



EPC WORKING PAPER N° 14

**Facing the global terrorist threat:
a European response**

Mirjam Dittrich

January 2005

In strategic partnership with the King Baudouin Foundation



With the support of the European Commission

FUTURE OF CFSP



EPC WORKING PAPER

EPC Working Papers cover the extended discussion of contemporary European integration themes. They are normally written by in-house analysts, although outside experts may also be invited to produce papers. Working Papers are policy oriented and generally contain an executive summary and key recommendations. The papers represent the views of the authors and not necessarily those of the EPC.

January 2005

Mirjam Dittrich

FUTURE OF CFSP

List of Abbreviations

CATS	Comité de l'article trente-six - Article 36 Committee
CBRN	Chemical, Biological, Radiological, Nuclear
CCWG	Customs Cooperation Working Group
CFSP	Common Foreign & Security Policy
CODEXTER	Council of Europe Working Group Experts on Terrorism
COM	Commission
COREPER	Committee of Permanent Representatives
COTER	CFSP Working Group on Terrorism
EAW	European Arrest Warrant
EJN	European Judicial Network
ENP	European Neighbourhood Policy
ESDP	European Security and Defence Policy
ESS	European Security Strategy
GCC	Gulf Co-operation Council
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organisation
JHA	Council Justice Home Affairs Council
JIT	Joint Investigations Teams
MDG	Multidisciplinary Group on Organized Crime
PCTF	Police Chiefs' Task Force
PSC	Political & Security Committee
SCIFA	Strategic Committee on Immigration, Frontiers & Asylum
SCLWG	Substantive Criminal Law Working Group
SIS	Schengen Information Systems
SitCen	Joint Situation Centre's
TECS	The Europol Computer System
TWP	Terrorism Working Party (JHA)
UNCTC	United Nations Counter-Terrorism Committee
UNGA	United Nations General Assembly
UNODC	United Nations Office on Drugs & Crime
UNSCR	United Nations Security Council Resolution
VIS	Visa Information System
VPN	Virtual Private Network
WMD	Weapons of Mass Destruction

Table of Contents

Introduction	4
1. Terrorism in the 21 st century: from national terrorism to the global Al-Qaeda threat	7
2. European responses to terrorist threats: an overview	12
3. Improving Internal Security and Intelligence Cooperation	24
4. The dangers of WMD proliferation	37
5. The Multilateral Framework	40
6. Terrorism and the global marketplace	43
7. The American and European experience	46
8. Keeping a balance: fighting terrorism while preserving civil liberties	50
9. Long term strategies: tackling root causes	52
10. Muslim minorities in Europe: growing Islamophobia and the fear of radicalisation	55
Conclusion	61
Appendix:	
I. Key documents on combating terrorism	63
II. Timetable on progress of anti-terrorism measures	67
III. Graphs and Statistics	70

About the Author

Mirjam Dittrich is a Policy Analyst at the European Policy Centre.

This paper draws on discussions with policy experts in the EU institutions and independent bodies and the ongoing work of the EPC Work Programme on the Future of CFSP.

Introduction

Terrorism, sometimes referred to as the world's second oldest profession, has moved to the top of the international political agenda. It has replaced the Cold War as one of the main security threats – at least in the perception of many in the developed world. Although the United States remains Al-Qaeda's key target, the Madrid attacks proved that Europe is no longer only an operational and hiding base but has also become a target. While some European Union Member States have years of experience in fighting national terrorism, they now have to adjust to fighting a new type of international terrorism. This brand of terrorism is not carried out as a way to achieve a specific aim, such as Basque independence, nor is it confined to one particular country. The international dimension of terrorism has grown significantly, mostly as a consequence of inter alia globalisation, the increasing use of mass media, the spread of international banking systems as well as the cyber revolution. International terrorist networks present a particular threat. Al-Qaeda in specific, as it is turning into an ideological movement and has, as such become more dangerous than as an organisation in itself. For example, several terrorist groups, such as the one responsible for the Istanbul bombings in 2004, are not directly linked to the Al-Qaeda network but share its motivations and aims and claim to act in its name.

Europe needs to adjust its policies to effectively fight this new threat, most importantly by improving and implementing existing counter-terrorism measures and increasing coordination among the Member States. However, in the long run, hard security measures alone will not win this fight. This is also a battle for the hearts and minds of the people in Muslim countries as well as for those of Europe's large Muslim minorities. Improving security and intelligence cooperation is a priority but in the longer-term root causes must be understood and addressed. Europe needs to develop a more coherent strategy towards the wider Middle East. This is partially addressed through the "European Neighbourhood Policy" (ENP), but Europe must also improve its policies for integrating immigrants into European society. While terrorism is never justified, Europe cannot afford not to deal with the issues that breed such activities. As EU High Representative, Javier Solana, wrote in the Financial Times on 25 March 2004, 'there is a fanatical fringe who are beyond political discourse. But it is nourished by a pool of disaffection and grievances. Where these grievances are legitimate they must be addressed, not just because this is a matter of justice but also because "draining the swamp" depends on it.' European policy-makers will have to walk a narrow

path to ensure the security of the Union against further terrorist activity, while guaranteeing the rights and civil liberties of Europe's citizens. New counter-terrorism measures must respect human rights, if they are not to backfire.

In the short term, the horrendous attacks of 11 September in the United States and 11 March in Spain have led to a wave of policy changes particularly in the area of Justice and Home affairs co-operation. The decision to appoint Mr Gijs de Vries, a former Dutch Interior Minister as the newly created counter-terrorism coordinator is an important step. However, whether he will receive the support and trust of the national secret services remains to be seen. In an interview with *Le Monde* on 18 May 2004, Mr de Vries said that new anti-terrorism laws had not made Europe safe from terrorist attacks and that there was a "gap between the laws we pass and their effect in practice." The idea of developing a separate EU system of intelligence sharing – a sort of 'European CIA,' which was put forward by Austria and Belgium prior to the Madrid attacks, was discarded as premature and unworkable by most Member States at the Justice and Home Affairs meeting on 19 February 2004. The level of information sharing, trust and cooperation needed to create a European Intelligence Agency cannot realistically be achieved at the moment, due to the way national secret services function. Traditionally, there is a great level of distrust between intelligence services. They prefer to work on a bilateral level and to exchange a minimum amount of information necessary. Some Member States who have privileged intelligence relations with other countries, i.e. with the United States, fear that they might jeopardize receiving information if it is shared within the Union framework. A first step towards improving intelligence sharing was the agreement on the creation of a centre for intelligence analysis within the Council Secretariat, which will bring together experts from both the intelligence services and the security services. This will help the Union to develop an integrated analysis of the terrorist threat.

However, the so called 'old boys networks' are likely to continue to be the preferred means for exchanging information. For example the 'Club of Berne,' which was founded in 1971 and is a gathering of the Heads of EU Member States' security and intelligence services, plus Norway and Switzerland, who meet on a regular basis to discuss intelligence and security matters. Also, the so-called "Big Five," made up of Germany, France, Spain, the UK and Italy decided to deepen security coordination and intelligence sharing among them at an informal meeting on terrorism

between interior ministers in Sheffield on 5-6 July 2004. The former French Interior Minister Nicolas Sarkozy stated that it was unrealistic to expect countries to share sensitive data with 25 nations. "Intelligence is the most difficult and complex thing to share. You have to protect your sources, which is already hard enough to do within the same country," he said.¹

The aim of this paper is to outline the changing nature of terrorism and to give the reader an inclusive view of both the so-called 'hard' and 'soft' policy approaches towards terrorism in the 21st century. Europe must widen its concept of security to include short-, medium- and long-term measures that respect its fundamental values and civil liberties, while upholding and strengthening security. Enhanced measures at the European level are necessary in the areas of law enforcement, intelligence sharing and judicial co-operation to effectively counter the terrorist threat. Additionally, a number of critical issues need to be addressed to tackle the root causes of terrorism, including the role of the EU in the Middle East as well as the position of the large Muslim minorities in Europe.

1. Terrorism in the 21st century: from national terrorism to the global Al-Qaeda threat

A brief history

Terrorism is not a new phenomenon. The word ‘terrorism’ originated from the *regime de la terreur* that prevailed in France from 1793-1794. The term was first used by French revolutionaries and, in contrast to today, referred to violence against people by the state. It was only in the 19th century that terrorism came to be associated with non-governmental groups and for many decades it was mostly linked to the assassination of political leaders and Heads of States. For example, the Narodnaya Volya (People’s Will), a Russian Populist group founded in 1878 to oppose the Tsarist regime assassinated Alexander II on March 1, 1881. They only chose targets that symbolized the regime, like government officials and went to great lengths to avoid ‘innocent’ deaths. Their actions inspired radicals elsewhere. Nationalist groups such as those in Ireland and the Balkans adopted terrorism as a means towards their desired ends. As the 19th century gave way to the 20th century, terrorist attacks were carried out in India, Japan, and the Ottoman empire.²

Following World War II, terrorist activities became associated with the third world struggles against colonial powers and shifted from Europe to the Middle East, Asia and Africa. Furthermore, groups fighting in Kenya, Malaysia, Cyprus and Palestine among others learned to exploit the growing globalisation of the international media. Bruce Hoffman writes: “They were the first to recognize the publicity value inherent in terrorism and to choreograph their violence for an audience far beyond the immediate geographical loci of their respective struggles.”³ In the 1960s and 1970s the number of terrorist groups increased, with activities of groups affiliated with the Palestinian Liberation Organization, the Basque ETA, the Provisional Irish Republican Army, the German Red Army Faction and the Italian Red Brigades. In the late 1960’s most terrorist activities were focused on the Middle East. Terrorists saw the occupation of the West Bank and Gaza by Israel in 1967 as a justification for these acts. It should be noted that this early terrorism in the Middle East was mostly of secular nature. It was only a few decades later that Islamic religious extremism became an increasingly important element.

During the 1990s, there were fewer terrorist attacks, but they tended to kill more people. Experts attribute this trend – fewer attacks, more fatalities – to a rise in religiously motivated terrorism, which lacks some of the restraints of earlier versions of terrorism.⁴ Heightened vigilance and security has often made the hijackings and kidnappings popularised in the 1960s and 1970s more difficult, driving some groups toward simpler but sometimes deadlier bombing operations. The 9/11 attacks, Bali, Madrid and Beslan demonstrated a new, more brutal dimension of terrorism. The perpetrators of those crimes did not even attempt to show some restraint in the methods used or the people targeted. These attacks, especially those related to Al-Qaeda, have aimed at inflicting the worst possible damage on civilians and are committed by increasingly internationalised networks, which are mostly funded by non-state actors. In addition, some groups that traditionally operated within a national context have been inspired by Al-Qaeda's concept of a 'global jihad' and have taken to attacking Western interests as well. Religiously inspired terrorists often see violence as an end in itself – as a divinely inspired way of serving a higher cause. But for Al-Qaeda, the Iranian-backed Hezbollah, the Japanese cult Aum Shinrikyo, the Palestinian group Islamic Jihad and the Al-Aqsa brigades, and other religious terrorist organizations, mass killings are considered not only acceptable but also "holy."⁵ All these factors make international terrorism an increasingly unpredictable danger.

Defining terrorism: "One man's terrorist is another man's freedom fighter"

The question of what terrorism is has been debated among policy-makers and scholars for decades. So far, no internationally acceptable definition has been agreed despite significant efforts by the United Nations. This is largely due to diverging interests among states as well as to differences in the political, religious and cultural spheres. However, finding a common international definition would help to formulate laws and improve efforts of national and international institutions to develop effective counter-terrorism measures.

Labelling individuals or groups as terrorists has often been complicated and highly political. There have been many discussions over time about whether a certain group or a movement were terrorists. Questions such as whether a movement as a whole should be labelled a terrorist movement even if only a part or a faction of it uses terrorist methods have been raised (e.g. African National Congress). There has also been disagreement on whether it is right to put Palestinian militants on the list of global terrorists. For example, there

was a lengthy discussion on Europe's approach to Hamas. Until last year only the Hamas' military wing Izz al-Din al-Qassem was on the terrorism black list and not Hamas as a whole, because some European countries argued that declaring the political wing of Hamas a terrorist group would hinder efforts to reach a ceasefire. However, following ongoing suicide bombings by Hamas, Europe finally placed it on its list of banned organisations. Overall Europeans tend to be more sensitive in differentiating between the Palestinian aggression/terrorism against Israeli occupation and that of global terrorism of the Al-Qaeda network. This does, however, in no way justify any acts of terrorism by Palestinians against Israeli civilians.

The kind of international terrorism we are experiencing today, which employs increasingly cruel methods that lead to mass murder, has changed the debate on terrorism significantly. Fred Halliday writes that "in the minds of the hegemonic powers, and particular in US discussion after 9/11, the right to revolt has been generally omitted; many non-western states have been quick to take local advantage of a global trend by crushing internal dissent (with indulgence from Washington) on the grounds that it too is all 'terrorism.'"⁶

In Europe, following 9/11, Member States formulated a framework decision on a common definition of terrorist offences. The Council Framework Decision of 13 June 2002 on Combating Terrorism aimed at approximating the definition of terrorist offences in all Member States. It outlines a list of serious offences, such as attacks upon a person's life, kidnapping, etc., and states that these acts will only be considered as terrorist offences when intentionally committed with a specific terrorist aim, as described in the framework decision. The Framework Decision further defines a terrorist group as a structured organisation consisting of more than two persons, established over a period of time and acting in concert. Moreover, instigating, aiding, abetting and attempting to commit terrorist offences will also be punishable. This makes it easier for Member States to fight and prosecute terrorists in the same way throughout Europe. The United States State Department defines terrorism as "premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience."

A first attempt at arriving at an internationally acceptable definition of terrorism dates back to the League of Nations in 1937. It failed to be agreed. In the 1960s the United Nations General Assembly tried to find a definition for terrorism. Not much progress was made and instead the UN decided to

focus on a number of practical measures, such as prohibiting certain terrorist measures, including aircraft hijacking and diplomatic hostage-taking. At the moment, twelve UN conventions have been adopted to combat different aspects of terrorism. The General Assembly's Sixth Committee is currently considering a draft Comprehensive Convention on International Terrorism, which would include a definition of terrorism.⁷ The lack of agreement on a definition of terrorism has been a major obstacle to developing a meaningful international framework.

Modus operandi: International terrorist networks – the case of Al-Qaeda

With the emergence of Al-Qaeda (the Base) in the early 1990s a new face of terrorism became known: Osama Bin Laden. Before trying to expand on this phenomenon, it should be noted that it is unlikely Al-Qaeda would have formed without the Cold War and US and Saudi money and training for opposition guerrillas in Afghanistan. Fred Halliday writes that Al-Qaeda itself is, moreover, not just another, conventional, modern terrorist organisation. Its ideology is an extreme case of hybridity, borrowing as it does some elements from *Sunni* Islam, others from *Sunni* sectarianism against *Shi'a* Muslims, and mixing both with modern nihilism, the cult of extreme heroism, self-sacrifice and the gun, anti-globalisation rhetoric and, not least, nationalism. In organisational terms, it clearly has a structure distinct from that of the Popular Front for the Liberation of Palestine (PFLP), the Tamil Tigers (LTTE) or ETA. "At its core is a small, conspiratorial, group, led by Osama Bin Laden and his Egyptian companion Ayman al-Zawahiri; around them are small, semi-independent groups, drawn from many different parts of the Muslim and non-Muslim world. Their approach is a result of two mutually reinforcing characteristics. First, a rational calculation that decentralised networks, active in fund-raising and recruitment, are more resistant to penetration. Second, a cultural adaptation of the loose patterns of association, trust and commitment that characterise societies, such as in Afghanistan and other parts of the Arab world, where tribal patterns of behaviour to some degree still prevail."⁸

What makes Al-Qaeda so dangerous is that it does not work in a closely interlinked network but rather as a sort of franchising organisation. The biggest danger is that its ideas are finding fertile ground all over the world and that it is increasingly turning into an ideology ("Al-Qaedaism"). Different terrorist cells and individuals all over the world operate in the name of Al-Qaeda without being linked in any substantial way to Bin Laden himself or his immediate circle, they simply follow his methods. It is not a

serpent whose head can be cut off. These cells tend to operate in loose-knit networks, with connections across the world, and many have considerable local autonomy to carry out attacks without any central direction.⁹ The purpose of groups operating with a cell structure is to prevent any one member from knowing who the immediate leaders are, which also makes these groups more difficult to infiltrate. While initially focusing on capturing Bin Laden, the US has come to realise that this alone will not solve the terrorist problem.

It is also wrong to believe that solving the Israeli/Palestinian conflict would lead to the end of militant Islam. Islamic militancy cannot be reduced to any one problem. Jason Burke writes that the militants feel that the *umma*¹⁰ is under attack and that in the militants view, Israel is merely the West's most obvious outpost. If the Jewish state disappeared, Islamists would still fight in Chechnya, Kashmir, Egypt, Uzbekistan, Indonesia, and Algeria as their agenda is typically determined by local grievances, often with lengthy histories.¹¹ Fred Halliday writes, "the attacks on 11 September were, like the Madrid attacks and other events, the product of particular, identifiable, political factors – rooted in the recent history of the Middle East, of the Cold War and its aftermath, or a combination of both. And it is the interplay of these factors in the years to come that will determine the future."¹²

2. European responses to terrorist threats: an overview

Intergovernmental European-wide cooperation started as early as 1976 on issues of terrorism and internal security within the framework of the TREVI Group. TREVI was initially a forum for exchanging information regarding organised crime and was later expanded to deal with internationally organised crime and terrorism. It consisted of high-level gatherings of the Interior and Justice Ministers and national top security officials and was incorporated into the third pillar of the Maastricht Treaty. Regular European intelligence cooperation only began at the end of the Cold War, through the establishment of the informal "Club of Berne."

The Madrid European Council in 1995 established in its conclusions that terrorism should be regarded as a threat to democracy, to the free exercise of human rights and to economic and social development. Later on, the Treaty of Amsterdam included the fight against terrorism, along side other serious forms of crime. The issue was also addressed in 1998 in the Vienna Action Plan to implement the provisions of the Treaty of Amsterdam on an Area of Freedom, Security and Justice, as well as in the conclusions of the 1999 Tampere Council. Despite these limited advances it took the horrendous attacks of 11 September to give some real impetus to improving cooperation at the European level.

Combating terrorism has become one of the European Union's greatest challenges. In the aftermath of 11 September and the Madrid bombings new EU wide anti-terrorism measures were adopted. These measures aim to increase cooperation in fields ranging from intelligence sharing to law enforcement and the control of financial assets. These included the introduction of a European arrest warrant, efforts to strengthen the role of Europol as well as the appointment of an EU counter-terrorism coordinator among other measures. Moreover, the European Security Strategy (ESS) written under the responsibility of the EU High Representative Javier Solana and approved by the European Council on 12 December 2003 clearly identifies international terrorism as a key threat. The paper states that 'terrorism poses a growing strategic threat to the whole of Europe' and that 'Europe is both a target and a base for terrorism.'¹³

While most EU Member States initially addressed issues relating to counter-terrorism with great urgency, many have yet to implement commitments made on paper on the ground. Overall progress has been made on a range of measures, but the overall process of implementation is too slow and there

are not enough checks on implementation. There are also practical problems involved in sharing information within the Union's framework such as linguistic difficulties and the interoperability of different communication systems. Procedures in the third pillar can be slow with, for example, delays of three to four months because of translation.

Also, the EU provided substantial financial aid to help the applicant states to modernise their police structures and to support judicial and related reforms as early as the enlargement negotiations. More than one billion Euro has been earmarked to continue assisting the new Member States in the field of internal security during the period 2004-2006.¹⁴

The creation of a European intelligence community will, to a great extent, depend on political dynamics and relations among Europe's counter-terrorism magistrates, security and intelligence officials, as well as on the harmonization of the different legal frameworks in Member States. Mr de Vries will have to improve coordination between the different intelligence services at the EU level, which will not be an easy task as different branches of national intelligence agencies already have patchy records of working together. Nevertheless, given the increasingly international nature of terrorism, a comprehensive and cooperative response is necessary. International terrorism cannot be fought by means of individual Member States alone and counter-terrorism measures need to be coordinated in the widest possible context. At this point, Europe should not create new agencies but rather strengthen existing structures.

Developments following 9/11: The EU Action Plan against terrorism

Following the 9/11 attacks, the Member States of the European Union adopted a range of measures to fight terrorism. On 21 September 2001, the European Council, during its extraordinary meeting, stated that "Terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union." This was followed by the adoption of a comprehensive *EU Action Plan to Fight Terrorism*. A detailed "Road Map" as regards the implementation of the Action Plan was drawn up in October 2001. In the wake of the terrorist attacks in Madrid, the European Council endorsed the revised EU Plan of Action on Combating Terrorism during its meeting on 18 June 2004. The EU Action Plan is regularly updated in order to follow up on the implementation of the range of initiatives and measures identified. The European Council is scheduled to review the implementation of the Action Plan/Roadmap twice a year, the first of which took place at the December 2004 Council meeting.

The *EU Action Plan to Fight Terrorism* identifies a series of measures such as joint investigation teams of police and magistrates from throughout the EU, routine exchange of information about terrorism between the Member States and Europol, a specialist anti-terrorist team within Europol and a co-operation agreement between Europol and the relevant US authorities.

On 19 October 2001, the extraordinary European Council in Ghent emphasised points of the Action Plan, which are to be implemented as soon as possible. Among these were the approval of the practical details of the European Arrest Warrant (EAW) and the common definition of terrorist offences. It also included increased co-operation between the operational services responsible for combating terrorism: Europol, Eurojust, the intelligence services, police forces and judicial authorities. At the European Council in Laeken on 15 December 2001, political agreement was finally reached on the European Arrest Warrant and a common definition of terrorism. Furthermore, at the Justice and Home Affairs Council of 28 February 2002 political agreement was reached on the execution of orders freezing property or evidence in the European Union, and the decision establishing Eurojust was adopted.

The Council Framework Decision on the European Arrest Warrant was the first instrument of mutual recognition that was adopted under the mutual recognition programme in criminal matters.¹⁵ The mutual recognition programme lists 24 specific mutual recognition measures and its aim is to implement the principle of mutual recognition to judicial decisions in criminal matters. It was endorsed by the Tampere European Council in 1999, which called on the Member States to make the principle of mutual recognition the “cornerstone” of a true European law-enforcement area. The underlying idea is simply that mutual recognition rests on mutual trust and confidence among the Member States.¹⁶

The framework decision on the European Arrest Warrant and the surrender procedures between Member States of the European Union was adopted by the Council on 13 June 2002. The EU countries were then required to introduce legislation to bring the European Arrest Warrant into force by 1 January 2004. The arrest warrant was put into place to replace the current extradition system by requiring each national judicial authority to recognise – with a minimum of formalities – requests for the surrender of a person made by the judicial authority of another Member State.¹⁷ The state in which the person is arrested has to return him/her to the state where the EAW was issued within a maximum period of 90 days of the arrest. Therefore, what used to be a lengthy political

process is now a much shorter judicial process. The European Arrest Warrant is seen as an essential element of the fight against terrorism, as well as the fight against organised crime at the European level as it will make it harder for criminals to find a safe haven in another EU Member State.

However, some Member States experienced considerable difficulty in implementing the required legislation. Some expressed concern about their sovereignty and their country's right to protect its citizens. A paper by Amnesty International entitled "*More Justice and Freedom to balance Security: Amnesty International's Recommendations to the EU*" published on 27 September 2004 points out that the principle of mutual recognition which forms the basis for initiatives such as the European Arrest Warrant fails to acknowledge the significant differences in the standards of justice in EU countries.¹⁸

Following a heated political debate, the Czech Republic and Italy was among the last Member States to adopt the arrest warrant. Italy has yet to adopt the EAW.

Developments following the 3/11 terrorist attacks in Madrid

The experience of a larger scale terrorist attack by Al-Qaeda on European ground made further initiatives regarding countering terrorism coordination within Europe all the more urgent. Following the Madrid attacks the EU justice and home affairs ministers drew up an ambitious Declaration on Combating Terrorism, which was adopted by the European Council on 25 March 2004. The Declaration highlighted the need for increased coordination and cooperation in countering terrorism. Some of the core elements of the Declaration included:

- The creation of a counter-terrorism coordinator to oversee European anti-terrorist activities.
- The integration of an intelligence structure on terrorism within the Council Secretariat.
- The reinforcement of the role of Europol, Eurojust and the Police Chiefs Task Force.
- The adoption of a "solidarity clause" from the draft EU constitution which provides for mutual assistance in the event of a terrorist attack.
- The establishment of a European Borders Agency.
- The formulation of new proposals to prevent the financing of terrorism.
- Progress towards the adoption of a database of persons condemned for terrorism or other serious crime.

The Member States also agreed on updated *Strategic Objectives for a Revised EU Plan of Action to Combat Terrorism*. The following high-level Strategic Objectives were agreed to be implemented:

- Deepen the international consensus and enhance international efforts to combat terrorism. This includes supporting the role of the United Nations, the work of the Security Council through its Counter Terrorism Committee and the Taliban/Al-Qaeda Sanctions Committee as well as the Terrorism Prevention Branch of the UN Office of Drugs and Crime.
- Reduce the access of terrorists to financial resources, including the development and implementation of an EU strategy on the suppression of terrorist financing.
- Maximize capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks. Including the enhancement of the capacity of appropriate EU bodies in the preparation of intelligence assessments of all aspects of the terrorist threat, with a closer linkage to EU policy making.
- Protect the security of international transport and ensure effective systems of border control.
- Enhance the capability of Member States to deal with the consequences of a terrorist attack. Including closer cooperation in consequence management with international organisations, including NATO and ensuring the full implementation of the EU Health Security and CBRN programs.
- Address the factors which contribute to the support for and recruitment into terrorism. Identify factors which contribute to recruitment to terrorism, both within the EU and internationally, and develop a long-term strategy to address these. It also calls for a continued investigation into the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism, building on work already undertaken in this area, and identifying appropriate response measures.
- Target actions under EU external relations towards priority third countries where counter-terrorist capacity or commitment to combatting terrorism need to be enhanced. This can happen through, for example, an expansion of the role of the SitCen¹⁹ in carrying out threat assessments to enable working groups to focus on the development of policy, developing capacities to analyse and evaluate third country activities in counter-terrorism and ensuring that specific counter-terrorism issues, including effective counter-terrorism clauses in all agreements reflecting the priorities of the revised Plan of Action are a key element of EU relations at all levels with priority countries.²⁰

In addition, Austria and Belgium proposed the creation of a “European intelligence agency.” However, this was considered too ambitious by most Member States and rejected by the Council. The level of trust and cooperation needed between intelligence services in order to create a “European CIA” is not achievable within the current security context. Nevertheless, should Europe be confronted with a large-scale terrorist attack similar to the 9/11 attacks, it might come to realize that more stringent reforms are necessary and reconsider the idea of such an agency. The head of the United Nations anti-terrorism division, Javier Rupérez recently stated that the time will come for some form of European intelligence unit and that greater coordination would be perfectly logical as the EU develops greater capacity in justice and home affairs.²¹

The European Border Agency will be operational on 1 May 2005. The deadlock between the UK and Spain over Gibraltar had prevented an earlier decision. But on 16 September COREPER reached agreement that Gibraltar would not be included in the Agency's powers. The European Border Agency will be tasked with coordinating border control operations, providing technical aid for deportation organized by Member States and third countries and monitoring changes in technology. A decision on the location of the Agency has yet to be taken.

The Hague programme

The 4-5 November European Council adopted a new comprehensive programme for 2005-2009 on strengthening freedom, security and justice in the EU. It includes an assessment of the policies established in Tampere in 1999 and outlines plans for their consolidation, while reflecting the spirit of the reforms envisaged by the new European Constitution. Emphasis was put on timely implementation and to this end the Commission was asked to present a yearly evaluation report (this reflects previous criticism at the absence of a proper evaluation of the measures adopted or of the practical benefits of these measures).

With regard to the exchange of law enforcement information, the Hague programme states that effective 1 January 2008, the exchange of such information should be governed with regard to the principle of availability. This is an important development and means that throughout the Union, a law enforcement officer in one Member State who needs information in order to perform his duties can obtain these from another Member State. The Commission was asked to make proposals for the implementation of the principle of availability by the end of 2005, in which the following key conditions should be strictly observed:

1. The exchange may only take place so that legal tasks may be performed;
2. The integrity of the data to be exchanged must be guaranteed;
3. The need to protect sources of information and to secure the confidentiality of the data at all stages of the exchange, and subsequently;
4. Common standards for access to data and common technical standards must be applied;
5. Supervision of respect for data protection, and appropriate control prior to and after the exchange must be ensured;
6. Individuals must be protected from abuse of data and have the right to seek correction of incorrect data.

It should be noted, however, that while Member States support the importance of mechanisms for information exchange, issues regarding confidentiality and data protection are still problematic. There was an initial discussion on a deadline of 2005 on access to information related to terrorism, which was deleted in the latest draft of the Hague programme.

With regard to the fight against terrorism, the Hague programme stresses that EU Member States should:

1. Use the powers of their intelligence and security services not only to counter threats to their own security, but also, as the case may be, to protect the internal security of the other Member States.
2. Immediately bring to the attention of the competent authorities of other Member States any information available to their services which concerns threats to the internal security of these other Member States.
3. Ensure that no gaps occur in their surveillance as a result of their crossing a border in cases where persons or goods are under surveillance by security services in connection with terrorist threats.

The programme further highlights that the security of the storage and transport of explosives must be improved to ensure the traceability of industrial and chemical precursors. The Council should also develop a long-term strategy to address the factors, which contribute to radicalisation and the recruitment for terrorist activities. Member States should develop training courses for national police officers with regard to practical aspects of EU law enforcement cooperation, by the end of 2005.

With regard to the management of crises with cross-border effects within the European Union, the European Council calls for the Council and the

Commission to set up integrated and coordinated EU crisis-management arrangements for crises with cross-border effects within the EU that fully respect national competences. This should be implemented at the latest by 1 July 2006.

Furthermore, the Hague programme ensures that the Schengen information system (SIS II) – a database of people who have been issued with arrest warrants and of stolen objects – will be operational by 2007 and will establish common visa rules (common application centres, introduction of biometrics in the visa information system)

A review of the Hague programme is envisaged by November 2006 and will take into account the change of legal base that the Constitution will bring. It should be noted that among the usual objectives, the programme states that prevention and repression of terrorism are key elements, whereby the word ‘repression’ has never previously been used.

Responding to the Hague programme, Amnesty International in an open letter, expressed particular concern about the perceived link between migration control and ‘terrorism’ or other forms of serious and organised crime. The letter states that the Hague programme places a high priority on combating racism and xenophobia, yet the creation of a link between migrants and terrorism risks exacerbating this very problem and is unjustified as there is no reason to differentiate between EU nationals and third country nationals in the context of counter-terrorism.²²

Latest Developments

At a meeting on 18 October 2004 the Commission adopted four Communications in which new measures for fighting terrorism were presented. The four Communications respond to requests made by the European Council in March and June 2004. The four communications are:²³

1. *Prevention, Preparedness and Response to terrorist attacks.* This Communication sets the other three Communications against the general framework of what the Commission is doing in the implementation of the Action Plan on fighting terrorism. It proposes a novel way of involving citizens, civil society and Parliaments in a reflection on how to reconcile the different objectives and concerns involved in fighting terrorism. In order to foster such inclusive policy and to promote a “civic and democratic debate on securing freedom” the Commission proposes that the EU should honour the victims of the most deadly terrorist attack in Europe by carrying out, before the 11 March 2005, a Memorial Report addressed to the European and national parliaments. This would describe what has been done in the fight against terrorism since the 11 March 2004 and outline the challenges ahead. The communication announces a “public-private security dialogue” with the economic actors. It recalls the cross-cutting importance of security research and the recent report from the group of personalities which advocates and additional funding of 1 billion Euro a year to this effect from 2007 onwards.

2. *Prevention and fight against the funding of terrorism.* This document focuses on the need to enhance information exchange among relevant actors at national, EU and international levels. Also highlighted is the need to facilitate co-operation and exchange structures encompassing fiscal authorities, financial oversight bodies, the Justice Departments, intelligence community, law enforcement authorities and authorities in charge of the administrative ‘freezing.’ As regards information exchange between public and private sectors, the idea is mooted that law enforcement services should have access to financial institutions’ databases of account holders and their transactions. Subject to data protection rules, this approach could allow a linking of suspects, an identification of monetary flows of and a tracking of sources. Reference is also made to establishing common minimum standards in financial investigative training in the EU. The communication calls for a minimum common EU approach in terms of identification processes used by financial institutions and highlights the need to promote transparency within the non-profit/charitable sector, where the absence of transparency measures has made the sector vulnerable to abuse.

3. *Critical Infrastructure Protection in the fight against Terrorism.* This document gives an overview of the actions that the Commission is currently taking on protection of critical infrastructure and proposes additional measures to strengthen existing instruments, mainly through the establishment of a European programme for Critical Infrastructure Protection (EPCIP) to provide enhanced security for critical infrastructure as an ongoing, dynamic annual system of reporting where the Commission would put forward its views on how to assure the continued functioning of Europe's critical infrastructure. The EPCIP would promote an ongoing forum where the constraints of competition, liability and information sensitivity can be balanced with the benefits of a more secure critical infrastructure. Furthermore, as part of this programme an EU Critical Infrastructure Warning Information Network (CIWIN) should be established by the Commission to assist Member States and owners and operators of critical infrastructure to exchange information on shared threats, vulnerabilities and appropriate measures and strategies to mitigate risk in support of critical infrastructure protection.

4. *Preparedness and the Consequence Management in the fight against Terrorism.* The communication calls for a secure general rapid alert system (ARGUS) to be created within the Commission to link all specialised systems for emergencies that require action at European level. The new system will respect the specific characteristics, competence and expertise of the individual and specialised systems managed by the Commission, which will continue to carry out their current functions. Since it is often unclear in the initial phase of an incident (e.g. an explosion), whether it is an accident or terrorist incident, the scope of this system will not be strictly limited to terrorist attacks, but should co-ordinate all crisis centres and rapid reaction mechanisms aimed at ensuring safety and security. Furthermore a central crisis centre should be established in the Commission, which would bring together representatives of all relevant Commission services during an emergency. This crisis centre would coordinate efforts so as to evaluate the best practicable options for action and to decide on the appropriate response measures.

The communications are part of an overhauled EU Action Plan on terrorism, which was presented at the 17/18 December European Council.

The December European Council once again reviewed the wide spectrum of measures being taken as part of the fight against terrorism, and set out a list of areas for progress. These include increased cooperation between Europol and the Police Chiefs Task Force, improved cooperation between national judicial authorities in exchanging anti-crime and counter-terrorism information, the strengthening of civil protection in response to terrorist attacks (including an EU Solidarity Programme) and progress in securing counter-terrorism clauses in agreements between EU Member States and third countries. The European Council has also called upon the Council and the Commission to set up a network of national experts to respond to requests for technical assistance by third countries.²⁴

A regulation on standards for security features and biometrics in EU citizens' passports was adopted in 2004. This is not binding for the UK, which is expected to introduce its own requirements for biometric passports in 2005. Member States have also agreed to exchange information on lost and stolen passports with Interpol and the Commission has adopted a proposal for a regulation concerning the Visa Information System (VIS).

The European Council has published the following priorities for 2005:

- The fight against *terrorist financing* will continue to be a priority in 2005. Financial intelligence units can play an important role here. The EU will focus on non-traditional channels of financing. Proposals are expected from the Commission on how best to ensure that legitimate charitable activity is not misused by terrorists and those who finance them.
- Other priorities for 2005 will include *critical infrastructure* - transport, communications, energy and other sectors. Much critical infrastructure is of course the responsibility of Member States, and in many cases is in private sector hands. But there is important work to be done at the European level, in particular to protect trans-border networks. Next year the EU will develop a European programme in this area.
- Civil protection is also an important area of national responsibility. The economic integration, the free movement of people and the geography of the European continent mean that serious terrorist incidents may quickly have cross-border implications - especially one involving chemical, biological or radiological materials. The EU needs to have the right mechanisms in place so Member States can work together if such a crisis should occur. Exercises are a key way to ensure this, as are efforts to improve medical response capabilities. The Dutch Presidency is proposing that the EU will take the necessary steps in 2005.
- *Information exchange* will also remain high on the agenda. Work will continue on the retention of communications traffic data, on the European Evidence Warrant and on the use of data for law enforcement purposes more generally. The Commission will present proposals in this area, including on data protection principles for the third pillar.
- Efforts will continue to pursue terrorists and to bring them to justice, to reduce the vulnerabilities of our economies and our infrastructures, and to improve our capacities to deal with the consequences of terrorist attack. In addition, the EU will focus on ways to prevent the next generation of potential recruits from choosing the path of terrorist violence. The Hague programme calls on the Council to develop a long term strategy to address the factors which contribute to *radicalisation and recruitment* for terrorist activities in 2005.²⁵

3. Improving Internal Security and Intelligence Cooperation

With hindsight, the most fatal shortcoming in the case of the 11 September and the 11 March attacks was the lack of coordination and communication among different agencies on both the national and the international level. Difficulties in cooperation between intelligence and police services do not only concern bilateral and multilateral cooperation between the services of different Member States, but also cooperation between the various agencies at national level.

The national level

Several EU Member States struggle to improve coordination internally, a lack of which makes it especially difficult to coordinate efforts at the European level. In France, for example, coordination between the police and intelligence services has, at least historically, been subject to chronic problems of mistrust, with agencies not only failing to collaborate but moreover, occasionally working at complete cross-purposes with one another.²⁶ Furthermore, national intelligence communities are structured in different ways and do not necessarily have a counterpart in another Member State. This causes difficulties when determining which agencies should work together. Rivalries for status and resources among different agencies can further complicate the process. Nevertheless, cultural differences between law enforcement bodies as well as between law enforcement bodies and intelligence agencies/security services need to be overcome.

In this context, the US and other countries reacted to the terrorist attacks by overhauling their national legal systems. The US adopted the Patriot Act, the UK agreed its Anti-Terrorism, Crime and Security Act 2001, and Germany passed two packages of laws, in late 2001. Germany serves as a good example to demonstrate how traditional rivalries between the central government and the *Länder* (federal states) and their respective police and intelligence services hinder efforts to improve coordination. German Interior Minister Otto Schily recently failed in his attempt to streamline the command structure of Germany's security agencies. Some critics see the creation of a central database and closer cooperation between the intelligence and police services as unconstitutional.²⁷ The German constitution stipulates that both institutions must remain separated, this stems from the Nazi past where police and intelligence were combined within one agency. What has now been agreed is the setting-up of a Joint Information Centre at the Federal Interior Ministry to improve coordination and the flow of information between intelligence and police. Experts from

the national domestic intelligence service, the federal police, the foreign intelligence service as well as liaison officials from the 16 *Länder* will be working together. Their tasks include making threat assessments and sharing information related to terrorism. The success of this centre will depend on the readiness of the different services to share intelligence data. Britain also set up a Joint Terrorism Analysis Centre, bringing together MI5 (the domestic intelligence service), MI6 (the foreign intelligence service), the police and the GCHQ (Government Communications Headquarters).

A peer review system was set up which identifies European best practices with respect to national counter-terrorism arrangements. An interim report has been formulated on which a number of areas where improvements could be made are identified. For example the adoption of legislation for the use of special techniques for intelligence gathering, the creation of national coordination mechanism, and the establishment of national permanent crisis management arrangements.²⁸ The peer evaluations of the national structures on combating terrorism of the 25 Member States will be completed by September 2005. An EU internal document on the provisional findings of this peer evaluation mechanism stresses that the Member States have very different institutional histories, varying periods of affiliation to the EU and highly contrasting systems of administrative organization (i.e. the role and the powers of the police in Sweden are in no way comparable with those which exist in Portugal). What the EU can do is to promote best practices and to make recommendations to Member States to improve cooperation internally as well as with European bodies.

The European level

The conclusions of the 5 March and the 18 December 2004 European Council meetings underlined the importance of more efficient intelligence cooperation and improved threat assessment, and called upon Member States to improve mechanisms for cooperation and the promotion of effective systematic collaboration between police, security and intelligence services.

Within the Council there are only two working groups fully working on the fight against terrorism:

The Terrorism Working Group (TWG), which is composed of representatives of Member States Ministries of Interior/law enforcement agencies. This groups deals with internal threat assessments, practical cooperation and coordination among EU bodies and meets three times per presidency. The CFSP Working Party on Terrorism (COTER) deals with external aspects and is mainly composed of representatives of Members State ministries of foreign affairs. It deals among others with implementation of UN Conventions and threat assessments as regards third countries and regions. This group meets once a month.

The following are working groups that also deal with some aspects of the fight against terrorism: the article 36 Committee (CATS) coordinates the works of the various third pillar working groups; the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) which coordinates the work of various working groups on migration, visa, borders and asylum; the Political and Security Committee (PSC) coordinates the second pillar working groups on the Common Foreign and Security policy (CFSP) and European Security and Defence Policy (ESDP); the Working Party on Civil Protection, a group working on early warning mechanism and consequence management; and the various Working Parties on transport.²⁹

One of the difficulties in coordinating counter-terrorism efforts at the EU level is that there is no one single body that deals with all matters related to terrorism. An EU internal document notes that that the two main Council Working Groups (COTER and TWG) are national capital-based and do not feed sufficiently into the Brussels-based decision making processes. Furthermore, streamlining of the many different threat assessment reports is needed: TWG on internal security, COTER asses threats in third countries, Europol asses the threat posed by extremist Islamism, SITCEN on cross-pillar issues, CTG regularly send reports to SITCEN, Coreper and the Commission on the threat posed by Radical Sunni Islam.

Furthermore, once the Constitutional Treaty is in force (scheduled for 1 November 2006 and signed in Rome on 29 October 2004), the decision-making process in the EU will be significantly improved. Qualified majority voting will be extended to a number of important areas in Justice and Home Affairs, for example, the approximation of aspects of (substantive and

procedural) criminal law, mutual recognition of judicial decisions, as well as the development of Europol and Eurojust. The abolition of the pillars structure would make it easier to design properly integrated EU policies in this area. In addition, article III-261 of the Constitutional Treaty states that:³⁰

“A standing committee shall be set up within the Council in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union. Without prejudice to Article III-344, it shall facilitate the coordination of the action of Member States’ competent authorities. Representatives of the Union bodies, offices and agencies concerned may be involved in the proceedings of this committee. The European Parliament and national Parliaments shall be kept informed of the proceedings.”

This would mean that the present CATS (Article 36 Committee) would be replaced by a new co-ordination body, but only if the Constitutional Treaty comes into force. This evolution needs to be set in the context of reports by Javier Solana and Gijs de Vries, in which they state that the structure of the working groups shall be overhauled. To that end, the Hague programme invites the Council to prepare for the setting- up of the Committee on Internal Security, envisaged as in Article III-261 (see above) of the Constitutional Treaty, in particular by determining its field of activity, tasks, competences and composition, with a view to its establishment as soon as possible after the Constitutional Treaty has entered into force. To gain practical experience with coordination in the meantime, the Council is invited to organise a joint meeting every six months between the chairpersons of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and the Article 36 Committee (CATS) and representatives of the Commission, Europol, Eurojust, the EBA, the Police Chiefs’ Task Force, and the SITCEN.³¹

One of the key factors in improving the coordination between intelligence and security agencies is the development of trust and a common culture. Therefore, efforts to improve intelligence cooperation at the EU level should not complicate the process further. While the establishment of the position of counter-terrorism coordinator was certainly an important step, establishing new institutions is unlikely to be conducive to improving cooperation. The focus should rather be on further strengthening existing networks and agencies, notably Europol.

The Hague programme states that with effect of 1 January 2005, the EU’s Joint Situation Centre (SITCEN) will provide the Council with strategic analysis of the terrorist threat based on intelligence from Member States’ intelligence and

security services and, where appropriate, on information provided by Europol. At the 8 June 2004 Justice and Home Affairs Council, Javier Solana presented a proposal aiming at improving the Union's intelligence co-operation. The proposal's focal point consists of charging the EU's Joint Situation Centre (SITCEN) with the production of intelligence analyses with a view to support EU policymaking. The proposal would be built on the existing co-operation within the SITCEN, established between the external intelligence services of Member States since early 2002. The proposal contains three core ideas:

1. moves by the heads of the EU's 25 security services to meet regularly together as a group in the format of the existing Counter-Terrorist Group (CTG).
2. the work of the CTG would allow for close co-operation in the field of analytical exchange between security services and would provide scope for improved operational co-operation.
3. moves by the European Police Bureau (EUROPOL) to reactivate their Counter-Terrorist Task Force and efforts to improve the flow of criminal intelligence to Europol.

In the future, SITCEN will produce assessment reports for the competent Council working groups on both, the internal and external aspects of the terrorist threat. This would result in EU decision-makers being better informed about threats, terrorist methods, organisation of terrorist groups, and thus better prepared to devise effective EU counter-terrorist policies. Member States would receive better support from European bodies. They would get assessment material from the EU's SITCEN, and their police services in particular would get better support from Europol. Member States would retain the lead in the operational field, but would be working more closely together through CTG, Europol, as well as through existing bilateral arrangements, to strengthen information exchange and co-operation."³²

The Brussels European Council of 17/18 June 2004 requested the Council to take forward the work on proposals for reinforcing the Police Chiefs' Task Force's operational capacity with a view toward adopting of new arrangements by no later than December 2004. The EU Police Chiefs' Task Force and the heads of EU Counter Terrorist Units meet on a regular basis to exchange information. The European Police Chiefs' Task Force held its first meeting in April 2000. The creation of informal links at a high level between EU law-enforcement agencies should help to drive a more spontaneous interaction and closer cooperation between national and local police forces in EU Member States in the continuing fight against crime. The Task Force was originally

organised at the request of the European Council, which called for the establishment of a European Police Chiefs' operational Task Force to exchange, in co-operation with Europol, best practices and information on current trends in cross-border crime and contribute to the planning of operative actions.

The same European Council summit also called upon the Council to reach agreement on the initiatives on the exchange of information and cooperation concerning terrorist offences and on retention of communications data by June 2005. Agreements should also be reached by December 2005 on the initiatives on simplifying the exchange of information and intelligence between law enforcement agencies.³³ Intelligence is about prevention and early intelligence is crucial. Therefore, mechanisms need to be in place to acquire and share information at the earliest stage possible. There are no such mechanisms at this point. Furthermore, at the G5 meeting of Interior Ministers in Florence on 17 October 2004 agreed to set up a common "watch list" of terrorist suspects and to implement cooperation systematically, an idea that was initially discussed at a meeting of interior ministers in July in Sheffield, England.

A common threat assessment

Common threat perception and threat assessments are needed to formulate appropriate policies. The European Security Strategy states that "common assessment of threats is the basis for common actions and this requires improvement in the exchange of intelligence information among Members States and partners." At a meeting between counter-terrorism chiefs from the EU's 25 Member States in June 2004 the importance of a common wording and a common threat definition was discussed. The possibility of adopting an EU-wide terror security system which could be similar to the one in the US was also looked at, according to a report by Reuters.³⁴ This could help to deliver a common message of a threat and to take common measures.

In a study of these issues, Björn Müller-Wille, writes that the European Union is particularly suited to play a central role in developing international and cross-agency intelligence cooperation because it is the only international organization that has its own agencies for the exchange and production of military (intelligence decision of the EU military staff – EUMS), imagery (EU satellite center – EUSC), criminal and security (Europol) and external intelligence (Joint Situation Centre – SITCEN).³⁵ However, these bodies have limited capacities and their work is often handicapped because they depend largely on national contributions.

Finally, while a series of arrests were made following the Madrid attacks, it should be noted that the arrests of the main suspects were not necessarily a result of improved EU-wide cooperation but largely that of constructive bilateral cooperation between certain national governments and law-enforcement agencies. This shows the importance of well established bilateral links. On the other hand, cooperation between different European internal security services appears to be functioning increasingly well. The case for external secret services is more complex as national interests, history, and a tradition of manipulation play a more important role. Against this background, exchange of intelligence between services is likely to largely take place through well-established channels such as those of the 'Club of Berne.'³⁶

The role of the European counter-terrorism coordinator

As mentioned earlier, one of the concrete actions taken following the Madrid attacks was the appointment of the EU counter-terrorism 'tsar.' While Mr de Vries plays no role in the formulation of counter terrorism strategy within individual EU countries, he is working to improve intelligence and security coordination within the European institutions, the European Member States, as well as between the EU and third countries, especially the United States. His main task is to coordinate the work relating to terrorism within the Council and also to ensure that adopted texts are applied correctly. He is not responsible for coordinating individual Member States' national counter-terrorism structures or operations, which is a matter for the countries themselves.

His role in combating terrorism is a restricted one as combating terrorism is primarily a national responsibility and subject to national parliaments' scrutiny. His post appears to be largely advisory and does not include a separate budget to help advance counter-terrorism policies. His work is based on coordinating and working with the national services in Europe with a bottom-up approach. The Madrid attacks particularly exposed the problem of coordination in Europe. For example, Spanish authorities did not know that several suspects were already known by security services in other Member States.

The problems Mr de Vries is likely to face are the difficulties inherent in classified information sharing at the European level and beyond. As mentioned before, some European Member States have a greater intelligence capacity, which they are reluctant to compromise. It remains to be seen how far Mr de Vries will be able to improve coordination and the exchange of information. Overall, the EU counter-terrorism coordinator's mandate will need to be better defined.

Strengthening the role of Europol

Europol is the European Union law enforcement organization, which aims to improve the effectiveness and co-operation between the competent authorities of the Member States in preventing and combating serious international organised crime. It functions as a clearinghouse for the exchange of intelligence and is, together with Eurojust, Europe's only body for sharing operational intelligence. The exchange of information takes place in accordance with national law between Europol Liaison Officers (ELOs), who are seconded to Europol by the Member States as representatives of their national law enforcement agencies. Approximately 65 criminal analysts work at Europol around 70 seconded officers from national authorities.

The 1992 Maastricht Treaty agreed the establishment of Europol. Europol started limited operations in 1994 in the form of the Europol Drugs Unit (EDU). The Europol Convention³⁷ was ratified by all Member States and came into force on 1 October 1998. Since then the mandate of Europol has grown progressively and as of 1 January 2002 the mandate of Europol was extended to deal with all serious forms of international crime. Europol is accountable to the Council of Ministers for Justice and Home Affairs and funded by contributions from the Member States according to their GNP with a budget of 58,8 million euro in 2003. As crime does not stop at Europe's borders, Europol has also improved its international law enforcement co-operation by negotiating bilateral operational or strategic agreements with other states and international organizations.³⁸

Europol's main priority in 2003 was the fight against terrorism. Its mandate is to combat terrorism and illicit trafficking of nuclear materials and radiological source material as well as arms, ammunition and explosives and crimes related to these phenomena. The Council Conclusions of 21 September 2001 provided the mandate for the Counter Terrorism Task Force (CTTF).³⁹ At a High Level Expert Meeting in November 2002 the decision was taken to fully integrate the work of the CTTF into Europol. In 2003, Europol improved the framework of the collection of terrorism related data by opening a new Analytical Work File (AWF's) dealing with indigenous terrorism. In December 2003, Europol had 19 AWF's, containing a total of 146,183 records on persons.⁴⁰ The Counter-Terrorism Unit is tasked with collecting, sharing and analysing information concerning international terrorism through the AWF on Islamic Terrorism based on the contributions from Member States with the aim of creating a full picture of terrorist groups' activities within Europe.

Europol has also been involved with the Terrorism Working Group (Third Pillar) and the Counter Terrorism Group. In the field of counter proliferation the wide mandate was combined in the Counter Terrorism Programme (CTP). Europol has provided operational support to Member States and joint-team operations initiated in response to Europol produced threat assessments (e.g., extreme Islamic terrorism). Europol provides central services like the collection of counter terrorism legislation; the reference of counter terrorism responsibilities in the Member States; the glossary of terrorist groups and national contact points for illicit trafficking of nuclear and radioactive substances. Europol produces an Annual Terrorism Situation and Trend Report (TE-SAT) for the Working Group on Terrorism in the Third Pillar. Several reports are produced to the benefit of Member States' agencies, including a weekly Open Source Digest, a monthly overview on Islamic terrorism (distributed to all Member States), as well as threat assessments and specialist briefing papers.

To fulfil the tasks outlined in its mandate, Europol has combined its activities in a Counter Terrorism Programme (CTP) and a Counter Proliferation Programme (CPP) and has also developed supporting programs such as the Networking Programme, the Preparedness Program and a Training and Education Program. The Counter Proliferation Programme (CPP) covers all forms of illicit trafficking namely nuclear material, strong radiological sources, arms, ammunition and explosives as well as weapons of mass destruction and related precursors. Europol has established a partnership with the UN International Atomic Energy Agency (IAEA) to further work in this area and has also produced a situation report on this topic for the exchange of technical information. It has also joined the Chemical Biological Radiological and Nuclear Rapid Alert System (CBRN-RAS).⁴¹

Challenges facing Europol

Europol's main problem is the imperfect flow of information from national intelligence services. This issue has been raised repeatedly by the Council as well as by Mr de Vries. Europol can only function if national agencies share crucial information with and through the organisation. Numerous Member States have yet to ratify all protocols amending the Europol Convention, which are designed to extend its responsibilities. Not all Member States have ratified these protocols despite a December 2004 deadline. According to Mr de Vries, Europol should also have more resources to undertake analysis on terrorism and its links with money laundering, drug smuggling and other forms of organised crime. The lack of co-operation within Europol

highlights the general difficulties in the co-operation among intelligence services. A relationship of trust needs to be developed together with more cooperation on the ground. In a communication of 16 June 2004, the Commission suggested that Europol should be the hub for gathering criminal information, which could support the work of the Task Force of Police Chiefs.

Furthermore, the Hague programme states that effective 1 January 2006, Europol must have replaced its “crime situation reports” by yearly “threat assessments” on serious forms of organised crime, based on information provided by the Member States and input from Eurojust and the Police Chiefs’ Task Force. The Council should use these analyses to establish yearly strategic priorities to serve as guidelines for further action. This should be the next step towards the goal of setting up and implementing a methodology for intelligence-led law enforcement at EU level. The programme also calls on the Council to adopt the European law on Europol, provided for in Article III-276 of the Constitutional Treaty, as soon as possible after the entry into force of the Constitutional Treaty and no later than 1 January 2008, taking into account all tasks conferred upon to Europol. The programme further states that the Council is invited to set up – in conjunction with Europol and the European Border Agency – a network of national experts on preventing and combating terrorism and on border control, who will be available to respond to requests from third countries for technical assistance in the training and instruction of their authorities.

Europol has the potential to play an important role in coordinating and improving European efforts in the field of counter-terrorism, provided it is trusted. However, it lacks resources not only in terms of receiving intelligence from Member States but also in terms of human and financial resources. Europol has an annual budget of about 58 million Euros, in comparison to MI5 (the British domestic security service) which has a budget of 300 million pounds (450 million euro). Furthermore, Europol has about 350 employees compared to 28,576 employed by the FBI (US Federal Bureau of Investigation). The US Department of Homeland Security has a 2005 budget of \$40,2 billion and about 180,000 employees. These figures should be taken into account. At the same time, it should be stressed that Europol is not an intelligence service and does not have a federal character.

Joint Investigation Teams

The Council Framework Decision of 13 June 2002 allows for the competent authorities of two or more Member States to set up a Joint Investigation Team (JIT) for a specific purpose and a limited period, to carry out criminal investigations in one or more of the Member States involved. The Council recommendation of 26 April 2002 on multi-national adhoc teams allows for the exchange of information on terrorists in the pre-criminal investigative phase (namely, for intelligence services). In contrast to the full-scale judicial enquiry possible through the setting-up of Joint Investigation Teams, this recommendation focuses on preventive and operational measures to fight terrorism. The prerequisite for launching the Team activities is to ascertain – on the basis of preliminary information-gathering – that a terrorist act is going to be, or is in the process of being committed. Europol can effectively participate, if requested by a Member State, in both, Joint Investigations Teams and multinational ad hoc teams.⁴² However, Europol cannot fully participate to JIT before all Member States ratify the 2002 Protocol. The original 15 EU Member States were supposed to have set up joint teams in January 2003 and the new Member States by 1 May, 2004. However, Belgium, Greece, Ireland, Italy, Luxembourg, Cyprus, the Czech Republic and Lithuania have, at the time of this writing, not yet introduced the notion of Joint Investigation Teams into their national legislation.⁴³

The role of Eurojust

Eurojust was set up in 2002⁴⁴ to facilitate judicial cooperation between competent authorities in Member States on criminal matters, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests. The College of Eurojust is composed of 25 national members, one nominated by each EU Member State. The national members are senior, experienced prosecutors or judges. Eurojust is the first permanent network of judicial authorities in the world and is a key interlocutor between the European institutions. It acts in close partnership with Liaison Magistrates, the European Judicial Network as well as with the Europol and the European Anti-Fraud Office (OLAF).⁴⁵ Eurojust handled about 300 cases in 2003, which ranged from co-ordinating house searches in different countries to police requesting access to bank accounts outside their own jurisdiction. Counter-terrorism investigations represented about 15% of the cases handled by Eurojust. However, Michael Kennedy, President of the College of Eurojust has said that Eurojust has not yet become the first port of call in complex cross-border investigations, one important reason being that some countries have still not incorporated the Eurojust legislation into their national law.

A recent report by the UK House of Lords Subcommittee on Home Affairs examines the activities of Eurojust over the last two years.⁴⁶ It recommends that national members should retain the powers they held in their own jurisdictions, data protection rules should be put in place as soon as possible and closer co-operation with OLAF and Europol must be formally established. The report further notes that the current state of affairs in the relationship between OLAF and Eurojust is regrettable, as co-operation is hampered by suspicion and antagonism. Furthermore, it remains to be seen how the Europol-Eurojust Agreement will operate in practice, but regular joint meetings should be held (as Eurojust does with the Commission) and members of both bodies should also have the opportunity to attend relevant meetings of the other. In this context, it is essential that the Eurojust data protection arrangements are fully in place prior to any exchange of personal data. It further notes that there is clear potential to establish a sound division of labour between Eurojust and the European Judicial Network (EJN). The EJN is better placed to deal with straightforward bilateral cases. It can refer more complex cases to Eurojust. Eurojust should deal mainly with complex cases and cases which involve more than two Member States. If a European Public Prosecutor is eventually created, it should be firmly rooted in Eurojust, as the Draft Constitutional Treaty implies.

The ESDP dimension and the role of the military in the fight against terrorism

According to the European Security Strategy, global terrorism poses a strategic threat to the whole of Europe and “concerted European action is indispensable” to fighting it. A comprehensive approach, including the possible use of the military is needed to deal with terrorism. Following the Madrid attacks the March 2004 European Council called for work to be rapidly pursued to develop the contribution of European Security and Defence Policy (ESDP) to the fight against terrorism, and a conceptual framework was adopted by the Council on 22 November 2004.

The framework highlights four main areas where the ESDP can contribute to fighting terrorism: prevention, protection, response/consequence management and support to third countries. The conceptual framework is based on the principles of solidarity between EU Member States, the voluntary nature of a Member State’s contributions, cross pillar co-ordination in support of the EU common aim in the fight against terrorism, co-operation with relevant partners and the complementary nature of the ESDP contribution. With regard to military resources, a detailed report on

modalities, procedures and criteria to develop the appropriate level of interoperability between military and civilian capabilities in the framework of protection of civilian populations following a terrorist attack should be prepared in the first semester of 2005. Also, the solidarity clause in article I-43 of the Constitutional Treaty specifies that if one Member State is the victim of a terrorist attack, the Member States shall mobilise all instruments at their disposal, including military resources. This clause complements the NATO Article V clause.

After 9/11, for the first time ever all EU Member States agreed to invoke Article V of the NATO Washington Treaty. Following requests from the United States, NATO subsequently agreed to implement some specific measures in the campaign against terrorism. These measures included the deployment of elements of NATO's Standing Naval Forces to the Eastern Mediterranean (Operation Active Endeavour).⁴⁷ NATO has also been involved in Afghanistan but overall has struggled to find a role in tackling terrorism.

The EU is also making significant contributions to the maintenance of stability in a number of crisis or post-crisis areas. Most importantly through its contribution to NATO operations such as to ISAF in Afghanistan, where the EU works closely with the US. This is in addition to the support individual EU Member States give to the operation Enduring Freedom as well as to the operation in Iraq. Another important EU contribution is the creation of the African Peace Facility. Worth 250 million Euro, it will support the African Union in its peacekeeping efforts and conflict prevention on the African continent.

The recent initiatives by the European Union to further develop the contribution of ESDP to the fight against terrorism prove Europe's commitment to pursuing anti-terrorist goals through a wide variety of available means and policies.

4. The dangers of WMD proliferation

The danger of the proliferation of Weapons of Mass Destruction (WMD) and the spread of knowledge on using and building lethal weapons poses a particular challenge. The risk of WMD falling into the hands of terrorists adds a new dimension to the threat of international terrorism. The European Security Strategy (ESS) as well as the recent report on global security by the high-level UN panel identifies WMD and terrorism as two of the most serious threats facing the world. However, with regard to nuclear weapons, the debate on how to limit their supply through the non-proliferation regime should not overshadow the importance of limiting demand. However, discouraging demand is difficult when some of the big countries fail to live up to their own obligations on nuclear disarmament. The US has openly discussed and started to develop a new generation of nuclear weapons, the so-called 'bunker-busting nukes.'

Europe has developed its own Strategy against the Proliferation of Weapons of Mass Destruction, which the European Council adopted in December 2003. Initiatives suggested in the report included the reinforcement of the role of the UN, pursuing universalisation of multilateral agreements, improving community cooperation programmes with third countries based on aid for disarmament and adoption of measures to prevent civilian programmes being used for military ends, among others. Furthermore, all EU Member States implemented the additional protocol to the Non-Proliferation Treaty and are working on improving export controls to prevent proliferation of NBC material and conventional weapons. Non-proliferation is also a key concern in relations with third countries and the EU is seeking to insert a non-proliferation clause into external agreements. Europe works closely with Russia to dispose of ex-weapons plutonium and to destroy chemical weapons and is working to improve the control of high activity radioactive sources, in the EU and in third countries. Europe has also stepped up financial support for the International Atomic Energy Agency (IAEA). Europe and the United States should also work together to ensure implementation of the Security Council Resolution on Weapons of Mass Destruction as well as a successful outcome of the NPT 2005 review conference. More should also be done to protect nuclear power plants and industrial sites.

Despite the existing non-proliferation treaties there is concern that terrorists could acquire nuclear, biological or chemical materials, as new technologies and the ever-expanding flow of information increases the

danger of information and materials falling into the wrong hands. The IAEA warns that more than 100 countries have inadequate control of radioactive material. There are several countries, which could be a potential source for such materials. Russia, for example has a large stockpile of nuclear weapons, which is poorly guarded. There was great concern when news broke that the Pakistani scientist Abdul Qadees Khan had sold information on WMDs. Furthermore, in 2001 two Pakistani scientists met with Bin Laden,⁴⁸ and North Korea has been involved in many illicit activities including selling arms to so called “rogue” nations. It is possible that Al-Qaeda may seek to use chemical, biological or radiological material against the West. Osama Bin Laden has alluded to such devices on several occasions.⁴⁹ However, attempts by Islamic militants to acquire a basic chemical or biological arsenal have been largely unsuccessful due to the difficulty of creating and especially of weaponising such materials.⁵⁰ While it is difficult to acquire sophisticated nuclear devices, the danger of terrorists building a “dirty bomb” (mixing traditional explosives with nuclear material) creates a more realistic threat. Matthew Bunn of Harvard University estimated that if terrorists succeeded in putting together a crude nuclear bomb and set it off in Grand Central Station in New York on a typical work afternoon, half a million people would be dead within days and all of Manhattan would have to be evacuated.⁵¹ Such an attack would have a massive psychological impact. According to an article by the Washington Post, nuclear scientists tend to believe the most plausible route for terrorists would be to build a crude device using stolen uranium from the former Soviet Union. Counter terrorism officials think Bin Laden would prefer to buy a ready-made weapon stolen in Russia or Pakistan, and to obtain inside help in detonating it.⁵² That said, it should be noted that in order to cause large-scale damage, terrorists not only need the material but also considerable technical sophistication to develop adequate delivery systems.

While the threat of a nuclear attack should not be exaggerated, Europe needs to be prepared to deal with the immediate consequences, should an attack using nuclear, chemical or biological materials take place. The UK, for example staged a major exercise simulating a chemical attack on the London Underground last year. All Member States need to have adequate emergency measures in place as well as plans for a coordinated responses should more than one Member State be affected.

International initiatives to prevent bio terrorism are taken within the G8 industrialised nations, the World Health Organisation (WHO), and the European Union, which has a new strategy against WMD. At the European

Union level, the Rapid Alert System for biological and chemical attacks and threats was set up to allow prompt notification and transmission of alerts and consultation between the Member States and the Commission on counter-measures.⁵³ Non-proliferation and methods for interdiction are currently the focus of several international security initiatives. Interdicting biological weapons acquisition and development and deterring proliferation are basic principles reflected in the Proliferation Security Initiative. The principal purpose of the Proliferation Security Initiative (PSI) fully complements the objectives set out in Europe's own strategy against the proliferation of WMD.⁵⁴

At the Istanbul summit on 29 June 2004, NATO singled out the fight against the proliferation of Weapons of Mass Destruction as one of its primary goals. The Declaration states that a greater ability to respond rapidly to national requests for assistance in protecting against terrorist attacks will be provided, including attacks involving chemical, biological, radiological and nuclear (CBRN) weapons. Within this context support for the NATO Multinational CBRN Defence Battalion will be continued. The CBRN battalion, which is led by the Czech Republic and headquartered in Liberec, is designed to respond and defend against the use of weapons of mass destruction both inside and beyond NATO's area of responsibility.

Europe has to do everything to prevent WMD proliferation and to put in place crisis management systems should an attack using chemical, biological or nuclear weapons occur. The Sarin nerve gas attack on the Tokyo subway in 1995 by members of Aum Shinrikyo, which killed 12 people and injured thousands, was thus far the only recorded use of chemical weapons by terrorists. The anthrax letter attacks in the United States in the weeks after 9/11 were the first deadly use of biological weapons by terrorists. Recent findings of nuclear and chemical materials during raids in the UK have shown that terrorists are seeking to use WMD. On the other hand, the attacks in Madrid, Beslan, but also in Saudi Arabia and Bali have demonstrated that conventional explosives and guns remain the weapon of choice for terrorists as they are easier, cheaper and safer to acquire and use.

5. The Multilateral Framework

Europe's efforts in combating terrorism must also build on and strengthen the work of the United Nations and other international organisations. While cooperation to fight terrorism is, for the most part, a matter of law enforcement and intelligence services working together, international organisations do play an important role in supporting national and regional efforts. Over the last few years the UN has suffered and its role is likely to remain somewhat limited as a result of disagreements between the permanent members of the Security Council over Iraq. The United Nations High-level Panel on Threats, Challenges, and Change officially released its report on UN reform on December 2, 2004. The report is a comprehensive assessment of the threats faced by all nations and offers recommendations on how the United Nations system should be reformed. It consists of more than 200 recommendations aimed at strengthening collective security by enabling the UN to respond better to threats. The report urges the United Nations to forge a strategy of counter terrorism that is respectful of human rights and the rule of law. It also provides a clear definition of terrorism, arguing that it can never be justified, and calls on the General Assembly of the UN to overcome its divisions and finally conclude a comprehensive convention on terrorism.⁵⁵ It remains to be seen whether this definition will find agreement in the UN. The report emphasises the need for a comprehensive strategy simultaneously addressing root causes and political grievances.

On September 28, 2001 the UN Security Council passed Resolution 1373 in response to the 9/11 attacks. The resolution called upon Member States to "become parties as soon as possible to the relevant international conventions and protocols" and "to increase cooperation." Resolution 1373 also established the Counter-Terrorism Committee (CTC), which is made up of all 15 members of the Security Council. The CTC monitors the implementation of resolution 1373 by all States and tries to increase the capability of states to fight terrorism. CTC has become the United Nations' leading body to promote collective action against international terrorism.

The CTC, however does not have authority to impose sanctions, which gives it limited implementation powers. United Nations Member States have also been slow to follow up their initial reports on their countries counter terrorism efforts. Many governments simply lack the resources to respond appropriately to CTC's inquiries. Some developing countries cannot afford to use their resources to write reports for the CTC instead of taking action to address more

pressing issues such as AIDS etc. The EU should be actively involved in providing technical assistance to third countries that lack the resources to implement resolutions concerning terrorism. Several human rights NGO's have also voiced criticism that governments are using the compliance with UN resolution related to terrorism to deny civil rights to their citizens.

In the context of the UN's efforts to prevent and combat terrorism, the United Nations Office on Drugs and Crime (UNODC) has established an expanded programme of work for technical assistance to counter terrorism. UNODC's operational activities focus on strengthening the legal regime against terrorism. This involves providing legislative assistance to countries, which enables them to become parties to, and implement, the universal anti-terrorism conventions and protocols. Other UN agencies involved in the safeguarding against terrorism are the International Atomic Energy Agency (IAEA), the International Civil Aviation Organisation (ICAO), the International Maritime organisation (IMO), and the Department for Disarmament Affairs (DDA).

The Organisation for Security Cooperation in Europe (OSCE) offers a further international platform to support the fight against terrorism. In 2001, the OSCE participating states pledged their commitment to combating terrorism in the Bucharest Plan of Action. As part of this plan the Action against Terrorism Unit (ATU) was created in December 2001. The unit coordinates assistance to participating states in implementing the 12 International Conventions and Protocols related to the fight against terrorism. It also helps states with drafting legislation and with monitoring the impact of anti-terrorism measures on human rights.⁵⁶

The G8 countries (Canada, the United States, Britain, Germany, France, Italy, Japan, and Russia) have long made counter terrorism an agenda item at their summits. They have given priority to the global implementation of Resolution 1373 and are providing technical and legal assistance to third countries for training and capacity building in the areas covered by resolution 1373. The G7 Finance Ministers have also advanced efforts to combat the financing of terrorism. All members have the legal capabilities to freeze terrorist assets and have worked together to improve the coordination of sanctions against such assets. They are also sharing information to identify potential links between terrorist groups and other criminal activities.

Furthermore, EU police and security agencies take part in international external fora such as the G8, ILETS (International Law Enforcement Telecommunications Seminar), and the Warsaw Conference on combating terrorism. Several important global plans started out in these fora, for example, the surveillance of telecommunications, data retention and the introduction of APIS (Airline Passenger Information System). The US and the UK are leading players at this level partly due to their longstanding cooperation on intelligence-gathering (e.g.: ECHELON) and the so-called 'Atlantic Alliance.'⁵⁷ With regard to ECHELON, a report issued by the European Parliament in June 2001 found that the spy network, run by the US in co-operation with Britain, Canada, Australia and New Zealand, does exist despite continued US denial. It furthermore stated that its primary purpose is to intercept private and commercial communications, not military intelligence.⁵⁸ Echelon's operations are based at Fort Meade in Maryland and at Britain's GCHQ centre in Cheltenham.

Overall, the European Union and its Member States place high priority on supporting the United Nations and on the ratification of the UNSC resolutions and UN Convention related to terrorism. However, more could be done in assisting third countries that lack the capabilities to implement UN anti-terrorism instruments. One must not forget that the United Nations' work can only be the sum of its members' support.

6. Terrorism and the global marketplace

Technological advances and modern communication, especially the increasingly sophisticated use of the Internet, gives terrorists the ability to work in a more coordinated way. Furthermore, with the growth of international trade, expansion of the global financial system, and the increasing internationalisation of organised crime it is more difficult to track terrorists resources and assets.

Measures against the financing of terrorism

Cutting off money to terrorists is one of the priorities in Europe's longer-term strategy against terrorism. On the basis of proposals by the Commission and the High Representative a new comprehensive strategy against the financing of terrorism has been drafted. Political agreement has been reached on a Commission proposal for a regulation on controls of cash entering of leaving the Community and on the third Money Laundering Directive. The Dutch EU Presidency has also presented an EU Best Practice paper on effective implementation of restrictive measures targeting terrorist persons, groups and entities. A specific intelligence capacity in relating to terrorist financing has also been established within SitCen in order to inform the work of relevant bodies.

Also, all EU governments must ratify the United Nations' Convention for the Suppression on the Financing of Terrorism. The Convention was agreed in 1999 and obliges states to investigate the raising of funds for terrorists and to freeze assets of terrorist organisations. Two Member States have yet to ratify the Convention. In addition to existing UN sanctions against the Taliban, the Council adopted on 27 December 2001 a regulation in respect of the freezing of funds and a prohibition to provide funds, assets, economic resources or financial services to terrorists (individuals, groups or entities) who prove to have links to terrorist organizations. Since 11 September, over 100 million Euro in assets belonging to persons and entities sponsoring terrorist acts have been frozen throughout the EU. The EU has also established a list of persons, groups and other entities involved in terrorist activities to serve as the legal basis for the Europe-wide coordinated freezing of assets. This also helps to enhance closer cooperation of police and judicial authorities. However, there appears to be some controversy with regard to the decision making process on who should be on this list as well as ways to be taken off the list if accused wrongly. Also, in many cases the information of people on the list is rather vague, not including dates of birth, full names or country of origin, which causes difficulties for agencies and organizations in charge of identifying suspects.

Money laundering

Within this context, money laundering poses a further challenge. The EU's money laundering directive was updated to extend the obligations to notify suspicious transactions to certain non-financial professions and sectors and widens the definition of laundering to the proceeds of all serious crime (including terrorism). The new rules will cover professions not covered by US anti-money laundering legislation, such as accountants, auditors and lawyers.⁵⁹

Furthermore, the EU Commission and the Member States play an active role in the work of the Financial Action Task Force, the leading international body in the fight against money laundering and the financing of terrorism. The Financial Action Task Force (FATF) is the organization with primary responsibility for developing a world-wide anti-money laundering framework, in close cooperation with relevant international organizations. The FATF was established by the 1989 G7 Summit in Paris, to develop a coordinated international response to mounting concern over money laundering. The 40 FATF recommendations to fight money laundering and the nine special FATF recommendations to fight the financing of terrorism are today considered an internationally recognised standard. All European Member States will have to implement the FATF special recommendations by July 2005. After September 11 the FATF expanded its mission beyond money laundering and agreed to focus its expertise on the worldwide effort to combat terrorist financing. However, coordination in this field is likely to be hindered because not all new Member States have a seat on the FATF, and because of political decisions will not be able to obtain membership for the next eight years.⁶⁰

However, anti-money laundering rules might not be effective in countering all ways of circumventing the system. For example the use of Hawala as a means of transacting money poses a particular challenge. Hawala is a traditional remittance system widely used in the Islamic world, which operates on trust and connections. A person can deposit cash with an agent and a recipient can pick up the equivalent sum, sometimes within minutes, from the agent's personal counterpart in another country. It is an ancient system and was the primary money transfer mechanism used in South Asia prior to the introduction of Western banking. While this method is legal, it is vulnerable to abuse by criminals and terrorists as it is difficult to trace transactions. So are other alternative money transfer systems, such as Western Union, for example.

Counterfeit goods

An area, which does not immediately come to mind when thinking of terrorism and the financing of terrorism, is that of counterfeiting goods. However, Interpol recently warned that terrorists are turning to the trade in counterfeit goods to finance their operations and that governments are not paying enough attention to this problem. Interpol emphasized that intellectual property crime is becoming the preferred method of funding for a number of terrorist groups. An Interpol document presented to the Congressional Committee indicated that a wide range of groups, including Al-Qaeda, Hizbullah, Chechen separatists, ethnic Albanian extremists in Kosovo, and paramilitaries in Northern Ireland, have been found to profit from the production or sale of counterfeit goods.⁶¹ Counterfeiting involves compact discs, clothes or cosmetics, but also fake medicines, baby food, auto parts and even aircraft parts. For example, Interpol established that the revenues of 1 million Euro worth of counterfeit brake pads and shock absorbers discovered in Lebanon in October 2004 had been earmarked for members of Hizbollah.⁶² Terrorists could increasingly consider counterfeiting as an attractive source of financing because it is considered to be a low-risk crime area.

Cyber-terrorism

As noted, terrorists increasingly use the Internet as a tool to command and control their operations. They also use it as a propaganda tool to deliver their messages and to publicise their attacks as well as to put pressure on governments. This has recently been the case with the hostage taking of British, American and Italian citizens, among others, in Iraq. With regard to cyber terrorism, a report prepared for the US Congress states that currently no evidence exists that terrorist organizations are actively planning to use computers as a means of attack, and there is disagreement among some observers about whether critical infrastructure computers offer an effective target for furthering terrorists' goals.⁶³ A worst-case scenario could probably be the targeting of power distribution, financial services, emergency call services and air-traffic control systems.

7. The American and European experience

Differing threat perceptions in the EU and the US: the impact of 9/11

The 9/11 attacks changed the US in a fundamental way. Americans experienced a real sense of their own vulnerability for the first time (with the exception of the Oklahoma bombing, but this came from the inside) since Pearl Harbour. There was an immediate and genuine outpouring of sympathy all over the world. In Europe this was symbolized by the famous *Le Monde* headline “We are all Americans Now.” There was the willingness to invoke article V of the NATO Treaty as well as to offer support towards defeating the Taliban regime in Afghanistan. However, 9/11 did not have the same impact on Europe, given its decades long experience with terrorism. Even the Madrid attacks, while leading to closer cooperation in the fight against terrorism, did not fundamentally alter the perception of Europeans. The terminology used to describe the response to the terrorist threat highlights the difference in approach by the EU and US – while the US speaks of a “war on terror,” Europeans see it merely as a “fight against terrorism.” Differences became even clearer when most European governments distanced themselves from other Bush rhetoric like the “axis of evil” speech, where the US President announced his pre-emptive strike doctrine, demanding allegiances by saying “you are either with us or against us.” However, the US decision to go to war against Iraq was the most damaging blow to transatlantic relations to date.

There are fundamental differences in the EU and US approaches towards terrorism, especially with regard to using military means. America clearly sees itself at war with terrorism. “By conceiving of the struggle against international terrorism as a war, loudly proclaiming it as such, and waging it as one, we have given our enemies the battle they aimed to provoke but could not get unless the United States gave it to them.”⁶⁴ Europe has been criticised by the US for being soft on terrorism. However, because of its experience with terrorism, Europe has had to take stringent action too. For example, when terrorists from the Algerian group, Armed Islamic Group, carried out bombings in Paris in 1995, France reacted by enacting a harsh anti-terrorism law and ordered several thousand soldiers into the streets.

A transatlantic survey conducted by the German Marshall Fund in September 2004 shows that while Americans and Europeans have similar threat perceptions, they differ markedly on how best to deal with these threats and under what aegis. There are substantial divisions on these issues

between the EU and the US, but so are the divisions within the United States. 71% of Europeans and 76% of Americans consider international terrorism one of the most important international threats. 54% of Americans agree that the best way to ensure peace is through military strength, compared with only 28% of Europeans.⁶⁵

Overall, the US has not paid enough attention to the causes of terrorism and the underlying political conflicts these are rooted in. Instead it relies too heavily on conventional military means, which often serve to provoke an even stronger terrorist reaction. Europeans tend to be more interested in long-term solutions and understanding roots of terrorism rather than just preventing the next attack. Mr de Vries recently said that the United States and Europe had cooperated very effectively in many ways, especially in criminal investigations, but that the United States had unnecessarily alienated many of its allies by relying too heavily on a military response and had consistently undervalued the political dimension.⁶⁶ However, one must acknowledge renewed US efforts at understanding root causes of terrorism. The government has, for example, recently allocated \$12 million in research funds to a US university to explore behavioural causes of terrorism.

Despite all differences, the EU and US continue to cooperate closely in many areas. As terrorism has turned into a global phenomenon it is crucial that the EU and the US work together to understand each other's policies and to develop a multifaceted response that reflects the dimension of the threat.

Working together: the transatlantic dimension

Despite these differences, the EU places high importance to cooperation with the United States. Several measures to improve cooperation in fighting terrorism between the US and the EU have been taken and commitments to further enhance cooperation have been confirmed with the EU-US declaration on Combating Terrorism signed at Dromoland castle on 26 June, 2004. They cover a wide range of areas, in particular intelligence, law enforcement, judicial cooperation, the prevention of access by terrorists to financial resources and transport security. An informal EU-US Troika meeting on terrorist financing took place in September 2004.

At a separate Ministerial Troika meeting on 18 September 2004, the US Secretary of State for Homeland Security, Tom Ridge, announced that a high-ranking official from the US Department of Homeland Security would be

posted to the United States Mission to the EU. He will take up his post by April one at the latest. He will have special responsibility for anti-terrorism cooperation for borders and transport safety and is expected to work closely with Gijs de Vries. A high-ranking official from the department of justice and an attaché for customs affairs is already placed at the US Mission.⁶⁷ Following a meeting with Ministers of Justice and Home Affairs, US attorney General John Ashcroft announced on 30 September 2004 that to enhance cooperation with Europol, a US liaison officer will be reappointed to the Europol offices in The Hague.⁶⁸ An officer had been appointed shortly after 9/11 but was recalled soon after, apparently because not enough information was exchanged. In addition to the FBI representative to Europol there will also be a person from the secret services sent by the US. It is important that all Member States ratify the Europol convention, in order to allow third countries to take part in the work of analysis.

Plans for the EU and the US to hold an annual summit on Justice and Home Affairs issues at the ministerial level were also announced as well as the creation of a High Level Policy Dialogue on Border and Transport Security. The Container Security Initiative (CSI) was launched by US Customs to help prevent containerised cargo from being exploited by terrorists. On 22 April 2004, an agreement with the United States on container security within the scope of the existing EU/US customs co-operation agreement was signed. The agreement improves security on a reciprocal basis for both the EU and the US.

On 26 April 2002, European Union justice ministers met in Luxembourg to discuss EU-US relations in the fight against cross-border organized crime and terrorism. Acting on a promise made after 11 September, ministers agreed to begin negotiations with the United States for closer co-operation on extradition and mutual legal assistance (MLAT). On 25 June 2003, the mutual legal assistance and extradition agreements were signed. Both agreements give important new tools to combating terrorism and fight transnational crime. The extradition agreement will, among others reduce the delays in the handling of requests, improve channels of transmission for extradition requests, in particular in urgent cases concerning provisional arrest, and facilitates direct contacts between central authorities and allows Member States to make extradition contingent upon the condition that the death penalty will not be imposed. The mutual legal assistance will give US law enforcement authorities access to bank accounts throughout the EU (and vice versa) in the context of investigations into serious crimes, including terrorism, improve practical co-operation by reducing delays in

mutual legal assistance and also allows for the creation of Joint Investigative Teams and the possibility of videoconferencing. However, to move these treaties forward, a number of bilateral instruments have to be signed. These instruments bring the bilateral relationships into conformity with the EU-US MLAT treaties. On 16 December, the United States signed agreements with Sweden, Finland and Belgium. Talks regarding accords between the US and the tennew Member States are expected to begin in the first quarter of 2005.

The issue of data protection remains a difficult area. Both sides stress that they want to balance anti-terrorism measures with the protection of individual rights. An agreement on storing passenger data was concluded between the EU and the US on 28 May 2004, which will make the transfer of air passenger data to the US under certain conditions possible. Despite the inclusion at the Commission's insistence of privacy regulations, the European Parliament, who is strongly against the adopted version of the agreement, took the matter to the European Court of Justice. However, a decision by the European Court of Justice may take several years. A future point of friction is likely to be the US-Visit Programme. As of the end of September 2004 all European citizens wishing to travel to the US will have their biometric data recorded (digital finger prints and photograph) upon arrival in the country. The information will be stored indefinitely and will also be available to the FBI.

The transatlantic relationship has gone from that of unconditional European support for the US culminating in the famous *Le Monde* headline "We are all Americans now," to American officials referring to the French as "cheese eating surrender monkeys," as a reaction to France's refusal to support military action in Iraq. Now, with the reconstruction of Iraq undermined by growing instability in the entire region, the tide is again turning in favour of stronger transatlantic ties: Americans are realizing that they cannot tackle global challenges alone and Europeans increasingly want to play a larger role on the global stage.

8. Keeping a balance: fighting terrorism while preserving civil liberties

There is also a dark side to the fight against terrorism. The war in Iraq, which was launched without United Nations Security Council approval and was called “illegal” by Secretary General Kofi Annan, the Abu Ghraib scandal, which exposed the appalling use of torture by American forces and Guantanamo Bay, where prisoners are held under inhumane conditions without rights to legal assistance or a fair trial– are only a few of the most significant violations of international law and human rights of recent times. Striking a fair balance between fighting terrorism and protecting human rights can be difficult and even advanced democracies have difficulties with finding appropriate responses to the new security environment. Policy-makers must walk a narrow path in trying to ensure at once the security of their citizens against further terrorist activity, while guaranteeing the rights and liberties of their law-abiding population. As Kofi Annan stated at the Security Council on 6 March 2003: “our responses to terrorism, as well as our efforts to thwart it and prevent it, should uphold the human rights that terrorists aim to destroy. Respect for human rights, fundamental freedoms and the rule of law are essential tools in the effort to combat terrorism – not privileges to be sacrificed at a time of tension.”

Amnesty International recently called on the EU to set minimum standards for the admissibility of evidence obtained through ill-treatment or torture, as one of the important steps needed to improve protection of human rights and enhance the mutual trust needed for mutual recognition. They also expressed concern that increasing European police cooperation is leading to questions about police performance in EU Member States and the effectiveness of institutions and instruments that direct and regulate European police cooperation. The organisation called on the EU to address sensitive issues including cross-border cooperation, and recommended that any EU Code of Police Ethics be made legally binding,⁶⁹ which is however not likely to happen.

Amnesty International further states that the approach of certain Member States to the fight against terrorism undermines the EU’s commitment to protect human rights. It is particularly critical of Part IV of the Anti-Terrorism Crime and Security Act 2001 in the UK which required a derogation from Article 5 of the ECHR in order to detain foreign terrorist suspects indefinitely without trial. Amnesty International argues that is a matter which deserves the scrutiny of Member States who share a degree of collective responsibility

for the respect of human rights set down in Article 6 of the Treaty on European Union (TEU).⁷⁰ With regard to balancing regulations on countering the terrorist threat, the European Commission's independent experts (CFR-CDF) presented a paper on 31 March 2003 entitled "The Balance between Freedom and Security in the Response by the European Union and its Member States to the Terrorist Threats." In it experts warn that the position of the European Court of Justice is not strong enough to control the implementation of the European arrest warrant and that human rights standards under individual EU pillars have increasingly begun to differ.⁷¹

Furthermore, the UK Court of Appeal ruled in August 2004 that foreign terrorism suspects held without charge at Belmarsh Prison should not be released, despite the men claiming that their detention is based on evidence extracted during torture of Al-Qaeda suspects at Guantanamo Bay. However, the court said that as long as the UK neither supports nor participates in torture, ministers cannot ignore potentially vital evidence. The BBC quoted former Home Secretary David Blunkett saying "We unreservedly condemn the use of torture. However, it would be irresponsible not to take appropriate account of any information which could help protect national security and public safety."⁷² However the ruling essentially means that information extracted during torture is valid in UK courts. Also, stop-and-search activities under Britain's anti-terrorism laws directed at Asian citizens have increased by over 40%, but only a small fraction are subsequently charged with any related crime.⁷³

There are not only costs in terms of loss of human life, and weakening of civil liberties and human rights but also serious financial implications. So far, the war in Iraq has cost the US almost \$150 billion. In addition, according to a survey sponsored by eight business organizations, American businesses have lost \$30.7 billion in the last two years because of visa delays and denials for their foreign partners and employees.

9. Long term strategies: tackling root causes

Failed states, regional conflicts, bad governance and misguided integration policies are all factors that can breed discontent and lead to radicalisation. Poverty, the Middle East conflict as well as the war in Iraq are factors, which have contributed to strengthening the appeal of radical ideologies. In order to be effective in the long term, the Union must tackle the root causes of terrorism.

Poverty and Development policy

In order to tackle the root causes, including a reduction in the gap between rich and poor, the focus cannot just be on fighting terrorism. Many governments give financial priority to counter-terrorist measures, while simultaneously neglecting the equally important sector of development policy in achieving global stability. While there is no direct link between poverty and terrorism, there are ties to some areas such as education, which can be an important factor in radicalisation. In poor areas of some Islamic countries such as Pakistan and Indonesia, parents send their children to *madrasas*⁷⁴ as they are mostly free of charge. While most of these religious schools are harmless, some radical madrasas and Quranic schools indoctrinate children to hate the West and act as recruiting and indoctrination centres for jihadi terrorists. Efforts should be made to support and assist the reform of madrasas in these countries. However, in a surprise to the Bush Administration, Pakistan has most recently refused to accept financial and technical assistance offered by the US for reforming over 10,000 Islamic religious schools in the country.

Developed countries spent \$900 billion on defence, but give only \$68 billion to developing countries, while investing \$340 billion in upholding agricultural subsidies that prevent products from developing countries from entering Western markets. These numbers speak for themselves.

Important work to address the underlying causes of terrorism is undertaken through the EU external assistance programmes. The EU is responsible for 55% of official development assistance globally, and some 66% of grant assistance. Gijs de Vries has remarked "development assistance has an impact on the environment within which terrorist groups flourish. It can erode the support base for terrorist networks and movements through its focus on poverty reduction, land reform, governance, the fight against corruption, post-conflict reconstruction and the promotion of participatory

development processes.”⁷⁵ In this context, part of foreign aid needs to be used to counter the flow of funds from radical Muslims NGOs, which are used by jihadist to increase their influence and spread extremist views and ideologies. While there is a general agreement on the need to reduce the influence of radical charitable organisations, finding effective ways to do so has proven far more difficult.

The Middle East conflict

Furthermore, Europe needs to think more systematically about its own strategic relationship to the Islamic Arab world. This is partially done through the European Neighbourhood Policy. The South and East Mediterranean and the Middle East are an area of essential importance to the European Union. The EU’s ‘proximity policy’ towards the Mediterranean region is governed by the global and comprehensive Euro-Mediterranean Partnership launched at the 1995 Barcelona Conference between the EU and its 12 Mediterranean partners. The main principles of the Barcelona Declaration are to establish a common Euro-Mediterranean area of peace and stability based on fundamental principles, including respect for human rights and democracy.

Moreover, the Middle East peace process is a political priority for Europe’s Common Foreign and Security Policy (CFSP). As a member of the ‘quartet,’ (US, Russia, EU, UN) Europe has been an active sponsor of the ‘road map’ and has allocated considerable resources to making Arab-Israeli peace a reality. However, few give the roadmap a chance for survival. The likelihood of some positive turn towards restarting the peace process will depend on post-Arafat Palestinian politics and on whether Prime Minister Ariel Sharon’s Gaza withdrawal plan is part of the roadmap and not, as Dov Weissglas, Prime Minister Sharon’s senior adviser said “the significance of the ‘disengagement’ plan is the freezing of the peace process.” The recent, peaceful and democratic election of Mahmoud Abbas as Palestinian leader gives rise to new hope toward the achievement of a lasting settlement.

The Middle East conflict is a main factor of radicalisation of politics in Muslim countries and, as mentioned before, has also impacted Muslim communities in Europe. The EU is the largest donor of non-military assistance to the region. Since the launch of the Middle East Peace Process in 1991, the EU has given the largest amount of economic aid to the Palestinian administration among the international players. Between November 2000 and December 2002 the EU granted nearly 250 million

Euro to keep the Palestinian administration alive and sustain its most basic of public services. In 2003, the Community provided a euro 132 million support package for Palestinian institutional reform in response to the deterioration of the economic and humanitarian situation.

However, Europe lacks the political clout to have a real impact on the peace process in the Middle East. Europe's failure to take a stronger stance on the Middle East is part of its weakness in forging an effective common foreign and security policy. High Representative Javier Solana's four-point plan might step up the EU's engagement in the region. Mr Solana's package of measures seeks to strengthen the Palestinian security forces, help reform of the Palestinian administration, supporting local elections in the West Bank and Gaza and better target EU economic aid.

Tackling root causes has various elements and the European Union has taken several initiatives to address factors which contribute to the support of terrorism. These initiatives include, among others, making better use of external assistance programs as well as the promotion of cooperation in good governance between Europe and the Arab world. In addition, a stronger effort to fulfil the Millennium Development Goals needs to be made and as Karin von Hippel writes, it is critical that the international community endeavours to resolve conflicts – such as the Arab-Israeli conflict – that are perceived as threatening Islam, hopefully before they are exacerbated by transnational terrorists. "Conflicts in Bosnia, Chechnya, Kashmir, and Iraq, among others have been intensified due to the participation of 'Muslim mercenaries,' many of whom have links to Al-Qaeda."⁷⁶

The EU has also taken new initiatives to understand and find ways of addressing radicalisation and the recruitment to terrorism. A cross-pillar report on the recruitment to terrorism and radicalisation has been completed and will serve as a basis to develop a longer-term strategy on the factors that contribute to the recruitment of terrorists over the next year. The EU is also working on investigating the links between extreme religious or political beliefs, as well as socio-economic factors and support for terrorism. The need to identify root causes in order to tackle them with adequate means is understandable. However, it is difficult to understand and to address the complexity of causes that turn privileged as well as underprivileged young Muslim men, both in the Arab world as well as in Europe, into radical terrorists.

10. Muslim minorities in Europe: growing Islamophobia and the fear of radicalisation

Terrorism and anti-terrorism policies effect not only public perceptions of Islam and Muslims in Europe but also have a direct impact on Europe's large Muslim minority groups. Without a proper understanding of this effect, Western policies may in fact increase the threats they seek to counter. Irrespective of socio-economic background – whether expatriate engineers studying in Germany or young second-generation Arab men living in the *banlieue's* of Paris – some find understanding in religious extremism and radicalism. As noted in the European Security Strategy, “the most recent wave of terrorism is global in scope and is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies.”

However, the overwhelming majority of the more than 12 million Muslims living in Europe are law-abiding citizens who despise such attacks and have already or are making efforts to integrate into their host countries' political and social life. They understand and practice their faith, Islam, for what it is – a religion of peace. Using Islam as a way to justify terrorism is an abuse of their faith.

At the same time, there is a growing distrust between Muslims and other communities and we have witnessed an increasing number of attacks on Muslims, or those perceived to be Muslims. Not only the horrendous attacks in Madrid, but also the aftermath of September 11th, have created an unfavourable climate for many Muslims in Europe and have led to misperceptions and stereotyping. The killing of the Dutch filmmaker Theo van Gogh on November 2, 2004 in apparent retaliation for a film that harshly criticized the treatment of Muslim women and employed some offensive language and imagery has had a great impact on the public perception of Islam and Muslims in Europe. Mr van Gogh's murder unleashed a wave of anger against Muslim communities and has led to several attacks on mosques and Islamic schools. It once again reinforced perceived linkages of Islam with terror and violence as well as the view of Islam as a problem for the West. As a result, distrust by non-Muslims has increased and an intense debate on the role of Muslims in European society has been triggered. These recent incidents have served as a wake-up call to all Europeans, proving that even for a European society, which prides itself on its tolerance of other beliefs and ethnic backgrounds, integration is a two-

way street and communication, dialogue and active understanding between the host society and immigrants must be enhanced. Both the host societies and the migrants need to actively and consistently engage in this process.

The effects of counter-terrorism measures on Muslim communities

Following the September 11 attacks, the European Centre on Racism and Xenophobia (EUMC) implemented a reporting system on potential anti-Islamic reactions in the then 15 EU Member States. The final report's findings show that Islamic communities have become targets of increased hostility since the attack on the World Trade Centre. Existing prejudices were exacerbated and fuelled acts of aggression and harassment in many European Member States.⁷⁷ In all countries a latent Islamophobia found expression in acts of physical and verbal abuse. Several country reports (Austria, Germany, The Netherlands, Portugal, Sweden) hinted at the fact that Muslims feel surrounded by suspicion and diffidence. Social frustration was fuelled by the headscarf debate in France and Germany and is intensifying the already existing sense of isolation among Muslims. Furthermore, as a result of increased attention by the media and the police, a general feeling of insecurity may be growing among minorities.⁷⁸

Recent UK Home Office figures revealed a 302% rise in the number of Asians who were stopped and searched by the police in 2002/2003. This has been seen as confirming the impression that since 9/11 Islamophobia has been institutionalised. These figures also showed that the police had an arrest rate of only 13% of those stopped and searched. Iqbal Sacranie, Secretary-General of the Muslim Council of Britain stated "just as an entire generation of young black people were alienated through Stop-and-Search practices, we are deeply worried that the same could now be occurring again, this time to young Muslim men."⁷⁹ In response, the Muslim Council of Britain launched a new Pocket Guide for British Muslims entitled 'Know Your Rights & Responsibilities' in September 2004. Half a million copies of the new Pocket Guide were distributed across Britain. The Guide contains information for Muslims about what to do in case of unwarranted arrests, detention at ports or house searches by the police. It also contains advice on how to help increase the educational achievement levels of Muslim children and urges British Muslims to participate in the mainstream political parties with a view to seeking the common good. The Pocket Guide also lists the police Anti-Terror Hotline number and describes the averting of possible terrorist attacks as "an Islamic imperative." This is just one of many examples of how to respond to these new challenges in a constructive and proactive way.

Over the last two years, much has been said about assuring Muslims that the fight against terrorism is not a war on Islam. Through certain media coverage, many Muslims find it almost impossible to free themselves from these preconceived linkages between Islam and radicalism. The media has an important role to play in how Islam is perceived. There should be greater interaction and cooperation between the media and Muslim organizations and the development of media awareness projects to monitor the its representation of Muslims and Islam.

The danger of radicalisation

Attacks in Casablanca, Riad and Istanbul have shown that Muslims themselves increasingly fall victim to Jihadist terrorism. The attacks in Casablanca were carried out in the name of religious purity, the attacks in Istanbul were partly anti-Semitic with the attack on synagogues and partly a reaction to the Iraq war with the attack on the British embassy, while that in Riad was politically motivated and aimed at American forces in Saudi Arabia. The reference to Islam was used in all of these attacks, but there is a clear variation in motives and driving forces.

One cannot emphasize enough that the large, overwhelming majority of Muslims in Europe are law-abiding citizens. At the same time the issues of radicalisation, especially in some of the large European Member states exists and needs to be addressed. In order to counter radicalisation, more needs to be done to understand the root causes that lead people to become radicals. Since 9/11 a re-polarization in terms of 'Islam versus the West' and a stronger emphasis on religious identity has been noted. The Salafist movement, which advocates a rigorous doctrine, has seen its influence grow among Muslim communities in Europe. According to Olivier Roy, research director at the Centre National de la Recherche Scientifique in Paris, the radicalisation of mosques is a result of the growing Salafist movement, which addresses young people who feel rejected by Western society. The number of radical mosques in France has increased significantly in the last year, according to a study by undercover police forces, which was reported in *Le Monde* in February 2004.⁸⁰ According to this study there are now 32 mosques (10 more than the prior year) largely under the control of Salafists.' It should, however be noted that Salafists are not necessarily supporters of violence but rather prefer to stay out of any political process. Salafists advocate a pure interpretation of the Koran and the word "Salafi" means fundamentalist in the sense of a close reference to the original texts of Islam. Salafi's are primarily a manifestation of religious fundamentalism, which does not necessarily make them a security issue.

It is important to make a distinction between fundamentalism and radicalisation. Fundamentalism can be problematic for the integration of Muslim communities because these often do not want to interact with other communities (for example the Salafist movements). Radicalisation is mainly a security problem and needs to be dealt with as such. For example, the Salafist Group for Call and Combat (GSPC) are a splinter faction of the Algerian based Armed Islamic Group (GIA). According to Italian investigators, the GSPC had taken over the GIA's external networks across Europe and North Africa by 2000 and were moving to establish an 'Islamic International' under the aegis of Osama Bin Laden – clearly a cause for concern for Western authorities. They aim to recruit new terrorists from the disenfranchised Algerian youth in Europe's cities, especially in France. Many of these new supporters were involved in petty crimes such as car theft, credit-card fraud, and document forgery in their host and home societies; and their earnings were now channelled to finance terrorist operations.⁸¹

Moreover, there appears to be a strong effort by sympathisers of the Muslim Brotherhood to dominate European Islam. Again, while this does not necessarily form a security threat, there are some 'violent' factions in the Muslim Brotherhood, such as Hamas and Jamaat Islamiya. The Saudi effort to spread Wahhabi extremist ideology throughout Europe's Muslim communities has also raised concern. Bernard Lewis has written on the role of the Saudi state and Wahhabism in fostering Islamic extremism around the world. He notes that "oil money has enabled them to spread this fanatical, destructive form of Islam all over the Muslim world and among Muslims in the West. Without oil and the creation of the Saudi Kingdom, Wahhabism would have remained a lunatic fringe in a marginal country." Wahhabism preaches hatred against Christians and Jews and is also the school that shaped Osama Bin Laden's beliefs.

Aside from these groups that seek to radicalise Muslims living in Europe, European converts to Islam have become a new group of intense concern for security services. This was highlighted following the arrest of Richard Reid, a British citizen who converted to Islam and was found guilty of attempting to blow up a flight from Paris to the United States in 2002. Gilles Kepel writes that there is an increasing number of young Europeans from working-class backgrounds converting to Islam. "Even if jihadist militants make up a tiny minority of this fresh group of enthusiasts, converts are of great concern to security services, because insurgents who choose not to display their faith overtly can easily elude authorities. For this reason, conversion is an intense focus of terrorist networks."⁸² However, European converts are often involved

in the integration of Islam into their host country. While they often are rigid and radical in their interpretation of their faith, it is difficult to judge whether this particular group form a larger security problem than others.

A further concern is that the countries of origin still seek to exert control over the major Muslim institutions in Europe, through e.g. the financing of major mosques. Countries like Saudi Arabia and Egypt regularly send delegations of Muslim scholars to Europe, which often practice a very traditional teaching that does not necessarily reflect the realities of life in European countries. There is great concern as to what messages religious leaders convey in European mosques, especially since September 11, when certain mosques were suspected of plotting terrorist activities. It should be noted, that the terrorist involved in the Madrid attacks were mostly 'home-grown' Islamist militants. Here, authorities proved a connection of these militants to mosques that advocate Wahhabi Islam. Most of these terrorists were Spanish residents, however, leading seemingly ordinary and even socially well-integrated lives. "Without undergoing indoctrination or brainwashing or deprivation in an Afghan training camp they suddenly became activists bent on waging a jihad of terror, assisted by a few experienced militants who blended into the multivariate Spanish social landscape."⁸³ On the other hand, religious figures in the countries of origin can also play a pacifying role and have a positive impact on mutual understanding. For instance, Grand Iman, Sheikh Tantawi of Al Azhar, argued that France was right to ban headscarves from public institutions, since it is not an Islamic country, and Muslims as foreign citizens should abide by these laws.

While, the influence and support of the countries of origin through Muslim institutions in Europe does not in itself constitute a security problem, it does raise problems for the 'integration' of Islam into Western Europe.

Possible steps forward

To counter possible radical influences within mosques, moderate European Muslim leaders and European governments should work on establishing programmes for the training of Imams within the host country to ensure that the Imam also understands the values and the culture of the country he will live and work in. For example, in the UK there are only about 30 Imams that have been educated in the UK and about 1000 that are brought from abroad, most of them do not speak the host country's language. They are often inadequately trained to deal with the cultural atmosphere of modern Western Europe or with the problems that can arise from interaction with

Western societies. One of the biggest problems is that mosques are often created by their local community with people collecting enough money to bring an Imam from their country or region of origin. This does not contribute to help young Muslims in finding a way of understanding and practicing their religion within a secular society. Imams could also play an important role by acting as bridge builders between different communities and helping to counter false prejudices. Efforts are made in some European Member States: the Netherlands have set up a government-sponsored programme, where Muslim clerics attend courses on Dutch values. These seminars are part of a government programme for newly arrived immigrants, which include special courses for religious leaders. Professional structures to organize the financing of mosques need to be established and governments could establish regulatory bodies to deal with these issues. In Spain, the government has taken several steps to tackle issues associated with the teaching and preaching of Islam. It plans to give financial aid to mosques to ensure that Islamic communities will not seek financial support from donors and governments abroad. The decision by the Spanish government to allow the teaching of Islamic subjects in Spanish schools for the first time is also significant in this regard. Furthermore, prisons in Europe have also been recruitment grounds for terrorists and more needs to be done to counter the influence of radicals in prisons.

Despite these measures, many immigrants in Europe still remain on the margins of society without ever being offered a real perspective to become a part of it. Europe must help immigrants to better integrate into European society and prevent the *banlieues* of Europe turning into recruiting grounds for terrorists. The Madrid bombings proved that Islam is no longer just a foreign policy issue but a domestic one. The anger and despair among Muslims in the Middle East and those who come as immigrants to Europe must be addressed. Education is of great importance, as is the access to jobs and greater social upward mobility. At the same time, there is no single recipe for countering radicalisation as jihadists find ways to penetrate all social classes. Terrorists come from all walks of life including seemingly well-integrated, highly-educated young men such as September 11 terrorist Mohammad Atta. They seem to find ever new recruiting tools, increasingly using the Internet, online chat rooms and the distribution of 'recruitment DVDs.'

Muslims and non-Muslims need to work together to prevent the perceived 'clash of civilisations' from becoming a reality. If this does not happen and there are more terrorist attacks in Europe, we might come to realize that the tolerance of our society is built on very thin ice.

Conclusion

Europe needs enhanced coordination in security cooperation as well as a longer-term strategy to tackle the root causes of terrorism. At the same time, it must underline its commitment to a holistic definition of security, to include measures aimed at countering terrorism while ensuring the overall respect of Europe's fundamental rights and civil liberties.

Member States must give priority to the practical implementation of the Council Framework Decision on combating terrorism and other anti-terrorism related legal provisions. Overall, border controls and document security, as well as measures against the financing of terrorism must be strengthened. The role of Europol and Eurojust also needs to be re-enforced. There has been much talk about Europol leading the fight against terrorism, but the organisation remains on the margins. Europol's operational role is very limited to, for example, supporting joint investigation teams.

As it stands now, several countries are dragging their feet in adopting agreed measures. While action at the European level needs to be enhanced, these efforts are only complimentary to measures taken within Member States, who have most of the instruments and competences to fight terrorism.

The military has a limited role to play in tackling the terrorist threat. Europe has already proven that it is willing to integrate the military dimension through its initiatives taken to further develop the contribution of the ESDP to the fight against terrorism. At the same time, thirty years of experience in Europe have shown that a response to terrorism must be a patient one employing various instruments.

A longer-term, internationalist approach needs to include an improved European strategy towards the Middle East in general and most importantly a renewed effort to resolve the desperate situation in Israel/Palestine. The EU must press the US to reengage in the peace process. International partners must work with Israeli and Palestinian authorities to ensure that the existing window of opportunity does not fall shut. No matter how damaged the process is, there is simply no realistic alternative to a negotiated settlement.

Closer to home, many European countries need to focus their efforts on improving their integration policies to create a greater understanding of the difficulties many immigrants face. Moderate Muslim leaders in Europe also need to send a strong and visible message against terrorism and clearly set Islam apart from any extremist movements.

While it is difficult to make predictions, the reality is that the kind of Al-Qaeda-inspired international terrorism the world is confronted with today is likely to stay with us for some years to come. There is neither a simple solution nor a single institution or country capable of winning this struggle alone.

Appendix I

Key documents on combating terrorism⁸⁵

1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision (OJ L 190 18.07.2002 p.1).
2. Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OJ L 162 , 20.06.2002 p1).
3. Council Recommendation of 8 May 2003 on a model agreement for setting up a joint investigation team (JIT) (OJ C 121 23.05.2003 p.1).
4. Council Decision 2002/996/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism (OJ L 349 p.1 : 24/12/2002).
5. Council Common Position of 27 May 2002 concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them and repealing Common Positions 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP (OJ L 139 , 29.5.2002, p.4).
6. Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344 , 28.12.2001, p. 93).
7. Council Common Position 2003/906/CFSP of 22 December 2003 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2003/651/CFSP.
8. Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.
9. Council Decision 2003/902/EC of 22 December 2003 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/646/EC.

General EU policy and legal documents:

1. COM/2004/409/final Report from the Commission based on Article 11 of the Council Framework Decision of 13 June 2002 on combating terrorism.
2. Report from Coreper to the Brussels European Council on the Implementation of the Declaration on Combating Terrorism, Council Document 10009/3/04, 11 June 2004.
3. European Council Declaration on Combating Terrorism, 25 March 2004.
4. COM/2004/429/final Communication from the Commission to the Council and the European Parliament towards enhancing access to information by law enforcement agencies, 16 June 2004.
5. 2003/577/JHA Council Framework Decision of 22 July 2003 on the execution in the EU of orders freezing property or evidence, OJ L 196.
6. COM/2004/116/final Proposal for a Council Regulation on standards for security features and biometrics in EU citizens' passports, 18 February 2004.
7. A secure Europe in a better world. European Security Strategy. Approved by the European Council held in Brussels on 12 December 2003 and written under the responsibility of the EU High Representative Javier Solana.
8. 13 June 2002 Council Framework Decision on combating terrorism, OJ L 164, 22 June 2002.
9. 13 June 2002 Council Framework Decision on the European Arrest Warrant and the surrender procedure between Member States, OJ L 190, 18 July 2002.
10. Conclusions and Plan of Action of the Extraordinary European Council meeting on 21 September 2001.
http://europa.eu.int/comm/justice_home/news/terrorism/documents/concl_council_21sep_en.pdf
11. Research for a secure Europe, Report of the Group of Personalities in the field of Security Research.
http://europa.eu.int/comm/research/security/pdf/gop_en.pdf

Europol

12. Convention establishing a European Police Office (Europol Convention), OJ C 316, 27 November 1995.
13. Council Decision of 3 December 1998 instructing Europol to deal with crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property, OJ C 26, 30 January 1999.

14. Com/2002/95 Communication from the Commission to the Council and the European Parliament, Democratic Control over Europol, Brussels, 26 February 2002.

Eurojust

15. Judicial Cooperation in the EU: the role of Eurojust, report by the UK House of Lords European Union Committee, 23rd Report of Session 2003-04, published 21 July 2004.
<http://www.parliament.the-stationery-office.co.uk/pa/ld200304/ldselect/lddeucom/138/138.pdf>
16. 2002/187/JHA Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, OJ L 63, 6 March 2002.
17. 2002/465/JHA Council Framework Decision of 13 June 2002 on joint investigation teams.
18. 2003/48/JHA Council Decision on the implementation of specific measures for police and judicial co-operation to combat terrorism, in accordance with Article 4 of Common Position 2001/931/CFSP, OJ L 16, 22 January 2003.
19. 98/428/JHA, joint action on the creation of a European Judicial Network.

Documents on EU-US relations

20. Commission decision of 14 May 2004 on the adequate protection of personal data contained in the Passenger Name Record of air passengers transferred to the United States' Bureau of Customs and Border Protection, OJ L 235, 6 July 2004.
21. EU-U.S. Declaration on combating Terrorism, Dromoland Castle, 26 June 2004. Council of the European Union, 10809/04.
22. Council Decision of 6 June 2003 concerning the signature between the EU and the USA on extradition and mutual legal assistance in criminal matters, OJ L181, 19 July 2003.

US documents

23. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. <http://thomas.loc.gov/cgi-bin/query/C?c107:./temp/~c107OISMbp>
24. Joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States. Public Law No: 107-140.

- <http://thomas.loc.gov/cgi-bin/query/D?c107:1:./temp/~c107fw9km:>
25. Patterns of Global Terrorism Report 2003, released April 2004 by the Secretary of State and the Coordinator for Counter-terrorism.
<http://www.state.gov/s/ct/rls/pgtrpt/2003/>
 26. White House progress report on Terrorism since 9-11 attacks. September 11, 2004.
<http://www.useu.be/Article.asp?ID=3D991CD3-B7B7-4100-BC3B-C114B4D71ECB>
 27. Final Report of the National Commission on Terrorist Attacks Upon the United States, THE 9/11 COMMISSION REPORT, Executive Summary.
<http://www.useu.be/Article.asp?ID=A118A179-D8EC-4BEA-99D1-6DD8D4807043>

Statewatch

28. Timetable of the EU Anti-Terrorist Declaration, updated on 31 December 2004.
<http://www.statewatch.org/news/2004/jun/timetable-may2004.pdf>
29. Statewatch "Scoreboard" on post-Madrid counter-terrorism plans.
<http://www.statewatch.org/news/2004/mar/swscoreboard.pdf>

Appendix II: Timetable on progress of anti-terrorism measures

The following is a timetable on the progress of new measures resulting from the 25 March 2004 EU Anti-Terrorist Declaration taken from Statewatch (www.statewatch.org), updated 31 December 2004.

May 2004

- adoption of Directive on compensation of crime victims before 1 May (*adopted by JHA Council on 29 April 2004*).
- adoption of customs strategy and work programme (*JHA Council took note of strategy and work programme, 30 March 2004*).
- adoption of borders agency Regulation (*JHA Council/Mixed Committee reached 'general approach,' 30 March 2004; adopted by JHA Council, 26 October 2004*).
- decisions taken on management, location and financing of SIS II (*agreed by JHA Council on 29 April 2004*).
- adoption of Europol/Eurojust agreement (*approved by JHA Council on 29 April 2004*).

June 2004

- Member States to implement six measures already due for implementation (Framework Decisions on terrorism, European arrest warrant, joint investigation teams and money laundering; Decisions on Eurojust and implementing Common Position on terrorism) (*One Member State has not yet implemented or reported parliamentary approval of implementation of the arrest warrant by end of December 2004 (Italy)*).
- finalise work on Framework Decisions on confiscation orders and attacks on information systems (*not adopted by end December 2004*).
- conclude work on proposed Framework Decision on execution of

confiscation orders (*general approach agreed by JHA Council, 29 April 2004; complete text agreed at JHA Council, 8 June 2004; not adopted by end December 2004*).

- Regulation and Decision on new functions for SIS II adopted and entry into force. (*Regulation adopted by JHA Council, 29 April 2004; Decision not yet adopted*).
- Solana reports to June summit on intelligence sharing.
- Commission to make proposal on a common approach to the collection and use of passenger data (*no proposal from Commission by end December 2004*).
- Commission to bring forward proposals to the June summit on exchange of personal information (DNA, fingerprints and visa data) for the purpose of combating terrorism, including provisions to enable national law enforcement agencies to have access to the EU systems (*Commission Communication on first issue, June 2004 (COM (2004) 429); no Communication on second issue yet*).

Sept. 2004

- Report on evaluation of first 15 Member States regarding terrorism.

Dec. 2004

- Member States to ratify 3 Protocols to Europol Convention, 2000 Convention on mutual assistance and its 2001 Protocol. (*None ratified by end December 2004*).

End 2004

- adoption of proposals on biometrics in visas and passports (*JHA Council agreed 'guidance' on passports proposal, 8 June 2004, adoption delayed due to technical difficulties, December 2004*).

Jan. 2005

- Borders Agency to be operational (*1 May start date*).

June 2005

- adoption of forthcoming proposals on retention of communications traffic data and exchange of information on terrorist convictions (*proposal on data retention made, 28 April 2004; discussions started, June 2004; questionnaire sent to Member States; June 2004 summit reaffirmed deadline on both proposals*).

End 2005

- take forward a Commission proposal on a system for the exchange of information on lost and stolen identity documents.

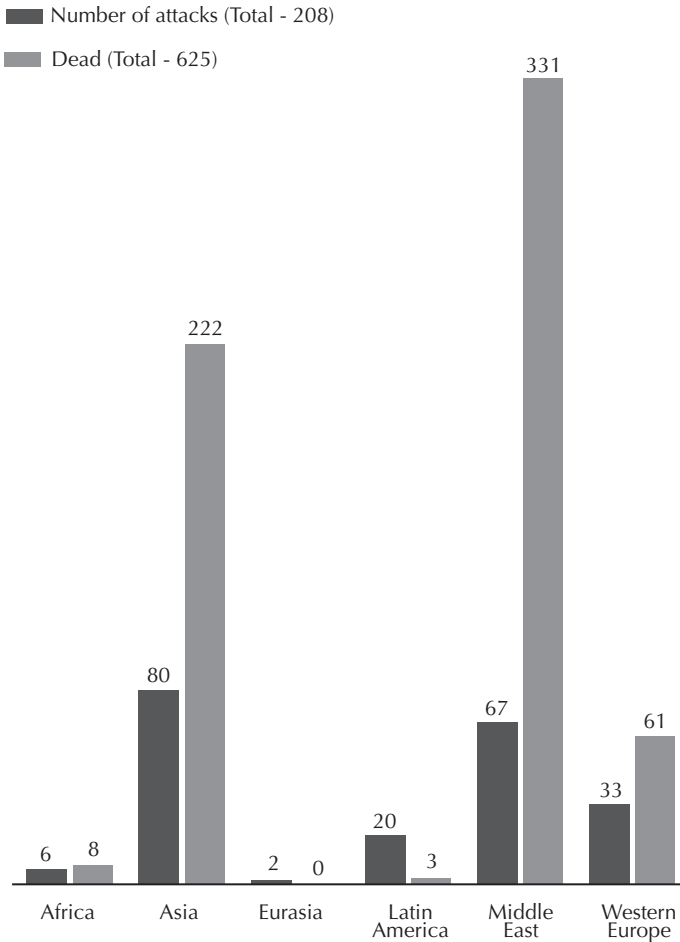
No date mentioned

- 'urgent': Commission allocation of funds for terrorist victims.
- 'early conclusion' of discussions on proposed Directive on passenger data (*JHA Council adopted Directive, 29 April 2004*).
- 'take forward' work on European Evidence Warrant (*discussion began in Council working group, 25 June 2004*).
- Council to create new committee structures on operational security cooperation.
- Commission to make proposal on safety of ports/harbours.
- consideration of criteria for refusing entry in Article 96 of Schengen Convention.
- Commission to submit proposals for inter-operability of databases.
- EU Police Chiefs to develop operational capacity and report on Madrid attacks.
- Council to examine issues of hot pursuit, database on convictions and disqualifications, database on forensic evidence, simplification of exchange of information and intelligence between law enforcement authorities (*European Council of June 2004 set deadline of Dec. 2005 to agree on proposal on exchange of information between law enforcement authorities - proposal made by Sweden, June 2004*).
- Commission to bring forward proposal on European witness protection programme.
- Commission and Council to 'take forward' work on Visa Information System (VIS) (*Decision establishing VIS adopted, June 2004; Commission proposal on functioning of system due in December 2004*).
- Council to examine scope for measures to control bombs, etc.

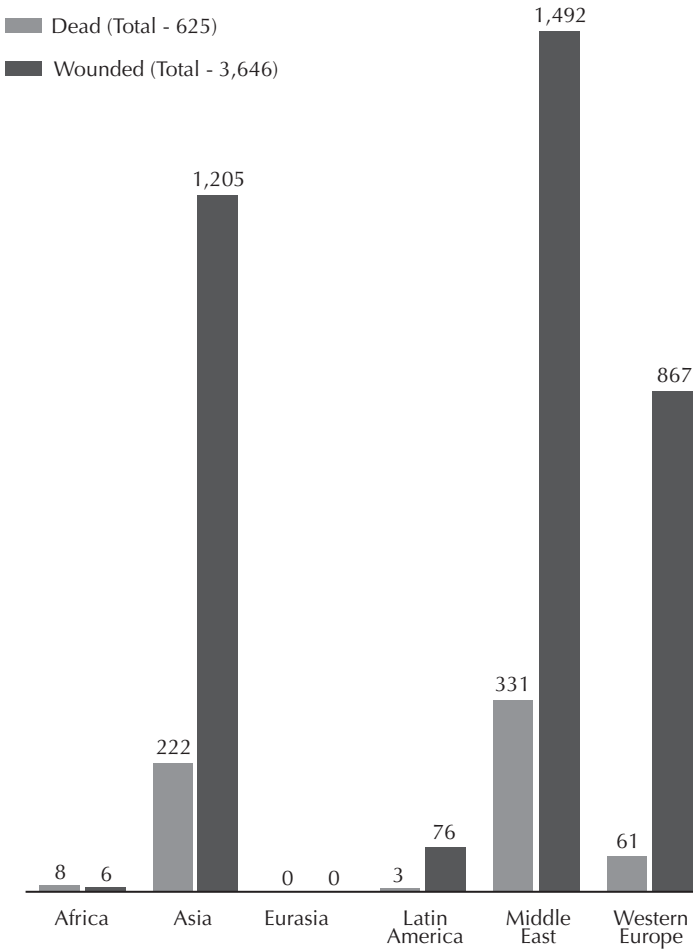
Appendix III: Graphs and Statistics

From the annual "Patterns of Global Terrorism" report, released April 2004 by the US Secretary of State.⁸⁶

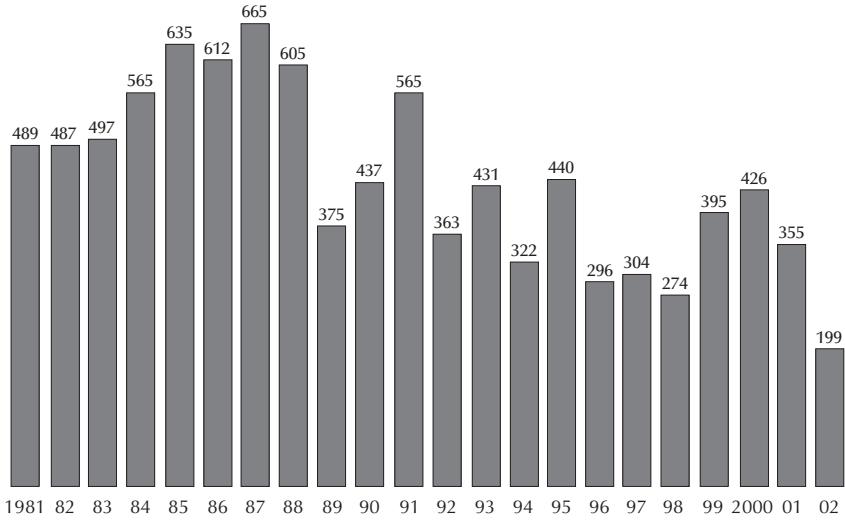
Total International Attacks, 2003 (Revised 6/22/04)



Total Casualties Caused by International Attacks, 2003



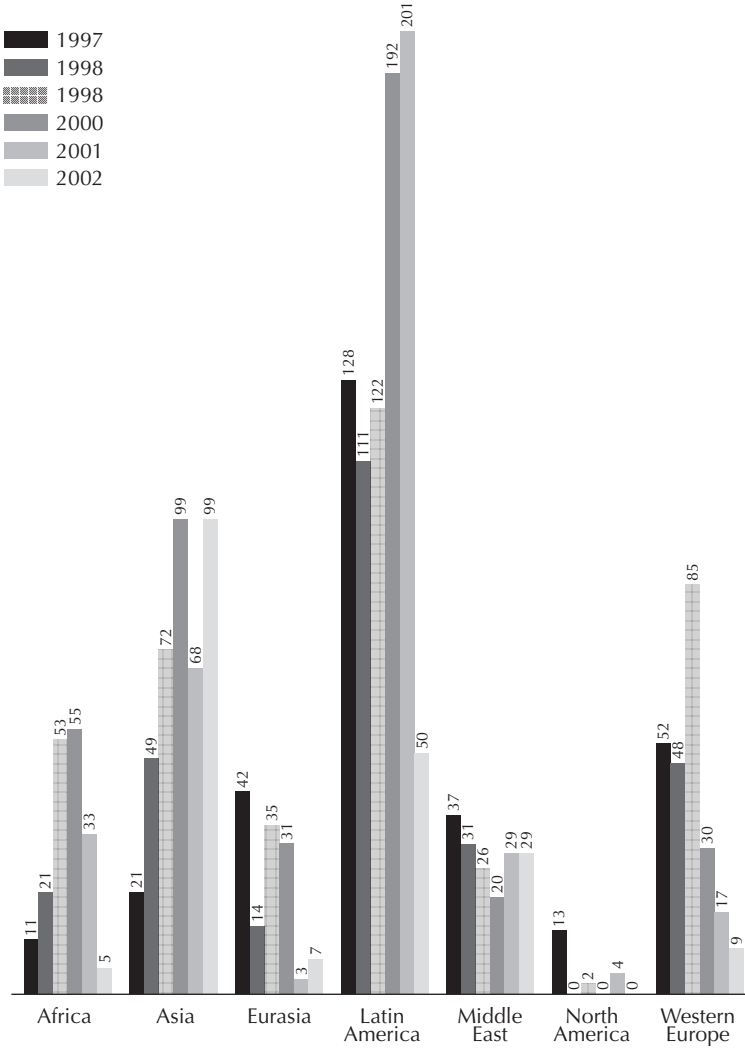
Total International Terrorist Attacks, 1981-2002



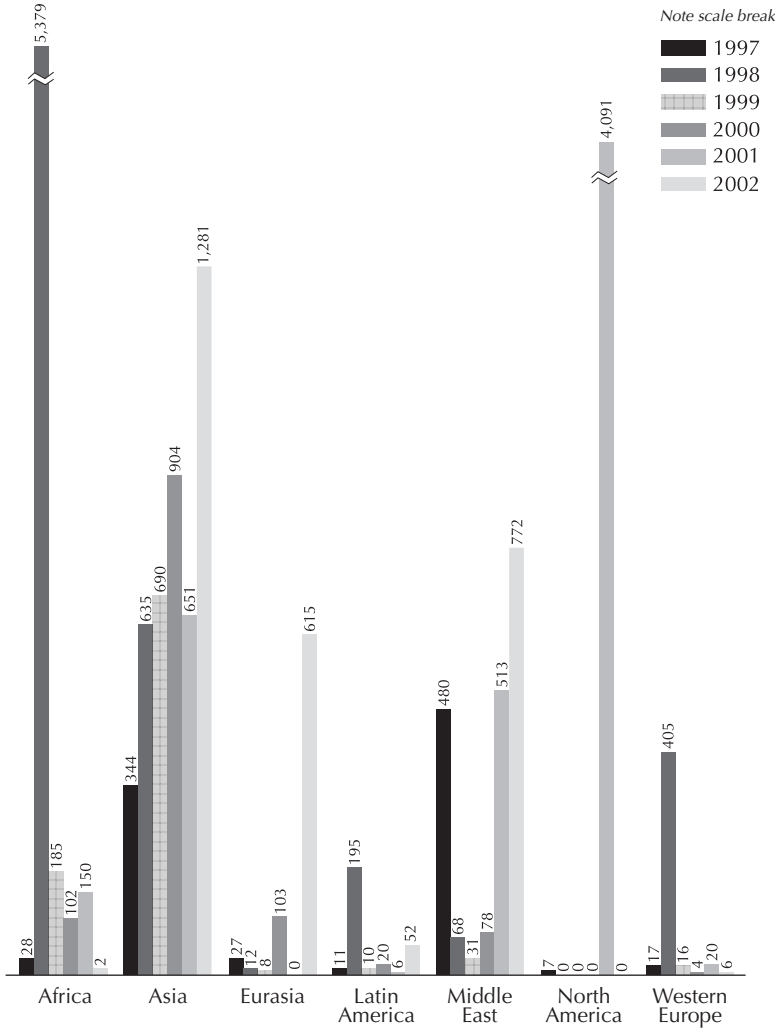
In past years, serious violence by Palestinians against other Palestinians in the occupied territories was included in the database of worldwide international terrorist incidents because Palestinians are considered stateless people. This resulted in such incidents being treated differently from intraethnic violence in other parts of the world. In 1989, as a result of further review of the nature of intra-Palestinian violence, such violence stopped being included in the US Government's statistical database on international terrorism. The figures shown above for the years 1984 through 1988 have been revised to exclude intra-Palestinian violence, thus making the database consistent.

Investigations into terrorist incidents sometimes yield evidence that necessitates a change in the information previously held true (such as whether the incident fits the definition of international terrorism, which group or state sponsor was responsible, or the number of victims killed or injured). As a result of these adjustments, the statistics given in this report may vary slightly from numbers cited in previous reports.

Total International Attacks by Region, 1997-2002



Total International Casualties by Region, 1997-2002



- ¹ Reuters, <http://research.lifeboat.com/spain.htm> 19 March 2004.
- ² Walter Lacquer, "The New terrorism: New Fanaticism and the arms of mass destruction," Oxford University Press, New York, 1999 in A brief history of terrorism, Centre for Defence Information, 2 July 2003.
- ³ Bruce Hoffman, Inside Terrorism, Columbia University Press, New York, 1988, p. 17 quoted in A brief history of terrorism, Centre for Defence Information, 2 July 2003.
- ⁴ Council on Foreign Relations, "Terrorism: Questions and Answers," http://www.cfr.org/reg_issues.php?id=13|||1 12 October 2004.
- ⁵ Council on Foreign Relations, "Terrorism: Questions and Answers," http://www.cfr.org/reg_issues.php?id=13|||1 12 October 2004.
- ⁶ Fred Halliday, "Terrorism in historical perspective," Open Democracy, 22 April 2004.
- ⁷ For more details on proposed definitions of Terrorism see: http://www.unodc.org/unodc/terrorism_definitions.html
- ⁸ Fred Halliday, "Terrorism in historical perspective," Open Democracy, 22 April 2004.
- ⁹ MI5 website: <http://www.mi5.gov.uk/output/Page23.html>
- ¹⁰ Denotation for the community of Muslims, that is, the totality of all Muslims, considered to extend from Mauritania to Pakistan. The term comes from a word that simply means 'people.' But in the Holy Koran, the word is used in several senses, but it always indicates a group of people that are a part of a divine plan and salvation.
- ¹¹ Jason Burke, Al-Qaeda, in *Foreign Policy*, May/June 2004.
- ¹² Fred Halliday, "Terrorism in historical perspective," Open Democracy, 22 April 2004.
- ¹³ "A secure Europe in a better world," European Security Strategy. Approved by the European Council held in Brussels on 12 December 2003 and written under the responsibility of the EU High Representative Javier Solana.
- ¹⁴ Speech by Gijs de Vries on 15 December 2004. <http://64.233.183.104/search?q=cache:Q4NAF-zr6-ol:www.netherlandsembassy.org/article.asp%3Farticleref%3DAR00001334EN+SitCen+terrorism&hl=en>
- ¹⁵ *Official Journal* C 12 15.1.2001, p. 10.
- ¹⁶ European Law Academy, http://www.era.int/www/gen/f_15267_file_en.pdf, 13 October 2004.
- ¹⁷ European Commission, <http://europa.eu.int/scadplus/leg/en/s22004.htm>
- ¹⁸ For the full report please see: <http://www.amnesty-eu.org/static/documents/AFSJ.rtf>
- ¹⁹ Joint Situation Centre, the centre for intelligence in the Council Secretariat, currently only analyses information with regard to threats outside the EU.
- ²⁰ European Council Declaration of 25 March 2004.
- ²¹ European Voice, 10-17 November 2004, p. 6.
- ²² "Open Letter to EU Heads of State and Government," Amnesty International, http://www.amnesty-eu.org/static/documents/Open_Letter_Hague_Programme.pdf 22 November 2004.
- ²³ The following information has been taken from press releases posted on the European Commission website: www.europa.eu.int.

- ²⁴ However, according to the European Voice, the European Commission has complained that the response from national governments in drafting contingency plans for coping with a major terrorist attack has been poor. Apparently only some of the Member States have so far reacted to a request for information on what capabilities could be drawn on.²⁴ Overall there are some serious delays in the implementation of new cooperation measures. On 10 June 2004, the Commission published a report examining the measures taken by the Member States to comply with the Framework Decision of June 2002 against terrorism. It emerged that several Member States have yet to adopt the European legislative measures. Either the measures were not adopted, or if they were, they are only being implemented slowly and/or are little used. Furthermore, the Commission is launching a call for proposals in order to finance projects in aid of victims of terrorism based on a budget line of the European Parliament.
- ²⁵ European Council: http://ue.eu.int/uedocs/cmsUpload/Brief_note_counter-terrorism16.12.04.pdf
- ²⁶ RAND Corporation, "Confronting the "Enemy Within" – Security Intelligence, the Police, and Counter terrorism in Four Democracies," by Peter Chalk and William Rosenau, 2004. http://www.rand.org/pubs/monographs/2004/RAND_MG100.pdf
- ²⁷ Ulrich Büchsenschütz, "The battle over post-9/11 German Intelligence," Ulrich Büchsenschütz, ISN Security Watch, 19 August 2004.
- ²⁸ European Council web site. http://ue.eu.int/uedocs/cmsUpload/Brief_note_counter-terrorism16.12.04.pdf
- ²⁹ For further information see: <http://www.statewatch.org/news/2004/jun/eu-plan-terr-options.pdf>
- ³⁰ Excerpt from the Const. Treaty (CIG 87/04): ARTICLE III-261.
- ³¹ The Hague programme, adopted by the European Council on 4/5 November 2004, http://europa.eu.int/comm/justice_home/news/information_dossiers/2005-2009/docs/presidency_conclusions_en.pdf
- ³² Summary of remarks by Javier Solana on terrorism and Intelligence Co-operation, Luxembourg, 8 June 2004, Justice and Home Affairs Council meeting, www.ue.eu.int/solana.
- ³³ Brussels European Council, Presidency Conclusions, 17-18 June 2004.
- ³⁴ Paul Gallagher, "Top EU police look at EU-wide terror alert system," Reuters, 24 June 2004.
- ³⁵ Björn Müller-Wille, "Implications of the new security challenges and enlargement for structuring European intelligence cooperation, as an important aspect of SSR," Consortium of Defense Academies and Security Studies Institutes, Berlin, 15-17 June 2003.
- ³⁶ The 'Club of Berne', founded in 1971, is a gathering of the Heads of EU Member States' security and intelligence services, plus Norway and Switzerland, who meet on a regular basis to discuss intelligence and security matters. It also agreed that the Counter Terrorist Group (CTG), which was founded in 2001 by the Club of Berne, should act as the interface between the EU and the Heads of security and intelligence services of the Member States.
- ³⁷ Convention establishing a European Police Office (Europol Convention), OJ C 316, 27 November 1995.
- ³⁸ These included the European Central Bank, European Monitoring Centre on Drug and Drug Addiction, Iceland, Interpol, Norway, United States of America, World Customs Organisation, Romania, Eurojust, Russia, and Colombia.

- ³⁹ http://europa.eu.int/comm/justice_home/news/terrorism/documents/concl_council_21sep_en.pdf
- ⁴⁰ For further information on AWF please see:
<http://www.statewatch.org/news/2004/apr/05europol-files.htm>.
- ⁴¹ For further information on Europol see
<http://www.europol.eu.int/index.asp?page=home&language=en>
on 20 September 2004.
- ⁴² http://64.233.161.104/search?q=cache:Glb3cDfZkaoJ:europaeuun.org/articles/fi/article_3286_fi.htm+Joint+Investigation+Teams+Council+Framework+Decision+20+June&hl=en
- ⁴³ *Bulletin Quotidien Europe*, No. 8788, 18 September 2004, p.8.
- ⁴⁴ Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime. http://www.eurojust.eu.int/pdfdec/1_06320020306en00010013.pdf
- ⁴⁵ For further information about Eurojust see: <http://www.eurojust.eu.int/index.htm>.
- ⁴⁶ The full report is available on-line at:
<http://www.publications.parliament.uk/pa/ld200304/ldselect/ldcom/138/13802.htm>
- ⁴⁷ For further details see: <http://www.afsouth.nato.int/operations/Endeavour/Endeavour.htm>
- ⁴⁸ CNN, "Nuclear Terror," 17 September 2004.
<http://edition.cnn.com/2004/WORLD/asiapcf/09/17/nuclear.terror/index.html>
- ⁴⁹ MI5 Security Service, <http://www.mi5.gov.uk/output/Page25.html>
- ⁵⁰ Jason Burke, Al-Qaeda, *Foreign Policy*, May/June 2004.
- ⁵¹ CNN, "Nuclear Terror," 17 September 2004.
<http://edition.cnn.com/2004/WORLD/asiapcf/09/17/nuclear.terror/index.html>
- ⁵² Dafna Linzer, "Nuclear Capabilities May Elude Terrorists, Experts Say." *Washington Post*, December 29, 2004.
- ⁵³ New Defence Agenda, "Brainstorming Meeting Report of the New Defence Agenda's Bioterrorism Reporting Group," 21 June 2004.
http://www.forum-europe.com/publication/SoD_Bio_21June04.pdf
- ⁵⁴ Council of the European Union, "Non-Proliferation Support of the Proliferation Security Initiative (PSI)," Brussels, 1 June 2004 10052/04 (Press 189).
- ⁵⁵ Report of the High-level Panel on Threats, Challenges and Change.
<http://www.un.org/secureworld/brochure.pdf>
- ⁵⁶ For further information see: <http://www.osce.org/atu/commitments/>
- ⁵⁷ Statewatch, The creation of an EU Interior Ministry – for the maintenance of law and order, internal security and external borders by Tony Bunyan, 20 April 2003.
<http://www.statewatch.org/news/2003/apr/TBART.pdf>.
- ⁵⁸ Report on the existence of a global system for the interception of private and commercial communications (ECHELON interception system) (2001/2098(INI)). 11 July 2001.
- ⁵⁹ http://europa-eu-un.org/articles/nl/article_1425_nl.htm
- ⁶⁰ Filip Jasinski, EU Counter-terrorist Policy after 11 March 2004, *Polish Quarterly of International Affairs*, Winter 2004.

- ⁶¹ Interpol Media release, 16 July 2003.
<http://216.239.39.104/search?q=cache:BfskeXRUGhEJ:www.interpol.int/Public/ICPO/Press+Releases/PR2003/PR200319.asp++counterfeiting+terrorism+Interpol&hl=en>
- ⁶² MSNBC News, 25 May 2004. <http://64.233.161.104/search?q=cache:lBxyr2h-DsJJ:www.msnbc.msn.com/id/5060178/++counterfeiting+terrorism+Interpol+Brussels&hl=en>
- ⁶³ Clay Wilson, "Computer Attack and Cyber Terrorism: Vulnerabilities and Policy Issues for Congress," <http://www.fas.org/irp/crs/RL32114.pdf> 17 October 2003.
- ⁶⁴ The War Bin Laden Wanted by Paul W. Schroeder. 25 October 2004.
http://www.truthout.org/docs_04/102604E.shtml
- ⁶⁵ Transatlantic Trends 2004, A project of the German Marshall Fund of the United States and The Compagnia Di San Paolo.
- ⁶⁶ Charles M. Sennott, "Europe's quieter fight against terror," *International Herald Tribune*, 27 September 2004.
- ⁶⁷ This was announced following a Troika meeting in The Hague on 18 September 2004 between the EU and the US on cooperation to combat terrorism. *Bulletin Quotidien Europe*, 22 September 2004.
- ⁶⁸ United States Mission to the European Union website :
<http://www.useu.be/Categories/Justice%20and%20Home%20Affairs/Sept3004AshcroftJHA+Council.html>
- ⁶⁹ <http://www.amnesty-eu.org/>
- ⁷⁰ <http://www.amnesty-eu.org/static/documents/AFSJ.rtf>
- ⁷¹ Filip Jasinski, "EU Counter-terrorist Policy after 11 March 2004," *The Polish Quarterly of International Affairs*, 2004.
- ⁷² Is torture OK for UK courts? BBC: <http://news.bbc.co.uk/1/hi/magazine/3563114.stm>, 17 August 2004.
- ⁷³ Stop and search is regulated by the Police and Criminal Evidence Act 1984 (Pace) and the Criminal Justice and Public Order Act 1994. A police officer must have either a reasonable suspicion or belief that an offence has already been committed in order to carry out a stop and search.⁷³ *International Herald Tribune*.
- ⁷⁴ Madrasas are religious Islamic schools. The word "madrassah" means "center of learning" in Arabic. Madrasas provide free religious education, boarding and lodging and are essentially schools for the poor. A madrasa student learns how to read, memorize and recite the Quran. Many of them are now supported by foreign donations from rich individuals and Islamic charities, mainly from Saudi Arabia and the Gulf States.
- ⁷⁵ Contribution by Gijs de Vries to the hearing by the Subcommittee on Europe of the Committee on International Relations. Washington DC, 15 September 2004.
- ⁷⁶ Karin von Hippel, "Five steps for beating terrorism," *Open Democracy*, 6 January 2005.
- ⁷⁷ Summary Report on Islamophobia in the EU after 11 September 2001 by Christopher Allen and Jorgen S. Nielsen, Vienna 2002.

- ⁷⁸ Anti-Islamic reactions in the EU after the terrorist acts against the USA. A collection of country reports from RAXEN, The European Monitoring Centre on Racism and Xenophobia, November 2001.
- ⁷⁹ Muslim Council of Britain, Press Release, "Police Using Stop & Search Practice Indiscriminately Against British Muslims," 2 July 2004.
- ⁸⁰ Les salafistes ont conquis de nouvelles mosquées en Ile-de-France, *Le Monde*, 22 February 2004.
- ⁸¹ Anthony Keats, In the Spotlight: The Salafist Group for Call and Combat (GSPC), Center for Defence Information, Terrorism Project, 14 January 2003
- ⁸² Gilles, Kepel, *The War for Muslim Minds, Islam and the West*, Belknap Press of Harvard University, 2004.
- ⁸³ Gilles, Kepel, *The War for Muslim Minds, Islam and the West*, Belknap Press of Harvard University, 2004.
- ⁸⁴ Fred Halliday, "Terrorism in Historical Perspective," in *Open Democracy*, 22 April 2004.
- ⁸⁵ Accessed at <http://ue.eu.int/showPage.asp?id=633&lang=en&mode=g>
- ⁸⁶ <http://www.state.gov/s/ct/rls/pgtrpt/2003/>

Mission Statement

The European Policy Centre (EPC) is an independent, not-for-profit think-tank, committed to making European integration work. The EPC works at the 'cutting edge' of European and global policy-making providing its members and the wider public with rapid, high-quality information and analysis on the EU and global policy agenda. It aims to promote a balanced dialogue between the different constituencies of its membership, spanning all aspects of economic and social life.



European Policy Centre

Résidence Palace
155 Rue de la Loi
1040 Brussels
Tel: 32 (0)2 231 03 40
Fax: 32 (0)2 231 07 04
Email: info@theepc.be
www.theepc.be