

# The Fight Against Terrorism: A Key Global Objective for the EU?

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## 1 Introduction

The mobility of terrorists and multiple targeting opportunities require a coordinated international response. Over the last years, the risk of safe havens for international terrorists has been illustrated by the growth of Al Qaeda affiliated groups in Africa and parts of the Middle East (Bergen et al. 2011). For these reasons—but also in order to demonstrate political solidarity with the US—EU leaders committed to a comprehensive counter-terrorism policy in the aftermath of 9/11, which included efforts beyond the borders of Europe (Council 2001). Over the following years, this ambition was underlined in the European Security Strategy and the European Counter-terrorism Strategy (Council 2003a, 2005), which stress the global dimension and thematically interconnected fight against terrorism.

However, one could also criticize the EU's international counter-terrorism efforts. First, the EU runs the risk of replacing widely beneficial objectives, such as the promotion of international law and economic prosperity/free trade, with narrow security concerns, which may undermine its international standing as a 'normative power' (Manners 2006). In other words, security-related assistance may have pushed the EU's global role into a undesirable authoritarian direction (Youngs 2010)—or the EU may be unable to maintain the critical balance between solid support for the US and its desired mediating or brokering role in the Middle East or other parts of the world (Smith 2011, p. 610–612). Second, extending the reach of 'intra-European' security policies, such as on criminal justice cooperation, may allow security professionals to elude domestic political and legal accountability mechanisms (Wagner 2011, pp. 136–157).

In order to provide an adequate empirical foundation for this debate, this chapter surveys the external counter-terrorism policy of the EU. To date, the limited academic

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literature on this issue area remains divided into specific aspects, such as EU external missions (de Vries 2008), transatlantic relations (Salter 2010), financial assistance (Wennerholm et al. 2010) or relations with Northern Africa (Eder 2011). The chapter proceeds in three parts. A first brief part provides a historical introduction to the EU's international counter-terrorism efforts. The second main part surveys of three different strands of the EU's current external counter-terrorism policy: 1. engagement in external conflicts that are likely to fan international terrorist activity, 2. support for an global counter-terrorist regime, 3. creation of a regional protective regime against terrorism. The third part assesses the impact of the institutional changes of Lisbon on the EU's fragmented external counter-terrorism policy, and outlines current initiatives for reinforced security and development assistance programs in Sub-Saharan Africa that focus on 'Al Qaeda in the Islamic Maghreb'.

## 2 A Short History of the EU's Global Counter-Terrorism Policy

International terrorism is not a new issue for security cooperation both within and beyond the borders of Europe. The so-called *TREVI* group was founded in 1976 to respond to a wave of Palestinian terrorism that struck various European countries. *TREVI* also developed a network of extra-European partners, the so-called Friends of *TREVI*. While there is no publicly available evidence as to their work, it seems that the external partners included Morocco, the US and Canada (Bunyan 1993, p. 15). Moreover, *TREVI* was only one of several informal groups for international police, intelligence and counter-terrorism cooperation that sprang up since the 1970s (Le Jeune 1992, pp. 29–30). In the early 1980s member states of the European Communities established another forum for counter-terrorism coordination, the so-called Counter-terrorism Committee (COTER). This committee concerned itself with political response strategies to attacks and hostage crises and provided a link between the EU and various international conventions on terrorism.

In 1993 the Treaty of Maastricht transformed *TREVI* into the so-called Terrorism Working Group, which would operate under the Union's Third Pillar for Home and Justice Affairs. COTER would remain unchanged under the separate second pillar for EU Foreign and Security policy. This divide under two different pillars did not mean, however, that international counter-terrorism would be more neatly delimited. For instance, by the mid-1990s the Clinton Administration proposed the New Transatlantic Agenda (NTA) that had an important counter-terrorism component and included proposals for enhanced information exchanges, more stringent financial controls and cooperation in matters of non-proliferation.

These experiences and structures set a path of the EU's response to 9/11. Policy-makers committed to a 'comprehensive' response that should include both internal and external security measures (den Boer and Monar 2002, p. 26). Yet it soon emerged that cooperation in matters of Justice and Home Affairs would take the lead both inside and outside the Union's geographic borders (Bossong 2008, p. 37). This was fuelled by earlier ambitions for the creation of the so-called Area of

Freedom, Security and Justice within the EU as well as by US demands for increased security cooperation (Rees 2006) on issues such as border security, financial surveillance and asset freezes, and data exchange for criminal prosecutions.

The EU's focus on police instruments deepened in the aftermath of the attacks of Madrid and London in 2004 and 2005. Both attacks were carried out by long-term residents or EU nationals, which accentuated fears about ideological and violent 'radicalization' within European societies. Potential external drivers or justifications for the attacks, such as the Iraq war, were not discussed at the EU level (e.g. Council of the European Union 2004a). This is not to say that the wider international dimension of the fight against terrorism was completely neglected. After the London bombings in summer 2005, a new integrated EU counter-terrorism strategy stressed the need for further cross-cutting and cross-border efforts (Council 2005). However, the main thrust of the EU's counter-terrorism efforts remained centered on measures for police and justice cooperation.

Over the last 6 years one could detect a 'maturation' period, whereby the existing EU counter-terrorism agenda continued on an incremental path, aided by the occasional discovery of terrorist plots. For instance, the failed attempt to blow up several transatlantic flights in 2006 (The Guardian 2008) led to a reinforcement of existing EU aviation security rules, whereas the 2010 shooting of two US soldiers at Frankfurt airport by a lone radical (The Guardian 2010) underlined the need to work on internal radicalization processes and internet surveillance. Aside from such short-term policy-making dynamics, since 2010 one could identify new initiatives with regard to the international dimension of EU counter-terrorism policy (Council 2010a). This mainly concerned financial assistance to fragile states where 'affiliates' of Al Qaeda threaten to take hold, such as Pakistan, Yemen and states in the Sahel zone or the Horn of Africa. At the same time, the ratification of the EU Lisbon Treaty cleared the way for the creation of an integrated European External Action Service (EEAS) and reformed decision-making structures in justice and home affairs cooperation. The effects of these changes are discussed in the third part of chapter.

### **3 EU External Counter-Terrorism from a Cross-Cutting Perspective**

From an analytical perspective, one may divide the EU external counter-terrorism policy into the following areas of activity:

1. Engagement in conflicts that could contribute to international terrorist activity
2. Support for an global counter-terrorist regime
3. Construction of a regional protective regime against terrorism

### ***3.1 Engagement in External Conflicts That Could Contribute to International Terrorist Activity***

Analysts agree that the military missions under the Common Security and Foreign Policy (CSDP) have not been linked to the fight against international terrorism (Shepherd 2006; de Vries 2008). EU engagements in large ‘hot wars’, such as Afghanistan, Iraq or Libya, have been and remain inconceivable, as the EU lacks the required military capabilities and political will for such high risk interventions. The proliferation of EU military missions in the Balkans and different parts of Africa pursued much more limited objectives of stabilization or cease-fire monitoring. These missions were also driven by politically less contentious concerns than terrorism, such as support for the UN, or humanitarian or refugee crises. The current EU naval mission in the Red Sea does not run contrary this assessment. The mission predominantly revolves around limited economic objectives and the containment of piracy, whereas a direct engagement with the Al Shabab militia, which can be considered as an Al Qaeda affiliated terrorist organizations, has been avoided. At most, international naval operations off the coast of Somalia have the indirect effect of deterring pirates from forging closer links with Jihadi groups (Shortland and Vothknecht 2011). The absence of an outright EU ‘War on Terror’ can be explained by the long experience and preference of European governments with combating terrorism by non-military means (Rees und Aldrich 2005).

However, civilian EU missions also form part of the CSDP and could help to reduce international terrorism by promoting institutional reforms in authoritarian and fragile states. Over the 1990s, the conflicts in Bosnia attracted Mujahidin from Afghanistan (Mincheva und Gurr 2010). Weak justice institutions, easy availability of weapons and transnational organized crime networks added to the mix for a potential ‘safe haven’ for terrorists. This chapter cannot survey the achievements and limitation of the various EU police and rule of law missions that grew since 2003 in the Western Balkans. Suffice it to state here is that the fight against terrorism has not featured in the official mandates or publicly accessible mission documents. Right after 9/11 the US government forcefully argued that sanctuaries for Al Qaeda should be closed in the Western Balkans (Innes 2005, p. 228), i.e. before a more substantive EU presence could take hold. Since then, however, the principle of ‘local ownership’<sup>1</sup> and the contested limits of legitimate armed resistance, such as in Kosovo (Pokalova 2010, pp. 442–443), conflict with the need of intervening powers to address cases of political violence, crime or terrorism.

Other EU civilian missions that could be relevant for structural and institutional reforms with a link to counter-terrorism, such as the training missions in the Palestinian Authorities, Iraq and Afghanistan, have only achieved a symbolic

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<sup>1</sup> Local ownership designates the ideal that organisational reforms or newly created state institutions, which arise out of international state-building activities, should reflect the interests of the local population and quickly become independent of external support. For an extensive critical discussion, see Donais (2008).

presence. This is due to the protracted conflicts in the receiving countries, and a corresponding lack of political will to mobilize sufficient resources and to send larger numbers and more qualified civilian personnel (Korski and Gowan 2009, pp. 43–51). In short, both the civilian and military components of the CSDP remain a marginal to the EU's global counter-terrorism policy.

Instead, the EU could use its extensive international financial assistance to provide more positive incentives for global counter-terrorism cooperation or to tackle specific social and economic conditions that are likely to promote the occurrence of terrorism (Freytag et al. 2010, pp. 2–5). While the necessity to link development and security policies has been discussed since the 1990s, EU development aid policies have remained detached from the rapid rise of EU counter-terrorism cooperation after 9/11. For instance, the European consensus on development policy (European Union 2006) refers to the need for security for development, but does not explicitly mention terrorism. One could counter that the revised EU Cotonou agreement that regulates trade and development affairs with designated African and Caribbean partner countries introduced a clause on terrorism cooperation (Commission 2005: Art. 11a). Yet although the European Commission funneled more development funds to security-related projects and conflict prevention activities,<sup>2</sup> this specific counter-terrorism clause could not be linked to funding decisions.

In fact, during 2001–2006 the Commission could not draw on a budget line for counter-terrorism. As this period was governed by a long-term financial framework negotiated before 9/11, the Commission had to re-label existing projects for security sector reform to make a nominal contribution to UN resolutions on counter-terrorism assistance.<sup>3</sup> Only one new project that could be identified was a small pilot program of approximately 5m EUR for border security and financial supervision in the Philippines (Commission 2004)—and this project would quickly be terminated due to a legal challenge of the European Parliament that the European Commission unduly appropriated development funds (Barros 2012, pp. 10–13).

It took until 2007 and the creation of the so-called Instrument for Stability (IfS) before the Commission could effectively sponsor counter-terrorism projects beyond the EU's borders. Nonetheless, with a total of 2.1bn EUR over 6 years the IfS remains relatively small. This is accentuated by the fact that the IfS aims at a wide variety of crises and security issues. So far the IfS has been used twice for counter-terrorism projects, namely in Yemen and Pakistan. These countries are certainly crucial due to the rapid rise of extremist groups and the high international profile of Al Qaeda operatives in Yemen. With 14m EUR the Pakistani IfS project to improve criminal justice institutions is unlikely to make little difference to the countries enormous

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<sup>2</sup> Over the following years, EU strategy documents continued to make the point that development remained dependent on the provision of security, which was mostly defined as the absence of armed conflict and other threats than terrorism, such as drug trafficking and organised crime (EU doc 15097/07, 9565/10).

<sup>3</sup> As defined by the UN Security Council Resolution 1373. For the EU's official response that list ongoing assistance and reform programmes under the new counter-terrorism frame, see [http://www.eu-un.europa.eu/articles/en/article\\_1230\\_en.htm](http://www.eu-un.europa.eu/articles/en/article_1230_en.htm)

social and political challenges, while other donors have spent far greater sums without decisive results (Ahmed and Farooq 2010, Islam 2011).<sup>4</sup> Figures about the IfS engagement in Yemen have not been published, but are likely to be even smaller. In light of the recent wave of unrest and growth of Al Qaeda affiliated groups in Yemen, such sums are clearly little more than a symbolic engagement.

In sum, the EU has not significantly reoriented its foreign and security policy and wider financial assistance programs in order to address conflicts or structural inequalities that could increase international terrorist activity (Wennerholm et al. 2010, pp. 10–22). This chimes with long-term trends in European development aid, which exhibits little coherent coordination and mixed response patterns to internal conflicts in recipient countries (Brück and Xu 2011). This could be seen as a positive finding, if one compares the limited EU engagement to the excessive ambitions of the global US War on Terror. But it may also be criticized that the EU has not used its international political and financial weight to address putative ‘root causes’ of transnational terrorism. This critique will be developed further in the third part of this chapter, which discusses the recent EU Sahel Strategy (European External Action Service 2011).

### 3.2 *EU Support for a Global Counter-Terrorist Regime*

The EU can be conceived of as a key actor in a wider global counter-terrorism regime. The Union has become particularly active in the area of financial sanctions and controls of suspicious transactions, which are also based on the UN system. In addition, it stepped up efforts to counter the proliferation of weapons of mass destruction. These three areas are briefly discussed in turn.

The UN Security Council Resolution 1373 from September 2001 provided the basis for a new global regime in the fight against terrorism (Romaniuk 2010, ch.3). As a result, the UN built up a new range of instruments around the *Counter-terrorism Task Force* and agreed on a comprehensive counter-terrorism strategy in 2006. EU support for these UN efforts continued established diplomatic practice since the 1970s.<sup>5</sup> Beyond numerous diplomatic declarations on the fight against international terrorism, the COTER Working Group developed an anti-terrorism clause that should commit third states to uphold all relevant UN conventions (Council 2004b). The clause has hesitantly been incorporated into EU partnership agreements and counts as ‘non-essential’—i.e. a violation cannot trigger a suspension of the partnership or sanctions. This contrasted with the original and more effective model for the anti-terrorism clause, namely the EU’s legal clauses on human rights in partnership agreements (Smis and Kingah 2008).

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<sup>4</sup> Yet one also needs to consider that much US aid to Pakistan has been focused on direct military assistance, which can lead to counterproductive results in the fight against terrorism (Bapat 2011).

<sup>5</sup> See Introduction.

The EU's track record appears more positive in more technical fields of the global counter-terrorism regime, namely counter-financing and non-proliferation. To take the latter first: After the dispute on the legitimacy of the 2003 invasion of Iraq, EU leaders agreed on a common security strategy (Council 2003a) and a strategy on non-proliferation of Weapons of Mass Destruction (WMD) (Council 2003b). The non-proliferation strategy, in particular, set out a multifaceted approach and moved beyond existing UN conventions (Alvarez-Verdug 2005, pp. 129–35). For instance, it promoted stricter control mechanisms for dual-use export goods in the EU, while EU partnership agreements with third countries increasingly included 'essential' clauses on non-proliferation. Official EU reports therefore paint an optimistic picture of wide-ranging EU non-proliferation activities (Council 2010b).

However, commercial interests and strategic allies of the EU, such as India, regularly conflict with the objective to strengthening the non-proliferation regime (Grip 2009, p. 19). Furthermore, critical political conflict, such as with Iran (and possibly Pakistan), are mainly dealt with by the 'Big Three' member states, i.e. Germany, France and Britain, and heavily depend on the political stance of the US. One should also note that the strategy remains legally non-binding and that the implementation and systemic impact of EU non-proliferation policies therefore remains low (van Ham 2011, pp. 5–9). Furthermore, the specter of WMD terrorism, which was widely debated among security policy-makers and analysts during the first years after 9/11, has proved largely illusory to this date (Mueller 2009, p. 235). In sum, EU non-proliferation policies have grown dynamically since 2003, but remain of questionable relevance to the global counter-terrorism regime.

On the international scene, the EU has been especially effective in the fight against the financing of terrorism (Vlcek 2006). Already in the late 1990s the EU enacted UN sanctions against the Taliban. After 9/11, the sanction regime went beyond traditional state actors and erased the distinctions between internal and external security. The UN passed a list of terrorist organizations and individuals whose assets should be frozen. The EU readily adopted and expanded this list, as various EU member states used the opportunity to add national terrorist groups to the sanction regime. At the same time, the European Commission linked the resurgent concern with terrorism financing with ongoing discussion about further EU policy instruments to combat money laundering, and eagerly supported the implementation process of the UN blacklist. Over the following years, EU officials held regular expert consultations with the US and other relevant partners, such as the Gulf Cooperation Council, to regulate international money transfers and to improve the effectiveness of counter-financing regulations (Council 2011a).

However, the speed and scope of EU efforts to contribute to the fight against the financing of terrorism generated multiple legal challenges. This contribution can only refer to the specialized literature that comments on the normative problems of linking international law and sanctions against individuals (Guild 2008) as well as on the multiple decisions by the European Court of Justice to revise the blacklisting process (Barros 2012, p. 13). In a nutshell, the EU had to cross out a few individuals

and organizations from sanctions list, and was mandated to provide more evidence and possible means to challenge the EU's decision. Yet the core legal regime for freezing assets and for monitoring financial transactions has remained in place.

It is extremely difficult to ascertain whether this regime is useful. Proponents argue that financial transactions have often helped to trace extended terrorist networks, while the operational room of maneuver of Al Qaeda has also decreased significantly as funds have dried up. Critics claim that ever more sophisticated surveillance and reporting mechanisms are too costly and cumbersome, while terrorist attacks can also be financed by small sums that cannot be effectively monitored (Brzoska 2011). The recent attacks in Norway that were organized by a single 'lone wolf' and financed by simple credit card fraud give credence to this reading. Suffice it to state here that the EU has played an ambivalent role in the creation and strengthening of a global regime for the fight against terrorism. Whereas general support for international conventions against terrorism has born little results, the EU can point to a substantive policy agenda in the fight against non-proliferation. However, the EU's role in counter-financing has been the most visible contribution to global counter-terrorism efforts, which has also been widely criticized on the grounds of legality and effectiveness.

### ***3.3 EU as a Regional Protective Regime Against Terrorism***

The third dimension of the EU's external counter-terrorism policy revolves around the regional rather than global protection against terrorism. This is based on the functionalist dynamic of policy externalization (Schmitter 1969). For example, a customs union is bound to develop an 'externalized' common trade policy to ensure its proper functioning. This argument can similarly be applied to EU cooperation in Justice and Home Affairs (Balzacq 2009). For instance, the abolition of internal border controls led to 'spill-over' dynamics that led to the creation of common standards for cross-border police cooperation or agreements with non-EU member states to readmit 'illegal' migrants.

After 9/11, the growth of security policies within the EU protect triggered further externalization dynamics (Kaunert 2010a, pp. 51–56) and intersected with US interests. In particular, new EU competences in the area of police and justice cooperation as well as transport security coincided with US demands for increased 'home-land security' (Rees 2006). As a result, the EU cooperates with the US on issues such as the transmission of air passenger name records (PNR), biometric security standards for travel documents, the control of ship containers, or the transmission of financial data on wire transfers. Even though the most recent versions of such EU-US agreements include stronger provisions on data protection that grew out of intense and prolonged negotiations (e.g. Council 2011b; Commission 2011), the EU—and its member states—shared critical security (and commercial) interests with the US to accept the high political and normative costs of these measures. President Obama



promoted further cooperation on more recent topics in counter-terrorism, such as the critical infrastructure protection, cyber-security and the fight against radicalization (Council 2011c). At the time of writing, many of these initiatives have yet to be implemented, but the trend clearly points towards an increasingly strong transatlantic homeland security regime that erases the boundaries between EU-internal and US security.

One could expect a similar, if weaker, cross-border police and security cooperation in the EU's neighborhood. Critical commentators have accused the EU of self-serving security cooperation with various authoritarian regimes in North Africa and the Near East (Joffe 2008). For instance, one can point to a growing number of consultations and declarations on counter-terrorism in the context of the European Neighborhood Policy (ENP) (e.g. Council 2010c). But it seems that other security concerns than terrorism stand in the forefront. Partnership agreements with Northern African states mostly focus on migration and refugee issues (Messari and van der Klaauw 2010) or energy security (Eder 2011). Correspondingly, security-related financial assistance under the European Neighborhood Instrument has remained oriented on police reform and border security, and is thus more likely to contribute to the fight against organized crime and human trafficking rather than terrorism in a narrow sense. The main explanation for these priorities can be found in the varying threat perception of terrorism in EU member states (Meyer 2009, p. 660), whereas organized crime and migration are more universally shared concerns.

This fits with the observation that operational counter-terrorism cooperation remains controlled by member states that tend to prefer bi-lateral arrangements (Coolsaet 2010, p. 864). At least until the upheavals of the 'Arab Spring', authoritarian regimes could profit from such fragmented security cooperation and avoid more concerted external pressures for reform. The EU's established cooperation programs via the ENP did not contain substantial reform programs for the security sector of these countries either. It remains to be seen whether the EU's democracy promotion programs can pick up speed under the changed circumstances (van Hüllen 2011). At the time of writing, the EU has been invited to lead institutional reform process, including in the justice and security sector, in Tunisia (Council 2011d) and has been discussing the prospects for a Rule of Law mission in Libya. The third part of this chapter discusses these developments in light of the post-Lisbon structures for EU foreign and security policy-making.

#### **4 Towards a More Coherent External EU Counter-Terrorism Policy?**

The Lisbon Treaty abolished unanimity requirements in nearly all areas of internal security cooperation and could be expected to set off a new dynamic of policy cooperation (de Zwaan 2012). For instance, the Lisbon Treaty established an integrated internal security committee, COSI, which put a new emphasis on

strategic planning across geographical and functional divisions. The Council also formalized a working group (JAI-EX) that coordinates international activities of EU member states in matters of police and justice cooperation (Council 2011e). Finally, EUROPOL has been transformed into an EU agency, which should further strengthen the EU's international profile in police cooperation. The resulting potential for more integrated internal and external security policies, which includes the fight against terrorism, has been underlined in a new EU internal security strategy (Council 2010d).

At the time of writing, however, these reforms had not made a decisive impact with regard to external counter-terrorism. First and foremost, the abolition of unanimous decision-making in internal security does not necessarily result in easier decision-making within the EU and more coherent international policies. The case of US access to wire transfer data (SWIFT), illustrated this dynamic (Ripoll Servent and MacKenzie 2011). Due to the change to majority voting, the European Parliament also became involved in the decision-making process on an appropriate legal framework for such data transfers. This resulted in a veto the first draft version of the US-EU agreement in order to extract stronger data protection rules. The fight against the financing of terrorism—which partly fell under EU community competences and qualified majority voting before the Treaty of Lisbon—already showed that increasing EU security competences led to political controversies and legal challenges before the European Court of Justice.

From a more operational perspective, the post-Lisbon internal security committee COSI aims to coordinate national police priorities. Yet the first iteration of its so-called 'policy cycle' to achieve this harmonization focused on organized crime rather than terrorism, while concrete results remain unclear (Council 2011f). This can be explained by the still highly diverse institutional structures of national security provision across EU member states, their divergent threat perceptions (Meyer 2009, p. 660) as well as the operational and cultural obstacle to implement new practices in the police (Lum 2009, p. 12).

Similarly, the transformation of EUROPOL into an independent agency should not be regarded as a breakthrough. The growing institutional and financial basis of EUROPOL supports its expanding portfolio of activities in the area of cybersecurity and monitoring of extremist websites (Council 2010e, p. 14). Yet this steady organizational development does not overcome the political questions whether it is acceptable to cooperate with third states that do not fully share EU conceptions of fundamental rights and data protection (Kaunert 2010b). Moreover, despite a growing routing of Europol with regard to analysis of terrorist threats—as is evidenced in its annual Terrorism Situation Report (e.g. EUROPOL 2009)—EU member states still cannot be expected to share the most sensitive information via this multi-lateral channel. This leads to a 'chicken-or-egg' dilemma whereby national police authorities continue to question the relevance of EUROPOL in the fight against terrorism, which is at least partly caused by their reluctance to trust Europol with more data in the first run (Bures 2011: ch.4). Therefore, EUROPOL remains a minor partner in global police cooperation against international terrorism.

For the same reason, the so-called JAI-EX committee that should coordinate national external police activities could be significant for the EU's global counter-terrorism profile. Given the traditional dominance of bi-lateral security relations in operational counter-terrorism, such coordination is urgently needed. However, the work of the JAI-EX committee seems to revolve around drug and human trafficking, which are regular topics for police cooperation, whereas international counter-terrorism is frequently handled by intelligence agencies that do not fall under the remit of JAI-EX. The links between JAI-EX to other parts of the EU's internal security machinery also remain underspecified (Council 2011g), so that the committee's activities may amount to little more than informing each other about national activities. Yet the most important barrier to an assessment of the activities of JAI-EX consists in the lack of public information.<sup>6</sup>

In any case, there are further indications of a relative continuity of the EU's external counter-terrorism policy after the Lisbon Treaty. Despite repeated calls to improve the institutional coherence of the EU's complex counter-terrorism policy—such as a by a possible merger of the EU's internal and external counter-terrorism group or a stronger profile for the EU Counter-terrorism Coordinator—path-dependency and bureaucratic interests continue to hamper coordination (Argomaniz 2011, ch.8). A wider policy framework for the coordination of internal and external security policies of the EU has equally stalled at the level of occasional meetings (Council 2011g). What seems to be required is a separate strengthening of the foreign policy components of the EU's counter-terrorism policy, rather than to stick to the elusive ideal of a fully integrated internal and external counter-terrorism strategy, which has hitherto been dominated by the transnational activities of police.

In the area of foreign policy, the Treaty of Lisbon could also be seen as a major turning point. Libya demonstrated that robust military interventions remain the domain of a few member states and NATO structures. The EU's CSDP will therefore remain detached from more aggressive or ambitious missions that could be conceived of as part of the fight against international terrorism. However, the creation of the EEAS, which includes Commission officials alongside national diplomats, should lead to a reform of development aid in order strengthen international security (Varrenti 2010).

The first related output of the EEAS has been the so-called Sahel strategy (European External Action Service 2011), which linked security concerns with development assistance and the promotion of good governance. While organized crime is also prominently mentioned, this mainly concerns terrorist activities by the so-called Al Qaeda in the Islamic Maghreb (AQIM). Over the last few years, this group has become a growing concern to terrorism analysts and EU policy-makers

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<sup>6</sup> At the occasion of a conference with policy-makers the author was briefly shown a classified meeting document that outlined discussions of the JAI-EX Committee with US representatives on the treatment of terrorist suspects. It was not clear, however, whether these consultations were of practical significance. This illustrates that further research and public information is needed to assess the importance of JAI-EX.

(EUROPOL 2009, pp. 21–22). The urgency of the Sahel strategy and activities to contain AQUIM were underlined by a new wave of kidnappings of EU citizens in the region, a growing number of attacks in Nigeria, as well as by the uprising in Libya, which could facilitate access to military weapons.

By the end of 2011 EU policy-makers therefore promised an additional 150mEUR for security assistance to Mali, Niger and Nigeria, financed from the European Development Fund. This represents the first time that ring-fenced development funds would be explicitly used for security and counter-terrorism purposes. In the future, the Sahel strategy should also link programs for economic development with the objective to combat radicalization. Taken together, this could be regarded as the way towards a more effective and integrated external counter-terrorism policy. The Sahel strategy already served as a precedent for a second strategy on the Horn of Africa that equally aims to pursue interlocking security and development objectives (Council 2011h: Annex).

Nevertheless, NGO representatives (APRODEV et al. 2011) were quick to point out that the Sahel strategy failed to provide a sufficient analysis of the complex regional situation and excessively focuses on AQIM and drug trafficking. The narrow scope of the strategy was underlined by the fact that assistance would be provided to three states only, namely Mauritania, Mali and Niger. These states are both characterized by undemocratic structures and by their dependency to external aid. This suggests that the EEAS may have picked a region where security cooperation is easy to define and where a lack of political weight of the partner countries allows the EU to showcase its relevance. In spring 2012, this problematic choice of cooperation partners came to a head as a military coup ousted the government of Mali, while nomadic rebels in the North allegedly struck an alliance with AQUIM and aimed to found an independent Islamic state. This chapter cannot provide a deeper analysis of the complex security and political dynamic in the Sahel zone. What can be asserted here is that the EU's intention to act as a stabilizing force and counterweight to terrorist-affiliated actors seems to have been a case of 'too little, too late'.

If one moves beyond extremely fragile regions in the Sahel, which may be beyond the effective reach of the EU—at least if one considers the potential will to intervene more forcefully—, further questions need to be asked about possible benefits of different kinds of external aid in the fight against terrorism. Research indicates that the effective delivery of aid in certain sectors, such as education, health and civil society, is more important than overall volume or 'robustness' (Young and Findley 2011). In words, the Sahel strategy may not become a model for the integrated external assistance and foreign policy of the European External Action Service as originally intended. Instead, long-standing debates about aid delivery and the prospects of external state-building activities are likely to persist, which translates into a continued low-profile of the EU's external counter-terrorism assistance.

## 5 Conclusions

The EU's external counter-terrorism policy presents a highly mixed picture. One can point to a dynamic increase in transatlantic homeland security cooperation with the US and a comparatively high level of EU support for global regimes that relate to the fight against terrorism, such as non-proliferation and counter-finance. However, one could not make out a coherent effort to mobilize all possible instruments of EU foreign policy to combat terrorism either at the global level or in the EU's neighborhood. While this chapter could only provide a broad empirical overview, these fragmented outcomes are a familiar feature of EU foreign and security policy and can be readily explained by institutional path-dependency, professional boundaries between different policy fields, and the persistent differences in threat perceptions and interests of both EU member states and third states. Despite the significant cooperation drive after 9/11, these structural cooperation barriers have largely remained in place. Therefore, recent institutional reforms and conceptual initiatives after the Treaty of Lisbon should not be overestimated either.

From a normative perspective, one needs to reflect on the internal differences and nuances of the EU's global or international counter-terrorism efforts. The growth of transatlantic security cooperation generated an extensive political and legal debate that underlined the erosion of data protection principles and the doubtful effectiveness or cost-benefit relation of various security measures. This critical line of analysis, which is most developed in the area of global counter-financing, needs to be extended to more recent topics of EU-US security consultations, such as radicalization or further infrastructure protection.

A particularly interesting picture emerges with regard to other forms of diplomatic activity and aid that may help address structural conditions or grievances, which may be related to the occurrence of international terrorism. One could not detect a significant reorientation of EU partnership agreements or redirection of financial assistance in relation to the fight against international terrorism. Compared to overall levels of EU assistance and general trade and association agreements, security assistance that has been explicitly tied to the objective of counter-terrorism (e.g. via the reporting under UNSCR 1373) remained limited. Security interests, such as the control of migration and the fight against organized crime, have arguably influenced EU diplomatic relations and assistance programs over decades. Yet 9/11 should not be interpreted as a critical watershed with regard to an illusionary ideal of EU civilian power.

Since 2010 growing concerns with 'branches' of Al Qaeda and the creation of the EEAS have triggered new efforts to develop a more effective international counter-terrorism policy. The EU Council furthermore attempted to strengthen the link between development spending and security projects with counterterrorism implications. However, the pioneering Sahel strategy continues to attract criticism and may have already been overtaken by developments in Mali. Moreover, the wave of upheavals in Northern Africa and parts of the Middle East demonstrated that choosing security over democratization can invite serious contradictions and

instability in the medium to long-term. In light of such dynamic or unpredictable developments the EU's external counter-terrorism policy needs to attract further research.

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