Packages I and II. With the introduction of the first package the German government gave great public attention to the protective measures with regard to controlling immigration, because the 9/11 attacks were partly prepared in Germany. Counterterrorism Package II, also known the International Counter Terrorism Act, aims particularly at the fight against international terrorism and comprises a series of amendments to existing acts, aimed mostly at improving cooperation between the investigation and security services. Subsequently the German government pursues mainly security strategies fitting its over time developed domestic imperatives with regard to the approach of terrorism, which aim at reducing the vulnerability to terrorist attacks, and at investigating and pursuing terrorists. This leaves me to conclude that Germany considers the processes in which individuals become actual terrorists as a established fact to which little or nothing can be done, and consequently starts acting on the end result of these processes in order to reduce the fear of actual and potential attacks of contemporary terrorism on its society.

Chapter 6. The Netherlands

6.1 Introduction

This chapter has the same lay-out and purpose as the previous chapter. The second and third question in relation to the Netherlands will be handled, which focus on the historical experiments with terrorism and the current domestic priorities and goals in countering contemporary terrorism. The next paragraph focuses mainly on the Dutch experience with the terrorist actions by South Moluccan activists. Followed by a paragraph in which the current Dutch principle priority and goal will be described. This chapter will be closed with the conclusion on both sub questions in paragraph 6.4.

6.2 Historical Experiments

Over the past three decades the Netherlands experienced several acts of terrorism, however, most of these attacks were relatively small-scale. The Netherlands has had relatively little experience with terrorist attacks, compared with the intensity and persistence of terrorism in Germany and the UK.

The actions by South Moluccan activists during the 1970s came closest to any form of structural terrorism that the Netherlands has experienced (Muller, 2003: 147). These actions can be classed under the second wave of rebel terrorism, the anti-colonial wave, although they do not fit the timeframe. In 1949 the former Dutch colony in South East Asia, the Dutch East Indies, proclaimed its independence and the Republic Indonesia was founded, in which the group of islands named the South Moluccas was incorporated. The predominantly Christian population of these islands resisted incorporation into the mainly by Muslims populated Indonesian Republic, which resulted in the emigration of many Moluccan men, who fought in the Royal Netherlands Indies Army, to the Netherlands accompanied by their families. The lack of genuine Dutch support for the Moluccan cause – an independent South Moluccas - was a significant source of resentment for people of Moluccan descent living in the Netherlands. And in particular second and third generation Moluccans called for more direct and radical action (COT-ii, 2007:104). Between 1970 and 1978 the protests of South Moluccan descendents living in the Netherlands occasionally took a violent character, namely with the hijacking of trains and hostage-takings. In 1970 the residence of the Indonesian ambassador was occupied by Moluccans. Although the ambassador managed to escape, a police officer was killed shot during the forced entry of the residence. The Dutch authorities were caught off-guard by this terrorist attack despite growing anti-Indonesian sentiments within the Moluccan community, and considered this occupation a one-off incident – moreover it took the government quite some time to label the Moluccan activists as terrorists - and refused to formulate regulations and measures to prevent future actions (Rasser, 2005: 484). By means of a major raid carried out by the army on a Moluccan camp the Dutch Minister of Justice tried to show government's force and suspected terrorists were arrested. This resulted in the further alienation of the Moluccan population and provoked a series of violent attacks.

Until 1977, when a passenger train was hijacked by Moluccans, the Dutch authorities made use of intensive negotiations with the hostage-takers, using South Moluccan mediators, in order to exhaust the terrorists. This form of negotiation became known as the 'Dutch approach' (Muller, 2003: 149). The 'Dutch Approach' can be characterised by the pursuit of non-violent solutions, as long as there is a free rein for it. The use of military forces was limited and no special counter-terrorism laws were introduced, because the Dutch government thought that the existing legislation was competent to punish the as terrorist qualified acts. This approach, in contrast to the German case in which 'Berufsverbote' and 'Rasterfahndung' were used, was qualified by its opponents as

'soft' (Abels, 2007:123). And, it fitted the way politics and society then wished to deal with minority groups; no routing or clearing out of the enemy. However, in 1977 when two groups of Moluccan young terrorists hijacked a passenger train and occupied an elementary school, taking 105 children and their teacher's hostage, the Dutch authorities left this approach. The decision was made to send in a special unit from the Royal Netherlands Marine Corps, after three weeks of intensive negotiations with the hijackers. In the train one hijacker survived and eight people were killed, including two hostages. In the school no shots were fired and the hijackers surrendered to the Marines. In 1978 the final terrorist attack committed by South Moluccan terrorists took place. Three terrorists forcibly entered and occupied the Provincial Government Office in Assen. During the hostage-taking one hostage was killed and another hostage died because of wounds inflicted by the terrorists. Since the authorities determined negotiations would not succeed, a Marine unit was sent in again, which stormed the building after only 28 hours, wounding several hostages (Rasser, 2005:486). The terrorists received 15-year prison sentences. From that moment on, no more major terrorist attacks were conducted by South Moluccan descendents, although Dutch intelligence services are still monitoring potential activists within the Moluccan community (Muller, 2003: 149).

Like Germany, and other EU member states, the Netherlands was confronted with left-wing revolutionary terrorist activities during the 1960s and 1970s, however not to the same degree. From 1970 till 1972 the Rode Jeugd group (Red Youth) carried out several bomb attacks, which primarily caused material damage and never resulted in casualties. Next to this domestic left-wing violence the Netherlands was confronted with RAF terrorism, because several RAF members used the Netherlands as base of operation for actions in Germany. A Dutch policeman and two customs officials were killed by RAF members, moreover the kidnapped Hanns-Martin Schleyer was held in the Netherlands for over a week in 1977. However, because of its violent actions, the RAF did not receive much support from left-oriented parts of the Dutch society. During the Cold War period the Dutch government and its security service were deeply concerned with communism as a threat to the national security, and as part of this perceived threat, initial activities in the field of counterterrorism were mainly directed against terrorist organisations with left-wing or communist ideologies. Although the strategy was much more calm and less hard than the German counter terrorist approach. During the 1970s a working group on behalf of the Ministry of Internal Affairs & Kingdom Relations stated that societal tensions had to be regulated and solved instead of combating them. Therefore the strategy aimed at dialogue and integration of the activists.

In the 1980s and early 1990s a small left activist group, RARA, committed bomb attacks on multinationals seated in the Netherlands and arsons in stores as part of their protest against the Apartheid regime in South Africa. This group aimed at urging foreign investors to abandon their operations from South Africa. In 1991 the RARA committed its most serious terrorist attacks, its members attacked the home of the State Secretary of Justice and bombed two ministries, to influence Dutch policy on refugees and asylum seekers (COT-ii, 2007:106).

This century started off with a renewed acquaintance with terrorism. In 2002 the Netherlands was startled by a political assassination. The leftist environmental activist Folkert van der Graaf murdered the emerging right-wing populist politician Pim Fortuyn.

Next to the types of domestic terrorism mentioned above, the Netherlands experienced also acts of international terrorism, these however should be seen as isolated incidents rather than as a structural terrorist campaign on Dutch territory. In 1973 Palestinian group PFLP hijacked a KLM airplane. Between 1979 and 1990 the IRA carried out four terrorist attacks in the Netherlands, and in 1989 and 1990 the ETA bombed Spanish buildings and authorities on Dutch territory, without any casualties but with considerable material damage. This led to the Dutch government intensifying security measures (Muller, 2003: 151).

6.3 Domestic priorities and Goals

Opposite to the German situation and the British approach, as will become clear in the next chapter, the Dutch government has not presented explicit objectives and Counterterrorism Packages as the German government did, or one detailed strategy like the government in the UK, to combat contemporary terrorism. However, the first report of the National Coordinator for Counterterrorism (NCTb) states that 'confronted with the threat of international terrorism, especially Islamist terrorism, and the reality of Islamist radicalism at home, the Netherlands has taken systematic measures in many areas within a short space of time in response to the new situation' (NCTb, 2005:1). Among them are several supplementary amendments to existing laws, and policy measures aiming at the observation and taking timely action against individuals and organisations that may be involved in preparing terrorist acts, in June 2003. After the bomb attacks in Madrid in March 2004, a reorientation and intensification of the policy on the alert system and the observation of persons of interest of the Dutch police and the General Intelligence and Security Service (AIVD) took place. And, in September of the same year the formation of the executive of the National Coordinator for Counterterrorism began, which became operational since January 2005. This office is in charge of preparing counter terrorism policy and analyses, and falls under the responsibility of the Minister of Justice and the Minister of the Interior & Kingdom Relations. Furthermore, powers under the law of criminal procedure to fight terrorism were expanded fundamentally, necessitating a further enlargement of the relevant services' capacity. And, in relation to the murder of Theo van Gogh by the Muslim extremist Mohammed Bouyeri, a Dutch citizen of Moroccan origin, a decision was made in November 2004 to further strengthen the AIVD's capacity and expand surveillance and protection capacity.

In the letter on *Counterterrorism Policy* (Session 2003-2004, 29 754, No. 1) from the ministers of Justice and Internal Affairs & Kingdom Relations to the Dutch House of Representatives of the States General the principles of policy and approach with regard to combat terrorism are mentioned. At first the threat of contemporary terrorism is described:

'Present-day terrorism is not an isolated phenomenon, but has to be viewed against the background of fundamental and cultural antagonisms, national and international conflicts far beyond our own national boundaries, and associated phenomena such as radicalisation, extremism and fundamentalism. What this implies is that the West, certainly including the Netherlands, will still have to deal with a significant terrorist threat for some time to come. The same, of course, also applies to the Islamic world' (2004:3).

Several factors can be mentioned that determine how the Dutch government deals with the threat of contemporary terrorism, among them are its nature, the spread of the organisation and its motivation, which is based on general cultural and religious grounds rather than on a concrete political or ideological conflict linked to a specific country or region. Because of the broad and indeterminate objectives of contemporary terrorism authorities worldwide have troubles to determine potential perpetrators, the location and nature of potential attacks and the concrete indicators for such attacks. This leads according the Dutch government to the situation in which limited opportunities for targeted detection and prosecution are available. Consequently its counter terrorism efforts are mainly focused on:

- timely recognition and disruption of any potential preparations for attacks;
- observation, pursuit and timely arrest of individuals who might potentially be involved in such activities;
- identification and adequate monitoring and safeguarding of individuals, properties, places or meetings that might possibly be targets for attacks;

- refusal of access to the Netherlands, where possible, for individuals suspected of terrorist activities;
- and development of sensitivity and readiness to act on the part of the responsible authorities.

These efforts can be categorised under the four strands of work of the EU Counter-Terrorism Strategy the following way: the first two fall under the Pursue strand of work, which goal is to pursue and investigate terrorists. Whereas the latter three can be classified under Protect, which aims at protecting citizens and infrastructure and at reducing the vulnerability to terrorist attacks. Perhaps the last one also fits the Respond strand of work, aiming at the preparation to manage and minimise the consequences of a terrorist attack, although it is not really clear what is meant by developing sensitivity and readiness to act.

Next to these efforts to focus on, the document explicitly states that international cooperation is essential in preventing and tackling terrorism, given that the causes might lie behind the Dutch borders, preparations can take place in a range of foreign countries, and several countries can be potential targets simultaneously. In this context, the Dutch government highlights European cooperation, as preventing attacks on Dutch territory will only be possible as an element of prevention on the whole continent. This implies at the same time that no distinctions can be made when acting protectively and dealing with preparatory activities, between efforts aimed at the Netherlands and those aimed at other European countries. Consequently, the Netherlands will become more closely involved in combating terrorism originating in other countries, which in turn can lead to an increase of the threat of contemporary terrorism in the Netherlands.

The last counter principle mentioned is the tackling of contemporary terrorism by limiting its breeding ground wherever possible. However, the Dutch government is aware of the fact that terrorism can not be tackled by eradicating the underlying grievances under pressure, as this would in essence 'amounts to indulging the threat of terrorism, and generally operates as an encouragement rather than a deterrent' (2004:4). Therefore the Dutch government aims at combating radicalisation nationally and internally, which fits the Prevent strand of work of the EU Counter-Terrorism Strategy: 'to prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally' (2005:3). In the international context the Dutch government tries to reduce and manage conflicts abroad which partly nourish present-day terrorism, by means of supporting those countries where the threats originate in order to develop their capacities to identify, combat and control preparations for terrorist attacks at an early stage. Apart from terrorist breeding grounds outside the European continent, the Dutch government focuses at radicalisation within its own borders to counter the recruitment of potential terrorists in the Netherlands. The prevention of terrorism needs to be addressed by countering and restricting radicalisation processes, with the remark that this should not be categorised exclusively or even primarily as part of the fight against terrorism (2004:4). As will become clear in the following text the Dutch government gives priority to this last counter terrorism principle, which fits the Prevent strand of work of the EU Counter-Terrorism Strategy. Shortly after the terrorist attacks in London in July 2005, the Dutch minister of Justice produced a memorandum in which the need for a broad vision regarding dealing with radicalism and radicalisation was stressed, seeing that these attacks brought the threat of terrorism at the centre of public attention once more. It states that in extreme cases radicalism and radicalisation can lead to individuals becoming terrorists. However, these phenomena must not be put on a par with terrorism, and combating them requires its own approach. In the publication *Radicalisation in broader perspective* (2007:3) of the NCTb on behalf of the Ministries of Justice and Internal Affairs & Kingdom Relations the importance of tackling radicalisation is emphasised once more:

'Information about persons who have committed or attempted terrorist attacks in recent years indicates that terrorists radicalise prior to agreeing to carry out a violent terrorist

attack. In the fight against terrorism it is therefore essential to identify - and wherever possible to prevent or reverse - such processes that may lead to violent radicalisation or terrorism. Radicalisation does not automatically lead to violence in all cases. In addition, non-violent radicalism may be a harbinger in some cases.'

And, in all successive half-yearly reports on the progress on counterterrorism of the NCTb the tackling of radicalisation is mentioned as an anti-terrorism strategy which is decisive for the Dutch government's ability to effectively combat terrorism in equal terms: limitation of the breeding ground for the recruitment of potential perpetrators (second report: June 2005); tackling radicalisation (third report: December 2005); combating radicalisation (fourth report: June 2006 & eighth report: June 2008); the fight against radicalisation (fifth report: December 2006 & sixth report: June 2007); and the fight against polarisation and radicalisation (seventh report: November 2007).

In the above mentioned memorandum from the Minister of Justice the process of radicalisation, as well as radicalisation trends are thoroughly analysed. Based on this and other analysis, like the AIVD report entitled *From Dawa to Jihad*, three focal points are named where measures for combating radicalism and radicalisation can be applied. The first focal point concerns those with radical ideas themselves; the category of those who use the radical symbols, slogans and arguments without sharing the philosophy and those who commit certain acts from motives that are not radical but that, because of the context, are considered expressions of radicalism; and the third category, those who wilfully or knowingly support or facilitate radical acts. The second focal point deals with the expressions of the radical philosophy, like documents, images and sound recordings etc, with which the radical ideas are spread. This includes also media that can be used for the distribution of these expressions, like books, magazines, video or audio tapes, and the internet. The last focal point concerns the very large category of those individuals whose feelings or attitudes are touched or affected by radicalism, which can be divided in several sub-categories. Firstly into those who are (potentially) touched by radicalism: sympathisers; persons who are susceptible; and those who do not share the radical views, but do have certain ideas in common. And, secondly into the category of people who are affected by radicalism: individuals who are terrified by radicals in order to force them to behave or to prevent them from behaving in a certain manner and those at whom the actions of radicals are aimed directly (2005:19).

On the basis of the above mentioned insights presented the Dutch government has concluded that there are three main strategies to be followed, not only by the central government, since collaboration with other actors in the Dutch society is considered essential. Two of them are fairly general, seeing that they target at both the Dutch society in total and at specific groups, and consist of 'the reinforcement of the bond between, on the one hand, individuals and communities, and on the other hand, society in general, as well as the democratic legal order [striving for cohesion]; and empowerment, in other words: increasing assertiveness' (2005:21). Examples of concrete measures with regard the Cohesion strategy are:

- creation of pre-conditions to promote social cohesion through the Social Support Act;
- reinforcing the approach to the prevention of young people dropping out of school through Operation Young;
- and numerous measures in the area of education, including promotion of active citizenship.

Apart from specific counter radicalisation efforts the Dutch government acknowledges the fact that cohesion and a sense of solidarity in its society more in general require reinforcement and support. Therefore it supports and stimulates many initiatives by citizens and public organisations, and based on the 'Broad Social Cohesion Initiative'

action points and agreements are pursued in order to make a contribution to reinforcing social cohesion in the Dutch society.

With regard to the Increasing Assertiveness strategy concrete activities have been implemented through programmes aiming at enhancing citizenship and the ability to participate in the multiform democratic legal order, of the Minister of the Interior & Kingdom Relations, the Minister of Education, Culture and Science, the Minister of Social Affairs and Employment and the State Secretary for Health, Welfare and Sport. These programmes have been created in response to a report published by the Netherlands Scientific Council for Government Reform entitled *De last van het gedrag* (freely translated: The troubles with behaviour). On the basis of the memorandum *Resistance against the radicalisation of young Moslems* accompanied by an action plan, the Minister of Immigration and Integration announced a large number of measures both in relation to assertiveness and the distribution of knowledge. Within this context the Minister of Justice highlights the fact that policies not primarily aimed at increasing assertiveness still can contribute to this objective, for example the anti-discrimination policy.

Because striving for cohesion and increasing assertiveness are relatively general approaches, a third strategy which is more specific and consists of active intervention, is required according the Dutch government in view of the threat posed by radicalism. The three focal points mentioned above offer opportunities for active intervention, 'whereby it must be considered that, depending on the nature of the intervention, these focal points are subject to strict, statutorily prescribed conditions, both with regard to the person or matter receiving the attention (material requirements) and the method of the intervention (formal requirements)' (2005:25). This strategy aims at:

- Radicals and their environment – to change their views, to deter them and to make it impossible for them to act by means of criminal and administrative law provisions.
- Actions and words - to make it impossible to perform radical acts or to express and spread radical words and to disrupt (especially in the preparatory phase) or to impede their implementation through monitoring and controlling powers of government authorities.
- The individuals who are affected – to protect them directly through security measures and indirectly by providing supportive protective measures to them.

The Dutch counter-terrorism policy can be characterised by the broad approach, in which prevention of persons becoming terrorists is the principle priority, which fits the domestic imperative of regulating and solving societal tensions instead of combating them. The Committee of Experts on Terrorism of the European Council names the Dutch broad approach as well, in which not only the acts of violence themselves, but also the chain of events that precedes them are addressed. 'The idea is to take action at the earliest possible stage in the causal chain that turns someone into a terrorist, rather than simple taking repressive measures when a potential terrorist becomes active' (2006:1). By applying security strategies based on this principle the Dutch government tries to recognise and stop processes of radicalisation as early as possible, without taking up repressive measures, in order to reduce the fear of actual and potential attacks of contemporary terrorism on its society. 'This is an expressed link between the current counter-terrorism policy and the strategy employed in the previous century [known as the 'Dutch Approach'] and is followed at a great pace elsewhere [like in the UK]' (Abels, 2007:126). The current broad approach is highlighted in the AIVD report *From Dawa to Jihad* (2004:45):

'It is also the nature of the phenomena studied by the AIVD, in particular those concerning radical Dawa activities as described above, that makes judicial interference not always possible or even desirable. [...] These cases require government action outside the judicial context, while actors like political policymakers, other national authorities, local administration, community-based organisations, and especially the

moderate part of the Muslim community itself should provide counterbalance to the threats. This is how we envisage the broad approach to the wide-ranging and multiform phenomenon of radical Islam.'

The Dutch government heavily relies on findings and reports of the AIVD, like the report *From Dawa to Jihad*, in its preventive approach. In this report a theoretical concept based on the multiform reality was presented, which allowed the Dutch authorities to develop its differentiated approach after the nature and seriousness of the threat.

6.4 Conclusion

Confronted with the violent actions by South Moluccan terrorists, striving for independence of the South Moluccas, and left-wing revolutionary terrorist activities during the 1970s, from which many West-European countries suffered during that time, the Netherlands developed the 'Dutch Approach' with regard to countering terrorism. Instead of the hard line approach employed by its neighbour Germany, the Dutch aimed at dialogue and integration of the activists and or terrorists, as the Dutch government took the view of regulating and solving societal tensions instead of combating them. This approach, qualified by its opponents as 'soft', can be characterised by the pursuit of non-violent solutions, as long as possible. The strategies applied then, can be seen reflected in the present efforts to combat contemporary terrorism.

The Dutch government considers present-day terrorism not to be an isolated phenomenon; it is associated with phenomena such as radicalisation, extremism and fundamentalism, and will continue to threaten the western world and certainly the Netherlands in the near future. Based on the nature, organisation structure, motivations and objectives of contemporary terrorism the Dutch government sees limited opportunities for targeted detection and prosecution of terrorists linked to this phenomenon. Therefore priority is given to the Prevent strand of work of the EU Counter-Terrorism Strategy, which reflects the domestic imperatives with regard to how approach terrorism, and aims at tackling the factors or root causes of people turning to terrorism, in order to protect the national security in relation to the unique case of contemporary terrorism. The Dutch government pursues security strategies – Cohesion, Increasing Assertiveness and Active Intervention – based on AIVD and NCTb reports, to reduce the fear of actual and potential attacks of contemporary terrorism on its society by aiming at the identification and wherever possible the prevention or reversion of processes of radicalisation that lead to terrorism. This for the reason that the Dutch government has evidence that indicates that persons who have committed or attempted terrorist attacks in recent years have radicalised prior to carrying out terrorist attacks. In view of its broad approach Dutch authorities try to involve the Muslim communities into their efforts to prevent radicalisation in order to make them provide themselves a counterbalance to the threat of contemporary terrorism. This is inspired on the 'Dutch Approach' from the 1970s, which aimed at de-escalation and dialogue. The Dutch government puts a lot of efforts in analysing radicalisation and processes of radicalisation and its security strategies heavily rely on these analyses.

Based on the observation that the Dutch government made Prevent its principle priority, it appears that the Netherlands relies on counterterrorism strategies that keep attacks from ever happening, which explains the minor attention for the Response strand of work in the EU Counter-Terrorism Strategy. The Dutch government holds the opinion that its society can be best protected against contemporary terrorism by changing the courses of action of individuals at front. In other words, before potential terrorists become actual terrorists.

Chapter 7. The United Kingdom

7.1 Introduction

This is the last chapter in row, which handles an individual EU member state case. In paragraph 7.2 the historical experiments with terrorism in the UK will be presented. The most prominent and extensive British experience with terrorism, the encounter with the IRA will be highlighted. In paragraph 7.3 the current situation will be presented, the British principle priority and goal to reduce the fear of actual and potential attacks of contemporary terrorism will be described. And, like the other two national cases, this chapter will be closed with a paragraph on the conclusions on sub question two and three.

7.2 Historical Experiments

In the European context and most certainly with regards to this research the UK is the most experienced EU member state when it comes to non-state terrorism. Over time, the country has been faced with terrorist activities that covered almost the entire spectrum of rebel terrorism: (anti-)colonial terrorism; acts of communitarian violence; the overspill of international terrorism; left-wing and right-wing extremist terrorist attacks; and transnational religious violence.

In a study on British experiences with terrorism, Wilkinson (1981) illustrates that successive British governments considered internal political violence as a colonial problem and the British army was the primary body designated to maintain or enforce the peace in the overseas British colonies (WODC, 2006:24). For quite some time it was even believed unthinkable that terrorism, violent insurrections or a guerrilla war would occur in the British homeland. In a number of countries, like Palestine, Kenya, Cyprus, Aden and Malaysia, the British authorities handed over power peacefully to independence movements, however violence broke out prior to the transfer. Wilkinson claims that the political problems associated with this were not so much caused by British politics, rather by issues from the past, although mistakes were certainly made by the British authorities. The anti-colonial violence, part of the second wave of rebel terrorism, in these countries had an ethnic twist to it, since prior to independence tensions between different ethnic communities rose and the anti-colonial violence was coupled with intercommunal fighting. The successes of some independence movements overseas inspired other anti-colonial terrorist groups, even in the Western world. According to Wilkinson, the IRA was an example of an European group inspired by the model pursued by these movements. In the era of decolonisation the British army developed a wealth of experience and practical knowledge on guerrilla warfare, urban terrorism and political violence, which 'has shaped a significant part of British anti-terrorist policy-making areas such as special powers and policy/military operations' (Walker, 2003: 12 in: COT-ii, 2007: 183).

The expertise gathered in the colonies was used in the British response to the most prominent and extensive encounter with terrorism: that of the (Provisional) Irish Republican Army (IRA) in Northern Ireland (WODC, 2006:25). This Irish nationalist-separatists organisation sought to end, until Good Friday Agreement in 1998, Northern Ireland's status within the UK and bring about a United Ireland by force of arms and political persuasion. The history of the conflict in Northern Ireland, often referred to as the 'Troubles', goes back centuries, some Irish republicans even claim that the occupation of the island by the British and consequently the fight for freedom goes back

800 years¹⁷. However, it gained momentum from 1968 onwards. A part of the Catholic community in Northern Ireland felt deprived and discriminated against in the areas of local government, housing, and employment, and in 1968 civil rights protest marches were organized by the Catholic minority to speak out their dissatisfaction. When the Royal Ulster Constabulary (the police force in Northern Ireland), dominated by Protestants, responded violently to the protests by the Catholics, the marches became violent. In 1969 the British government awoke from its dream that the end of the colonial era would equal the end of terrorism and sent in its army in order to temper the communal hostilities, since the clashes between the Catholics protesters and the Royal Ulster Constabulary had become more severe. For the first time in over 100 years the British army was involved in a domestic conflict. The British forces knew from experience that overreaction always played the hand of terrorists, so they had to walk a tight rope between acting too forcefully and too leniently (WODC, 2006:25).

However, it did not take long, before the British army became a target itself in the conflict between Catholics and Protestants. To be more specifically, a target of the IRA and the Provisional IRA. At the beginning of the last century the old IRA had forced the British authorities into negotiations with the use of violence, however by now it was considered remaining to passive in the eyes of some of its members. Subsequently, they founded the Provisional IRA (PIRA) as a splinter group of the official IRA. The British government responded with the introduction of laws enabling the detention of suspected IRA supporters without trial to be able to suppress the Catholic protests. In January 1972 during a civil right march, in which was protested against these measures, British paratroopers killed thirteen apparently unarmed men ('Bloody Sunday'), after which the IRA's popularity grew. Consequently, the Northern Irish parliament was dissolved and Northern Ireland was governed from London. The UK and Northern Ireland faced successive very violent decades, in which many terrorist attacks were committed, until 1998, when the Good Friday Agreement was signed between the republican (Catholic) and loyalist (Protestants) parties. Three decades (1968 – 1999) of communitarian violence in Northern Ireland and the UK has claimed over 3,700 lives. During these decades, when the conflict was unfolding, the British army started to use more and more subtle methods, for the reason that the UK government realised that the strategy of military repression of political violence was insufficient to solve the difficulties and in fact only fuelled the fire in Northern Ireland. British authorities considered demilitarization of the conflict and a political solution crucial for a positive settlement of the Troubles in the region. The traditional military approach was left behind and the UK increasingly made use of human and low-level intelligence, special forces, subtle control over news coverage and propaganda as it general principles of counterterrorism (Neve et al., 2006: 28-29, in: COT-ii, 2007:184).

After the signing of the Good Friday Agreement the IRA did not commit any violent activities anymore, however hard-line splinter groups on both the Catholic and Protestant sides opposed the Agreement and continued to carry out terrorist activities. Consequently, the British government continued to believe for a long time that the primary threat to its national and domestic security came from Northern Ireland, which 'diverted the attention of Britain's intelligence agencies away from international terrorism' (Gregory and Wilkinson, 2005: 2, in: COT-ii, 2007:184).

Next to the terrorist activities of the IRA and other violence related to the Troubles, the UK suffered from other incidents of domestic political violence as well. In the beginning of the 1970s the Angry Brigade, a left-wing extremist group and considered to be the first home-grown urban terrorist group, carried out a series of bombing attacks against the British establishment. However, unlike its German counterpart RAF, this group did not

¹⁷ A more official account locate the root of the conflict in 1688, when the Dutch King William beat the Catholic King James who had fled to Ireland near the Boyne. This battle is commemorated to the present time by protestant Unionists walking the Orange marches in July (WODC/COT-ii).

have the intention to kill with its attacks. The Brigade stopped existing when four young radicals were arrested in 1972 and were sentenced to prison. Furthermore, the actions of the Animal Rights Militia are examples of political violence not related to the Troubles. Amongst other attacks, they have sent a letter bomb to the Prime-Minister at that time, Margaret Thatcher and planted car bombs on vehicles of persons involved in vivisection. In April 1999 a bombing campaign was started against ethnic minorities by David Copeland, who had ties with the right-wing extremist Organisation National Socialist Movement (COT-ii, 2007:185). Since these terrorist actions were carried out by relatively isolated (groups of) individuals, they initially did not result in a major change with regard to the national security threat assessment by the British government. After an increase in activities of the animal rights extremists in particular in the late 1990s and the beginning of this century, the National Extremism Tactical Co-ordination Unit (NETCU) was set up in 2004 to address the issue of domestic extremism. Most efforts of the NETCU are concentrated on combating animal rights extremism, because this is considered 'the most common form of domestic extremism in the UK' (COT-ii, 2007:186).

The experiments with terrorism in the Northern Ireland conflict are considered the most prominent and extensive British encounter with terrorism, though the UK experienced several major international terrorist attacks at the same time. For example the killing of an Israeli diplomat in London in 1972, by a letter bomb which had been posted by the Palestinian group Black September; the hostage taking of the Iranian embassy in 1980 by the Democratic Revolutionary Movement for the Liberation of Arabistan, a group supported by Iraq; the most famous attack took place in 1988, the Pan Am flight 103 flying over Lockerbie exploded, which was set up by the Libyan secret service; and during the last decade of the 20th century militant Sikhs carried out several terrorist attacks against Indian targets on British territory (COT-ii, 2007:185). Apart from the Lockerbie case, none of these incidents were actually framed as terrorist attacks that posed a threat to the domestic security, seeing that in general they were carried out by foreign groups and were aimed at other foreign targets. As far as the mid-1990s the British counterterrorism activities were almost completely concentrated on the Northern Ireland conflict and the IRA, although the authorities were aware of the presence of international terrorists or terrorist organisations on British soil (Wilkinson, 2005: 2). This lack of attention by the British government for active Islamist dissidents who had settled in London caused tensions between the British and French authorities, and in 1995 the French counterterrorism service referred to the British capital as Londonistan.

7.3 Domestic priorities and Goals

Since 2003, the UK has had a long-term strategy for countering international terrorism, known within government circles as CONTEST. The strategy aims at reducing the risk from international terrorism, and is divided into four principal strands: PREVENT, PURSUE, PROTECT, and PREPARE. In 2006 a renewed strategy, again based on the so-called four 'P's, was presented to the British parliament, in which the UK government assessed that the then current threat in the UK and also for British overseas interest and citizens going abroad - from Islamist terrorism was still serious and sustained. In general, the judgement was made that that the scale of the threat is potentially still increasing and is not likely to diminish significantly for some years.

This strategy shows that contemporary terrorism is perceived a multi-faced phenomenon in the UK, since every strand of work from the EU Counter-Terrorism Strategy is covered. This however, seems no surprise as the EU strategy is based on the British strategy, consequently the four principal strands of the UK strategy can be linked directly to the four strand of work of the EU Counter-Terrorism Strategy. The first strand PREVENT is concerned with tackling the radicalisation of individuals. Followed by PURSUE, which aims at reducing the terrorist threat to the UK and to UK interests overseas by disrupting terrorists and their operations. The third strand is named PROTECT and is concerned with

reducing the vulnerability of the UK and UK interests overseas. PREPARE, which is called Response in the EU strategy, is the last strand, which focuses on ensuring that the UK is as ready as it can be for the consequences of a terrorist attack.

Although CONTEST covers all aspects of counter-terrorism, it is immediately evident that the UK focuses on the PREVENT strand and considers prevention its principle priority, which serves the national security in relation to contemporary terrorism best. Since, in addressing the challenge posed by contemporary terrorism, the UK Government is 'clear that particular focus and effort is needed in the PREVENT strand' in order to fight the 'battle of ideas', in which all parts of the society need to challenge the ideological motivations used to justify the use of violence (HM Government, 2006:3). After 9/11 the UK government started to give high priority to threats related to contemporary terrorism, since it realised that being one of the closest allies of the US, the country might well be a primary target itself (Codexter, 2007:1). This assessment was proved right by the Al-Qaeda bomb attacks at the public transport system in London on 7 July 2005, in which 56 people were killed. The bombers were British citizens brought up in the UK and became terrorists inspired by Islamist extremism. Terrorist suspects investigated in the UK in recent years have come originally from countries as diverse as Libya, Algeria, Jordan, Saudi Arabia, Iraq, and Somalia - as well as those who have lived most or all of their lives in the UK. According to the government some significant successes were achieved in dealing with potential attacks by Islamist terrorists. In many cases the individuals involved have either been successfully prosecuted and imprisoned or are awaiting trial. However, it is not possible to eliminate completely the threat of terrorist attacks in the UK, and therefore the terrorism needs to be addressed where it begins, which let the UK government to focus on preventing radicalisation. This focus is emphasised by the following statement, written down on the first page of the document in question:

'The principal current terrorist threat is from radicalised individuals who are using a distorted and unrepresentative version of the Islamic faith to justify violence. Such people are referred to [...] as Islamist terrorists. They are, however, a tiny minority within the Muslim communities here and abroad. Muslim communities themselves do not threaten our security; indeed they make a great contribution to our country. The Government is therefore working in partnership with Muslim communities to help them prevent extremists gaining influence there' (2006:1).

The UK has intensively focused on relations with the Muslim community, as becomes clear from the above mentioned statement. Moreover in a leaked document – through the Times - from the Home Office (2004) is stated:

'Cabinet recently discussed relations between the Muslim and other communities here in the UK. In a discussion on terrorism, Ministers focused on the need to encourage moderate Muslim opinion to the detriment of extremism both at home and overseas, and the extent to which a sense of isolation and disaffection within parts of the Muslim community is leading to acts of terrorism.'

According to this correspondence between Sir Andrew Turnbull, Secretary of the Cabinet at that time and John Gieve, the then Home Secretary, there is a feeling that some parts of the Muslim community, mostly younger men, are disaffected. Among them are well educated individuals with good economic prospects. The Al Qaeda network and its affiliates provide a dramatic pole of attraction for the most disaffected individuals. Therefore the need is expressed in the Cabinet for all departments to contribute towards the PREVENT objective of CONTEST. This approach fits the first strand of work from the EU Counter-Terrorism Strategy perfectly, which aims at tackling the factors or root causes of people turning to terrorism. In this context the EU Counter-Terrorism Strategy states that 'we need to ensure that voices of mainstream opinion prevail over those of extremism by engaging with civil society and faith groups that reject the ideas put forward by terrorists and extremists that incite violence. And we need to get our own

message across more effectively, to change the perception of national and European policies' (2005:8). The above mentioned statements are backed up by a recent speech of the current Home Secretary, Jacqui Smith at the first International Conference on Radicalisation and Political Violence in London in January 2008, in which she calls for the nation to challenge the ideology of violent extremism. Moreover, she states that 'to succeed against terrorism and violent extremism in this country, we will depend not on force, but on force of argument. Not on authoritarianism, but on the authority that comes from shared values, shared rights and shared responsibilities' (www.homeoffice.gov.uk). The UK government has the intention to challenge the ideology of violent extremism behind terrorist attacks with a dialogue, seeing that the way the government responds must reinforce the shared values in the British society, as it is on 'these values that our security ultimately rests' (www.homeoffice.gov.uk). Moreover, she said that this dialogue is part of our democratic process that the terrorists seek to disrupt and overturn, since their aim is by definition anti-democratic, and therefore we can not let terrorism stop the dialogue. Prior to the speech of the Home Secretary Prime-Minister Gordon Brown made the following statement in November 2007:

'[...] the objective of al-Qaeda and related groups is to manipulate political and humanitarian issues in order to gain support for an agenda of murder and violence, and deliberately to maim and kill fellow human beings, including innocent women and children, irrespective of their religion. We must not allow anyone to use terrorist activities as a means to divide us or isolate those belonging to a particular faith or community' (www.number10.gov.uk).

Apart from this call for unity Brown claims that there are other efforts to be made in order to deal with the challenge posed by the terrorist threat. Like working with communities throughout the country to challenge extremist propaganda and support alternative voices among those communities. Secondly, the promoters of violent extremism must be disrupted by strengthening institutions and by means of providing support to individuals who may be being targeted. The third effort consists of increasing the capacity of communities to resist and reject violent extremism. And last, issues of concern within the communities, which are exploited by ideologues, need to be addressed by emphasising shared values across the British society. Brown acknowledges the fact that this can not be done in an instant, nor with one single programme. Therefore sustained efforts need to be made over a long period of time, in which schools, colleges, universities, faith groups and youth clubs need to be involved. Young people should to be engaged through the media, culture, sport and arts. Moreover, they need to be protected from extremist influences operating on the internet and in institutions, like prisons, universities and mosques.

The goal linked to the PREVENT strand is to tackle the radicalisation of individuals, both on UK territory and elsewhere, which sustains the international terrorist threat. Within this context it is important, according to CONTEST, to have insight in the processes in which certain personal experiences and events cause an individual to become radicalised, to the extent of turning to violence to resolve perceived grievances. These processes are critical in order to understand the way terrorist groups recruit new members and sustain support for their attacks. Therefore the UK strategy claims that identifying the factors which may lead to radicalisation, and some of the arguments used to justify it, are important so that the UK can focus its responses in order to reduce the risk of terrorism. Therefore the UK government pays attention in CONTEST to the process of radicalisation with a special box: *How does radicalisation occur?*, which is part of the Home Office's 'general theory' on the radicalisation process. Starting point of this theory is that there is no such thing as a 'radicalisation career' that would apply to all or even most cases of radicalising Muslim youths (WODC, 2006:34). Therefore the UK government tries to achieve the objective of tackling radicalisation by countering structural, environmental

and motivational factors which create a breeding ground for extremism and radicalisation:

- Tackling disadvantage and supporting reform. Therefore structural problems in the UK and elsewhere that may contribute to radicalisation need to be addressed, such as inequalities and discrimination.

The UK government states that the first area of action to counter radicalisation lies in addressing structural problems that may contribute to radicalisation. An example of a strategy in this area of action is the race and community cohesion strategy Improving Opportunities, Strengthening Society (IOSS), which consists of a cross-government response to reduce inequalities, particularly those associated with race and faith, and to increasing community cohesion. 'In particular, the strategy includes actions being taken to help Muslims improve their educational performance, employment opportunities, and housing conditions' (HM Government, 2006:11). Other examples are the introduction of the Commission on Integration and Cohesion, which considers how local areas themselves can play a role in forging cohesive and resilient communities. And, the support of regionally-led reform and modernisation in the Muslim world, which will help address the political and socio-economic environment which extremists exploit. The Foreign and Commonwealth Office's (FCO) Global Opportunities Fund has supported over 150 projects in the Middle East and North Africa and 25 programmes in Afghanistan and other key countries in South and South East Asia and Africa to support the development of effective, accountable governments, democratic institutions and the promotion of human rights.

- Deterring those who facilitate terrorism and those who encourage others to become terrorists – changing the environment in which the extremists and those radicalising others can operate.

The second area of action to counter radicalisation is by changing the environment in which the extremists and those radicalising others can operate. Moreover those individuals who facilitate terrorism and those who encourage others to become terrorists need to be deterred. The UK government introduced new legislation, the Terrorism Act 2006, and a list of Unacceptable Behaviours to facilitate actions in this area. Furthermore, based on evidence that individuals can become radicalised in prison, the first national training event for HM Prison Service Imams was delivered in February 2006, after the need for specialist training for Imams to support their daily work with all Muslim prisoners, including those imprisoned for terrorist-related charges, was identified. The HM Prison Service was encouraged to develop strategies to identify and combat radicalisation within the prison population. And, the UK government committed itself to work with local communities to help identifying other areas where radicalisation may occur, to help communities protect themselves and to counter the efforts of extremists, who radicalise.

- Engaging in the battle of ideas – challenging the ideologies that extremists believe can justify the use of violence, primarily by helping Muslims who wish to dispute these ideas to do so.

The last area of action to counter radicalisation is therefore a battle of ideas, challenging the ideological motivations that extremists believe justify the use of violence: '[t]his terrorism will not be defeated until its ideas, the poison that warps the minds of its adherents, are confronted, head-on, in their essence, at their core' (HM Government, 2006: 13). Again, in this area authorities are working together with local communities to help them discourage susceptible individuals from turning towards extremist activity. For example, in October 2005 the ministers for Women held their biannual meeting with representatives of the Muslim Women's Network, including representatives from

academia, non-governmental organisations and grass-roots community groups. During this meeting discussions were held on the role Muslim women can play in tackling extremism in their communities.

The UK government makes serious efforts when saying 'we are working with communities', amongst other initiatives it has consulted with Muslim and all other faith communities on the Anti-Terrorism, Crime and Security Act 2001, and established in 2003 a Ministerial and Officials visits programme to listen to the concerns of Muslim communities. After the attacks in London in July 2005 the ministers of the Home Office made visits to nine municipalities with large Muslim populations with the aim of consulting the British Muslims about how the government could work with communities to prevent extremism. Following these consultations, in which over a thousand Muslims took part, seven community-led working groups were set up under the banner of Preventing Extremism Together (PET), which have produced 64 recommendations. The UK government took 27 of these to lead on, whereas the remaining 37 recommendations were for communities themselves to work on, supported by the authorities where necessary. Apart from working with local communities in the UK, the government is also working internationally by supporting and assisting Muslims worldwide, for example in Kosovo, Pakistan, Palestine, Afghanistan, Sudan and Iraq. Moreover, the UK Foreign Office puts efforts in explaining that the British foreign policy is based upon 'striving for UK interests in a safe, just and prosperous world and to counter extremists' allegations that it has an anti-Islamic agenda' (HM Government, 2006:15). In this context the reasons why the UK supported and continues to support international actions in Iraq and Afghanistan, are tried to explained in a better way, for the reason that many people, not only Muslims, worldwide disagreed with the decisions to take military action in those countries. The UK government respects those views, however, it 'intervened because of wider issues and not because these are Muslim countries' (HM Government, 2006:15). Next to this the government tries to counter the false characterisation by extremists of the UK as being a place where Muslims are oppressed. For example, a series of visits by delegations of British Muslims to Muslim countries Muslim were facilitated, and the role of Muslims in British society is being tried to explain in print, visual and electronic media, by a team of key language specialists.

The UK has accumulated a wealth of expertise and experience in countering terrorism following the Northern Irish Troubles, however the many documents published on contemporary terrorism by the UK government do not refer to the experiences with combating terrorism in Northern Ireland. Although the switch from the government's strategy of military repression to a strategy of demilitarization of the Northern Irish conflict and the search for a political solution, based on changing domestic imperatives on how to engage with terrorism, can be seen reflected in the current focus on preventing radicalisation in which the dialogue with Muslims is being searched, to keep individuals from becoming terrorists. After decades of communitarian violence UK authorities realised eventually that a solution would only be found by a human approach - by influencing the hearts and minds of the involved parties - instead of a military approach. The current approach, in which the authorities try to recognise and stop processes of radicalisation as early as possible is, is partly 'based' on the 'Dutch Approach' of countering terrorism, applied in the previous century as well as today (described in the previous chapter). The UK government has admitted the importance of early recognition and disturbance of endogenous processes of radicalisation after the London bombings in July 2005 (Abels, 2007:126). In its efforts to prevent radicalisation and to involve ethnic minorities in its approach, the British authorities aim at de-escalation and co-optation with inner circle activist/terrorist leaders. In August 2006 the British authorities were able to thwart terrorist attacks, and an hour before arresting the suspected perpetrators the religious leaders within the Muslim communities were warned about these arrests. By acting this way, the authorities by-passed the situation in which

the press would inform the religious leaders on the arrests afterwards and allowed them to prepare themselves and their communities at front (www.nrc.nl).

Because changing and challenging ideologies takes time, the UK government considers the security strategies linked to PREVENT by their nature a long-term commitments (HM Government, 2006: 16).

7.4 Conclusion

The UK has experienced terrorist activities from almost every form of rebel terrorism, which makes it is the most experienced EU member state when it comes to non-state terrorism. The anti-colonial violence in the overseas British colonies was considered a task for the British army, and long time it was believed unthinkable that terrorism would occur in the homeland. During the decolonisation period the British army developed considerable experience and knowledge on urban terrorism and political violence, which was used in the conflict with the IRA, the UK's most well-known and extensive encounter with terrorism, which lasted from 1968 till 1999. During these three decades Northern Ireland and the UK homeland suffered from IRA attacks, striving for independence for Northern Ireland, against which initially the British army was brought into action. As the conflict was progressing, the UK government realised that the traditional military approach was insufficient to solve the conflict, and even increased it. Therefore tactics were changed, and the focus became on a more human approach.

Directly after 9/11 the threat of contemporary terrorism was placed high on the British security agenda, based on the fact that the UK was one of the closest allies of the US and therefore might be targeted as well. With the Al-Qaeda bomb attacks at the public transport system in London on 7 July 2005, this estimation was proven correct. Today, the UK government considers the threat of contemporary terrorism in the UK as serious and sustain, and likely to increase in the near future. With the long-term strategy named CONTEST, which is divided into four principal strands, namely PREVENT, PURSUE, PROTECT, and PREPARE, the UK Government aims at reducing the threat of contemporary terrorism in the UK and against British citizens and interest abroad. This strategy covers all four strands of work of the EU Counter-Terrorism Strategy, which indicates that contemporary terrorism is perceived a multi-faced phenomenon, like the German case. However its principle priority, like the Dutch main priority, is the Prevent strand of work of the EU Counter-Terrorism Strategy, aiming at tackling the factors or root causes of people turning to terrorism. CONTEST states that special focus and effort is needed in the sphere of prevention, fitting the domestic imperative that terrorism needs to be addressed at the bottom. This focus on Prevent is also supported by statements from the Prime-Minister and other officials. Following, the UK government pursues security strategies - Tackling disadvantage and supporting reform, Deterring those who facilitate terrorism, and Engaging in the battle of ideas - which aim at early recognition and disturbance of endogenous processes of radicalisation, since terrorism needs to be addressed where it begins. Special attention is given to the integration in society and the involvement of the Muslim communities to help them prevent extremists gaining influence amongst them. This approach is partly 'based' on the Dutch counter terrorism approach, developed in the 1970s, which aimed at dialogue and integration. Similarly, to the current Dutch situation, the UK government pays a lot of attention to analysing and investigating radicalisation, on which its approach subsequently is based.

Although the UK government made Prevent its principle priority in order to protect its national security in relation to contemporary terrorism, and consequently focuses on a human approach to prevent people from becoming terrorists, efforts are made in all three other strands of work whenever the preventive approach fails.

Chapter 8. Comparing the Member States

8.1 Introduction

In this chapter the domestic priorities and goals of Germany, the Netherlands and the UK are brought together in order to compare them and handle the last two sub questions. In the next paragraph the fourth sub question will be discussed: *To what degree are the domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK compatible?* The purpose of this paragraph is to conclude on the degree of feasibility of an Union-level strategy. By comparing the main priorities and the following security strategies I will examine whether Germany, the Netherlands and the UK have the same view on how to fight contemporary terrorism. Consequently the potential differences and/or similarities drawn from this comparison will allow me to conclude on whether the three of them have a common objective on how to combat contemporary terrorism. In paragraph 8.3 the focus will be on the necessity of an Union-level strategy. Consequently the fifth sub question will be dealt with: *Can the domestic priorities and goals of Germany, the Netherlands and the UK better be fostered by a structured univocal EU strategy?* By answering this sub question I will conclude on whether Germany, the Netherlands and the UK have a common interest with regard to an Union-level strategy. Will the national security of them be better secured as a result of transferring matters of internal security and law and order to the European level than it is secured within the present EU counter-terrorism cooperation? The comparison, made in paragraph 8.2 coupled with the outlook of the respective governments enables me conclude whether synthesis or diversity will arise among national interests of the individual EU member states. Consequently, I can make the assessment whether further integration in the field of counter-terrorism is in favour of Germany, the Netherlands and the UK. This chapter will be closed with an conclusion on both paragraphs.

8.2 Compatibility Domestic priorities and Goals

Based on the previous five chapters the following remarks can be made. All three selected countries consider the threat of contemporary terrorism with its key features – the horizontal network structure; the core ideology, based on a totalitarian foundation; the explicit commitment to mass-casualty terrorism, part of its dual aim to receive maximal attention and a maximum of deathly victims; and the lack of basis or need for diplomatic or political compromise - a danger to their internal securities. And, are cooperating, mostly on the basis of horizontal Europeanisation mechanisms, in the complex EU counter-terrorism governance system emerged after 9/11, to fight contemporary terrorism. All three EU member states are affected by and can not escape this global phenomenon. Germany and the Netherlands explicitly state that this is a common danger, being part of respectively a global danger zone facing the risk of contemporary terrorism and the West, which is dealing with a significant terrorist threat, although the same applies to the Islamic world. In its strategy for countering international terrorism, the UK government does not mention a shared threat; CONTEST only refers to the continuing threat from extremists who believe they can advance their aims by committing acts of terrorism in the UK and against its citizens and interests abroad.

The individual case studies of the three selected countries provide the following domestic priorities and goals in countering contemporary terrorism:

- Germany gives priority to Protect and Pursue and aims respectively at reducing the vulnerability to terrorist attacks and at investigating and pursuing terrorists;

- The Netherlands gives priority to Prevent and therefore its goal to tackle the factors or root causes of people turning to terrorism;
- And the UK also gives also priority to Prevent, aiming like the Netherlands at tackling the factors or root causes of people turning to terrorism.

In addition to the above stated domestic priorities and goals it is worthwhile to mention that both Germany and the UK cover all four strands of work – Prevent, Protect, Pursue and Respond - defined in the EU Counter-Terrorism Strategy, whereas the Netherlands pays considerable less attention to the last strand of work, Respond.

Consequently, several similarities and differences between Germany, the Netherlands and the UK can be mentioned. The first similarity between the three of them is the fact that they all consider the threat of contemporary to be a great danger to their internal security to which counter efforts need to be made. The three of them consider a mixture of means appropriate to fight contemporary terrorism, opposed to a purely military approach, and focus with their principle priorities and goals mainly on the internal dimension of counter-terrorism. This is in line with the current European Counter-Terrorism Strategy and the common opinion with regard to how terrorism should to be combated across Europe.

The next similarity is between two of them, namely between Germany and the Netherlands, both mention the shared threat of contemporary terrorism, whereas the UK does not mention this common threat, which can be considered the first difference. The German and Dutch perception is in line with the common statements made by the representatives of all 27 EU member states in the JHA Council, which stated that the threat of terrorism affects us all and can only be defeated by collective action. The fact that the UK does not mention the common threat could be explained from the fact that the UK considers itself next to the US, because of its close alliance with this nation, the prime target of contemporary terrorism. Next to the fact that out of the three selected EU member states the UK is the only country, in which an actual major contemporary terrorist attack was committed, the London bombings of July 2005. Following these attacks the renewed counter terrorism strategy, which is used in this research, was written in 2006.

When looking at the general approach to combat contemporary terrorism an other similarity between two of them can be mentioned, Germany and the UK both have, contrary to the Netherlands, an umbrella approach which covers preventive, protecting, pursuing and responding security strategies. This difference between Germany and the UK on one hand and the Netherlands on the other hand, suggests that the Netherlands has such a strong believe in its preventive counter-terrorism strategies keeping actual attacks from ever happening, that making efforts in the Respond strand is considered a waste of means. However, in this context should also be mentioned the fact that Germany focuses mainly at the international dimension of Prevent and does not mention Respond in the five key objectives defined at the federal level, to combat contemporary terrorism. Although actual efforts are made in this area, by means of establishing the BBK, the German government does not considers this strand of work a key objective. Whereas the UK has detailed strategies for each strand of work defined in CONTEST.

Concerning the main priorities and goals with regard to the fight against contemporary terrorism a similarity between the Netherlands and the UK can be named, the Dutch situation shows resemblance to the situation in the UK, as both consider Prevent best suited to protect their national securities in relation to contemporary terrorism and consequently pursue detailed security strategies based on this principle priority to reduce the fear of actual and potential attacks of contemporary terrorism on their societies. In both cases this can be linked to historical experiments with terrorism. The Netherlands applied the 'Dutch Approach' in the 1970s, which can be directly linked to its current approach focussing on Prevent. In the UK, the government at first applied a military strategy against its most prominent encounter with terrorism, the fight against the IRA, but resolved the Northern Irish conflict eventually by using a more human approach on

the basis of dialogue. And, after the bomb attacks in London in 2005, the UK government admitted the importance of this human approach once more and linked up with the Dutch approach from the 1970s, which highlighted the significance of preventive measures. The difference in this context is made by the German approach to counter contemporary terrorism, its government defined Protect and Pursue its principle priorities to serve its national security best, with which Germany also behaves according a historical pattern. From the 1970s onwards German governments pursued security strategies focussing on protective and pursuing measures, firstly – successful - in the encounter with the RAF and today in the fight against contemporary terrorism, in order to reduce the fear of actual and potential attacks of contemporary terrorism on the German society.

In the following figure the above stated similarities and differences are integrated. The cells which are coloured green imply a positive answer, whereas the red cells imply a negative answer:

	Contemporary terrorism perceived as threat to internal security?	Contemporary terrorism perceived as common threat?	Covering all four EU Counter-Terrorism Strategy's strands of work?	Priority given to Prevent strand of work?	Priority given to Protect strand of work?	Priority given to Pursue strand of work?	Priority given to Respond strand of work?
Germany	Green	Green	Green	Red	Green	Green	Red
Netherlands	Green	Green	Red	Green	Red	Red	Red
UK	Green	Red	Green	Green	Red	Red	Red

Figure 7.1: Comparison between the German, Dutch and British approach of contemporary terrorism.

Based on this figure and the above stated analysis I can state that no common opinion on how to combat contemporary terrorism exists between all three selected EU member states. Overall, there is no compatibility between the domestic priorities and goals of Germany, the Netherlands and the UK. Only in the first column, in which the question is raised whether contemporary terrorism is perceived as threat to the internal security a common answer can be given for Germany, the Netherlands and the UK. And, the same applies for the last column, in which is asked whether the Respond strand of work is considered a priority. Although the answer to this question is negatively answered for each of them. Though there is no overall compatibility, the 'picture' above presents the relative success of the current EU Counter-Terrorism Strategy which is created to bring the national counter-terrorism approaches into line, since the differences and similarities are equally divided: half of the cells are coloured green whereas the other half is coloured red.

The different approaches of contemporary terrorism by Germany, the Netherlands and the UK follow on logically from that fact that each of them have different national situations and are, like Hoffmann stated, constructed by different ideas and ideals, precedents and past experiences, and domestic forces and rulers. Although this statement is applicable to every situation, in this research the ideas and ideals, precedents and past experiences, and domestic forces and rulers in relation to terrorism are focal points:

- Germany has a strong historical tradition of criminal prosecution and prevention within rule-of-law standards when fighting terrorism, which was successful in the past according to the German authorities. This tradition can be linked to the fact that as a result of and as a counterpart to the Nazi era the German society is keen on marking activists and radicals quickly as fundamentalists and extremists with whom no discussion is possible and consequently are to be fought applying a hard line. The display of decisiveness and legitimacy of the state can be considered part of the hard approach.
- The Netherlands is historically focused on integration of and dialogue with radical elements in the Dutch society within its counter terrorism approach, in line with the general feelings within the Dutch society. The regulation and settlement of societal tensions instead of combating them and the pursuit of non-violent solutions, as long as possible, are part of this tradition. For example, in 1970 when the Indonesian ambassador residence was occupied the then Prime-Minister and Minister of Foreign Affairs rushed to the spot to lead the negotiations with the Moluccan hostage takers personally, before the residence was taken by force (Abels, 2007:128).
- For centuries the UK was one of the dominating countries worldwide, as the homeland of an enormous colonial empire, in which the British army was designated the primary body to counter (anti-)colonial violence according to government and general public. Today its government places the UK again in the centre of attention when it comes to the threat of contemporary terrorism, being the closest ally of the US, the current most powerful nation on the globe. Due to its adaptation to modern times and modern terrorism, the UK switched from a purely military approach through a more human approach during the Northern Irish conflict to an approach based on dialogue and integration. This fits the changes in the British society over the years, which due to its colonial past is no longer a white men but multicultural society, and counts many people originating from Muslim countries.

Many more ideas and ideals, precedents and past experiences, and domestic forces and rulers are of course relevant in this context, however there is no time and space to explore these in this research. Still, I can say that these three individual cases led to the situation in which each of the selected EU member states considers contemporary terrorism a threat to its internal security and focuses on internal security strategies to stop attacks ever from happening, which is based on their principle priorities, though the Dutch and British approaches have an earlier starting point than the German approach. The former focus on breaking down the processes which can lead to people turning to terrorism, whereas the latter focuses on stopping individuals who are already moving on the path of terrorism. These approaches follow on from the different national situations, moreover they are part of these national situations. In the next paragraph the national situations will be linked to the respective outlook of the German, Dutch and UK government towards European integration in order to analyse whether a common interest among the three of them exists.

8.3 Better fostered by an Union-level Strategy?

In this paragraph the necessity of an Union-level strategy from the viewpoint of Germany, the Netherlands and the UK will be handled. As, for giving up national sovereignty in matters of internal security and law and order, the three of them need to be convinced that their priorities and goals with regard to countering terrorism are better fostered by an Union-level strategy than they are by means of the present EU counter-terrorism cooperation. Following the previous paragraph I will now link the comparison of the

domestic priorities and goals, which follow on and are part of the national situations with the outlook of the respective governments. This in order to conclude whether there is synthesis or diversity among the three EU member states' national interests, as the national interests is a combination of the national situation and the governments' outlook, according to Hoffmann. Concerning the outlook of the three current governments I have analysed the coalition agreements of both the German and Dutch government, and for the UK the policies of Labour in Government.

Historically the EU plays a significant role in German politics and society; the EU is considered the guarantor of political stability, security and prosperity in both Germany and Europe. Because of its history, political and economic weight, Germany bears a particular responsibility for preserving and developing the European integration process, according the current German coalition agreement. Germany considers the current crisis in the EU as an opportunity to adapt the European project to the needs of our time. Therefore the German government pleads within the EU context for concentrating on the essentials, for agreement on the goals, tasks, competences and limits of the enlarged EU all with respect for the subsidiary principle, and in the national context for a better coordination of the German efforts towards reform in the EU, particularly within the Euro zone. With regard to this research the following statement is particular important:

'In the future too, we will seek to ensure that the abolition of frontiers within the Single Market does not lead to deterioration in the security situation here in Germany and in our neighbouring states. In the European framework, we are in favour of closer and more efficient cross-border cooperation between the Member States in combating terrorism and organised crime, and of strengthening the responsible European institutions like Europol and Eurojust' (www.bundesregierung.de-ii).

Furthermore, the German government highlights the importance of unity and diversity in the EU, since it 'is founded on the appropriate combination of unity and diversity' (www.bundesregierung.de-ii). This combination needs to be preserved as the richness of Europe is made up out of the different national experiences of civilisation and culture.

The Netherlands is viewed by its government as an open country with an international outlook, and its opportunities and possibilities depend partly on others. Therefore, due an increasingly interrelated international community, it is not in the Dutch interest, 'either economic or otherwise, for the Netherlands to play a passive, inward-looking role. This is why we will seek to perform an active and constructive role in Europe and in the world' (www.government.nl). Whereas the German government names the current crisis of the EU a reason for adaptation to the modern times, its Dutch counterpart talks about the EU facing a new stage in its development, since further widening and deepening are no longer the self-evident engines of European integration as they were in the past. According the Dutch coalition agreement EU institutions need to be adapted to give the member states a stronger position in policy areas where this is possible, and to increase European integration where this is necessary. The Dutch government puts efforts in an effective cooperation and a clear division of responsibilities between the member states and the EU, based on the principle of subsidiarity. Therefore it aim is:

'[t]o conclude agreements on the compatibility of the internal market concept with the organisation of the public sector [...] and on greater European cooperation on measures to make European economies more competitive, transboundary environmental problems, energy policy, asylum and migration policy, external policy and the fight against terrorism and cross-border organised crime. National parliaments should be given a stronger position in relation to the subsidiarity test (a 'red card' procedure for example)' (www.government.nl).

However, the Netherlands is committed to the European integration project, because it sees itself to continue to project itself as a constructive and creative partner in the EU,

since its contribution is needed for international security and solidarity, and for a result-oriented Europe.

Whereas the Germany and the Netherlands highlight their dependence on and their cooperation within the EU, the UK emphasises its own position. On the question how to engage with Europe, the Labour in Government policy states:

‘In today’s European Union, the UK is a key player whose voice is listened to. Our economic success over the last ten years, our place in other major international institutions and our strong support for the entry of Eastern European countries into the EU means that we have been and are well placed to lead the debate and bring other EU partners with us’ (www.labour.org.uk).

In the near future, the UK and its partner EU member states need to focus on what the EU can achieve for its people in delivering economic security and opportunity, simultaneously collective action needs to be taken to face the challenges on issues of the environment, migration and security. The focus should be on practical issues in EU context and benefits from the EU rather than on structures, for the reason that demonstrating the tangible benefits of the EU is crucial in building public support and confidence in the EU, according to the Labour in Government policy. Moreover, points to consider are how the UK can promote further enlargement and make the case for Europe, and how to maintain momentum for economic reform in the EU.

Based on above stated analysis it appears that the UK government has a more nationalist outlook compared to both German and Dutch government. The latter both emphasise the importance of the EU for stability, security, prosperity and solidarity in and among its member states. Both mention the fact that things need to change within the Union and adaptation to modern times is necessary, however they both appear to be committed to the European integration project, although the Dutch government exercises more restraint in this respect. The UK government is to be more nationalistic, as it gives more value and priority to itself in the international and European context than Germany and the Netherlands do. The UK emphasises mainly its own position and pursues based on this position, its own agenda.

The combination of national situations and governments’ outlook results in different national interests among Germany, the Netherlands and the UK. Both the German and Dutch national interests seem to be best served by an European approach of contemporary terrorism because of their perceived dependent positions within the EU context, however based on their national situations they have defined different priorities and goals to combat the as common perceived threat of contemporary terrorism. Whereas the UK defined the same principle priority and goal as the Netherlands to combat contemporary terrorism, its interest seems best served by a national approach, based on its perceived position as a key player in international affairs and the EU context and the fact that the UK is considered a primary target of contemporary terrorism. Consequently no synthesis among the German, Dutch and UK’s national interests can be found and therefore the domestic priorities and goals of the three individual EU member states can not be fostered by an Union-level strategy. Moreover, as became clear in chapter 4 the member states are since 9/11 striving for convergence in the field of counter-terrorism but without hierarchical pressure of the EU and therefore are not forced to the present day to give in on their domestic priorities and goals with regard to contemporary terrorism when cooperating with each other.

The fact that no synthesis exists among the three EU member states is in line with Hoffmann’s metaphor of the EU member states living in the common EU home, as diversity among them arises from domestic imperatives, namely their priorities and goals defined at national level - part of their national situation - in relation to the global phenomenon of contemporary terrorism:

'[...] the nations that coexist in the same apparently separate 'home' of a geographical region cannot escape the smells and noises that come from outside through all the windows and doors, or the view of outlying houses from which the interference issues. With diverse pasts, moved by diverse tempers, living in different parts of the house, inescapably yet differently subjected and attracted to the outside world, the residents react unevenly to their exposure and calculate conflictingly how they could either reduce the disturbance or affect in turn the people in the other houses. Adjusting their own relations within the house is subordinated to their divergences about the outside world; the "regional subsystem" becomes a stake in the rivalry of its members about the system as a whole' (Hoffmann, 1995: 73).

The lack of synthesis can be explained by the fact that fighting terrorism involves issues of internal security, being part of high politics, which in turn touch the core of national sovereignty. This still prevails as the main framework of reference when member states engage in counter-terrorism cooperation, though they experience difficulties in controlling all efforts in this field and their ability to exercise traditional sovereignty over high security issues like terrorism is decreasing due factors and actors beyond their control. However, the three national governments in question are not prepared to give up their freedom of action concerning matters of internal security and law and order, as they have no shared opinion on how to combat contemporary terrorism. They prefer their own approach in the uncertain battle against this phenomenon, because they can control this approach opposed to the situation in which due to further integration the EU, as an actor on its own can enforce ready-made counter-terrorism packages. The respective governments accept no losses in the field of counter terrorism during an uncertain integration process - and they will when looking at the lack of compatibility among their domestic priorities and goals - even if they are compensate by the overall gain of a common fight, because every loss will touch the internal security. The current situation, in which the EU primarily acts as a facilitator of cooperation between the member states, allows them to cooperate on their own terms, based on their domestic priorities and goals with regard to contemporary terrorism.

In the next figure the indicators for the lack of synthesis among the national interests of the three EU member states are presented:

	Germany	The Netherlands	UK
Domestic Priority	Protect & Pursue	Prevent	Prevent
Perception Contemporary Terrorism	Common Threat	Common Threat	No Common Threat
National Situation with regard to Terrorism	Focus on Criminal Prosecution & Prevention within Rule-of-law	Focus on Integration & Dialogue	Focus on Integration & Dialogue
Government Outlook	Nonnationalist	Moderate Nonnationalist	Nationalist

Figure 7.2: Indicators Diversity among National Interests of Germany, the Netherlands and UK.

8.4 Conclusion

Based on paragraph 8.2 I can conclude that there is no overall compatibility among the domestic priorities and goals of Germany, the Netherlands and the UK. Though the differences and similarities among them are equally divided, illustrating the relative success of the current EU Counter-Terrorism Strategy which aims at bringing the national counter-terrorism approaches into line without enforcing adaptation. Germany gives priority to Protect and Pursue and aims respectively at reducing the vulnerability to terrorist attacks and at investigating and pursuing terrorists. The Netherlands and the UK both give priority to Prevent and therefore their goal is to tackle the factors or root causes of people turning to terrorism. Although the three of them consider contemporary terrorism a threat to their internal security – again in line with the common EU opinion - and focus on internal security strategies to stop attacks ever from happening – prevent, protect and pursue – their approaches, which reflect their national situations, have different starting points. Both the Netherlands and the UK aim at keeping people from ever stepping on the path of terrorism, whereas Germany tries to tackle them when they already made a move towards terrorism. Moreover, the UK has a more inward-look in its approach to combat contemporary terrorism than Germany and the Netherlands – again following on from their national situations - which consider the threat of this phenomenon a common threat in line with JHA Council statements, and the UK considers itself to be the main target of contemporary terrorism. This inward-look of the UK relates to its nationalist outlook, which brings me to the conclusion on the previous paragraph in which the answer to the last sub question is given. The UK government gives great value and priority to itself on the international and European stage, while Germany and the Netherlands, although to a lesser degree, both emphasise their dependence in EU context. The respective governments' outlooks combined with the three different national situations results in different national interests among Germany, the Netherlands and the UK. The national interest of the latter is best served by a national approach and the German and Dutch national interests are best served by an European approach, however they have different domestic priorities and goals. The lack of synthesis, or in turn the existence of diversity among the three national interests derives from the fact every aspect of countering terrorism is related to the internal security and consequently the national sovereignty. And, though member states are working together currently, cooperation in this field of high politics is still framed after the national sovereignty. In these matters Germany, the Netherlands and the UK prefer to control what they are doing themselves opposed to the EU prescribing them what to do, and tolerate no losses. Following the lack of a common interest among Germany, the Netherlands and the UK their individual domestic priorities and goals will not be fostered by an Union-level strategy, for the reason that their national securities will not be better secured as a result of transferring matters of internal security and law and order to the European level. Their domestic priorities and goals with regard to contemporary terrorism are better served in the current situation, in which the EU primarily facilitates the cooperation between them opposed to acting as an actor providing them security.

Chapter 9. Conclusions

9.1 Introduction

During this research I have worked towards answering the central research question, in order to prove the argument claimed by the TTSRL partners right or wrong and to make a contribution to the existing learning on European integration. The research question was stated in the first chapter of this master thesis the following way:

Will an Union-level strategy, in which EU member states' domestic priorities and goals converge, serve the aim of combating contemporary terrorism better than the present EU counter-terrorism cooperation?

The process of answering this question involved combining features of multiple disciplines in the previous empirical chapters, from political and sociological to historical science, and linking the analysis of the empirical data to the theoretical framework in order to draw conclusions.

Before the central research question will be answered in paragraph 9.2, the answers to the first five sub questions, dealt with in the previous empirical chapters and the last sub question concerning the recommendations for the individual cases, will be presented in the next paragraph. Furthermore, in paragraph 9.4 I will provide the reader of this thesis with general recommendations based on the research, followed by a paragraph devoted to the limitations of the conducted research. The chapter as well as the thesis will be closed with a reflection on the research and the writing of this manuscript.

9.2 The Sub Questions answered

In paragraph 1.3 the sub questions derived from the central research question were presented, in this paragraph they will be presented once more and answered.

1. Why is the threat of contemporary terrorism perceived as a common danger to the internal security of the whole EU?

The threat of contemporary terrorism is being perceived as a common danger to the internal security of the highly interconnected and interdependent EU member states, based on the combination of the increasing globalisation and the phenomenon of mass communication, and the main characteristics of contemporary terrorism: the horizontal network structure; the core ideology, based on a totalitarian foundation; the explicit commitment to mass-casualty terrorism, part of its dual aim to receive maximal attention and a maximum of deathly victims; and the lack of a basis or need for diplomatic or political compromise. The threat of contemporary terrorism with its global reach affects all 27 EU member states, as they are all considered Western societies according to its core ideology with which no dialogue is obligated or necessary. Therefore every EU member states can be struck by mass-casualty attacks in which innocent civilians are targeted, no EU member state can consider itself immune for contemporary terrorism.

2. Which counter-terrorism cooperation forms are established since 9/11 within EU context?

Since 9/11 a complex governance system consisting of both vertical and horizontal counter-terrorism arrangements, has emerged within the EU context in which the internal dimension of fighting terrorism is the focal point, in contrast to the American approach, in which is focused on the external dimension of counter-terrorism. Furthermore, both

the EU and its individual member states regard terrorism primarily as a criminal act and consider the alignment of national legislation with regard to this indispensable in their fight against contemporary terrorism.

Convergence between the member states national security approaches is reached on the basis of horizontal Europeanisation mechanisms – though often partial and clustered with regard to where, how and to what extent, due to the lack of adaptional pressure upon the member states. For example by means of EU Action Plan against Terrorism and the current EU Counter-Terrorism Strategy, which are both expressions of the common commitment of the EU and its member states to fight terrorism and serve the aim of bringing the national counter-terrorism arrangements into line. Furthermore, the adoption of an EU-legislation scoreboard to capture the gap between commitment and implementation and the adoption of a peer review system with regard to the national arrangements can be mentioned as examples of successful horizontal mechanisms leading to Europeanisation.

This in turn, does not mean that Europeanisation has led to a diminishing role of the individual member states in international coordination with regard to counter-terrorism, while cooperation in this field of high politics is still framed after the national sovereignty. Although the member states are realising more and more that they are less able to manage and control all counter-terrorism efforts.

The member states are not ready to transfer national operational responsibilities concerning the provision of security to the EU level, because in their opinion the EU merely acts as a facilitator of their cooperation, rather than as a security actor on its own. They are comfortable relying on existing bilateral or multilateral forms of cooperation between them and their security services, and are more inclined to deepen and expand these horizontal counter-terrorism governance arrangements like the CTG and PWGT, rather than to invest in the traditional hierarchical EU institutions like EUROPOL, EUROJUST and SitCen.

3. What are the historical experiments with terrorism in Germany, the Netherlands and the UK prior to 9/11?

Germany has been confronted with various forms of terrorism and political violence in previous decades. However, its most prominent and extensive experience with terrorism was the encounter with the left social-revolutionary RAF, part of the third rebel terrorism wave, which aimed at the overthrow of German capitalism by engaging an urban guerrilla. Although this terrorist organisation existed from 1970 to 1998, it was mainly active in the 1970s. During this decade both the German government and the general public considered RAF terrorism a severe threat to German internal security. This perceived threat triggered extensive counter terrorism measures based on a criminal approach, though no far-reaching preventive counterterrorism strategies were introduced.

Historically the Netherlands experienced several acts of terrorism, however most of these attacks were relatively small-scale. Confronted with the terrorist actions by South Moluccan activists – the most structural form of terrorism in the Netherlands and a consequence of the second wave of rebel terrorism - striving for independence of the South Moluccas, and third wave rebel left-wing terrorist activities during the 1970s, the Netherlands developed the 'Dutch Approach' with regard to countering terrorism. Instead of the hard line approach employed by the Germans, the Dutch aimed at dialogue and integration of the activists and or terrorists, since the Dutch government took the view of regulating and solving societal tensions instead of combating them. This approach, qualified by its opponents as 'soft', can be characterised by the pursuit of non-violent solutions, as long as possible.

The UK is the most experienced EU member state of the three when it comes to non-state terrorism; it has experienced terrorist activities from almost every form of rebel

terrorism. The anti-colonial violence in the overseas British colonies was considered a task for the British army, and long time it was believed unthinkable that terrorism would occur in the homeland. The wealth of experience and knowledge on terrorism developed by the British army during the decolonisation period was used in the conflict with the for Northern Ireland's independence striving IRA, the UK's most prominent and extensive encounter with terrorism. This conflict lasted from 1968 till 1999; in the early years the British army was brought into action again, however when the conflict was progressing the military approach proved insufficient and even increased terrorism. Therefore tactics were changed, and the focus became on a more human approach.

4. What are the current domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK?

Germany considers the threat of contemporary terrorism to be the main threat to its internal security, being part of a global zone under threat. Although Germany covers all four strands of work defined in the EU Counter-Terrorism Strategy, which suggests that contemporary terrorism is perceived as a multi-faceted phenomenon, the current counter terrorism approach follows the same pattern as the approach against the RAF, as it is focused on criminal investigation and prosecution. Germany considers Protect and Pursue its main priorities with regard to contemporary terrorism, consequently its goals are to pursue and investigate terrorists, and to protect its citizens and infrastructure and to reduce the vulnerability to terrorist attacks. Germany considers the processes in which individuals become an actual terrorist as an established fact to which little or nothing can be done, and consequently starts acting on the end result of these processes in order to reduce the fear of actual and potential attacks of contemporary terrorism on its society.

The Dutch government considers contemporary terrorism a threat to the western world and certainly to the Netherlands in the near future. Priority is given to the Prevent strand of work of the EU Counter-Terrorism Strategy, in order to protect its national security against contemporary terrorism, which goal is to tackle the factors or root causes of people turning to terrorism. The Dutch security strategies aim at the identification and wherever possible the prevention or reverse of processes of radicalisation that lead to terrorism, and is inspired on the 'Dutch Approach' from the 1970s, which aimed like the current broad approach at integration, de-escalation and dialogue. The Dutch government holds the opinion that its society can be best protected against contemporary terrorism by changing the courses of action of individuals at front: before potential terrorists become actual terrorists. This could explain the minor attention for the Response strand of work in the EU Counter-Terrorism Strategy, while the other three strands of work are covered.

Directly after 9/11 the threat of contemporary terrorism was placed high on the British security agenda, for the reason that its government considers the UK a prime target, partly based on the fact that the UK is one of the closest allies of the US. With the long-term strategy named CONTEST, the UK government aims at reducing the serious, sustained, and even increasing threat of contemporary terrorism in the UK and against British citizens and interest abroad. Although this strategy covers all four strands of work from the EU Counter-Terrorism Strategy, which indicates that contemporary terrorism is perceived a multi-faceted phenomenon, its principle priority is Prevent with the goal of tackling the factors or root causes of people turning to terrorism. Special attention is given to the integration and involvement of the Muslim communities, partly based on the 'Dutch Approach' developed in the 1970s. Although the UK government made Prevent its principle priority in order to protect its national security in relation to contemporary terrorism, and consequently focuses on a human approach to prevent people from becoming terrorists, efforts are made in all three other strands of work whenever the preventive approach fails.

5. To what degree are the domestic priorities and goals in countering contemporary terrorism in Germany, the Netherlands and the UK compatible?

Although the differences and similarities among Germany, the Netherlands and the UK are equally divided, illustrating the relative success of the current EU Counter-Terrorism Strategy created with the purpose of bringing the national counter-terrorism approaches into line without hierarchical pressure from the supranational level, there exists no overall compatibility among the domestic priorities and goals. Germany gives priority to Protect and Pursue and aims respectively at reducing the vulnerability to terrorist attacks and at investigating and pursuing terrorists. The Netherlands and the UK both give priority to Prevent and therefore their goal is to tackle the factors or root causes of people turning to terrorism. Although the three of them consider contemporary terrorism a threat to their internal securities and focus on internal security strategies, in line with the current EU Counter-Terrorism Strategy, to stop attacks ever from happening – prevent, protect and pursue – their approaches, reflecting their national situations, have different starting points. Both the Netherlands and the UK aim at keeping people from ever stepping on the path of terrorism, whereas Germany tries to tackle them when they already made a move towards terrorism. Moreover Germany and the Netherlands consider the threat of this phenomenon a common threat, whereas the UK considers itself to be the main target of contemporary terrorism, which contrasts sharply with the common statements of the ministers in the JHA Council on behalf of their governments.

6. Can the domestic priorities and goals of Germany, the Netherlands and the UK better be fostered by an Union-level strategy?

The combination of the outlook of the German, Dutch and UK government - the latter has a nationalist outlook, whereas the former both have a significantly lesser nationalist outlook – and their different national situations – based on national ideas and ideals, precedents and past experiences, and domestic forces and rulers - results in different national interests among Germany, the Netherlands and the UK. The diversity among the national interests of Germany, the Netherlands and the UK derives from the fact that the fight against contemporary terrorism is related to their internal security and consequently their national sovereignty. And, even in the current situation in which member states cooperate in this field of high politics on a voluntarily basis, their national sovereignty prevails as the main framework of reference. The three of them prefer to control their own uncertain situation, instead of given the EU real powers to provide them with security. Consequently, because of the lack of a common interest among Germany, the Netherlands and the UK their individual domestic priorities and goals will not be fostered by an Union-level strategy, since their national securities will not be better secured as a result of European integration in matters of internal security and law and order. Their domestic priorities and goals with regard to contemporary terrorism are better served in the current situation, in which the EU primarily facilitates the cooperation between them opposed to the situation in which it enforces its own strategy on them resulting in the loss of control for the member states.

7. What recommendations can be made to improve the fight against contemporary terrorism in Germany, the Netherlands and the UK?

The following recommendations should be seen in the context of Germany, the Netherlands and the UK complying with the four strands of work of the EU Counter-Terrorism Strategy. As, I did not evaluate the successes or failures of the counter-terrorist approaches in the three selected EU member states, I can make no recommendations on what can be considered the best way to fight contemporary terrorism.

Although Germany pays attention to all four strands of the EU Counter Terrorism Strategy, it appears that the emphasis on the Protect and Pursue strand works out negatively for the other two strands of work, particularly for the Prevent strand of work. In my opinion German security would be served by an earlier starting point in its approach against contemporary terrorism. The German government needs to be persuaded to an approach based on the notion that processes in which individuals become terrorists can be stopped before these individuals become actual terrorists. Moreover, it needs to stop the tradition in which people with a different view than the mainstream opinion are directly marked as fundamentalists and extremists. In this context the German government could follow the Dutch and British approach, which both seek a dialogue with their Muslim communities.

The Dutch approach against terrorism is not totally in balance, because the Dutch government mainly relies on counterterrorism strategies that keep attacks from ever happening, and pays less attention to the Response strand of work in the EU Counter-Terrorism Strategy; it seems to 'forget' to take measures for whenever an actual attack occurs. For the reason that terrorist attacks can never be prevented at any time one, as history has proven time after time, it would be wise for the Dutch government to take measures in the field of Response in order to prepare its society to manage and minimise the consequences of a terrorist attack. I recommend the Dutch government to follow the German and UK approach in this context. Both have created specific institutions for identifying and assessing the potential risks of terrorism and for building capabilities to respond to them, respectively the BKK in 2004 and the Civil Contingencies Secretariat in 2001. In the Netherlands the Ministry of the Interior and Kingdom Relations is the coordinating department in the area of crisis management and safety in general, but no specific organisation has been created to deal with emergency preparedness with regard to terrorist attacks.

Based on the observation that the UK government seems to cover all aspects of counter terrorism with its long-term strategy named CONTEST, divided into the four principal strands PREVENT, PURSUE, PROTECT, and PREPARE, I am not able to make any recommendations. Compared with the German and Dutch approach the UK has the far most balanced approach. It aims primarily at prevention, although the Respond strand of work of the EU Counter-Terrorism Strategy is covered as well.

9.3 Answer to the Central Research Question

On the basis of the answers given to the sub questions in the previous paragraph, which are the result of analysing the empirical data on the basis of the European integration theory of intergovernmentalism and the concept of horizontal Europeanisation according to the scheme of analysis, I have to give a negative answer to the central question of this research, which aimed at examining whether EU member states under influence of the threat of contemporary terrorism are willing to take another step in the process of European integration:

Will an Union-level strategy, in which EU member states' domestic priorities and goals converge, serve the aim of combating contemporary terrorism better than the present EU counter-terrorism cooperation?

There is no synthesis among the national interests of Germany, the Netherlands and the UK on the basis of diverse domestic priorities and goals with regard to contemporary terrorism. Therefore the aim of combating contemporary terrorism can not be considered better served by means of an Union-level strategy than the present EU counter-terrorism cooperation does. At this moment, the member states are cooperating with each other, thereby assisted by the EU. In other words, within the context of the present EU counter-

terrorism cooperation the member states provide with help of the EU, their own internal security on the basis of their domestic priorities serving the aim of combating contemporary terrorism best for now. This confirms my hypothesis, which was deduced from the theoretical framework and was presented at the end of the second chapter. To refer once more to Stanley Hoffmann: no supranational institution-building in the field of counter-terrorism is possible within the current context, as it is not conducive enough to the strong and clearly defined national interests of the EU member states in question. Their national interests are better served in the present counter-terrorism cooperation within EU context in which convergence is trying be reached on the basis horizontal Europeanisation mechanisms. Subsequently, the subtitle of the thesis: *One for All and All for One?* refers to the situation in which the EU acts as a facilitator of the common fight of the EU member states against contemporary terrorism instead of acting like an actual provider of common security in this fight, as each member state secures its own national security.

9.4 Recommendations of the research

I consider myself by no means qualified, due to a lack of information, expertise and experience, to advise any EU member state on how to combat contemporary terrorism and to protect its national security best against this menace. Moreover, this research aimed not at learning about successes, but is about everyday's practice and complex struggle to combat terrorism. However, in my opinion it would be wise to share the success stories from past and present, the so-called best practice cases – in line with the current trend of Europeanisation trough horizontal mechanisms in the field of counter-terrorism - among all member states in order to strengthen national capabilities to combat contemporary terrorism. Individual member states need to open up for advise from others, like the current UK government did when 'taking over' the 'Dutch Approach' from the 1970s. Moreover and perhaps even more important, failures need to be shared among the 27 EU member states, to stop individual member states from making mistakes which already have been made before in other member states. Every individual EU member state should be persuaded to recognise the fact that its approach is not unfailing, even though it is much more experienced in the field of counter terrorism than others. This would improve the allocation of means in national counter terrorism approaches. Next to this, the common threat of contemporary terrorism needs to be emphasised more prominently – a task for EU institutions, because every EU member states is at risk of being attacked by contemporary terrorism by means of mass-casualty terrorist attacks causing innocent civilians to die; no EU member state can consider itself immune for contemporary terrorism. All EU member states should be forced – again a task for European institutions - to recognise that they are fighting a common battle against a common enemy, in which they need to rely on each other and share crucial information with each other.

Furthermore, research on this topic needs to continue in the European context in order to increase the understanding of the phenomenon of contemporary terrorism. The analyses, observations and experiences from these studies need to be shared among the EU member states on which they can develop their counter terrorism strategies, and perhaps this would lead in time to a true European approach against contemporary terrorism.

9.5 Limitations of the Research

Like every research, in this case a research on European integration in the tradition of public administration, limitations were made during and to the research following the limited scope of research and lack of time. With regard to the former, the effect of counter-terrorism measures on civil rights and liberties, the lack of transparency and

legitimacy in this field, and the influence of counter-terrorism strategies on for example foreign and immigration policies of the individual member states and within EU context, are among the many examples which are not covered in this research. Moreover, only three out of 27 EU member states are studied, therefore no overall conclusion on the feasibility and necessity of an Union-level strategy can be made. Of course, it would be wise and interesting to compare the domestic priorities and goals with regard to contemporary terrorism of all EU member states. However, and this brings me at the second limitation, due to the lack of time during the process of writing a master thesis, it was impossible to make a comparison among the counter terrorism approaches of 27 EU member states. Moreover, and this relates again to the scope of research, there was no time for a more in-depth analysis of the three selected EU member states. The fight against contemporary terrorism involves much more than the priorities, goals, historical features and issues of the counter terrorism approaches dealt with in this research, however lines need to be drawn in every research, as I did in this research.

9.6 Reflection on the Research

The process of conducting this research and writing my master thesis has been a pleasant as well as unpleasant process. Let me start with addressing the latter, so I can finish with a satisfying remark.

This is a research about aspects of national security and I am certain I did not cover as much as necessary to provide the broad picture I had in mind when starting with this research. Dealing with national security is a difficult engagement, since it involves the safety and survival of a people. And like was to be expected, governments are not willing to share every detail of their national security strategies, for the best in my opinion. However, this situation did not benefit the process of writing this thesis in the early stages and made me start over again several times, because I could not find the proper information.

Moreover, fighting terrorism is such a broad topic, it involves much more than I have described and analysed in the previous chapters. Like the ISAF Mission in Afghanistan, which is relevant in all three selected cases, the geographical situation of a country – the UK is situated on islands, while Germany and the Netherlands are on the European continent - and cultural, political and economical factors etcetera. However, because of the limited timeframe, practicalities like a lack of knowledge on a specific subject, and actual space in the manuscript, it was impossible to cover all aspects in the field of counter-terrorism. Becoming aware of this all was frustrating to me, because I have a broad interest and wanted to deliver a complete picture on the topic. It took me quite some time to define what exactly I wanted to study, which led to a delay in writing this thesis and even to a loss of interest for a while.

I started this final piece of my Master International Public Management and Policy with the conviction that it would be a solitary commitment. However, during the process I realised that the sole responsibility for writing a master thesis does not rule out that advice can be asked from others. In the beginning I was going round in circles and did not deliver much. Only when I created some distance – literally and figuratively – between me and my research topic and opened up to the advice of others, I was able to continue in a proper way. Apart from the practical knowledge obtained during this research, which hopefully will be as interesting to others as it is to me, I learned that nothing can be done without the help of others. Moreover, asking help from others is not a sign of weakness, but a sign of strength, as it shows insight into what you are capable off.

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Annexes

Annex I. Summary Research Project Transnational Terrorism, Security & the Rule of Law

Abstract¹⁸

Today's realities have catapulted transnational terrorism to the top of the policy agenda of all European governments and of the EU itself. For the first time in over half a century, Europe finds itself forced to devote significantly more political attention and resources to national security - primarily because of so-called 'new terrorism'. Many of the EU's current political, economic and social plans could be severely (and adversely) affected by this new trend. The policy challenges involved in this are daunting indeed.

At the same time, this new terrorism has caught Europe largely unprepared - both conceptually and in policy terms. Conceptually, most theoreticians and analysts dealing with this issue concur that we have not come to grips yet with the complexities of this new threat. On the policy side, many investigative commissions and analytical reports have pointed out the often glaring deficiencies in the European instruments of statecraft that are at the disposal of various governments to deal with the new challenges connected to transnational terrorism. Many of the characteristics of this new challenge require innovative new approaches that typically challenge the ways in which governments do business today.

The research project *Transnational Terrorism, Security, and the Rule of Law* aims to answer some of the questions that arise from these challenges, both from a scientific point of view and with the specific aim to provide policy recommendations.

Transnational terrorism is one of the most substantial threats to security and the Rule of Law within the European Union. Approaches towards this problem, however, diverge. As Member States implement different policies based on differing basic assumptions, a structured, univocal strategy towards transnational terrorism is absent. Considering the continuing integration within the European Union, a Union-level strategy with regards to terrorism is imperative. In order to support the formulation of such a strategy, this project will study both the conceptual nature of the problems identified here, and the possible measures flowing from these assumptions.

This project will entail a structured, well-founded survey into the various response options towards transnational terrorism and the theoretical assumptions on which they are based. A holistic approach has been chosen in which policy-areas specifically dealing with terrorism as well as affected policy-fields are taken into account. In this respect, this project is unique in that it integrates diverse aspects of the issue into one comprehensive and multidisciplinary project. The main added value of the project will lie in the benchmarking of approaches and policy-options in use in the various Member States. Combined with the conceptual underpinnings of this benchmarking exercise, the project will yield insights into the appropriateness and effectiveness of various approaches and measures from a national and a European perspective, the ethical issues related to this field, and cost-benefit considerations.

COT Institute for Safety, Security and Crisis Management (NL, Project Co-ordinator)
 Netherlands Organisation for Applied Scientific Research TNO
 Fundacion para las Relaciones Internacionales y al Dialogo Exterior (ES)
 Danish Centre for International Studies and Human Rights
 Institute of International Relations Prague
 Clingendael Netherlands Institute of International Relations
 A project financed by the European Commission under the Sixth Framework Programme



¹⁸ Source: <http://www.transnationalterrorism.eu/>

Annex II. The European Union Counter-Terrorism Strategy



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 November 2005

**14469/4/05
REV 4**

LIMITE

**JAI 423
ECOFIN 353
TRANS 234
RELEX 639
ECO 136
PESC 1010
COTER 72
COSDP 810
PROCIV 174
ENER 172
ATO 103**

NOTE

from : Presidency and CT Co-ordinator
to : Council/European Council

No. prev. doc. : 14469/3/05 REV 3 JAI 423 ECOFIN 353 TRANS 234 RELEX 639 ECO 136
PESC 1010 COTER 72 COSDP 810 PROCIV 174 ENER 172 ATO 103

Subject : The European Union Counter-Terrorism Strategy

This document is being forwarded to the Council for agreement and will then be transmitted to the European Council for adoption.

* * *



THE EUROPEAN UNION COUNTER-TERRORISM STRATEGY

PREVENT PROTECT PURSUE RESPOND

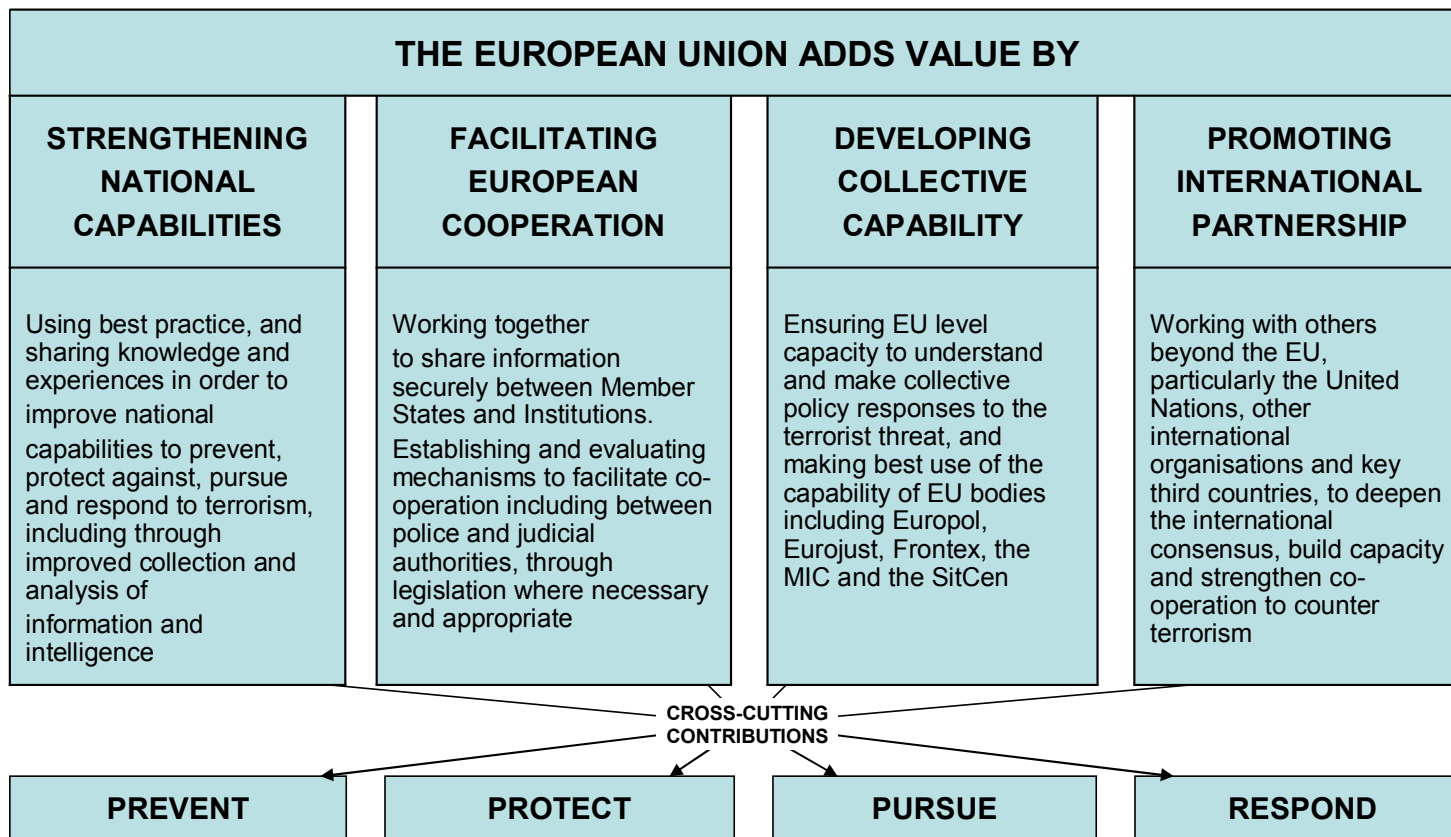
The European Union's strategic commitment:

*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*

The EU 's Counter-Terrorism Strategy covers four strands of work, fitting under its strategic commitment:



Member States have the primary responsibility for combating terrorism, and the EU can add value in four main ways:



**The EU should pursue its goals in a democratic and accountable way.
Political oversight of the Strategy and regular follow-up will be essential:**

EUROPEAN COUNCIL: POLITICAL OVERSIGHT

THE HIGH-LEVEL POLITICAL DIALOGUE ON COUNTER-TERRORISM
COUNCIL - EUROPEAN PARLIAMENT- COMMISSION
Meeting once per Presidency to ensure inter-institutional governance

COREPER monitoring progress on the Strategy
with regular follow-up and updates by the
Counter-Terrorism Co-ordinator and the Commission

PREVENT

PROTECT

PURSUE

RESPOND

THE EU COUNTER-TERRORISM STRATEGY

PREVENT

PROTECT

PURSUE

RESPOND

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

INTRODUCTION

1. Terrorism is a threat to all States and to all peoples. It poses a serious threat to our security, to the values of our democratic societies and to the rights and freedoms of our citizens, especially through the indiscriminate targeting of innocent people. Terrorism is criminal and unjustifiable under any circumstances.
2. The European Union is an area of increasing openness, in which the internal and external aspects of security are intimately linked. It is an area of increasing interdependence, allowing for free movement of people, ideas, technology and resources. This is an environment which terrorists abuse to pursue their objectives. In this context concerted and collective European action, in the spirit of solidarity, is indispensable to combat terrorism.
3. The four pillars of the EU's Counter-Terrorism Strategy - prevent, protect, pursue, and respond - constitute a comprehensive and proportionate response to the international terrorist threat. The Strategy requires work at national, European and international levels to reduce the threat from terrorism and our vulnerability to attack. The Strategy sets out our objectives to prevent new recruits to terrorism; better protect potential targets; pursue and investigate members of existing networks and improve our capability to respond to and manage the consequences of terrorist attacks. This Strategy takes into the next phase the agenda of work set out at the March 2004 European Council in the wake of the Madrid bombings.

4. Across the four pillars of the Union's Strategy a horizontal feature is the Union's role in the world. As set out in the European Security Strategy, through its external action the European Union takes on a responsibility for contributing to global security and building a safer world. Acting through and in conjunction with the United Nations and other international or regional organisations, the EU will work to build the international consensus and promote international standards for countering terrorism. The EU will promote efforts in the UN to develop a global strategy for combating terrorism. Continuing to make counter-terrorism a high priority in dialogue with key partner countries, including the USA, will also be a core part of the European approach.
5. Given that the current international terrorist threat affects and has roots in many parts of the world beyond the EU, co-operation with and the provision of assistance to priority third countries - including in North Africa, the Middle East and South East Asia - will be vital. Finally, working to resolve conflicts and promote good governance and democracy will be essential elements of the Strategy, as part of the dialogue and alliance between cultures, faiths and civilisations, in order to address the motivational and structural factors underpinning radicalisation.

PREVENT

6. In order to prevent people from turning to terrorism and to stop the next generation of terrorists from emerging, the EU has agreed a comprehensive strategy and action plan for combating radicalisation and recruitment into terrorism. This strategy focuses on countering radicalisation and recruitment to terrorist groups such as Al Qaeda and the groups it inspires, given that this type of terrorism currently represents the main threat to the Union as a whole.
7. Terrorism can never be justified. There can be no excuse or impunity for terrorist acts. The vast majority of Europeans, irrespective of belief, do not accept extremist ideologies. Even amongst the small number that do, only a few turn to terrorism. The decision to become involved in terrorism varies from one individual to another, even though the motives behind such a decision are often similar. We must identify and counter the methods, propaganda and conditions through which people are drawn into terrorism.

8. The challenge of combating radicalisation and terrorist recruitment lies primarily with the Member States, at a national, regional and local level. However, EU work in this field, including the contribution of the European Commission, can provide an important framework to help co-ordinate national policies; share information and determine good practice. But addressing this challenge is beyond the power of governments alone and will require the full engagement of all populations in Europe and beyond.

9. There are practical steps an individual must take to become involved in terrorism. The ability to put ideas into action has been greatly enhanced by globalisation: ease of travel, transfer of money and communication - including through the internet - mean easier access to radical ideas and training. We need to spot such behaviour for example through community policing and monitoring travel to conflict zones. We also need to disrupt such behaviour by: limiting the activities of those playing a role in radicalisation; preventing access to terrorist training; establishing a strong legal framework to prevent incitement and recruitment; and examining ways to impede terrorist recruitment through the internet.

10. The propagation of a particular extremist worldview brings individuals to consider and justify violence. In the context of the most recent wave of terrorism, for example, the core of the issue is propaganda which distorts conflicts around the world as a supposed proof of a clash between the West and Islam. To address these issues, we need to ensure that voices of mainstream opinion prevail over those of extremism by engaging with civil society and faith groups that reject the ideas put forward by terrorists and extremists that incite violence. And we need to get our own message across more effectively, to change the perception of national and European policies. We must also ensure that our own policies do not exacerbate division. Developing a non-emotive lexicon for discussing the issues will support this.

11. There is a range of conditions in society which may create an environment in which individuals can become more easily radicalised. These conditions include poor or autocratic governance; rapid but unmanaged modernisation; lack of political or economic prospects and of educational opportunities. Within the Union these factors are not generally present but in individual segments of the population they may be. To counter this, outside the Union we must promote even more vigorously good governance, human rights, democracy as well as education and economic prosperity, and engage in conflict resolution. We must also target inequalities and discrimination where they exist and promote inter-cultural dialogue and long-term integration where appropriate.
12. Radicalisation and recruitment is an international phenomenon. There is much we can do with our partners overseas to assist them in combating radicalisation, including through co-operation and assistance programmes with third countries and work through international organisations.
13. Key priorities for ‘Prevent’ are to:
- Develop common approaches to spot and tackle problem behaviour, in particular the misuse of the internet;
 - Address incitement and recruitment in particular in key environments, for example prisons, places of religious training or worship, notably by implementing legislation making these behaviours offences;
 - Develop a media and communication strategy to explain better EU policies;
 - Promote good governance, democracy, education and economic prosperity through Community and Member State assistance programmes;
 - Develop inter-cultural dialogue within and outside the Union;
 - Develop a non-emotive lexicon for discussing the issues;
 - Continue research, share analysis and experiences in order to further our understanding of the issues and develop policy responses.

PROTECT

14. Protection is a key part of our Counter Terrorism Strategy. We must strengthen the defences of key targets, by reducing their vulnerability to attack, and also by reducing the resulting impact of an attack.
15. While Member States have the primary responsibility for improving the protection of key targets, the interdependency of border security, transport and other cross-border infrastructures require effective EU collective action. In areas where EU-level security regimes exist, such as border and transport security, the EU and European Commission in particular have played an important role in raising standards. Further work between Member States, with the support of the European institutions, will provide an important framework in which Member States are able to co-ordinate their policies, share information about responses developed at national level, determine good practice, and work together to develop new ideas.
16. We need to enhance protection of our external borders to make it harder for known or suspected terrorists to enter or operate within the EU. Improvements in technology for both the capture and exchange of passenger data, and the inclusion of biometric information in identity and travel documents, will increase the effectiveness of our border controls and provide greater assurance to our citizens. The European Borders Agency (Frontex) will have a role in providing risk assessment as part of the effort to strengthen controls and surveillance at the EU's external border. The establishment of the Visa Information System and second generation Schengen Information System will ensure that our authorities can share and access information and if necessary deny access to the Schengen area.
17. We also must work collectively to raise standards in transport security. We must enhance the protection of airports, seaports, and aircraft security arrangements in order to deter terrorist attacks and address the vulnerabilities in domestic and overseas transport operations. These measures will be developed by a combination of specific assessments of threat and

vulnerability, the implementation of agreed EU legislation on aviation and maritime security, and the agreement of revised EU legislation on aviation security. There is also scope for working together to increase road and rail security. To support work in all of these fields, EU research and development policy including the European Commission's R&D programmes should continue to include security related research in the context of terrorism.

18. Reducing the vulnerability across Europe of critical infrastructure to physical and electronic attack is essential. To further enhance our protection, we agreed to establish a Programme of work aimed at improving the protection of critical infrastructure across Europe. We will continue work to this end, developing an all hazard approach which recognises the threat from terrorism as a priority.
19. We must also ensure that our collective work, and particularly EU research efforts, contribute to developing methodologies for protecting crowded places and other soft targets from attacks.
20. Internationally, we must work with partners and international organisations on transport security, and non-proliferation of CBRN materials and small arms/light weapons, as well as provide technical assistance on protective security to priority third countries as a component of our wider technical assistance programmes.
21. Key priorities for 'Protect' are to:
 - Deliver improvements to the security of EU passports through the introduction of biometrics;
 - Establish the Visa Information System (VIS) and the second generation Schengen Information System (SISII);
 - Develop through Frontex effective risk analysis of the EU's external border;
 - Implement agreed common standards on civil aviation, port and maritime security;
 - Agree a European programme for critical infrastructure protection;
 - Make best use of EU and Community level research activity.

PURSUE

22. We will further strengthen and implement our commitments to disrupt terrorist activity and pursue terrorists across borders. Our objectives are to impede terrorists' planning, disrupt their networks and the activities of recruiters to terrorism, cut off terrorists' funding and access to attack materials, and bring them to justice, while continuing to respect human rights and international law.
23. As agreed in the Hague Programme, when preserving national security, Member States will also focus on the security of the Union as a whole. The Union will support the efforts of Member States to disrupt terrorists by encouraging the exchange of information and intelligence between them, providing common analyses of the threat, and strengthening operational co-operation in law enforcement.
24. At national level the competent authorities need to have the necessary tools to collect and analyse intelligence and to pursue and investigate terrorists, requiring Member States to update their policy response and legislative provisions where necessary. In this respect our common aim is to follow up and take full account of the recommendations identified during the EU's peer evaluation process. Member States will report back on how they have improved their national capabilities and machinery in light of these recommendations.
25. Developing a common understanding of the threat is fundamental to developing common policies to respond to it. The Joint Situation Centre's assessments, based on the contributions of national security and intelligence agencies and Europol, should continue to inform decisions across the range of the EU's policies.

26. Instruments such as the European Arrest Warrant are proving to be important tools in pursuing and investigating terrorists across borders. Priority should now be given to other practical measures in order to put into practice the principle of mutual recognition of judicial decisions. A key measure is the European Evidence Warrant, which will enable Member States to obtain evidence from elsewhere in the EU to help convict terrorists. Member States should also improve further the practical co-operation and information exchange between police and judicial authorities, in particular through Europol and Eurojust. In addition, Joint Investigation Teams should be established where necessary for cross-border investigations. Evaluation of the implementation of legislative measures will be important and will inform further work, and Member States should ensure that they implement agreed European measures as well as ratify relevant international Treaties and Conventions, to ensure an appropriate legislative response to the threat.
27. To move from ad hoc to systematic police co-operation, one important step will be developing and putting into practice the principle of availability of law enforcement information. In addition, the development of new IT systems such as the Visa Information System and the next generation Schengen Information System, while safeguarding data protection, should provide improved access to those authorities responsible for internal security thereby widening the base of information at their disposal. Consideration should also be given to developing common approaches to the sharing of information on potential terrorists and on individuals deported for terrorism-related offences.
28. Terrorists must also be deprived of the means by which they mount attacks - whether directly (eg weapons and explosives) or indirectly (eg false documentation to enable undetected travel and residence). Their ability to communicate and plan undetected should be impeded by measures such as the retention of telecommunications data. They must also be deprived as far as possible of the opportunities offered by the Internet to communicate and spread technical expertise related to terrorism.

29. Creating a hostile operating environment for terrorists also means tackling terrorist financing. The EU has already put in place provisions for freezing terrorist assets. The next stage is to implement the EU-wide legislation concerning money laundering and cash transfers, and to agree steps to impede money (wire) transfers by terrorists. In addition, tackling the misuse of the non-profit sector remains a priority. We must also ensure that financial investigation is an integral part of all terrorism investigations. These measures and others which build on the Financial Action Task Force's recommendations, form part of the EU's comprehensive strategy for combating terrorist financing. A review of the EU's performance against terrorist financing is currently being conducted to ensure our approach is kept up to date.
30. Much of the terrorist threat to Europe originates outside the EU. 'Pursue' must therefore also have a global dimension. The EU will work to reinforce the international consensus through the United Nations and other international bodies and through dialogue and agreements (which include counter-terrorism clauses) with key partners, and will work for agreement of a UN Comprehensive Convention against Terrorism. Assistance will be provided to priority countries to help them introduce and implement the necessary mechanisms to disrupt terrorism, in co-ordination with the work of other donors.
31. Key priorities on 'Pursue' are to:
- Strengthen national capabilities to combat terrorism, in light of the recommendations of the peer evaluation of national anti-terrorism arrangements;
 - Make full use of Europol and Eurojust to facilitate police and judicial cooperation, and continue to integrate the Joint Situation Centre's threat assessments into CT policy making;
 - Further develop mutual recognition of judicial decisions, including by adopting the European Evidence Warrant;
 - Ensure full implementation and evaluation of existing legislation as well as the ratification of relevant international Treaties and Conventions;
 - Develop the principle of availability of law enforcement information;
 - Tackle terrorist access to weapons and explosives, ranging from components for home-made explosive to CBRN material;

- Tackle terrorist financing, including by implementing agreed legislation, working to prevent the abuse of the non-profit sector, and reviewing the EUs overall performance in this area;
- Deliver technical assistance to enhance the capability of priority third countries.

RESPOND

32. We cannot reduce the risk of terrorist attacks to zero. We have to be able to deal with attacks when they occur, recognising that attacks can have effects across EU borders. The response to an incident will often be similar whether that event is natural, technological or man-made, hence the response systems in place to manage the consequences of natural disasters may also be used to alleviate the effects on citizens in the aftermath of a terrorist attack. Our response to any such events should make full use of the existing structures, including the Civil Protection Mechanism, which the EU has developed to respond to other major European and international crises, and be co-ordinated with the action of other international organisations involved.
33. In the event of an incident with cross border effects there will be a need for rapid sharing of operational and policy information, media co-ordination and mutual operational support, drawing on all available means, including military resources. The ability of the EU to take consistent or collective action will also be essential to an effective and efficient response. The development of EU crisis co-ordination arrangements, supported by the necessary operational procedures, will help ensure the coherence of the EU response to terrorist attacks.
34. Member States have the lead role in providing the emergency response to a terrorist incident on their territory. Nevertheless, there remains a need to ensure that the EU collectively, supported by the European Institutions including the Commission, has the capability to respond in solidarity to an extreme emergency which might overwhelm the resources of a single Member State, and could constitute a serious risk to the Union as a whole. Reviewing and revising the current framework for mutual support – the Community Mechanism for civil protection – is important in ensuring this safeguard.

35. Developing a risk based approach to capability assessment – focusing on preparing for those events which are judged most likely to occur, and which would have the greatest impact – will enable Member States to develop their capabilities to respond in the event of an emergency. The shared EU database listing the resources and assets which Member States might be able to contribute to dealing with such events in other Member States or overseas complements this work.
36. The solidarity, assistance and compensation of the victims of terrorism and their families constitutes an integral part of the response to terrorism at national and European level. Member States should ensure that appropriate compensation is available to victims. Through sharing of best practice on national arrangements, and the development of contact between national victims' associations, the European Commission will enable the EU to take steps to enhance the support offered to those who most suffer from terrorist attacks.
37. Internationally, there is a need to provide assistance to EU citizens in third countries and to protect and assist our military and civilian assets on EU crisis management operations. We should also ensure that our work on disaster response is closely co-ordinated with related work in international organisations and in particular the United Nations. Finally, the technical assistance provided by the EU to priority third countries will need to factor in assistance on managing the consequences of terrorist attacks.
38. Key priorities on 'Respond' are to:
- Agree EU Crisis Co-ordination Arrangements and the supporting operational procedures for them;
 - Revise the legislation on the Community Mechanism for civil protection;
 - Develop risk assessment as a tool to inform the building of capabilities to respond to an attack;
 - Improve co-ordination with international organisations on managing the response to terrorist attacks and other disasters;
 - Share best practice and develop approaches for the provision of assistance to victims of terrorism and their families.

DEMOCRATIC ACCOUNTABILITY

39. The European Council will review progress on the Strategy once every six months.
40. Once per Presidency, and ahead of the European Council's review of progress, a High Level Political Dialogue on Counter-Terrorism, bringing together the Council, European Commission, and European Parliament, will meet to allow the three Institutions to consider progress together and promote transparency and balance in the EU's approach.
41. This Strategy will be complemented by a detailed Action Plan listing all the relevant measures under the four strands of this strategy. This will allow for detailed progress to be monitored on a regular basis by the Committee of Permanent Representatives, with regular follow-up and updates from the Counter-Terrorism Co-ordinator and the European Commission.
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