The European Union: Measuring Counterterrorism Cooperation

by David T. Armitage, Jr.

Key Points

The United States and European Union (EU) are natural partners in the global war on terror, but cooperation, although absolutely necessary, is inherently difficult. Primary responsibility for most European counterterrorism policies remains with the separate governments of the 27 EU countries, which has presented coordination problems both within the EU and between the United States and European Union. Asymmetries in capacities and perceived vulnerabilities affect how different member states address counterterrorism. Institutional dynamics—not only among the various EU institutions but also between the EU and the North Atlantic Treaty Organization (NATO)—influence the degree of cooperation as well.

The EU has made progress generally as a result of the shock of actual or attempted terrorist attacks. Because Europe has been both a terrorist launch pad and a target in its own right, EU governments tend to focus on preventing terrorist attacks at home rather than fighting terrorists abroad.

Nevertheless, over the past 6 years, the United States and European Union—despite different historical traditions, legal approaches, and capabilities—have demonstrated an ability to work together. The key is to remain cognizant of the different dimensions (such as military, diplomatic, and financial) related to countering terrorism, as well as the time horizons. The tactical-operational considerations should not impede the longer-term strategic goal of delegitimizing terrorism as an instrument for political change.

One of the major concerns is that the threat crosses not only borders but also sectors. To date, the major terrorist attacks in Europe have been against soft-target transportation infrastructure, but critical information systems, energy distribution networks, and food supplies also are vulnerable.

A multilevel, multisectored approach may represent one answer to this situation. The United States should continue to pursue avenues of cooperation where appropriate at the national, EU, and NATO levels. Dialogue has the potential of building trust among stakeholders, which is the key to taking effective actions against terrorists.

Natural Partners?

The United States and European Union (EU) are natural partners in the global war on terror, but bureaucratic, cultural, and tactical differences threaten to hinder progress. Multilateral counterterrorism cooperation is inherently difficult because the degree of threat perception and capabilities to fight terrorism vary significantly among the different actors. Even if Americans and Europeans agree on the need to fight global terrorism, especially after clear evidence (for example, the 9/11, 3/11, and 7/7 terrorist attacks), there may be a lack of consensus on the mix of causal or aggravating factors, as well as what steps to take to overcome those factors. One thing that everyone does seem to agree on is that this is a fight no country can undertake alone.

The United States recognizes the challenge ahead and is working with partners, including the European Union (member states and institutions), in all areas of counterterrorism. As then–Coordinator for Counterterrorism Henry Crumpton told the Senate Committee on Foreign Relations in 2006, "Dealing with the threat from violent extremism . . . requires that we and our partners wage a traditional campaign using our judicial, law enforcement, financial, military, and diplomatic resources." He went on to say that this effort would not be easy or quick or one in which the United States could succeed on its own: "Countering violent extremism involves a world-wide effort. It will last decades, if not longer."[1]

Legacies of the Past

Europeans are quick to note that they had been dealing with terrorism long before September 11, 2001. The British confronted the Irish Republican Army, the Spanish fought the Basque separatists, and Germans struggled with the Baader Meinhof gang, to mention just a few of the more famous examples. However, many of these counterterrorist efforts were different from the current circumstances in two respects: national approach and political end. In the pre–September 11 environment, Europeans approached counterterrorism generally on a national basis against primarily (although not exclusively) national groups with defined (even if unrealistic) political ends. Moreover, the main goal for these groups was not to inflict mass casualties but to incite fear and move the national government to a particular political end.[2]

Changes since the end of the Cold War have forced European governments to recognize the need to cooperate at a regional rather than a national level. First, implementation of the Single Market during the late 1980s and early 1990s introduced the concept of free movement of goods, people, services, and capital. If internal borders within Europe were to be broken down, then external borders surrounding Europe needed to be strengthened.

Second, globalization—advances in communications and transportation—made it easier than ever before for people to transit Europe. Globalization also made it easier for small groups, including nonstate actors, to organize. A significant difference between pre– and post–September 11 has been the transnational nature of terrorism. Al Qaeda is a global network.

Third, geopolitical events—the first Gulf War, collapse of the Soviet Union, and Balkan wars—increased the level of organized crime by disrupting societies and creating opportunities for exploitation in ungoverned areas. Scholars have observed the linkages between

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terrorist groups and organized criminal entities. For example, in Spain, al Qaeda raised funds from credit card schemes.[3] In Belgium, forged passports and smuggled diamonds were used for money laundering. In Germany, privacy laws were exploited to store contraband. In Italy, counterfeit couture raised funds for locals, and Russian and Albanian mafia groups smuggled people into the United Kingdom.[4] These developments also heightened the risk that small groups would be in a position to inflict mass casualties through unconventional means.

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Finally, demographic dynamics have made Europe a home for a growing percentage of Muslims, whose assimilation into European societies has raised difficult challenges. Clearly, a sense of alienation within parts of the Muslim community may foster grievances that radicals can readily exploit to encourage a disaffected few to become homegrown terrorists. The ability of Europeans to deal effectively with these seemingly disparate situations has become crucial. As experts have noted to Congress, Europe has become both a terrorist launch pad (as in the 9/11 attacks) and a target in its own right (the 3/11 and 7/7 attacks).[5] Moreover, as the United States adjusted its homeland defenses, making it harder for terrorists to attack the Nation directly, Europe itself became more vulnerable. At the same time, the longer Europeans squabbled among themselves or delayed improving their own domestic security, the longer the United States remained vulnerable.[6] Thus, the dynamic was set in place where trust was needed, and yet recriminations across the Atlantic seemed to erode that trust.

Reacting to Terror

Since 9/11, the European Union has made progress in fighting terrorism primarily as a result of the shock of actual or attempted attacks. The most notable are the March 2004 Madrid train bombings, July 2005 London bombings, August 2006 plots in the United Kingdom and Germany, and the thwarted July 2007 attacks in London and Glasgow. Before the September 2001 attacks, the EU had no common definition of, or penalties for, terrorism. The main focus at the time was how best to allow EU citizens to take full advantage of the Single Market and the Schengen area.[7] However, 9/11 was a wake-up call for EU member states. The power of external shock revealed how vulnerable the organization was internally, and the European Union responded with relative speed. In December 2001, member states agreed to a common definition of terrorism.[8] They created a common list of terrorist organizations

and a clearinghouse for freezing terrorist assets. They agreed to strengthen the European Police Office (Europol) and to introduce a common European arrest warrant. In December 2003, the EU produced a European Security Strategy that listed the main threats to the continent: terrorism, proliferation of weapons of mass destruction, regional and/or ethnic conflict, state failure, and organized crime.

These accomplishments notwithstanding, momentum soon lagged. The European arrest warrant, agreed in December 2001, was not actually adopted by all member states until 2004. Even then, there were problems. In February 2005, the European Commission noted that 11 of the then-25 member states had made mistakes when transposing the arrest warrant into national law. The cultural and bureaucratic differences between law enforcement/police and intelligence approaches, as well as fears that EU institutions were encroaching upon national sovereignty, limited further cooperation. Unanimity was required in the terrorist clearinghouse, meaning that a single member state could prevent Hamas or Hizbollah from being put on the list.

The March 2004 terrorist attacks in Madrid reenergized Europeans to renew coordinated action against terrorism. EU member states established a Counterterrorism Coordinator, former Dutch Deputy Interior Minister Gijs de Vries. Answering to the member states, de Vries was responsible for streamlining the EU's counterterrorism instruments, assessing the terrorist threat in Europe, and monitoring member-state implementation of EU-mandated legislation. However, member states equipped him with only a token staff and budget and no operational authority.[9] After 3 years in the job, de Vries stepped down in March 2007. As of August 2007, the post remains unfilled. The Situation Center took on additional responsibility to provide information and analysis on EU-wide terrorist threats. The Brussels unit is small, comprised mostly of experts seconded from national governments. Implementing the European arrest warrant, which had stalled in the capitals of several member states, gained new momentum.

The July 2005 London bombings were an additional wake-up call. The fact that the suicide bombers were homegrown added a new and disturbing dimension to European efforts. The EU developed a counterterrorism strategy in November 2005. Prominent in the strategy is the need to combat the radicalization and recruitment of terrorists. In December 2005, the EU published its Action Plan on Combating Terrorism, which is a detailed matrix of activities, with a goal of measures to be taken, deadlines, and appropriate EU entities responsible.

The thwarted August 2006 plots in the United Kingdom, as well as the one in Germany, reminded Europeans that they were still quite vulnerable to attack. The plot in Germany was particularly troublesome because, in contrast to the United Kingdom and Spain, the German government had been strongly against the war in Iraq. This made clear that jihadist attacks in Western Europe were not solely a function of each country's policies on support of the United States in the Middle East. No one was immune. At a September 2006 Justice and Home Affairs Council meeting, EU president Finland urged fellow member states to create an instrument that would provide common principles for storing information from video surveillance of major traffic junctions.[10]

The botched July 2007 attacks in London and Glasgow introduced a new element because the alleged attackers were middle-class physicians and did not fit the standard terrorist profile. German Interior Minister Wolfgang Schäuble stated in a July *Der Spiegel* magazine interview, "The fact is that old categories no longer apply." He also warned that "we could be struck at anytime."[11] In early September, German authorities disrupted a plot to cause major destruction to airports and U.S. military facilities in Germany, reinforcing Schäuble's point.

A "Fight," Not a "War"

Primary responsibility for most European counterterrorism policies remains with the separate governments of the 27 EU countries, a situation that has presented coordination problems both within the EU and between the United States and EU. It is clear from reading almost any EU document that Europeans regard terrorism as primarily a criminal, not a military, act.[12] A review of the EU Action Plan on Combating Terrorism reveals that the emphasis is on legislation to criminalize terrorism. So-called Framework Decisions are the main instruments for such legislation. In contrast to economic and trade legislation, where the European Commission has significant power, counterterrorism falls under the so-called Third Pillar of Justice and Home Affairs. Framework Decisions are made by the national ministers (usually Justice or Interior), and unanimity is the rule.

Unlike the United States, which views counterterrorism with a heavy external dimension (the *global* war on terror), EU member states are much more focused on the internal dimension. The lead agencies in counterterrorism are not the defense ministries, but rather the interior and justice ministries. Interior and justice ministers are at the center of European counterterrorism policies. They and their respective intelligence services take the lead on disrupting terrorist networks. The European Security and Defense Policy (ESDP) has very little direct connection to counterterrorism. From the European Security Strategy standpoint, the ESDP emphasis is on regional conflict stabilization and reconstruction, peacekeeping, rule-of-law, and humanitarian missions. The idea that European military personnel would be used to guard European soil (in a homeland defense function) has little resonance in European capitals for both historical and political reasons.[13]

EU member states are interested in protecting their critical infrastructure and are pursuing policies to do so. Guarding approaches are the province of EU Transport Ministers. They are the ones to agree on measures to protect airports, including screening of luggage for potential explosives. The EU created the Agency for the Management of External Borders (FRONTEX).

Located in Warsaw, FRONTEX's Finnish Director Ilkka Laitinen oversees national border guard training, risk analysis, technical and operational assistance to member states, and external border management.

EU member states are aware that Islamist extremists pose a potential threat but have different ways of dealing with the problem. Muslims in certain European countries continue to feel alienated or disaffected even after living there for years.[14] A recent study of 242 jihadi terrorists in Europe concludes that more that 40 percent were born in Europe and an additional 55 percent were raised in or were long-term residents of Europe.[15] A mini-summit of EU Justice Ministers was held in London on August 16, 2006, to discuss new security measures. At a press conference afterward,

Table 1. Muslim Populations in the European Union

Member State	Population (millions)	Muslims (millions)	% Muslim Population
Cyprus	0.9	0.2	17.8
Bulgaria	7.5	0.9	12.0
France	60.4	5.0	8.3
Netherlands	15.8	1.0	6.3
Denmark	5.3	0.3	5.1
Sweden	8.9	0.4	4.5
Austria	8.1	0.4	4.3
Germany	82.0	3.5	4.3
Belgium	10.2	0.4	3.9
United Kingdom	58.6	1.6	2.7
Spain	39.4	1.0	2.5
Slovenia	2.0	0.1	2.5
Italy	57.6	1.0	1.7
Greece	10.6	0.1	1.3
Romania	22.3	0.2	0.9
Czech Republic	10.3	0.0	0.0
Estonia	1.4	0.0	0.0
Finland	5.2	0.0	0.0
Hungary	10.1	0.0	0.0
Ireland	3.7	0.0	0.0
Latvia	2.4	0.0	0.0
Lithuania	3.7	0.0	0.0
Luxembourg	0.4	0.0	0.0
Malta	0.4	0.0	0.0
Poland	38.7	0.0	0.0
Portugal	10.8	0.0	0.0
Slovakia	5.4	0.0	0.0
EU TOTAL	482.1	16.1	3.3

Sources: Statistical Office of the European Communities, British Broadcasting Company, and Central Intelligence Agency World Factbook 2007.

EU Commissioner for Justice, Freedom, and Security Franco Frattini recommended blocking Web sites that "incite to commit terrorist actions." While stressing that he favored a European Islam, Frattini also suggested that *imams* should be trained to "incorporate European values in their teachings."[16]

However, dealing with Muslim minority populations within Europe will be particularly problematic because of uneven distribution of Muslims among the member states and the political and religious sensitivities involved (see table 1). The origins of Muslim populations in EU states also differ (British Muslims generally are from South Asia, German Muslims from Turkey, and French Muslims from North Africa). Geographic proximity to North Africa leads several southern European countries to feel more vulnerable. One proposal put forward by the Europeans was to develop a "non-emotive lexicon" for discussing issues "in order to avoid linking Islam to terrorism." Yet in the same paragraph, the EU strategy talks about encouraging the "emergence of European *imams*" and engaging with "Muslim organizations and faith groups that reject the distorted version of Islam put forward by al Qaeda and others."[17]

In any event, European officials generally have shied away from a public debate over the long-term solution of integrating and assimilating these populations into their societies.[18] The very notion that the current threat may be internal, combined with their previous experience with domestic terrorism in the 1970s and 1980s, led Europeans to consider the domestic criminal law framework.

Institutional Dynamics

Institutional dynamics also play a role. Asymmetries in perceived vulnerabilities affect how different EU member states support addressing the problem at the EU level. Moreover, the primary institutional link for the United States remains NATO. Table 2 shows the progress made toward counterterrorism by NATO and the EU. Not surprisingly, the NATO elements fall mainly in the military/homeland defense dimension, while the EU efforts are broader in scope. However,

Table 2. NATO and EU Counterterrorism Efforts

	NATO	EU
Military/ Homeland Defense		
Guarding Approaches/Border Control	Standing Naval Force Mediterranean/ Operation *Active Endeavor*	FRONTEX/Schengen Information System II/EU Transport Council/SAFEMED
Air/Missile Defense	Theater Missile Defense Program/ Air Command and Control System	EU Military Staff/ Military Committee
Consequence Management	Euro-Atlantic Disaster Response Coordination Center/ Senior Civil Emergency Planning Committee	Counterterrorism Coordinator/ Commission–6th Framework Program for Research to Support Civil Protection/ Central Crisis Coordination System
WMD Nonproliferation	Nuclear, Biological, and Chemical (NBC) Virtual Center of Excellence/NBC Battalion	Common Foreign and Security Policy (CFSP)/ WMD representative
Critical Infrastructure		Commission/Counterterrorism Coordinator/Justice and Home Affairs (JHA) Ministers
Law Enforcement / Intelligence		
Organized Crime		Counterterrorism Coordinator/JHA Ministers/Europol/Eurojust
Terrorist Networks	Terrorist Threat Intelligence Unit/ Partnership Action Plan Against Terrorism	Counterterrorism Coordinator–EU Action Plan/EU Joint Situation Centre/Trevi Group/Europol
Terrorist Finance/Money Laundering		Europol/JHA Ministers/Commission
Immigration/Asylum		JHA Ministers/Commission
Biometrics/Data/Privacy Protection		European Parliament/FRONTEX/ Commission/EU Data Protection Supervisor
Diplomacy / Hearts and Minds		
Preventing Radicalization/Recruitment		Commission/Counterterrorism Coordinator– EU Action Plan
Democracy Promotion		CFSP/Commission–European Neighborhood Policy

Sources: NATO, EU, Department of Defense

the progress on the EU front is quite uneven. Numerous efforts included in the Action Plan are rhetorical, with implementation continuing to fall to the member states, often stalled in national assemblies.

There also are tensions within the EU institutions themselves. The relationship between the Council Secretariat, Presidency country, and Commission is only one aspect. Within the Commission, there are coordination challenges among the various Commissioners: Franco Frattini (Justice, Freedom, and Security), László Kovács (taxation; combating fraud and counterfeiting), and Charlie McCreevy (internal market and head of the Financial Action Task Force on Money Laundering).[19] Moreover, the increase

in the number of autonomous EU agencies (for example, FRONTEX, Europol, the European Judicial Cooperation Unit [Eurojust], and European Data Protection Supervisor) has the potential of complicating coordination simply because of new bureaucratic actors seeking to define their roles and missions.

Prospects for Cooperation

What are the prospects for transatlantic counterterrorism cooperation? The following section discusses the potential based on the different dimensions of counterterrorism and analyzes where the prospects are brighter, or where further work needs to be done.

Military Cooperation. NATO's International Security Assistance Force (ISAF) continues to be an area where the United States and its allies have consensus on the need to remain engaged. However, such cooperation and commitment have been tested in recent months, and continued participation cannot be taken for granted. Public unease over casualties among NATO troops and Afghan civilians has put pressure on some governments not to renew their ISAF mandates or to recast their roles toward training and non-combat functions. The European Union has begun an ESDP police mission in Afghanistan, which will be linked to ISAF operations.

In Europe, the Alliance has made progress in the area of homeland defense, including guarding approaches to NATO borders (especially maritime), upgrading air defense capabilities, and improving coordination in consequence management.[20]

Diplomatic Cooperation. There are three main areas where Americans and Europeans should focus: democratic values and the rule of law, the Middle East, and Iran. These areas, while distinct, are not unrelated.

Promoting economic liberalization and democracy is crucial for achieving a long-term solution to the fight against terrorism. Respect for human life and the rule of law are the foundations of modern Western society. Diplomatic efforts to find peaceful solutions to intractable conflicts and to support democratic movements through the development of legitimate institutions remain a hallmark of U.S. foreign policy and a goal for U.S.–EU cooperation. According to the 2006 U.S. National Security Strategy, "In the world today, the fundamental character of regimes matters as much as the distribution of power among them. The goal of our statecraft is to help create a world of democratic, well-governed states that can meet the needs of their citizens and conduct themselves responsibly in the international system."[21]

Muslim extremism feeds on illegitimate and ineffective governance within the Islamic world. Thus, the United States and EU have a shared interest in promoting the development of governments in the Muslim world that are representative and respectful of their people.[22] Therefore, we should continue the practice of working together to encourage good governance, help other countries build sound administrative and judicial institutions, and cooperate in areas where there are weak or failing states. Supporting and reinforcing these concepts at home will reinforce the legitimacy of promoting them abroad.[23]

Finding diplomatic solutions to the problems in the Middle East represents a second area where the United States and European Union can work together. Solving the conflict between the Israelis and Palestinians would not eliminate the threat of transnational terrorism, but it might go a long way toward diminishing recruitment and radicalization. As the EU Counterterrorism Strategy states, "[W]orking to resolve conflicts and promote good governance and democracy will be essential elements of the Strategy . . . in order to address the motivational and structural factors underpinning radicalization."[24] In this regard, the Bush administration's recent initiative to assume a more activist stance on Israeli-Palestinian issues and to launch a major international peace initiative later this year should be seen as a positive step forward.[25]

Finally, dealing effectively with Iran has the potential of reducing tension in the Middle East. The United States and EU can lessen the threat of terrorism by persuading Tehran that supporting terrorist groups such as Hizbollah is inconsistent with Iran's long-term interest in gaining respect and participating in the international system. Americans and Europeans must also work together to curb Iranian nuclear activities, which would reduce the threat of weapons of mass destruction proliferation. Those desired goals are much easier said than done, however, and we may not reach transatlantic agreement on the right mix of sticks and carrots. Still, this is a case where the United States has carrots (restoring diplomatic relations) and the EU has sticks (sanctions owing to Iranian dependence on European investment and trade). Getting Iran policies right has never been more important.

Homeland Security and Law Enforcement. A balance must be found between protecting society at large from terrorist attack and preserving the civil liberties of individuals that form the foundation of modern Western civilization. It would be facile to suggest that there is a stark transatlantic rift on this issue, where Americans ignore civil liberties and the Europeans uphold them. According to the latest Transatlantic Trends survey, European and American views toward civil liberties are remarkably close. In fact, Europeans support greater government authority than Americans with respect to surveillance cameras and monitoring bank transactions, while they have about the same views as Americans with respect to monitoring Internet communication and phone calls.[26] There are valid differences between the

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ways that Americans and Europeans treat and protect personal information. EU countries tend to have formal systems and a tradition of independent data protection supervisors. Europeans also seem more receptive to privacy intrusions by allowing for national identity cards, a notion that many in the United States would consider to be an unacceptable infringement of their privacy rights.[27] The EU itself has been wrestling with the issue of data protection within Europe. Analysts and scholars on both sides of the Atlantic hold a range of views on the subject, and the debate no doubt will continue.

Despite the different traditions and approaches to data privacy, the two sides have succeeded in reaching agreements on data protection regimes that still allow for counterterrorism cooperation. Shortly after the September 2001 attacks, the United States and EU formed a counterterrorism task force that included liaisons between the Federal Bureau of Investigation and Europol. In December 2001, the first Europol Agreement, involving strategic information exchange, was signed. A second Europol Agreement for even closer cooperation was signed in 2002. The U.S. and

EU Mutual Legal Assistance Treaty (MLAT) and Extradition Treaty were signed in June 2003.[28] The MLAT allows for the use of new techniques, such as joint investigative teams and video conference technology to take testimony from foreign-located witnesses, possibly reducing the risk of critical evidence or information slipping through the bureaucratic cracks. It also sets out limitations on the use of personal data.

Along with the MLAT, the U.S.–EU Extradition Treaty formalizes an institutional framework for law enforcement relations with the European Union. The treaty replaces several older bilateral treaties that did not cover modern offenses such as money laundering.

Other agreements include an October 2006 agreement with Eurojust that will permit greater transatlantic cooperation in

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prosecutorial matters. In 2004 and again this year, Washington and Brussels overcame their differences to reach an accord on so-called passenger name record data in a manner that will allow the Department of Homeland Security to do its job of defending the United States while respecting the privacy rights of individuals.[29] As European Commissioner Frattini said at an April 2007 meeting with U.S. officials in Berlin:

The transatlantic security partnership is particularly strong in the area of justice, freedom, and security. . . . At a time of global threat from international terrorism, security issues play a significant role in the cooperation between the EU and the United States. In order to overcome these challenges together, we must closely coordinate our

efforts, share information, and cooperate on law enforcement as much as possible.[30]

The United States and EU agreed to hold a Justice and Home Affairs Ministerial twice a year. Moreover, there is an ongoing dialogue covering border and transportation security. These dialogues help the respective parties develop standards for travel documents, information-sharing, and cargo screening.

Intelligence. An integral part of counterterrorism cooperation is having the right information to prevent and disrupt potential attacks. If antiterrorism protection and emergency response fundamentally are local, then information-gathering and information-sharing must be global. Information-sharing is important both from an operational and analytical perspective, but the best cooperation often is concealed from public exposure for many self-evident reasons. Exchanging analytic views and providing mechanisms for sharing information without compromising sources and methods will be the main challenge for improving transatlantic cooperation in this sphere.

Financial. In the financial arena, the scope and potential for cooperation remain robust. Combating terrorism finance is critical to reducing the resources available to terrorist operations. The United States and EU should continue the informal dialogue encompassing major legislative and regulatory issues. Such a dialogue includes expert-level exchanges, workshops on protecting charities from terrorist abuse, developing best practices in investigations/ prosecutions, and improving effectiveness of designations. Greater coordination among international institutions is an important component of this approach.

Conclusion

Over the past 6 years, the gap between European and American threat perceptions has narrowed, and the recognition that the United States and Europe—despite different historical traditions, legal approaches, and capabilities— must work together for the common defense has become clear. The key is to remain cognizant

of the different dimensions related to terrorism, as well as the time horizons. The tactical-operational considerations should not impede the longer term strategic goal of delegitimizing terrorism as an instrument for political change.

U.S. and EU perspectives on counterterrorism strategies tend to converge in at least seven areas:

- the scope of the terrorist threat
- the illegitimacy of terrorism as a form of political behavior
- vulnerabilities caused by globalization
- the need not only to disrupt but also to dismantle terrorist organizations over the longer term
- a role for the United Nations and international partners
- the importance of conflict resolution, governance, and democracy
- the importance of resolving the Israeli/Palestinian conflict.[31]

While such convergence is reassuring, that fact alone provides no guarantee of success. The real test will be to align these diagnostic and prescriptive elements of counterterrorism policy within the rubric of an agreed transatlantic strategy that applies resources effectively.

One of the major concerns is that the terrorist threat crosses not only borders but also sectors. Thus, what is needed is a multilevel, multisector approach that also includes public/private and interagency cooperation. According to one expert, as much as 80 percent of Europe's critical infrastructure is in the hands of the private sector.[32] While private entities are focused on protecting their own particular assets, terrorists may be able to exploit vulnerabilities in the seams. Achieving such cooperation will be difficult because infrastructure owners may be reluctant to share information, believing that such disclosure would increase their exposure to attack.

The terrorist risk varies among sectors. To date, the major terrorist attacks in Europe have been against easily targeted transportation infrastructure. As one security expert commented recently in Brussels, "While the transport infrastructure was the most vulnerable, it was almost impossible to protect,

as it was an 'open system' with 5,000 km of track."[33] Information systems, energy distribution networks, and food supplies also are critical sectors. The Internet is an open system as well, which terrorists have been keen to exploit (through recruitment, communication, fund raising, and operational planning).

Layered approaches represent one answer. Going beyond best practices will need to be emphasized, too. The United States should continue to pursue avenues of cooperation at the national, EU, and NATO levels.[34] Dialogue has the potential of building trust among stakeholders—both public and private—which is key to taking the kinds of actions needed to fight terrorism.

Notes

[1] Henry A. Crumpton, "Islamist Extremism in Europe," statement before the Senate Foreign Relations Committee, Subcommittee on European Affairs, April 5, 2006, 2.

[2] That is not to imply that current transnational terrorist networks such as al Qaeda lack political objectives, but rather to emphasize the contrast in the scale of casualties.

[3] Fernando Reinares, *Hacia una caracterización social del terrosimo yihadista en España: implicaciones en seguridad interior y acción exterior,* ARI 34/2006 (Madrid: Real Instituto Elcano de Estudios Internationales y Estratégicos, 2006).

[4] Interviews with EU officials, Brussels, May 31, 2006. Also see "The Transatlantic Dialogue on Terrorism: Initial Findings" (Washington, DC: Center for Strategic and International Studies, August 2004).

[5] Robin Niblett, "Islamic Extremism in Europe," statement before the Senate Foreign Relations Committee, Subcommittee on European Affairs, April 5, 2006; Crumpton, statement; and Daniel Benjamin, "Islamic Extremism in Europe," statement before the Senate Foreign Relations Committee, Subcommittee on European Affairs, April 5, 2006.

[6] Jonathan Stevenson, "How Europe and America Defend Themselves," *Foreign Affairs* 82, no. 2 (March/April 2003), 76.

[7] When the Amsterdam Treaty came into force in May 1999, the Schengen Agreement became part of the legal and institutional framework of the EU for dealing with asylum/ migration, visa policy and rights of third-country nationals, immigration policy, and external border controls. All members of the EU–15 (except the United Kingdom and Ireland) participate fully in Schengen. Because of certain Nordic agreements, Norway and Iceland also are Schengen members. Switzerland, although not an EU member, joined Schengen in 2005. The new EU member states are expected to participate in Schengen beginning in 2007. The actual date has been an area of contention for technical and political reasons.

[8] In December 2001, EU ministers reached political agreement on a common definition of terrorism and minimum sentences for various terrorist acts. See Justice and Home Affairs Council 2396 Conclusions, December 6–7, 2001, available at <www.consilium.europa.eu/ueDocs/cms_Data/ docs/pressData/en/jha/DOC.69187.pdf>. The EU defined *terrorism* in part as individuals or groups who commit or threaten to commit murder, kidnapping, or hostage-taking for the purpose of intimidating a population, coercing a government, or destroying the political, economic, or social structures of a country.

[9] Interview with EU official, Brussels, May 31, 2006.

[10] Finland EU Presidency press release, "Changing Nature of Terrorism Requires a Continuing Response from EU Security Authorities," September 21, 2006.

[11] "Terrorism Interview with German Interior Minister Wolfgang Schäuble," *Der Spiegel* (July 9, 2007), available at <www.Spiegel.de/international/germany/0,1518,493364,00.html>.

[12] Degree/proximity of an attack may influence the terminology used. Since the foiled July 2007 terror attacks in London and Glasgow, some European security officials are beginning to concede that conventional law enforcement techniques may be insufficient to defeat al Qaeda. I thank Leo Michel for raising this point.

[13] Italy may be an exception. I thank Col Anne Moisan, USAF (Ret.), for this point.

[14] For example, see U.S. Department of State, Office of Research, "Spanish Muslims Do Not Feel Deeply Rooted in Spain," October 11, 2005. In the survey, 8 in 10 Muslims in Spain said that they had personally experienced racism and discrimination due to their ethnicity or religion.

[15] Edwin Bakker, "Jihadi Terrorists in Europe, Their Characteristics and the Circumstances in Which They Joined the Jihad: An Exploratory Study," Clingendael Institute, January 2007.

[16] Honor Mahony, "EU Set to Tighten Security Measures Across the Bloc," EUobserver.com (August 17, 2006), available at <http://euobserver.com/9/22240/>.

[17] Council of the European Union, "The European Union Strategy for Combating Radicalization and Recruitment to Terrorism," November 24, 2005, 4, available at <http://register.consilium.europa.eu/pdf/en/05/st14/st14781-re01.en05.pdf>.

[18] Esther Brimmer, "From Territorial Security to Society Security: Implications for the Transatlantic Strategic Outlook," in *Transforming Homeland Security: U.S. and European Approaches,* ed. Esther Brimmer (Washington, DC: Center for Transatlantic Relations, 2006), 31.

[19] Europolitics, "Frattini Wrests Control of Data Protection from McCreevy," March 9, 2005, accessed at <http://eisnet.eis.be>.

[20] Center for Technology and National Security Policy/ Institute for National Strategic Studies, Special Report, *Transatlantic Homeland Defense* (Washington, DC: NDU Press, May 2006), available at <www.ndu.edu/inss/press/ CTNSP-INSS/spl-rpt.pdf>.

[21] The White House, *The National Security Strategy of the United States of America* (Washington, DC: The White House, March 2006), 1.

[22] The phrase is originally by then–Secretary of Defense Donald H. Rumsfeld referring to Iraq, but it captures concisely the political challenge typical of the Islamic world more generally. I thank Joe McMillan for pointing out this formulation.

[23] As Esther Brimmer states, "Democracy is a fundamental component of creating a just society providing a mechanism for the governed to select their leaders and participate in decision-making. A just society is better and more stable than an unjust one." Ultimately, Brimmer argues, "Our security policies must not degrade these features, which are central to what makes our society worth defending in the first place." Brimmer, "From Territorial Security to Societal Security," 31.

[24] Council of the European Union, "The European Union Counterterrorism Strategy," November 30, 2005, 7, available at <http://register.consilium.europa.eu/pdf/en/05/ st14/st14469-re04.en05.pdf>.

[25] White House press release, "President Bush Discusses the Middle East," July 16, 2007, available at <www. whitehouse.gov/news/releases/2007/07/print/20070716-7.html>. See also U.S. Consulate, Jerusalem, "Launch of the Middle East Investment Initiative Program," July 25, 2007, available at <www.state.gov/r/us/pubs/89320.htm>.

[26] German Marshall Fund of the United States, *Transatlantic Trends—Key Findings 2006,* 8, available at <www.transatlantictrends.org>.

[27] John Bellinger III, "Reflections on Transatlantic Approaches to International Law," remarks at the Duke Law School Center for International and Comparative Law, November 15, 2006.

[28] For more on transatlantic police cooperation during this period, see John Occhipinti, "Policing Across the Atlantic: EU–U.S. Relations and Transnational Crime-Fighting," *Bologna Center Journal of International Affairs* (May 2005).

[29] See European Union joint press release, "The EU and United States reach agreement on Passenger Name Record (PNR) data," July 23, 2007.

[30] German EU Presidency press release, "EU and US discuss freedom of travel and data protection for transatlantic passengers, agree on counterterrorism cooperation," April 5, 2007, available at <www.eu2007.de/en/News/Press_Releases>.

[31] The White House, *The National Strategy for Combating Terrorism* (Washington, DC: The White House, February 2003); Council of the European Union, "The European Union Counterterrorism Strategy."

[32] Eric Luiijf, "Defending Europe's Vulnerable Infrastructure," Security and Defence Agenda Monthly Roundtable, Brussels, October 2, 2006.

[33] Miodrag Pesut, "Defending Europe's Vulnerable Infrastructure," Security and Defence Agenda Monthly Roundtable, Brussels, October 2, 2006.

[34] The particular extent to which the United States should pursue cooperation with multilateral institutions might vary. For example, Nora Bensahel argues that Washington should continue bilateral cooperation in the military and intelligence spheres but should pursue multilateral cooperation in law enforcement and financial areas. See Nora Bensahel, *The Counterterror Coalitions: Cooperation with Europe, NATO, and the European Union* (Santa Monica: RAND, 2003).

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