

The EU as a Global Actor in Counter Terrorism

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Introduction

The EU approach to counter terrorism is unique, dependant on the fact that the EU is a very *sui generis* organisation. Understanding its role in counter-terrorism depends very much upon understanding how the EU thinks and how it sees itself. While the EU as an entity is completely different from its member states: the way in which it views threats, the way in which it reacts to them; one cannot escape the fact that its approach to counter terrorism has nonetheless been formed by the varying experiences, identities and preferences of its member states. The EU's contribution as a global actor in counter terrorism then relates to its own actorness internally – how much of an impact is it able to make within its own territory.

Actorness

The concept of 'actorness' which traditionally stems from a realist view and evaluates the impact, nature and measure of a state's foreign policy requires a unique set of criterion when applied to an entity as unique as the EU. The following four selected criteria appear valid:

- 1) **Opportunity** (Bretherton and Vogler) – The threat of Global Terrorism teamed with globalisation are conducive enough to serve as an opportunity for EU action as the EU emerges not only as a target but also as a base for terrorist activities.¹
- 2) **Internal Identity / Self Perception** (Wunderlich) –. Who or what is the EU? Its role needs clear delimitation from its MS actions to correctly understand the EU's action in the fight against terrorism.
- 3) **Preference** (Wessels) – What are the EU's preferences which dictate which action it employs? How are these preferences formed?
- 4) **Institutional Architecture** (Wessels) – An evaluation of the EU's institutional capacities allows for an estimation whether the EU is able to act or make an impact.

¹ European Council, *A Secure Europe in a better World : European Security Strategy*, Brussels, 12th December 2003

The EU View

The 'EU Identity' becomes a fundamental consideration in the quest of its global actorness in counter terrorism. In essence the EU provides only that which comes across as an added value to its member states. Preferences are a culmination of various perceptions across its member states.

Counter-terrorism policy started in the 1970s but remained unofficial through cooperation at an informal intergovernmental level – the TREVI Cooperation. The TREVI Group in 1976 to combat terrorism and coordinate police cooperation² then became the forerunner of Europol through the concretisation of a German proposal put forth to the Luxembourg European Council Meeting of June 1991.³ Counter terrorism has since evolved to be institutionalised and expanded but nonetheless remains staunchly a member states preoccupation. Today, counter terrorism and security instruments are spread widely across the EU institutions.

Terrorism is an ancient and persistent reality in EU countries ranging from groups like the *Revolutionary Organization 17 November (17N)* in Greece; *First of October Anti-Fascist Resistance Groups (GRAPO)* in Spain; *the Euskadi Ta Askatasuna (ETA)* in France as well as Spain; *the New Red Brigades Communist Combatant Party (BR/PCC)* following the *dissolution of the Red Brigades*, in Italy; *the Irish Republican Army (IRA)* in Ireland; or *the Rote Armee Fraktion (RAF) or Baader-Meinhof Gang* in Germany.⁴ EU member states don't share the same experience of terrorism. While Slovenia and Finland might have had just one incidence of terrorism from 1968 to 2006, France and Spain have experienced more than 1000 occurrences each.⁵ Thus as occurrences vary across member states, their perception are influenced too. Differing perceptions within the EU do at times hamper efficiency, but also acts as a reality check like in the case of the 2003 War on Iraq decision. The EU nonetheless allows for select groups of member states to coordinate and lead. All the more the member states approach to internal terrorist groups and external terrorist groups are different. They also have varying levels of sensitivities.

² Tony Bunyan, *Trevi, Europol and the European state*, Statewatching the new Europe, 1993, p.1

³ *Ibid.*, p.15

⁴ History of Terrorism, *Wikipedia*, Retrieved: 19th April 2009
http://en.wikipedia.org/wiki/History_of_terrorism

⁵ Terrorism Statistics>Terrorist Acts>1968-2006>Incidences (most recent) by country, *Nation Master.Com*, Retrieved: 14th March 2009
http://www.nationmaster.com/graph/ter_ter_act_196_inc-terrorist-acts-1968-2006-incidences

<u>Countries</u>	TERRORIST ACTS					
	1968-2006			2000-2006		
	<u>Incidences</u>	<u>Fatalities</u>	<u>Injuries</u>	<u>Incidences</u>	<u>Fatalities</u>	<u>Injuries</u>
Spain	1,290	287	1,389	732	241	1,034
France	1,097	183	1,365	446	15	17
Greece	630	149	516	230	2	8
Germany	484	95	722	15	1	15
Italy	418	86	424	125	3	74
UK	174	366	408	25	56	229
Belgium	117	19	186	12	0	0
Netherlands	76	27	46	7	2	0
Cyprus	72	25	67	10	0	0
Austria	61	17	117			
Portugal	51	9	13	1	0	0
Sweden	45	34	11	0	8	1
Denmark	28	1	60	3	0	1
Poland	14	3	8			
Malta	12	2	9			
Bulgaria	12	2	0	4	1	0
Norway	10	1	5	1	0	0
Estonia	8	1	39	4	1	39
Latvia	8	0	0			
Slovakia	8	1	1	2	0	0
Hungary	8	0	11	1	0	0
Romania	5	5	2			
Luxembourg	5	0	0			
Czech Republic	5		4	3	0	0
Lithuania	5	0	6			
Finland	1	0	0			
Slovenia	1	0	0	1	0	0

Source: Nation Master <http://www.nationmaster.com/index.php>⁶

Moreover, while the EU has its own definition of terrorism, its member states have their own definitions besides having counter-terrorism laws of varying strictness. Some of its MS even

⁶ Nation Master [Terrorism Statistics](http://www.nationmaster.com/index.php) > Terrorist Acts > 1968-2006 > Incidences (most recent) by country <http://www.nationmaster.com/index.php> Compiled 18/04/2009 Individual country data derived by clicking on each country on the web page http://www.nationmaster.com/graph/ter_ter_act_196_inc-terrorist-acts-1968-2006-incidences

have acts tougher than the US Patriot act.⁷ The European Union's definition of terrorism, adopted on the 13th of June 2002, is based primarily on a list of terrorist offences.⁸

- shall be deemed to be terrorist offences:
- (a) attacks upon a person's life which may cause death;
 - (b) attacks upon the physical integrity of a person;
 - (c) kidnapping or hostage taking;
 - (d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;
 - (e) seizure of aircraft, ships or other means of public or goods transport;
 - (f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;
 - (g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;
 - (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
 - (i) threatening to commit any of the acts listed in (a) to (h).

Source:⁹

The EU is not a state and thus does not have the traditional competences of a state. It is interesting to see the EU respond to this new age threat without typical assets that serve member states - without its own spies, its own prosecutors, its individual police force, or even strong military capabilities. It relies on its strong body of values.

⁷ Terrorism Interview With German Interior Minister Wolfgang Schäuble, *Spiegel Online International*, 07/09/2007, Retrieved : 3rd March 2009

<http://www.spiegel.de/international/germany/0,1518,493364,00.html>

or Bill Lindner, *Paranoid Britain Tops US To Become #1 Police State*, Infopackets, 20/02/2009, Retrieved: 24th February 2009

http://www.infopackets.com/news/government/2009/20090220_paranoid_britain_tops_us_to_become_1_police_state.htm

⁸ Council of the European Union, Framework Decision of 13 June 2002 on combating terrorism, Official Journal L 164 , 22/06/2002 P. 0003 – 0007

⁹ *Ibid.*

The EU's role in counter-terrorism is complementary. Although EU integration has progressed in unprecedented ways, it has been a process very much tailor-made to suit the tastes of its member states. Neo-functionalists and the spillover theory stop at a certain threshold and the EU is allowed to do only that much what its member states can't achieve solely by themselves. The EU thus is not be the sum total of its member states but the lowest common denominator that emerges. It can do much more than it is currently allowed to. Much of the counter-terrorism activity is carried out through the Justice and Home Affairs domain: Police and Judicial Co-operation in Criminal Matters (PJCC) out of which about 95% is handled by national authorities. The EU accounts for only about 5%.¹⁰ Despite the EU's role being limited, it has an excellent helicopter-like view to counter terrorism.

What the EU does best, making use of its overview is organize coordination. Since terrorism is a transnational phenomenon, the EU is automatically implicated. In the EU, terrorism can no longer be contained within a single country. The EU's role and responsibility is thus amplified. As unlike elsewhere in the world, the EU acts as a forum where 27 countries sit down across a table and substantially discuss threats affecting their countries with a view to finding a joint solution. In the process, member states realise that others are experiencing the same problems as theirs and that a coordinated response may be productive. Or that a transnational solution is a must.

The European Union views terrorism principally as a crime. From the EU's perspective, terrorism is best treated as an organised crime and counter-terrorism in the EU is structured accordingly. Supremacy is accorded to the rule of law, political, and financial means. For the EU terrorism is primarily a call for global action but not global war. According to the EU, the best way would therefore be by tackling the root causes of terrorism through increased democracy, literacy, equality and economic growth would eradicate it. But the EU would then have to solve the world's problems before effectively tackling terrorism. The EU comes across thus, in sharp contrast to its own member states, other states or NATO.

The EU counter-terrorism strategy states expressly that the EU is committed to combat terrorism globally but while respecting the core fundamentals of human rights.¹¹ 'Prevent', 'Protect', 'Pursue' and 'Respond'. These four words form the mainstay of the EU's Counter-

¹⁰ Interview with Mr. Daniel Keohane, Research Fellow EU Institute for Security Studies, Brussels, 31st March 2009

¹¹ Council of the European Union, *The European Union Counter-Terrorism Strategy*, 14469/4/05, REV 4, Brussels, 30 November 2005

terrorism Strategy adopted in December 2005, which basically categorise all counter-terrorism activities carried out by the EU.¹² These four broad headings encompass various actions taken by the EU in fight against terrorism:

Prevent: To tackle the root causes of terrorism i.e. to effectively prevent radicalisation, and terrorist recruitment in Europe and around the world;

Protect: To do the utmost to shield citizens and critical infrastructure from terrorist attacks, by being well-prepared and by minimising the risk through increased security.

Pursue: To track down terrorists wherever they might be; hinder their efforts and their modus operandi and to ensure that justice prevails;

Respond: To work together as a union in the wake of a terrorist attack, and cooperate beforehand so that if an attack does take place, the EU is well prepared to respond in an effective way, thereby reducing the ill-effects that might be felt.

¹² *Ibid.*

The EU's Role and Institutional Architecture

Counter-terrorism instruments are spread across the EU and its institutions, independent agencies and beyond to the level of its member states. All the more, counter terrorism has become pervasive into all policy areas – from agriculture, to environment, to health, to aid, trade, justice freedom and security, environment, transport, finance control or external relations. Concretely, the EU has two specific roles: regulation and coordination but with one most important precondition - information sharing.

EU legislation forms an essential element in the fight against terrorism. Market harmonisation for one is being used in the fight against terrorism as well as the fight against organised crime. The Commission and now the EEAS are very big stakeholders in the fight against terrorism. Counter-terrorism policies emanate mostly in the Commission's DG Home which is principally concerned with the internal aspects of counter terrorism while those internal policies with external implication come from the EEAS. The Commission proposes and monitors implementation of counter-terrorism legislation. But since terrorism affects myriad policy areas, counter-terrorism legislation gets legal input from almost every other DG of the Commission too. A lot of legislation on safety, wheat killers or chlorates, phytosanitary legislation for instance are dealt legally in DG Environment or DG Health and Consumers (SANCO). The Data Retention Directive which concerns the storing of data related to the internet, telephone conversations, now finds its way into DG Information Society and Media or DG Internal Market and Services which give it its legal basis. One of the main hurdles is identifying which policy helps to prevent and which policy disrupts. In the case of terrorist financing for example, there are disruptive as well as preventive effects.

With increased legislative powers post the Treaty of Lisbon, the European Parliament has become an active player in counter-terrorism. The European Parliament pronounced itself strongly on the Swift Agreement with the US for instance where it successfully emphasised the importance of data protection and fundamental freedoms.

Specialised units and committees in the Council like the Joint Situation Centre (SitCen)¹³ and the Political & Security Committee (COPS)¹⁴; composed of experts or EU officials monitor global situations and trends.¹⁵ Various thematic working groups and working parties ensure that member states representatives gather around the table at regular intervals to discuss serious issues: the Terrorism Working Group (TWG),¹⁶ Working Party on Terrorism (COTER),¹⁷ Article 36 Committee (CATS)¹⁸, CP931 Working Party, RELEX¹⁹.²⁰ The Strategic Committee on Immigration, Frontiers And Asylum²².²³ Other Working Parties include: Working Party on Civil Protection,²⁴ CIVCOM, CPCC, PMG, EUMC and EDA²⁵.

The EU also offers a platform for a single or a small group of member states to lead pilot projects. A programme called ‘Check the Web’ for instance was initiated by Germany in 2007, and coordinated through Europol, aiming to identify and dismantle Jihadist websites and combat online recruitment.²⁶ A Spanish led project deals with the training of Imams. The UK is leading another which studies de-radicalisation and avoidance of red language – i.e. not to identify terrorists with religions.²⁷ The progress reports are discussed in various

¹³ Sitcen works round the clock to provide the EU with assessment reports of events around the globe, with a keen focus on terrorism, radicalisation, PWMD, conflict regions and crisis-prone regions,¹³ prepared by experts from EU member countries

¹⁴ COPS meets about once or twice weekly, is formed by senior MS, Council and Commission officials around Common Foreign and Security Policies.¹⁴ Its task in counter-terrorism is to oversee and coordinate all the various related working groups

¹⁵ PSC monitors global situations and trends, tries to foresee potential problems and churns out policies or recommendations, in this case, relating to terrorism. It liaises closely with the Counter Terrorism Coordinator and the presidency.

¹⁶ deals with the internal aspects of counter terrorism

¹⁷ the TWG’s complementary half deals with the external aspect of counter-terrorism

¹⁸ coordinates the works of the various working groups dealing with police cooperation, judicial cooperation in criminal matters, SIS, as well as the work of EU agencies and the various bodies working in the field of police and judicial cooperation (Europol, Eurojust, European Judicial Network, Ceuol etc.)”

¹⁹ the Working Party on Foreign Relations Counsellors group, working under the coordination of COPS on the financial perspective of freezing terrorist’s and terrorists’ organisations’ assets and accounts

²⁰ Council Of The European Union, Working Structures Of The Council In Terrorism Matters - Options Paper, op.cit.

²¹ For a detailed analysis of the working and purpose of CP931, please see

<http://soc.kuleuven.be/iieb/eufp/files/COCOP.pdf>

²² SCIFA) is the EU platform for information sharing amongst MS as regards asylum, frontiers and immigration

²³ Note from the Council Presidency on the role of the Strategic Committee on Immigration, Frontiers and Asylum(22 February 2000),Fact Sheet(Text n°7116), 16-08-2006 Retrieved: 23rd April 2009

<http://www.ena.lu/note-from-council-presidency-role-strategic-committee-immigration-frontiers-asylum-february-2000-020007116.html>

²⁴ Normally deals with early warning and consequence management

²⁵ Are purely ESDP related. Sometimes they might work on counter-terrorism related issues but this is heavily criticised.

²⁶ Interview with Council Official, Secretariat, Press Office,op.cit.

²⁷ *Ibid.*

working groups. The EU has then shared guidelines, followed by governments across the world, to eschew using terms like Islamist or Jihadist terrorism.²⁸

Coordination at the EU level also comes from the office of the Counter Terrorism Coordinator's office. A large part of the EU Counter Terrorism Coordinator Dr. Gilles de Kerchove's job deals with personally attending the meetings of various working groups and offering advice or new proposals. Dr. de Kerchove also keeps the link between the various institutions of the EU, working very closely with the Commission,²⁹ as well as the Parliament by attending sessions of various parliamentary subcommittees.³⁰ But with an understaffed office, and no legal basis as yet, the entire process becomes very fragile as the institutional framework is not designed to accommodate his post.

Counter-terrorism principally finds its bastion in Police and Judicial Cooperation in Criminal Matter (PJCC) given that in the EU today, there are no borders between member states but police borders remain in the hands of national governments.³¹ The role of the EU therefore as such is to create conditions for law enforcement officials to work together.

One of the key EU agencies include Europol - the European Law Enforcement Organisation, which aims at improving the effectiveness and co-operation of the competent authorities in the member states in preventing and combating terrorism, unlawful drug trafficking and other serious forms of international organised crime.³² Europol was established by the Treaty of Maastricht on 7th February 1992 and provides a forum where police officers and law enforcement authorities or experts share and examines information. Since 2003, Europol acknowledged counter-terrorism as its main priority and works through its special Counter-terrorism Unit and its newly established (after 9/11) Counter-terrorism Task Force to gather and assess information on suspects.³³ Europol's specialised Counter-terrorism Program

²⁸ Daniel Pipes, *Not Calling Islamism the Enemy*, [Daniel Pipes Blog](http://www.danielpipes.org/blog/2004/09/not-calling-islamism-the-enemy.html), 18 Mar 2009, Retrieved: 23rd April, 2009 <http://www.danielpipes.org/blog/2004/09/not-calling-islamism-the-enemy.html>

²⁹ Interview – Commission official, *op.cit.*

³⁰ European Parliament Subcommittee on Security and Defence SEDE_PV(2009)0129_1 Minutes Meeting of 29 January 2009, BRUSSELS

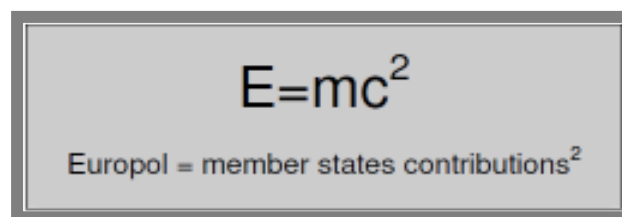
³¹ Interview with Council Officials, Secretariat, Press Office, *op.cit.*

³² Europol Website>Home Retrieved: 22nd April 2009 <http://www.europol.europa.eu/>

³³ Davide Casale, EU Institutional and Legal Counter-terrorism Framework, *Defence Against Terrorism Review* Vol. 1, No. 1, Spring 2008, p.49-78

synchronizes all its activities relating to terrorism. Its annual report called the TE-SAT Report gives an overview of developing trends relating to terrorism in the EU.³⁴

Although the role of Europol is undeniably crucial in the fight against terrorism in the EU, it is handicapped by the lack of trust amongst member states. Information is highly sensitive and MS prefer not to share too much with Europol fearing leaks or prefer to share information bilaterally.³⁵ Since Europol's work is based predominantly on the analysis of information: the quality of raw information it receives from member states shapes the reports it generates.



Source: Europol, *Europol Information Management*, File n°2510-271.

Available at: <http://www.mvr.gov.mk/Uploads/Europol%20Products%20and%20Services-Booklet.pdf>

Other important forums include the Club of Berne,³⁶ The European Police Chiefs Task Force,³⁷ the Police Working Group on Terrorism (PWGT)³⁸ and the Collège Européen de Police - European Police College (CEPOL)³⁹

Judicial cooperation as a “twin-track approach”⁴⁰ entails “the mutual recognition of MS criminal laws and procedures”⁴¹ on the one hand (via the European Arrest Warrant) and the

³⁴ Europol, TE-SAT Report, op.cit.

³⁵ Keohane, *The EU and Counter Terrorism*, op.cit., p.20

³⁶ The Heads of EU Member States' security and intelligence services, plus Norway and Switzerland, meet on a regular basis to discuss intelligence and security matters. It held its most recent meeting on 21 April in Switzerland to discuss implementation of the objectives of the European Council Declaration on Combatting Terrorism following the attacks in Madrid in March.

³⁷ First launched in April 2000 under the Portuguese Presidency, it proved to be a highly successful forum where the chiefs of police of EU MS could meet and share information on patterns and developments in cross border crimes.

³⁸ Established in 1979 when the UK's ambassador to Holland was assassinated, the PWGT provides for an excellent environment for the MS' (Switzerland and Norway's) heads of counter-terrorism units to engage in operational communication.³⁸ The PWGT is hosted twice yearly by member countries on a rotational basis and ensures “secure communications network for the passage of information.

³⁹ Established by a 2005 Council Decision, CEPOL amalgamates senior police officers from across Europe with the same objective as the PWGT or the European Police Chiefs Task Force, of fostering cooperation in the domain of law and order.

⁴⁰ House of Lords, European Union Committee, Twenty-Third Report, Judicial Co-operation in the EU: the role of Eurojust, UK Parliament, 2004, Retrieved: 29th April 2009

<http://www.publications.parliament.uk/pa/ld200304/ldselect/ldcom/138/13804.htm>

⁴¹ Ibid.

setting up of new institutions like Eurojust on the other.⁴² Eurojust, established on 28 February 2002, is strictly a judicial cooperation unit of 27 prosecutors, magistrates, lawyers, with the aim of making the fight against terrorism & organised crime more effective⁴³ however, seeking greater “harmonisation of criminal law and procedures, centralised EU structures, mutual recognition of MS' laws and procedures and enhanced co-operation between them.”⁴⁴ Eurojust never carries out the task of prosecuting; its main role resides in facilitation, especially through multilateralism.⁴⁵ In this sense it can be seen as a European alternative to an ‘EU Prosecutor’. Eurojust’s biggest challenge is that it works in the context of the diverse and incompatible systems of criminal justice of 27 member states, for example, the Common Law system of the UK and the Civil Law system of other EU States.⁴⁶ EU states do not share the exact same definitions of crimes and it is quite prevalent that a crime in one member state is not a crime in another. Exchange of information continues to be a problematic subject.⁴⁷

The European Arrest Warrant (EAW) launched since 13th June 2002 too has proved to be one of the most far reaching steps taken by the EU post 9/11 in the domain of law enforcement and justice, whereby the process of extradition is simplified to a transfer of suspects or sentenced criminals, which in turns speeds up the fight against terrorism. It is founded on the trust between MS and the principle of mutual recognition extended to decisions taken by national courts.⁴⁸ The EAW however discounts the precondition of mutual criminality.

The fight against terrorism underlines the importance of information sharing. The exchange of information is especially crucial in an organisation like the EU and EU databases like the Schengen Information System (SIS), SIS II, and Eurodac play an important role. Europol too disposes of various sophisticated technologies, information systems and databases like the Secure Information Exchange Network Application (SIENA), the Check the Web platform; the Crime Scene Website or the European Analysis System.

⁴² Ibid.

⁴³ Michele Coninx, VP Eurojust, The role of Eurojust in the fight against terrorism, Conference on the 27th of April, 2009, 11 am, Bruges, College of Europe

⁴⁴ House of Lords, European Union Committee, Twenty-Third Report, op.cit.

⁴⁵ Coninx op.cit.

⁴⁶ House of Lords, European Union Committee, Twenty-Third Report, Chapter 3: The Context in which Eurojust Operates, UK Parliament, 2004,

<http://www.publications.parliament.uk/pa/ld200304/ldselect/ldeucom/138/13806.htm>

⁴⁷ Coninx op.cit.

⁴⁸ Ibid.

Border Control then further supports EU's efforts in the fight against terrorism facilitated by the European External Borders Agency (FRONTEX), the EU's agency for the security of its external borders headquartered in Poland. It is an intelligence driven cooperation between member states for border security which became fully operational on 3rd Oct 2005.⁴⁹

A lot of Al-Qaida's financing comes from charities, unknowing or conscious donations a lot of which are based in Europe⁵⁰; the hawala system, conflict diamonds,⁵¹ Gulf countries especially Saudi Arabia,⁵² and the drugs trade.⁵³ One of the key tasks for the EU and its MS also pertains to cracking down on this funding. MS like Luxembourg, which have strict banking secrecy laws make it more difficult. While Europol is working hard on enforcing anti-terrorist funding laws, it still remains a matter where discrepancies can be largely possible due to the globalised nature of the problem, and the lack of trust between MS concerning the sharing of information.

The EU's role in monitoring money laundering and terrorist financing has been important. Within the EU, the 13th June 2002 Framework Decision on Combating Terrorism brands financing of terrorism as a criminal offence punishable by law.⁵⁴ The EU has adopted a plethora of other communications, directives and regulations⁵⁵ to freeze and curb terrorist funds and financing. The European Criminal Intelligence Model (ECIM) is the primary tool for intelligence led law enforcement, introduced by the Nov 2004 Hague Programme⁵⁶. The EU also works in close cooperation with the Financial Action Task Force on Money

⁴⁹ FRONTEX and Europol currently coordinate operationally, especially in the Western Balkans, having signed a memorandum of understanding in March 2008 which enables them to exchange strategic information.

⁵⁰ Marc Chediak, *Following the Money*, Frontline, Retrieved: 21st April 2009

<http://www.pbs.org/wgbh/pages/frontline/shows/front/special/finance.html>

⁵¹ Victor Comras, Al Qaeda Finances and Funding to Affiliated Groups, CCC, Volume IV, Issue 1, January 2005, Retrieved: 21st April 2009

<http://www.ccc.nps.navy.mil/si/2005/Jan/comrasJan05.asp>

⁵² Saudis 'fail to curb al-Qaeda funding', *BBC News*, 17th Oct 2002, Retrieved: 16th April 2009

http://news.bbc.co.uk/2/hi/middle_east/2336949.stm

⁵³ George Jones, Terrorism and international crime 'must be fought as one', *Telegraph.co.uk*, 26th Sept 2001, Retrieved: 19th April 2009

<http://www.telegraph.co.uk/news/uknews/1357575/Terrorism-and-international-crime-must-be-fought-as-one.html>

⁵⁴ European Commission Website>Justice & Home Affairs>Terrorist Financing Retrieved: 24th April 2009

http://ec.europa.eu/justice_home/fsj/terrorism/prevention/fsj_terrorism_prevention_disrupt_en.htm

⁵⁵ For the list of directives, communications and regulations adopted to this effect, please visit Commission Website—Freedom, Security and Justice

http://ec.europa.eu/justice_home/fsj/terrorism/prevention/fsj_terrorism_prevention_disrupt_en.htm

⁵⁶ Wolfgang Götz and Max-Peter Ratzel, Speech at Conference on the Evaluation of Public Policies and Programmes on Drugs, Lisbon, 19–20 September 2007, Retrieved: 2nd May 2009

http://www.emcdda.europa.eu/attachements.cfm/att_39544_EN_europol%20speech.pdf

Laundering (FATF), established by the 1989 G7 summit in Paris, which plays a substantial role in countering money laundering. The EU Commission is an official member of the FATF and Europol has also been granted an observer status.⁵⁷

The EU Solidarity Clause enshrined in Article 222 of the Treaty on the Functioning of the European Union creates an obligation on MS to act in solidarity and mutual assistance in the case of disasters, terrorist attacks and other emergencies or crises within EU territory. While the clause aims for a high degree of solidarity amongst member states, the modes of implementation are yet undecided. So far the debate has not led to a decision.

⁵⁷ FATF Website>About, Retrieved: 1st February 2009
http://www.fatf-gafi.org/pages/0,3417,en_32250379_32236836_1_1_1_1_1.00.html

The EU as an International Actor

While the EU as a whole: member states and European Union, form quite a formidable force in countering terrorism globally and within its own borders; the EU as an individual entity still lacks lustre and appeal. For many states, it is hard to comprehend the actual role and competences of a body as special as the EU in a Westphalian world and hence it becomes difficult to accord credibility to the EU as an actor in counter terrorism. The EU cannot indeed offer what countries as such can offer – intelligence. As explained before, the level of information sharing within Europol is not very advanced. Bilateral agreements with Europol hence do not offer a plus to a country's existing membership of Interpol. As a result, EU member states steal much of the limelight. Negotiating with the EU seems less interesting when its competences appear hazy. Its institutional architecture while very sophisticated, is quite confusing.

What the EU can concretely offer, is its own experience in coordination and cooperation, especially to complex federal states like India per se. The EU model of facilitating regular information sharing amongst 27 countries is indeed impressive. EU programs like EPCIP – European Programme for Critical Infrastructure Protection⁵⁸ under the Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks Programme are transnational in nature and offer much in terms of lessons in cooperation amongst police and emergency teams.⁵⁹

With the treaty of Lisbon, the international actorness of the EU has been given a boost. Special bilateral agreements like the transatlantic SWIFT Agreement placed the European Parliament in a decisive position vis-à-vis the US, and enhanced the role of the EU. Not least, the European Parliament's decision was imperative for its own member states. In the future, the EU's institutions will be increasingly implicated in countering terrorism alongside its member states. The EU's complimentary role will become more and more crucial.

⁵⁸ European Commission Website>Justice and Home Affairs>EPCIP Retrieved: 22nd April 2009
http://ec.europa.eu/justice_home/funding/2004_2007/epcip/funding_epcip_en.htm#_ftn4

⁵⁹ European Commission Website>Justice and Home Affairs>Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks, Retrieved: 22nd April 2009
http://ec.europa.eu/justice_home/funding/cips/funding_cips_en.htm

The EU directly contributes to strengthening counter terrorism efforts in third countries like Pakistan, Yemen, Algeria or Afghanistan through technical knowhow, institution building, governance, financial aid and training amongst other measures. In particular, EU aid has been crucial in enhancing human resource and reinforcing prison structures and border control. It has supported counter terrorism centres like the regional counter terrorism centre established in Bangladesh, or the African Centre for the Study and Research of Terrorism (ACSRT) in Algiers. It has also been keen on addressing radicalisation through cooperation with third countries.

Politically the EU carries some weight. Its list of banned terrorist organisations and persons give it and its member states leverage in its relations with third countries. Its role in the UN too is magnified by the fact that it represents 27 countries and has 2 UNSC members. It has indeed been instrumental in supporting the adoption of the UN Counter Terrorism Strategy and its implementation. It conducts counter terrorism dialogues with a variety of countries. With a view to reinforcing its holistic approach to counter terrorism, it lays great emphasis on its human rights dialogues through the support of NGOs and the empowerment of civil society. In some countries like Yemen for instance it becomes increasingly clear that EU efforts in terms of development cooperation will have a much greater effect. But while the EU is the biggest donor in the world (it has especially been monumental in rebuilding the Palestinian territories for instance), it needs to invest massively in advertising externally. Common people in these regions might see European soldiers and planes but they might not be as aware of the EU's positive side through efforts at erecting schools or training police.

The biggest requirement of the hour is trust which member states need to build amongst themselves and towards the EU. Apart from trust, political will becomes crucial, especially with the Treaty of Lisbon which supports the EU's ambitions to become a strong international player. For now, the EU tends to move forward through 'big bangs' wherein in the aftermath of big, tragic events; the EU adopted some of its most daring advancements: Eurojust, the EAW, a Counter-terrorism Coordinator. In the years ahead, it will be important for the EU to maintain momentum.

In conclusion, the EU as a global actor in the sphere of counter terrorism is gaining prominence. An assessment of the EU's global actorness must come with a just consideration of its sui generis nature and the margin it is allowed to operate in. One of the EU's biggest

handicaps today is becoming its biggest advantage – its undefined nature which permits the EU to adapt itself to the growing threat of terrorism. It faces many challenges in itself. Firstly it is eclipsed by its member states, as third countries still prefer bilateral cooperation. It is not yet a completed structure itself and hence in a state of mutation and development which might not reassure third countries. It does not have the same competences as a country, and it is vital in the case of the EU to balance fundamental rights against security, more so than for its member states. The EU is therefore lost in the eternal search of a middle ground. Some member states are more willing to take issues forward and are more supportive. Its overall budget is limited. Britain's counter-terrorism strategy for instance will involve a spending of £3.5bn on the fight against terrorism. In comparison, for the budget for the entire DG Home is only 1% of the overall budget of the EU despite high expectations from citizens. It might then not be presumptuous to accord the EU a positive evaluation.

List of Abbreviations

CATS	The Article 36 Committee
CEPOL	Collège Européen de Police - European Police College
CFSP	Common Foreign & Security Policy
CIA	Central Intelligence Agency
CIC	Civilian Intelligence Cell
Civ-Mil Cell	Civilian Military Cell
CIVCOM	Committee for Civilian Aspects of Crisis Management
ComCen	Communications Unit
COPS	Political & Security Committee
COTER	Working Party on Terrorism
CPCC	Civilian Planning & Conduct Capability
CTC	Counter Terrorism Coordinator
DG JLS	DG Justice, Freedom and Security
DG Relex	DG External Relations
EAW	European Arrest Warrant
ECIM	European Criminal Intelligence Model
ESS	European Security Strategy
EU	European Union
EUMC	European Union Military Committee
EUMS	European Union Military Staff
FATF	Financial Action Task Force on Money Laundering
FRONTEX	European External Borders Agency
GAERC	General Affairs and Foreign Relations Council
GOU	General Operations Unit

JHA	Justice and Home Affairs
MEP	Member of European Parliament
MS	Member States
NATO	North Atlantic Treaty Organisation
PJCC	Police and Judicial Cooperation in Criminal Matter
PMG	Politico-Military Working Group
Policy Unit	Policy Planning & Early Warning Unit
PWGT	Police Working Group on Terrorism
PWMD	Proliferation of Weapons of Mass Destruction
RI-ESS	Report on the Implementation of the European Security Strategy
SAAC	Schengen Agreement Application Convention
SCIFA	Strategic Committee on Immigration, Frontiers and Asylum
SIENA	Secure Information Exchange Network Application
SIRENE	Supplementary Information Request at the National Entry
SIS	Schengen Information System
SitCen	Joint Situation Centre
TWG	Terrorism Working Group
UN	United Nations Organisation
US	United States of America
USNSS	National Security Strategy of the US

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