European Approaches to Terrorism in a Post-9/11 World

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How Has the European Approach to Terrorism Been Simultaneously Enabling and Restricting in the Years Since 9/11?

*"Protecting the European homeland, combating terrorism, and ensuring civil liberties require careful collaboration."**[1]***

Introduction

What fundamentally separates the European Union (EU) and the United States in their approaches to terrorism are their pluralistic and amalgamated compositions, respectively. The implications of which are discussed in detail elsewhere, in the exploration of security communities.[2] At the heart of the European battle with terrorism lie the tensions, collisions and differences between the 27 independent voices of its member states. Prior to the events that unfolded on September 11th 2001, academic interest in terrorism had been dominated by American studies.[3] However, there has been a significant increase in European academic interest, (re)ignited by the Global War on Terror (GWOT) and by trigger terrorist attacks on EU member states, such as those seen in London and Madrid. This preoccupation with terrorism has since periodically shifted in importance on the European security stage. The tensions and the struggle of such a heavy reliance on cooperation between member states is consequently restricting in terms of a law enforcement response and is often considered subordinate and to an extent passive, in comparison to American responses. Despite these limitations, however, the EU approach to terrorism offers an alternative to the US response – which has in recent years been increasingly subject to intense academic and political criticism. Whether the EU approach to terrorism can be considered a viable alternative compared to that of the US may be put aside for thorough exploration that goes beyond the scope of this paper. Rather, what this essay is preoccupied with is implications of identity arising from the very existence of the constructed 'alternative' and how this enables the EU to project the very values and interests which define it. Further, attention will be given to the commendable devotion that the EU has paid to exploring (or at least drawing attention to the importance of) the 'root causes' associated with various acts of terrorism. Essentially, this essay will meaningfully engage with the idea that the EU's approach to terrorism is simultaneously self-*enabling* and self-*restricting* by elaborating on the points made above.

The Restriction of 27 Different Threat Perceptions

It is paramount in any analysis of the EU to recognise its frequently evolving and fluid nature, as well as that of the subject of security. After all, the political union of 27 states is of course, still relatively young, and thus subject to various alterations, amendments and revisions. This is of particular importance in relation to the terrorist threat which also lacks any fixed, unchanging definition and is based on a series of inter-subjectivities. Despite the challenge becoming somewhat of a laborious cliché[4], the attempt of achieving a consensus agreed definition of terrorism remains to be considered principal to generating subsequent important threat perceptions and proportionate responses to such. The logic of this, however, as will be discussed later – is a multi-perspective amalgamation of outlooks, in this instance without its benefits? Again, in the first instance it is easy to associate differences in terrorism outlooks with historical experience, but these outlooks are also importantly shaped by cultural and political

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traditions socially inherent in member states. They are defined by a long-standing set of values and principles.

The attacks in America on 9/11 necessitated the EU to promote its cross-border cooperation in the face of an apparently 'new' and 'existential' threat of international terrorism, as a sense of urgency was prompted and received globally: "In the world organization, the urgency was felt to find effective ways to fight terrorism while maintaining high standards of respect for human rights."[5] However, the pluralistic nature of the EU and its definitional tension becomes an obstacle here. Cooperation between member states is said to be further hampered by not only the lack of a definitional consensus between states, but the domestic dispute within states[6] implicating individual actors on the state level. The post 9/11 sense of urgency too began to diminish, and the inconsistent momentum would face re-energising only by trigger terrorist events later on in the decade. The definitional issue is one recognised and raised by the Council Framework Decision of 2002 on Combating Terrorism which pushes for a perhaps naive and idealistic notion that "the definition of terrorism should be approximated in all Member States" because of the inability of the member state to effectively act unilaterally.[7] Finally, the definitional issue presents an obstacle in practical implications such as the development of collective capability, for example, shared military means.

Across the member states, which this essay is interested in, a visible spectrum of threat perception is in play. At one end exists a member state acting under the strain of a recent terrorist attack; the threat perception is immediate. At the other end, a member state is absent from any sort of attack; threat perception is low to non-existent. This implicates the internal/external dichotomy, insofar as an attack on a member state is considered internal by some states and external by others. Another huge tension resides between these two extremes as the union attempts to bridge the gap between threat perceptions. This is demonstrated following the 2004 Al-Qaeda perpetrated attacks in Madrid, which prompted the subsequent Declaration on Combating Terrorism of 2004, which was explicit about reminding all members of the union that an attack on one country was an attack on the community as a whole, as well as the values which defined it: "No country in the world can consider itself immune. Terrorism will only be defeated by solidarity and collective action."[8] In this case, the internal/external boundaries, at least within the union, are actively encouraged to erode. Simultaneously, the same boundaries separating the union from 'outside' states appeared to become accentuated and strengthened through an emphasis placed on the role of improving border controls in combating terrorism.[9] The rhetoric of inter-state, cooperation is emphasised as the Declaration goes on to identify High level Strategic Objectives, of which the first involves an effort to "deepen the international consensus"[10]. The pinnacle of such rhetoric can be noted in the Declaration on Solidarity Against Terrorism which explicitly says that states should act in a spirit of solidarity and mobilise all tools at their disposal to assist an affected member state.[11] Looking beyond definitional and threat perception tensions within the union's member states, a clear tension also resides between the EU and the US on the international level. Emphasis here has been placed not on the different threat perceptions, but instead on the nature of the threat and means to counter it.[12] In this reading, the EU is also perceived to have the advantage of history, which has in the past demonstrated the law enforcement focused approach to have been effective and received positively.[13] In any case, there is a clear tri-tier definitional tension across and within the sub-state, inter-state and international levels.

Elsewhere, in scholarly analyses the concept of European homeland security, which has traditionally been associated with the nation-state, has been evoked. In doing so, the erosion of the internal/external dichotomy is acknowledged – "in light of changes in the security environment which blur the lines between internal and external threats and highlight the importance of cross-border cooperation."[14] Further, homeland security discourses have allowed for the shift of attention to the individual, despite an obvious tension between national security and civil liberties. The EU's approach to such homeland security is characterised as gradual, sporadic and reactive[15], and as a result policy developments often occur only after triggers as per the above example of the Declaration on Combating Terrorist post-Madrid attacks in 2004. The same reactive activity can be noted after the London bombings in 2005. This prompted several Communications which addressed greater security regarding firearms and explosives as well as again (re)addressing radicalisation and recruitment into terrorism.[16] Such a torrent of activity, however, was hardly surprising considering the influential role of the UK as a key player in countering-terrorism, as exemplified in the Anglo-American led GWOT. The reactive characteristic of the EU approach can be linked to what may considered as a growing sense of complacency or as the EU Counterterrorism Coordinator, Gilles de Kerchove, points to, a growing sense of "CT fatigue"[17] in the period absent from any terrorist attack. The lack of any tangible attack or threat of attack gradually weakens its priority on the security agenda and consequently talk of counter-

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terrorism becomes tiring, unproductive and meets uninterested ears.

The Constructed 'Alternative': Enabling Identity Projection

The above EU documents are fundamental in demonstrating the rhetoric of cooperation as discussed earlier. Though this may seem to an extent futile and problematic, the discourse may just serve a secondary purpose. In this case, by its very 'alternative' nature to the US response, the EU becomes enabled to project the values that define its very existence. As identified in the Council Framework – "The European Union is founded on the universal values of human dignity, liberty, equality and solidarity, respect for human rights and fundamental freedoms."[18] Here, implications of the terrorist threat are twofold: firstly, is the common conception that the threat endangers these values. However, on second glance, whilst acknowledging and allowing for the aforementioned conception, the idea that the EU may seize the threat of terrorism as an opportunity and *enable* itself to project these values and re-enforce its identity is evident. It becomes somewhat of a tool for the often identity conscious union. This may take several forms, whether it is in the rhetoric of solidarity and cooperation, or the active practice of respecting human rights and freedoms such as the attention paid to the 'root causes' of terrorism that this essay will return to address later. The importance of human rights focus can be summarised in the European Union's strategic commitment which claims its objective to be: To combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice.[19]

It has shockingly, yet rather tellingly been noted that "many citizens [36% of respondents across Britain, France, Germany, Italy and Spain] in Europe now regard the US as the greatest threat to global security."[20] Taking into account such a disconcerting statistic, it comes as no surprise then, that the EU has attempted to offer in some areas of its counter-terrorism strategy an 'alternative' approach. The four pillars as described in the European Union Counter-Terrorism Strategy of 2005 (prevent, protect, pursue and respond) collectively constitute what is said to be a *proportionate* response to the terrorist threat.[21] Here, we may wish to juxtapose this level of response with that of the frequently condemned American response which has been notoriously criticised for its 'over reactive' response through forcefully pushing for a rationale of self-defence in the face of a so-called existential threat, as well as its heavy reliance on hard power.[22] The gap between US and EU approaches has been accurately captured and articulated by Van Herpen:

The apparent contradiction between its perceived new vulnerability and its massive military superiority leads the US to seek primarily military solutions. Europeans get more and more uneasy, as has become clear from the diplomatic conflict between Germany and the US over an eventual attack on Iraq. Most Europeans favor diplomatic means over military means to resolve international conflicts.[23]

By supporting the route of diplomacy, the European approach certainly comes out on top in this respect.

To conceive of the US as a threat to global security essentially provides a window of opportunity for the EU to further its alternative model. Further, the narratives of the European documents in general resound more promisingly justifiable as well as paying consistent attention to human rights values. This has been done to such an extent that it has been suggested that the approach of the EU has received a level of endorsement in its treatment of counter-terrorism by the European Court of Human Rights.[24] What is important to remember in this discussion is that since 2001, the US perception of the terrorist threat has remained largely external, whereas, in Europe, triggers such as Madrid and London, and an increasing awareness of 'home-grown' terrorism has forced the issue to become very much internalised. This may be linked to explaining the EU's response, which in the main, treads in a far more 'delicate' fashion. However, by the very different nature of the EU's more 'managerial' role to that of the US's response to terrorism, it feels perhaps at times unfair to compare them so closely.

Finally, a note on what is formally the key 'alternative' driver is the EU's focus on law enforcement. Here it is important to consider the development of the institution of Eurojust, which was set up in 2002 by the Council and was established to facilitate intra-European judicial cooperation[25]. The value of which is questionable, primarily because the operations of Eurojust "depend ultimately on the goodwill of the member states for their smooth and swift functioning".[26] Again, this rests on a spectrum of threat perceptions and subjectivities which shape the

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willingness of member states to contribute and assist. Despite this, the law enforcement focus has been considered as a "proactive approach", by treating terrorism as a crime, something which has traditionally been primarily reacted to and not prevented.[27] Finally, there is hope that the work of Eurojust will generate "a unique and reliable body of counterterrorism case law." The idea of creating precedents is certainly promising, but may be problematic in practice, given that acts of terrorism have in the past been extremely convoluted, relatively unique and treated on a case specific basis.

Challenging Taboos: The focus on Root Causes

The 'prevent' pillar identified in the EU Counter-Terrorism Strategy is of particular importance in distinguishing the 'alternative' nature of the EU approach to terrorism. Here, it is stated that the EU must identify conditions through which people are drawn into terrorism by a focus on radicalisation and recruitment.[28] This was prompted by what confronted the EU as a 'new' branch of terrorism in which religious discourse was used to legitimise the acts.[29] This contrasts starkly with the US approach, which paid significantly less (at times zero) attention to such motivations and was incredibly rapid in portraying the terrorist as 'evil' and as the 'other' in the immediate post-9/11 discourse.[30] Any speculation of terrorist motivations beyond this was considered somewhat of a social taboo. In a mirroring fashion, the EU rhetoric resonated the need to recognise and attempt to understand the "complex phenomenon that is terrorism in Europe."[31] No thorough investigation into terrorism is required to acknowledge that it is inherently multi-causal in essence and any dismissal of this is done by *choice*. This meant that the EU's intentions were, in the main (and especially so compared to the US) conveyed in a far more rational way which was again notably considerate of the human rights values which upholds the union's identity:

The EU and its member states have been acutely aware, from a very early stage in the current campaign against terrorism, that victory will not be achieved as long as the circumstances by which individuals turn into terrorists are not addressed – contrary to the American view that speaking of 'root causes' implied condoning terrorist acts.[32]

However, the power of the US rhetoric would prove to have an effect on the EU narratives to such an extent that the term of 'root causes' would be dropped: "Nowadays and for the same reason, official EU statements no longer use the expression 'root causes'. Preference is now given to the expression 'factors which can lead to radicalization and recruitment' or 'conditions conducive to terrorism'."[33] The view that simply articulating root causes equates condoning terrorism is terribly oversimplified and ignorant of such incredibly fundamental driving motivations. In at least this regard, the EU's approach to terrorism is commendable on the basis of intention, considering knowledge and understanding are power. The US view relates back to the earlier criticism that it is rapid to act with hard power without taking into consideration any mitigating factors, to such a reckless extent that it is considered a threat to global security. This presents some huge legitimacy ramifications for the US.

The root causes identified by the union included: radicalization, regional conflicts, failed or failing states, globalization and socio-economic factors, alienation, propagation of an extremist world-view, and systems of education. Out of which radicalisation emerged as the focal area[34] – perhaps because of the 'religious' discourse ringing loudly from the US. However, after further study into radicalisation it was realised that the concept of which was "ill-defined, complex and controversial."[35] There was a recognition at this point that further attention would need to be paid to radicalisations and the factors surrounding it. The combination of preventive and repressive measures adopted by the EU lie central to its approach, of which *communication* plays a key role. In this instance, Islamism is not marginalised, but encouraged to integrate into the mainstream: "the Strategy aims for ensuring that mainstream opinion prevails over extremism, for example, through engagement with moderate Muslim organizations and enhancing language and other training for foreign Imams in Europe."[36] The EU focus on prevention and 'root causes' as discussed above may be linked to recent work in the field of Critical Terrorism Studies, the aim of which is to "enrich our understanding of the various dimensions of the phenomenon."[37] Furthermore, CTS is committed to allowing for multiple perspectives, which we may usefully relate here to the pluralistic make-up of the union and suggest a closer, more critical outlook of the EU on terrorism, which "prioritises specificity, context, history and nuance."[38] Though this would undoubtedly be beneficial, it perhaps remains overly idealistic as suggested in the discussion of restrictions and obstacles in the first part. In any case, the EU response must remain proportional to the threat: "multidimensional in character, corresponding to the multifaceted reality of terrorism."[39]

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Conclusion

The difficulty that the EU faces presently, and looks to face in the future regarding its approach to terrorism can be noted in a recent Eurobarometer survey. When asked what the European Parliament (EP) should turn its attention to, 44% of those polled wanted it to deal with terrorism.[40] This significant figure suggests that terrorism still remains to be perceived as a substantial security threat relatively widely throughout the EU. Further, when asked what values the EP should defend and promote, 58% responded with human rights and 36% wanted the EP to act as a bridge to encourage solidarity between EU members.[41] Two things are noteworthy here. Firstly, there is a substantial amount of people who advocate attention oriented towards dealing with terrorism, and the same case for the defending of human rights. This presents the obvious, long-standing tension between liberty and security. Secondly, over a third of people asked advocated the encouraging of solidarity between EU members – perhaps out of a realisation of the restrictions emanating out of the lack of such solidarity. All three statistics here, however, implicitly state that the EU and its approach to terrorism is heading in a commendable direction but should refocus its attention, sharpen its human rights defending and promotion and deepen cooperation amongst member states in the ways suggested above.

On first sight, it could be easy to dismiss the viability of the European approach to terrorism on the basis of its complex entanglement of heterogenic threat perceptions and experiences. Each of the 27 member states' outlook on terrorism is inevitably affected by a variation of threats, attacks, identities and interests. As suggested earlier, there exists a spectrum of threat perception, the breath of which the EU attempts to narrow through attempts of policy revision and implementation. On the whole, this is undeniably restraining in the active implementation of some policy areas when the EU attempts to act as a unified entity, and the result is that the response has, as a whole, not been of any great achievement.[42] By no means, though, should the EU approach be condemned for taking an overly passive approach, accusations of which are both fairly harsh and cynical. This essay has urged a closer look beyond these commonly identified tensions and instead considered how the 'alternative' approach resolves some of the most frequently criticised aspects of the US approach (this is not deny there exist many overlaps and commonalities between the EU and US that reach beyond the scope of this paper). By fighting terrorism as a crime and not as a war, the EU is enabled to protect and project its values of human rights and liberties. Finally, the essay has noted the commendable attention the EU has paid to 'root causes', (despite pressure from the US) and how this may be synthesised with instigations would may generate a more critical, rational and educated assessment of the terrorist threat across Europe to achieve the necessary 'careful collaboration' evoked in the opening quotation of this paper in what will remain to be a divided Europe. There must be an acceptance that by the nature of the sovereign state, the security domain and subsequent threat perceptions will remain largely national, and every effort should be made to work with this. This essay has accepted that there is an important difference between the inactivity of political rhetoric and activity on the operational area. Again, if we imagine this to be a spectrum, it is likely that the EU positions itself somewhere in the middle, in a fluid form subject to minor fluctuations.

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