

EU and US Responses to Terrorism

This month's special issue examines the US and EU responses to terrorism.

Since the US, Madrid and London attacks, both sides of the Atlantic have put a great emphasis on countering terrorism. Both defend the same values of democracy, human rights and freedom. However, their approach toward the problem has differed in many respects, which has caused difficulties in the trans-Atlantic cooperation.

Both regions have a different history of terrorism. In Europe, terrorist attacks by local groups such as the Irish Republican Army (IRA), the Basque Euskadi Ta Askatasuna (ETA) or the German Red Army Fraction (RAF) pushed EU members to cooperate on counterterrorism issues as early as the 1970s. It was during this time that the TREVI-Group was created to foster informal cooperation between national police, intelligence and other relevant services.

The US experience of terrorism was more international, as few large-scale attacks had taken place on US soil until 2001. The country's anti-terrorism efforts have been largely linked to foreign policy, following events like the 1979 hostage crisis in Iran or the 1982 Pan Am flight bombing.

The impact of the recent al-Qaida actions has largely been a strengthening of existing instruments on both sides of the Atlantic. In the EU, counterterrorism has been an important part of the intergovernmental "third pillar" of the Union since the Maastricht Treaty. The decisions and implementation of several projects in police, judicial and intelligence cooperation have been speeded up since September 2001.

In the US, the Department of Homeland Security was created to supervise the fight against terrorism and to aid recovery and communication during natural disasters. The government also declared its "war on terror" in 2001, attacking state-sponsorship of terrorism through the overthrow of the Afghan and Iraqi regimes.

While the American government has developed a war strategy to counter terrorism, the EU ministers have treated the matter as a criminal issue, similarly to other forms of international organized crime. Terrorists in the US are considered unlawful combatants, whereas in the EU, they are treated as "mere" criminals. Do Americans come from Mars and Europeans from Venus, as Robert Kagan argued?

Both approaches have their flaws. In the US, the government has earned criticism for sacrificing civil liberties in the interest of security. Human rights were a major issue in the negotiation of the 2003 US-EU extradition and legal assistance treaties. The recent Holy Land Foundation mistrial is a half-victory for civil rights campaigners, but the foundation was effectively dissolved with the freezing of its assets in December 2001. Moreover, the Bush administration has arguably stretched

its international competences with the disputed intervention in Iraq, or scandals like the alleged secret detentions and unlawful inter-state transfers in Europe involving the CIA.

As for European authorities, they have been accused of not taking the international terrorist menace seriously enough. Counterterrorism efforts are concentrated in the police and judicial cooperation pillar and constitute only a small part of the second, common foreign policy pillar. Former counterterrorism coordinator De Vries seems to have raised his job profile a tad too high to the taste of EU Ministers, and the job description of the new Mr Terrorism, Gilles de Kerchove, has been adjusted to "limit political head-butting."

Many commentators agree that both actors can learn from each other. The US could learn from Europe's long experience in balancing civil liberties and security requirements, while the EU should recognize that counterterrorism is as much a foreign policy as a "domestic" issue.

Emilie Boillat
ISN Editor

1.1 INTERNATIONAL ORGANIZATIONS AND GOVERNMENTS

US Department of Homeland Security

This is the official website of the US Department of Homeland Security (DHS), which was established in 2002. It provides information and links to documents related to the activities of the DHS. These include information sharing and analysis, prevention and protection, preparedness and response, research, commerce and trade, travel security and procedures as well as immigration.

Fight Against Terrorism, by The Council of the European Union, Brussels, Belgium

This website provides information on the EU policies on the fight against terrorism. It provides documentation, legal texts and press releases on EU decisions, strategy and activities to counter terrorism. The website is available in a variety of European languages.

US National Strategy for Homeland Security

This 2007 strategy paper outlines the Bush administration's plan to secure the US from terrorist attacks, other man-made disasters as well as natural catastrophes. Building upon the 2002 strategy and incorporating lessons learned, it focuses on four goals, namely preventing and disrupting terrorist attacks; protecting the population, infrastructure, and key resources; response and recovery; and ensuring long-term success.

The European Union Counter-Terrorism Strategy

The 2005 EU counterterrorism strategy is structured around four pillars: prevent, protect, pursue and respond. It sets out objectives to prevent new recruits to terrorism; better protect potential targets; pursue and investigate members of existing networks and improve capability to respond to and manage the consequences of terrorist attacks.

Alleged Secret Detentions in Council of Europe Member States, by the Council of Europe, Brussels, Belgium

This website provides information, documents and media on the Council of Europe reaction to

allegations of secret detentions and unlawful state transfers in Europe led by the CIA. The Parliamentary Assembly of the Council launched an investigation in November 2005, which resulted in a report by Swiss Senator Dick Marty in June 2007.

1.2 RESEARCH AND ACADEMIA

Homeland Security - American and European Responses to September 11th, by the Danish Institute for International Studies (DIIS), Copenhagen

This chapter provides an assessment of European security, stressing the need for Europeans to take the challenge of homeland security seriously. The author explains how the US has taken the international lead in the area of domestic security, even though geography and demographics make Europe equally vulnerable to terrorism as the US. The author examines European efforts to combat international terrorism and compares the balance between external security and internal security in the context of "homeland defense."

Law vs. War: Competing Approaches to Fighting Terrorism, by the Strategic Studies Institute (SSI) of the US Army War College, Carlisle, US

This monograph consists of three papers addressing the US reaction to terrorism. The first paper discusses basic concepts of terrorism and outlines the diplomatic, legal and military consequences of definitions; it cautions us to remain aware that national perspectives on terrorism are products of particular cultures and histories. The second paper argues that the US reaction to terrorism is inadequate and outlines how US strategy compounds the problem. The third paper discusses Germany's recognition of the Islamic terrorist threat and its rejection of the metaphor of war in favor of its constitutional law framework, which provides the same civil liberty protections for all acts.

The "War on Terror": Do the Rules Need Changing?, by Chatham House, London, UK

This paper examines whether the term "war on terror" has legal significance. In particular, it asks what kind of law is applicable to the "war on terror," and how international law should deal with non-state actors such as al-Qaida or Hizbollah. Moreover, the paper discusses whether there might be a potential clash between human rights law and the law of armed conflict and whether existing rules are adequate to deal with the current situation. The author concludes that there needs to be international efforts to agree on the law applicable to the revised kind of conflict associated with a "war on terror."

US-EU Cooperation Against Terrorism, by the Congressional Research Service of the Library of Congress, Washington, DC, US

This report features a historical overview of EU efforts against terrorism within the context of EU-US counterterrorism cooperation. The report acknowledges a revival of the EU's momentum to improve law enforcement cooperation against terrorism in cooperation with the US. It concludes, however, that despite closer collaboration, the US and EU continue to face challenges as they seek to promote closer cooperation in police, judicial and border control fields.

NATO's Role in Confronting International Terrorism, by the Atlantic Council of the United States, Washington, DC

This study identifies those areas in which NATO might best contribute to the overall Western

response to terrorism, without supplanting or duplicating what is being done by other actors such as the EU, the Group of Eight (G-8) and the Organization for Security and Co-operation in Europe (OSCE). The authors conclude that NATO should play an important role in coordinating Western national responses in which military forces are likely to play a primary or supporting role.

Ethics, Civil Liberties, Globalization, and Global Security, by the Geneva Centre for Security Policy (GCSP), Switzerland

This paper provides a discussion of the issue of global security challenges caused by transnational terrorism, with a focus on the ethical and civil liberties challenges posed by governmental efforts to fight terrorism. It does so by first detailing the policy challenges in this area, then tracing state responses to such challenges, and analyzing the dilemmas and implications inherent in such responses. The paper then proceeds to sketch future scenarios before providing specific policy recommendations.

1.3 NON-GOVERNMENTAL ORGANIZATIONS

Safe and Free, by the American Civil Liberties Union (ACLU)

The American Civil Liberties Union (ACLU) is an NGO aiming to preserve individual freedom, legal protection and right to due process and privacy in the US. Their "Safe and Free" website focuses on abuses of power in relation with the fight against terrorism. The site contains news, publications, legal resources and proposals for action on detention, ideological exclusion, the USA Patriot Act, rendition, secrecy, spying and torture.

1.4 MEDIA

Judge declares mistrial in Muslim charity case, by the International Herald Tribune, Neuilly Cedex, France

This article reports on the mistrial in the case of several former leaders of the Holy Land Foundation for Relief and Development after jurors failed to reach a verdict. The defendants were charged with financing Middle Eastern terrorists.

The EU appoints new counter-terrorism coordinator, by Power and Interest News Report (PINR), Chicago, US

The PINR is an independent organization that utilizes open source intelligence to provide conflict analysis services in the context of international relations. This article reports on the nomination of Gilles de Kerchove to the post of EU counterterrorism coordinator.

Expert panel reproves National Homeland Security Strategy, by HSToday, US

HSToday is a US monthly publication on policies, strategies and standards in homeland security. This article summarizes the interventions of homeland security experts speaking at a forum of The Heritage Foundation in Washington, DC. These experts agreed the National Strategy for Homeland Security released by the White House in October 2007 is well written but falls short of meeting the strategic needs of the US.

Anti-terrorism policy, by EurActiv, London, UK

EurActiv is an independent media company dedicated to EU affairs. This website provides a summary of EU anti-terrorism policies and related issues. It also links to documents, news items and dossiers on the subject. The website is available in English, German and French.

The war on terror: Year seven, by Oxford Research Group, UK

Oxford Research Group is one of UK's leading think tanks. An independent NGO, it seeks to bring about positive change on issues of national and international security. This article examines the early responses to the 2001 attacks, compares expectations with outcomes and assesses the possibility of major changes in policy after six years.

War on terrorism, by The Observer, London, UK

This site is hosted by The Guardian and features a collection of articles analyzing and commenting on the 11 September 2001 terrorist attacks and the war on terror. Particular emphasis is given to the counterterrorism policies of the US and the UK, the war on terrorism's impact on civil liberties and airline security, and terrorist attacks in Spain, Bali, Kenya and Turkey.

Counterterrorism, by the Council on Foreign Relations, New York, US

The Council on Foreign Relations is an independent US organization and a non-partisan center for scholars. It is dedicated to producing and disseminating ideas so that the world and the foreign policy choices facing the US and other governments are better understood. This website provides news articles, analyses, reports and podcasts on counterterrorism issues.