# H-**Diplo** | **ISSF**

Introduction by Javier Argomaniz, Oldrich Bures, and Christian Kaunert

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**H-Diplo/ISSF Forum on "A Decade of EU Counter-Terrorism and Intelligence: A Critical Assessment" in *Intelligence and National Security*" 30:2 (April and June, 2015): 191-419.**

## Forum Contents

## Introduction by Javier Argomaniz, Oldrich Bures, and Christian Kaunert

T he Treaty on the European Union (EU) stipulates that one of the key objectives of the Union is to provide citizens with a high level of safety within an Area of Freedom, Security and Justice (AFSJ). Given that the fight against terrorism is a prominent aspect of this general objective, it is remarkable that, in spite of its political relevance and decade-long history, it has only relatively recently received due attention in the academic community.[1] At the time of writing, only a handful of post-9/11 edited volumes and special issues have focused on specific aspects of the EU counterterrorism efforts[2] and initial monographs on the subject have only been relatively recently published by the three editors behind this special issue: Javier Argomaniz[3] has produced a theoretically informed assessment of the coherence of the EU response, Oldrich Burres[4] has examined the extent to which the EU can offer an added value in the fight against terrorism in

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[1] A selection of relevant contributions would include: Monica den Boer and Jörg Monar, "Keynote Article: 11 September and the Challenge of Global Terrorism to the EU as a Security Actor", *Journal of Common Market Studies* 40/4 (2002): 11–28; John Occhipinti, *The Politics of EU Police Cooperation: Towards a European FBI?* (Boulder, CO: Lynne Rienner 2003); Edwin Bakker, "Differences in Terrorist Threat Perceptions in Europe", in Dieter Mahncke and Jörg Monar (eds.), *International Terrorism. A European Response to a Global Threat?* (Brussels: PIE Peter Lang 2006); Daniel Keohane, *The EU and Counter-Terrorism* (London: CER 2005); Doron Zimmermann, "The European Union and Post-9/11 Counterterrorism: A Reappraisal", *Studies in Conflict and Terrorism* 29/1 (2006): 123–45; Oldrich Bures, "EU Counterterrorism: A Paper Tiger?", *Terrorism and Political Violence* 18/1 (2006): 57–78; David Spence (ed.), *The European Union and Terrorism* (London: John Harper 2007); Björn Müller-Wille, "The Effect of International Terrorism on EU Intelligence Co-Operation", *Journal of Common Market Studies* 46/1 (2008): 49–73; Raphael Bossong, "The Action Plan on Combating Terrorism: A Flawed Instrument of EU Security Governance", *Journal of Common Market Studies* 46/1 (2008): 27–48; Javier Argomaniz, "Post-9/11 Institutionalisation of European Union Counterterrorism: Emergence, Acceleration and Inertia", *European Security* 18/2 (2009): 151–72; Christian Kaunert, "The External Dimension of EU Counterterrorism Relations: Competences, Interests, and Institutions", *Terrorism and Political Violence* 22/1 (2010): 41–61; Sarah Léonard, "The Use and Effectiveness of Migration Controls as a Counterterrorism Instrument in the European Union", *Central European Journal of International and Security Studies* 4/1 (2010): 32– 50.

[2] See: Cyrile Fijnaut, Jan Wouters and Frederick Naert (eds.), *Legal Instruments in the Fight against International Terrorism: A Transatlantic Dialogue* (Leiden: Nijhoff 2004); Dieter Mahncke and Jörg Monar (eds.), *International Terrorism: A European Response to a Global Threat?* (Brussels: PIE Peter Lang 2006); Spence, *The European Union and Terrorism*; Geoffrey Edwards and Christoph O. Meyer, "Introduction: Charting a Contested Transformation", *Journal of Common Market Studies* 46/1 (2008): 1-25; Laura C. Ferreira-Pereira and Bruno Oliveira Martins, "The External Dimension of the European Union's Counter-Terrorism: An Introduction to Empirical and Theoretical Developments", *European Security* 21/4 (2012):1-15.

[3] Javier Argomaniz, *The EU and Counter-Terrorism. Politics, Polity and Policies after 9/11* (Abingdon: Routledge 2011).

[4] Oldrich Bures, *EU Counterterrorism Policy: A Paper Tiger?* (Farnham: Ashgate 2011).

Europe and Christian Kaunert [5] has studied how counter- terrorism has been a driver in the process of construction of the EU's AFSJ.

Given these substantive efforts, this special issue suggests that an analysis of the successes and failures of the EU's involvement in this field is imperative and we believe this is a particularly pertinent moment to take stock of progress. The goal of this special issue is therefore to look back at the past decade and answer the question of whether, when it comes to the measures taken to combat terrorism following the 9/11 attacks, the EU has lived up to the promise made in its founding treaties.

The editors believe that adopting this long term perspective contributes to our understanding of the subject by permitting the individual contributors to this special issue to reveal general trends and to draw upon their accumulated expertise in order to produce a thorough assessment of the outcomes of the EU efforts to combat terrorism since 9/11. In order to ensure unity of purpose, an editorial meeting was held in November 2011 in the context of an International Workshop at the University of St Andrews that was generously funded by the Centre for the Study of Terrorism and Political Violence (CSTPV). The result of those fruitful exchanges is this special issue: a volume that presents the views of leading experts casting a critical eye over the EU performance, recognizing achievements but also being suitably critical when realities did not match the European rhetoric.

Although 'counterterrorism' is not yet a clearly defined area in its broadest and fullest sense, it already spans across a number of other policy areas across all of the EU's former three pillars. Thus, right from the start, the consensus was to adopt a broadly sectoral approach for this interim evaluation, independently examining policy outputs from some of the main components of the European Union's multifaceted fight against terrorism. These include the exchange of information between police and intelligence agencies, the protection of critical infrastructure, the development of external action, the production of counter-terrorism legislation, the control of European borders and the fight against terrorist recruitment and financing. As a general rule, all articles in this special issue have attempted to determine the extent to which the EU has put in practice its own policy plans since 9/11, all articles discuss the political and institutional factors behind successes and failures and, when needed, present lessons learned and forward-looking recommendations. To complement these efforts, several contributions have also followed a thematic approach to matters such as the evolving importance of institutional actors for EU counter-terrorism, the impact of these policies on national systems and the centrality accorded to intelligence efforts in the European response. Thus, although the conceptual approaches have varied between the contributing experts, the general goal has remained to provide an indication of how EU counterterrorism relates back to the changing nature of the phenomenon of terrorism.

What this special issue has not attempted to achieve, however, is an evaluation of the effectiveness of these policies. Although the editors raised this issue at the editorial meeting, it soon became obvious that quantifying effectiveness of counter-terrorism strategies is beyond the reach of this project. There have been few attempts at providing evaluations of counter- terrorism interventions at the national level and even fewer methodologically ambitious ones. [6] This can be explained, amongst other factors, by the absence of sufficient

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[5] Christian Kaunert, *European Internal Security: Towards Supranational Governance in the Area of Freedom, Security and Justice?* (Manchester: Manchester University Press 2010).

[6] See: Richard J. Chasdi, *Counterterror Offensives for the Ghost War World: The Rudiments of Counterterrorism Policy* (Plymouth: Lexington Books 2010); Cynthia Lum and Leslie W. Kennedy (eds.), *Evidence-based Counter-*

evidence to measure impact due to the unavailability of sensitive data, as well as by the lack of consensus on how 'effectiveness' should be gauged.[7] This is due to the methodological difficulties of finding the right proxy indicators that would complement the few available, yet inherently limited quantifiable criteria (such as the number of arrests, requests for assistance, or amounts of frozen terrorist money) that do not shed much light on the actual effects of counterterrorism measures on specific cultures, groups and individuals – as virtually all contributions in this special issue confirm, even the most 'efficient' counterterrorism measures increasing the overall security may be problematic due to their impact on other important values such as liberty and justice. An additional and EU-specific obstacle is the multilevel system of governance involving national, sub-national and supranational actors, which complicates attempts of tracing back the origin of specific outcomes to certain policies and/or actors.

The high density of factors affecting the incidence of terrorist violence and the difficulty in isolating the short and long term impact of individual variables has clear implications for counter-terrorism, both at the domestic and international level. It undermines the capacity that national and supranational actors have in other public policy arenas to deliver evidence- based policies that are sustained by meaningful cost-effectiveness analyses and whose overall impact and implications can be measured in a thorough and credible manner. In other words, not having clear indicators of the extent to which a counter-terror initiative works – or does not – towards a specific goal affects whether counter-terror actors allocate their resources in a sensible manner. The repercussions deriving from these limitations are evident in 'real-life' counter-terrorism: from existing scepticism on the value of European governments' counter-radicalization efforts[8] to the debates on whether the effect of the targeted killing of jihadists by U.S. drone campaigns are more than counterbalanced by their impact on anti-American feelings in the region and the increase in domestic opposition due to their corrosive effect on human rights and international and U.S. law.[9]

Finally, it is also important to note that with the exception of the EU's Counterterrorism Coordinator, none of the EU agencies and institutions discussed in this volume has a counterterrorism-only mandate. Similarly, many of the legal instruments utilized in the fight against terrorism are general anti-crime measures. Thus,

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*terrorism Policy* (Heidelberg: Springer 2012); Gary La Free, Laura Dugan and Raven Korte, "The Impact of British Counter-terrorist Strategies on Political Violence in Northern Ireland: Comparing Deterrence and Backlash models", *Criminology* 47/1 (2009): 17-45; Gary La Free et al., *Modeling the Effectiveness of Counter-Terrorism Strategies in Indonesia, the Philippines and Thailand* (University of Maryland: START Research Report 2011); Laura Dugan and Erica Chenoweth, "Moving Beyond Deterrence: The Effectiveness of Raising the Expected Utility of Abstaining from Terrorism in Israel"*, American Sociological Review* 77/4 (2012): 597-624.

[7] See: Cynthia Lum, Leslie W. Kennedy and Alison Sherley, "Are Counter-Terrorism Strategies Effective? The Results of the Campbell Systematic Review on Counter-Terrorism Evaluation Research", *Journal of Experimental Criminology* 2 (2006): 489-516; Peter S. Probst, *Measuring Success in Countering Terrorism: Problems and Pitfalls*, in Paul B. Kantor et al. (eds.), *Intelligence and Security Informatics* (Berlin: Springer-Verlag 2005): 316-21.

[8] Anthony Richards, "The Problem with 'Radicalization': The Remit of 'Prevent' and the Need to Refocus on Terrorism in the UK", *International Affairs* 86/4 (2010): 143 – 52.

[9] Ken Dilanian, "In Legal Battle against Drone Strikes, She's on the Front Lines", *LA Times*, 9 October 2012.

following Mark Rhinard, Arjen Boin and Magnus Ekengren, we believe that it is important to keep in mind that there are actually three levels of abstraction of EU's counterterrorism capacities:

1.  Capacities explicitly engineered toward the fight against terrorism;
2.  Capacities directed toward managing complex threats and natural disasters in general;
3.  Capacities found in EU institutions that may help national agencies, of any type, respond to adverse events.[10]

This further complicates all scholarly attempts to evaluate the effectiveness of EU policies in the area of counterterrorism: "It is hard to predict how the EU can and will employ the tools explicitly designed for counterterrorism purposes, it is impossible to foresee if and how the Union will employ its generic tools that were originally designed for other purposes."[11]

Taking all of the aforementioned caveats and reservations into account, we decided that rather than to focus just on effectiveness, which the contributors to this special issue address in those areas where the aforementioned problems could be reasonably tackled (e.g. in the fight against terrorist financing, where at least some relevant data is publicly available), our primary criterion of progress is presence: the materialization and development of EU policies and their translation into national systems and the establishment of institutional actors with the necessary powers and resources to fulfill the objectives laid out in the official EU strategy documents. In other words, the objective is to look at the existence of policies at the EU level and then, when possible, to reach a conclusion based on available evidence on whether these initiatives have had – or had the future potential to – make a difference on the ground.

The distinction between presence and effectiveness is clear when seen in the context of the process of bureaucratic development that has occurred in this area. Clearly, there has been a dramatic growth in the past decade on the number of EU bodies engaged in counter-terrorism at different levels. Individual contributions have richly illustrated this point. For instance, Occhipinti has outlined Europol's growing competencies and resources in the post-9/11 environment and their working relationship with Eurojust and Frontex.[12] Bures has examined the role of committees such as the EU Clearing House in channelling the EU's fight against terrorism financing.[13] Javier Argomaniz has listed a long list of bureaucratic actors (i.e. ENISA, CIWIN, AVSEC, MARSEC and others) that are working on protecting critical infrastructures from man-made attacks.[14] Edwin Bakker has examined the work of the European Network of Experts on Radicalisation

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[10] Mark Rhinard, Arjen Boin and Magnus Ekengren, 'Managing Terrorism: Institutional Capacities and Counter-Terrorism Policy in the EU', in Spence, *The European Union and Terrorism*, 88 -104.

[11] *Ibid.*, 99.

[12] John D. Occhipinti, "Still Moving Toward a European FBI? Re-Examining the Politics of EU Police Cooperation" in *INS*: 234-258.

[13] Oldrich Bures, "Ten Years of EU's Fight against Terrorist Financing: A Critical Assessment" in INS, 207-233.

[14] Javier Argomaniz, "The European Union Policies on the Protection of Infrastructure from Terrorist Attacks: A Critical Assessment" in INS, 259-280.

(ENER) when critically analysing the EU's approach.[15] Christian Kaunert, Sarah Leonard and Alex McKenzie have concentrated on the European Parliament's role whereas Jorg Monar has referred to the work of the EU Counter-terror Coordinator and closely examined the myriad of Council committees working on the external dimension of the threat.[16] In parallel, Monica Den Boer has looked at Sitcen/Intcen when producing a fine-grained analysis of the transparency and accountability challenges associated with the sharing of intelligence at the European level.[17]

This is of course far from a complete list. So clearly the EU has succeeded – mainly, but by no means only – through this process of bureaucratic development to achieve recognition and visibility. Yet we take great pains to separate in our argument prominence from impact and sustain the point that the mushrooming of relevant actors at the European level should not be assumed uncritically as having in principle a direct and substantial contribution to a stronger counter-terror response in practice. This is not only because new counterterrorism initiatives keep mushrooming while the existing arrangements continue to flourish albeit many of the formal EU agencies suffer from an output deficit. More importantly, several findings of the articles in this special issue challenge the view that a more crowded map of EU counterterrorism arrangements is axiomatically the way forward when it comes to addressing the contemporary terrorist threats in Europe. As long as it is uncertain whether extra layers of communication systems, databases and practitioners' meetings at the European level are really the recipe to superior results, it seems reasonable to argue that more does not necessarily always mean better when it comes to fighting terrorism in Europe.

Overall, we believe that by following this approach the special issue offers a more nuanced view of the EU counterterrorism policy than those currently presented by its enthusiastic supporters and its unyielding critics.

*The Post-9/11 Significance of the EU as a Counter-Terrorism Actor*

The consensus view in this volume is that the European Union has accomplished a surprising amount in the past decade. From a position of almost total irrelevance, and as a reaction to the terrorist attacks in New York, Madrid and London, the European Union has become increasingly active in the field of counter-terrorism. Using a set of policy programmes, strategy documents and list of priorities as foundations, the European Union has aimed to coordinate member states' policies, to harmonize national legislation and even to support some operational work conducted by national authorities.

In this respect the ambitions and number of EU policy framework documents in the post-9/11 environment look impressive on paper. Already in November 2001, the European Council adopted an Action Plan on Combating Terrorism and an EU Counterterrorism Strategy was agreed in December 2005, following the

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[15] Edwin Bakker, "EU Counter-radicalization Policies: A Comprehensive and Consistent Approach?" in INS, 281-305.

[16] Christian Kaunert, Sarah Léonard & Alex MacKenzie, "The European Parliament in the External Dimension of EU Counter-terrorism: More Actorness, Accountability and Oversight 10 Years on?" *INS*, 357-376; Jörg Monar, "The EU as an International Counter- terrorism Actor: Progress and Constraints", INS, 333-356.

[17] Monica Den Boer, "Counter-Terrorism, Security and Intelligence in the EU: Governance Challenges for Collection, Exchange and Analysis", INS, 402-419.

terrorist attacks in Madrid and London. The general Strategy was soon complemented by others on radicalization and recruitment into terrorism and terrorist financing. In December 2003, the European Council also adopted a European Security Strategy, where terrorism heads the list of threats facing the Member States and which proclaims that concerted European action against terrorism is 'indispensable', a call that was renewed in its 2008 update. Terrorism is also a key element in the 2010 Internal Security Strategy. It is no surprise that in a 2010 European Commission stocktaking exercise on EU measures specifically aimed at fighting terrorism, a conservative estimate would put the number of initiatives spanning across all of the EU's former three pillars to more than 80.[18]

The above successes have been trumpeted by EU institutions themselves. According to Max-Peter Ratzel, the former Director of Europol: "The abortive London attacks of August 2006 … showed that the concerted EU actions and counterterrorist policies proved to be effective when put to the test. This is some most recent success of EU counterterrorism efforts but a number of other terrorist cells have been dismantled throughout the EU and terrorist plans foiled as a direct result of the concerted EU actions and counterterrorism policies"[19] The first EU Counterterrorism Coordinator Gijs de Vries has gone as far as to claim that the fight against terrorism is changing "the role and functioning of the European Union" as it adopts an increasingly operational character in this area.[20] All this would simply be unthinkable before 9/11 when the EU was a somewhat negligible actor in this area.[21]

The contributions in this special issue offer a number of explanations for the emergence of the EU as an increasingly visible and important counterterrorism player over the last decade. To begin with, many contributors attribute much of the drive for the EU's growing involvement in counterterrorism to the shocks produced by the major terrorist attacks in New York, Madrid and London. These attacks led to a change in the existing European perception of terrorism and of the instruments that the EU Member States should put in place to fight this security threat. Under this perspective, the political shock that these terrorist attacks represented led to strong public pressure for European leaders members to 'do something', and since the threat was publicly framed as transnational, national governments rapidly agreed of the need for coordinated European action.

More specifically, Bakker notes in his contribution how the formulation of EU policies that aim to counter radicalization and recruitment have been incident driven, a direct – and sometimes inconsistent – reaction to the bombings in Madrid and London, and we affirm that this observation can be firmly generalized to the

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[18] European Commission (2010) Commission Staff Working Paper: Taking Stock of EU Counter-Terrorism Measures, COM(2010)386 final, 20 July 2010.

[19] Max-Peter Ratzel, "Europol in the Combat of International Terrorism", in Huseyin Durmaz et al. (eds.), *Understanding and Responding to Terrorism* (Amsterdam: IOS Press 2007), 12

[20] Gijs De Vries, The European Union and the Fight against Terrorism, Presentation of the EU Counter-Terrorism Co-Ordinator at the Seminar of the Centre for European Reform (19.01.2006). http://www.consilium.europa.eu/uedocs/cmsUpload/060119CenterEuropean Reform.pdf

[21] Fernando Reinares (ed.), *European Democracies against Terrorism: Governmental Policies and Intergovernmental Cooperation* (Aldershot: Dartmouth 2000); Peter Chalk (ed.), *West European Terrorism and Counterterrorism. The Evolving Dynamic* (Basingstoke: Palgrave Macmillan 1996).

entire of the European counter-terror response. Furthermore, as Monar points out in his contribution, the transformation of the initial external crisis (the 9/11 attacks in the USA) into sustained European action has undoubtedly been facilitated by internal and EU-specific enabling factors that have paved the way for the emergence of EU actorness in the fight against terrorism: the Lisbon treaty reforms that have empowered the Union in terms of competences and instruments (i.e. to sign agreements on terrorism with other third countries), the development of internal institutional and legal capabilities (such as Europol, Eurojust, the Counter- Terror Coordination and others) and the emergence of a threat perception generating sufficient political will for common action. Although there are diverging views amongst the contributors about whether this threat perception is truly European, due to the fact that only some European countries have suffered from sustained terrorist campaigns within their borders, there is a general agreement on the view that, at least in the EU discourse, terrorism has been internalized as a 'European threat'. This has allowed the EU to present a common discourse that has sustained political consensus and, to a degree, unity of action, despite this action being often concocted by only a small group of countries within the Union. In sum, as Monar observed, "threat perceptions and international collective action needs after the 9/11 attacks have presented the EU with an "opportunity" to assume new roles and responsibilities in a field in which it had before legally none and practically hardly any.

Other contributors to this special issue have highlighted that some internal enabling factors are a by-product of the single market. Occhipinti, for example, shows how the freedom of movement by citizens and capital greatly facilitated the setting up of cross-border terrorist operations whilst allowing these networks to take advantage of differences in national antiterrorism laws and capabilities and existing gaps in international police and judicial cooperation. As a result, these developments have encouraged calls for increased national coordination and for the establishment of EU flanking measures.

A number of contributions also revealed that encouragement for a more proactive EU role in counterterrorism has come from external actors. Bures for instance shows how the smart sanctions and the anti-money laundering approaches to counter terrorist financing adopted by the Union were in fact standards originally drafted by other international bodies such as the FATF. Likewise, Argomaniz has stressed the importance of the ICAO and IMO guidelines for the EU transport security policies. Finally, the importance of external pressure by the United States on the EU and the extent and ambition of the transatlantic security relationship has merited much attention in Monar's and Kaunert, Leonard and Mackenzie's papers.

At the same time, this special issue confirms that most of the Union's contribution to the fight against terrorism has been conducted within the borders of Europe. In fact, most experts have been generally rather sceptical about the EU's external efforts. Despite the fact that EU-U.S. collaboration in counter-terrorism has been seen as very substantial, sometimes even controversially so, in most other respects results have been considered modest due to the reluctance by member states, and even third countries targeted for support to engage with European institutions on these matters.[22]

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[22] See: Daniel Keohane, "The Absent Friend: EU Foreign Policy and Counter-Terrorism", *Journal of Common Market Studies* 46/1 (2008): 125-46; Hugo Brady, *Intelligence, Emergencies and Foreign Policy: The EU's Role in Counter-Terrorism* (London: CER 2009); Rick Coolsaet, "EU Counterterrorism Strategy: Value Added or Chimera?", *International Affairs* 86/4 (2010): 857-73; Wyn Rees, *Transatlantic-Counter Terrorism Cooperation. The New Imperative* (Abingdon: Routledge, 2006).

In his up-to-date survey of this external dimension, however, Monar offers a more nuanced view by providing compelling evidence that the use of external relations instruments, such as political dialogues, counter-terrorism clauses, capacity building, economic assistance and others, has been a substantial part of the EU's response to the post-9/11 terrorist challenges. In the process, the Union has been successful in achieving external actorness across three words, the EU has become increasingly accepted as a potential counter-terror partner on its own right by third-countries.

Several contributions have also offered theoretical insights and explanations for the growing role of the EU in counterterrorism. Occhipinti's contribution, for example, puts special emphasis on the importance of institutional factors, especially in the field of police cooperation. Updating his seminal 2003 model on the supranationalization of Justice and Home Affairs, and drawing on Kaunert's work, he stresses the Commission's influence as an interest shaper, a policy entrepreneur that has succeeded in weakening member states' attachment to national sovereignty as the dominant norm for their relations with the EU in the AFSJ and, more specifically, counter- terrorism. Thus, the Commission has skillfully used the opening of windows of opportunity to push through legislation such as the European Arrest Warrant, which in reducing the average extradition period of serious crime suspects from more than nine months to 45 days[23] is perhaps the EU's flagship Counter-terror measure in the past decade.

Furthermore, Occhipinti has argued for the need to focus on other crucial institutional dynamics. He follows Argomaniz in highlighting the importance of path dependency. Argomaniz has contended that prior decisions made in the 1999 Tampere Council have constrained institutional actors' reaction to 9/11, and only following the Madrid and London attacks the Union has devised a more tailored approach to the threat. In parallel, Occhipinti convincingly argues that path dependency also helps to explain the transformation of Europol into a full-fledged European agency and stronger competencies for the Commission, EP, and the Court of Justice in the European fight against terrorism.

In sum, it can therefore be argued that a combination of political and institutional factors explains the more visible position that the EU holds in comparison to its pre-9/11 self. As some contributors – and more specifically den Boer in the conclusion – have noted, there is now a tapestry of legal instruments and institutional bodies with competencies in fighting terrorism at the European level and there is little doubt that these developments have significant ramifications, especially for the democratic oversight of the European counter-terrorism efforts. Arguably the most important issue in this regard is the oversight of EU counter-terrorism intelligence exchange which is hampered by a rather considerable list of challenges. Den Boer's comprehensive account details amongst others the networked character of the intelligence, the duplication that comes from parallel bilateral exchange processes, the increasing implication of barely regulated private actors and the growing exchange of data with third countries with lower protection standards.

If we turn the spotlight on the democratic accountability of the institutional actors, on the one hand Occhipinti has remarked the post-Lisbon de jure increases of parliamentary oversight over Europol, which now affords both the European Parliament (EP) and national parliaments new authority over the agency. On the other hand, den Boer laments that lightly anchored agencies (SitCen/Int have little or no accountability at

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[23] European Commission (2005) Commission Evaluation Report: The European Arrest Warrant Has Broadly Achieved Its Objectives, Memo/05/58, 23 February 2005.

all and, in addition to this, voids and gaps still    exist when it concerns the specific responsibilities of these agencies, as in Europol's work within the terrorist Financing Tracking Programme   (TFTP).

Using precisely TFTP as one of their case studies, Kaunert, Leonard and MacKenzie have illustrated the turnaround in the European Parliament's fortune in its quest for greater democratic accountability for EU counter- terrorism. Arguably, the pre-Lisbon period saw the EP mostly limited to making exasperated (and often ignored) calls through its LIBE Committee for a counter-terrorism response that was more respectful of European citizens' civil liberties and privacy rights. The introduction of co-decision in the AFSJ due to the Lisbon Treaty has finally transformed the European Parliament (EP) from a "critical but impotent actor in European Union counter-terrorism" into a key player in the European decision-making process. This is one of the most significant developments in the field in the last decade, yet a slight shadow of a doubt remains on the EP capacity, or inclination, to take up the mantle for European citizens' rights. The reason, the authors contend, is that its increased institutional power has forced the EP to recognize the need of becoming a responsible partner to the Council and behaving in a more co-operative manner. The need to engage in compromises such as that of the EU-US SWIFT Agreement may detract from the EP's reputation as an upholder of civil liberties.

There is no question in any case of the importance of the security versus/ and/or liberties question(s). The EP itself has lamented in a 2011 LIBE Committee report how "mass surveillance has become a key feature of counter-terrorism policies" and how "the large-scale collection of personal data, detection and identification technologies, tracking and tracing, data mining and profiling, risk assessment and behavioural analysis are all used for the purpose of preventing terrorism."[24] The concern is that these policies shift the burden of proof to the citizen while their actual effectiveness for the prevention of terrorism is far from proven. It is also an open question whether some of these measures would pass a proportionality test. In agreement with this report and the work of other scholars,[25] the editors therefore believe that the EU legitimacy as a counter-terror actor is dependent not only on the delivery of policies that are broadly seen as effective by others but also proportional to the threat and respectful of European democratic values.

*The Light Footprint of EU Counter-Terrorism*

It is clear that the European Union is much better equipped today than it was a decade ago to provide an added value in the European fight against terrorism. This is an important finding in itself, with important ramifications for our understanding of international organizations as security actors. Yet a number of caveats should be registered regarding this verdict. For a start, as Leonard's contribution remind us, not all the initiatives included in the long list of measures that appear in the periodic iterations of the EU Counterterrorism Action Plan have made a substantial contribution to the fight against terrorism. Leonard convincingly argues that, contrary to what the inclusion of border control measures in the Protect strand of

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[24] European Parliament Committee on Civil Liberties, Justice and Home Affairs (2011) Report on the EU Counter-terrorism Policy: Main Achievements and Future Challenges (2010/2311 (INI)), 20 July 2011, p.7.

[25] See: Didier Bigo and Anastassia Tsoukala (eds.), *Terror, Insecurity and Liberty* (London: Routledge 2008); Elspeth Guild and Florian Geyer (ed.), *Security Versus Justice. Police and Judicial Cooperation in the European Union* (Hampshire: Ashgate 2008); Thierry Balzacq and Sergio Carrera, *The EU's Fight against International Terrorism-Security Problems, Insecure Solutions*, Policy Brief 80 (Brussels: CEPS 2005).

the EU 2005 Counterterrorism Strategy seems to suggest, the importance of migration policies in the fight against terrorism has not been demonstrated yet and is in fact very difficult to assess. This is a key issue since terrorism concerns have served to justify politically the strengthening of migration controls, a process that has serious negative externalities: it makes more difficult to bona fide visitors to travel and enter the EU, it has a harmful effect in community relations and it raises serious questions regarding data protection and privacy rights.

Sarah Leonard's paper also brings to the fore the sensitive question of whether some polices are included in the EU strategic C-T documents because they are evidence-based and policy relevant – rather than being based on assumptions–or because they fulfill the political demands of 'demonstrating' action, especially in the face of political urgency.[26] We question in this special issue the notion that all initiatives in the EU programmatic documents contribute to tackle terrorism. The examination in this volume of Border Control and Critical Infrastructure Protection policies have shown evidence of both mission and function creep and have raised questions of the extent to which the EU has deployed a focused and fully tailored approach to the threat.

Moreover although the Union has achieved certain visibility and presence in the last decade, the contributors to this volume have often reminded us that the EU still plays mostly a subsidiary role to that of the Member States. Across the counter-terror policy areas there is a running tension between the necessity to enhance cooperation and the reluctance of member states to relinquish competencies and, given the national security sensitivity of counter-terrorism, member states have generally 'kept the EU's role under tight control and constraints."[27]

lt must be noted however that this fundamental shortcoming in counter- terror cooperation is far from unique and mirrors in fact similar dysfunctions present in other internal security areas. Terrorism is nothing but a high profile example of the long running tension in EU Justice and Home Affairs between the notions of security and sovereignty. European national governments need to perform an uneasy balancing act between the growing--sometimes, urgent – demands for closer cooperation that come from the transnational character of some of these problems (i.e. organized crime, proliferation, illegal immigration) and the accompanying weariness and reluctance that characterizes any initiative that leads to the delegation of more national power to Brussels. At the same time, it should always be noted that the political sensitivity and the intensity of media attention that accompanies the phenomenon of terrorism makes of course this tension both more visible and generally harder to accommodate. Furthermore, EU's influence on the way counter-terrorism action is conducted on the ground by member states remains extremely limited. Operational action is by and large a national responsibility, not only for national sovereignty reasons but also due to the principle of subsidiarity: even if there is an understanding that the threat is transnational, most national governments agree that it would make little sense to centralize police and intelligence efforts at the European level. National authorities have very much opposed this notion and, given this, Occhipinti draws upon Fa¨gersten's work to show how bureaucratic resistance by national authorities has hampered the development of a greater operational function for Europol in intelligence exchange. Such resistance is predicated on a bureaucratic culture in

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[26] Sarah Léonard, "Border Controls as a Dimension of the European Union's Counter-Terrorism Policy: A Critical Assessment", INS, 306-332.

[27] Monar in this volume.

intelligence organizations that privileges isolation and secrecy and the difficulty to transfer to the international authorities the 'personal and organizational networks – built over time, through experience and via hard-won trust – [that] are the backbone of international intelligence cooperation'. These factors have served as sources of 'friction' that have prevented intelligence cooperation in the EU from being realized to the extent wanted by decision makers.

As a consequence, as several contributors have pointed out, the EU's general role in counterterrorism has been often reduced to that of conveyor belt for best practices and knowledge sharing or a coordinator of efforts at most. Yet, as Argomaniz highlights, the extent of the European engagement and the significance of the EU's implication in national counter-terror responses also varies depending on the particular policy sector. While it is true for the core of effective counter-terrorism work (police, judicial and intelligence operations), EU institutions can 'only' aspire to enhance cooperation, there are other policy areas (i.e. aviation and maritime security, terrorism financing and others) where the EU had strong pre-9/11 Community competencies derived from the Common Market. In these fields, the EU has been a preeminent actor, at times even adopting the position of a primary regulator.

These are also policy areas where, as discussed by Argomaniz and Bures, the EU has had the need to engage in what is often referred to as public-private partnerships. In particular in the fight against terrorist financing, private financial institutions (FIs) have actually shouldered the bulk of the day-to-day CTF burden when it comes to monitoring the billions of daily financial transactions and reporting the suspicious ones to public authorities for further investigation. Yet here we also find private actors being very reluctant to become partners to public authorities in the security arena, motivated as they are by different logics: 'profit rather than security maximizers' as Bures puts it. To a large extent, this is due to the fact that 'public authorities have provided the private sector with only vague clues for detecting costumers and/or transactions that may be linked to terrorist financing while demanding that FIs put in place elaborate and costly surveillance mechanisms and procedures'. Moreover, these demands have been in fact counterproductive because the threat of penalties has motivated private FIs to resort to the over-reporting of suspicious transactions, a practice that has placed a large burden on the public Financial Intelligence Units that have had to process large amounts of data of dubious value. Similarly, Argomaniz explains how in the transport sector private actors have been very critical with the hefty economic costs that the increasing number of security rules they have to comply with represent. In fact they have lobbied hard European institutions to prevent the passing of new rules or to promote the phasing out of existing ones.

Finally, following with Den Boer and Wiegand's contribution, it is important to note that not all member states have been similarly affected by European legislation in this area.[28] Those that had already in place strict antiterrorist provisions in their criminal law systems before 9/11 have been less influenced by supranational measures. Yet they find that supranational regulations in the field of criminal justice have had a 'strong converging influence on nation states'. These 'bubbles of convergence' come from the fact that those states without a counter-terrorism legal regime (i.e. The Netherlands) or those with less developed systems (i.e. Italy and Germany) have had to 'catch up' with other countries, so similarities between states have grown. They caution, however, that, despite this approximation process, 'the cultures, working procedures and priorities of the counter- terrorism organizations in the EU Member States still tend to be very different from one another'

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[28] Monica Den Boer & Irina Wiegand, "From Convergence to Deep Integration: Evaluating the Impact of EU Counter- Terrorism Strategies on Domestic Arenas", INS, 377-401.

with previous experience with terrorism and constitutional norms on the relationship between domestic and European legislation being important intervening variables in this process of convergence.

*Future Prospects*

In addition to assessing the EU's counterterrorism performance in the first post-9/11 decade, another ambition of this special issue is to comment on potential future developments and challenges based on the trends that we have observed in the past. Thus, it has become abundantly clear that counter- terrorism as an EU policy field has depended upon the break out of major terrorist attacks to generate the impetus to move forward. This implies the question of how the EU response will develop in the future in a time when, as Eurobarometer data shows, other socio-economic concerns have supplanted this security threat in the public's mind and the matter has moved down in the political agenda. Moreover, this change is happening in a context where the available Europol data suggests that even if the threat of terrorist attacks remain 'serious' and 'diverse', there is a decreasing trend of attacks attributed to ethno-nationalist terrorist groups, a category that accounts for the vast majority of all terrorist incidents in Europe.[29] This tendency has been further accelerated with the 2011 announcement of a permanent ceasefire by ETA, the oldest separatist terror group in Europe.[30] Thus, since even the EU Counterterrorism Coordinator has spoken of a 'counter-terrorism fatigue',[31] in the short term we expect the continuation of decision-making inertia, a far cry from the frenzy that met the bombings in New York, Madrid and London.

This piecemeal evolution can obviously be seen as rather problematic. We would like to argue, however, that the absence of major terrorist attacks should also be seen as an opportunity for the EU and its Member States to produce better thought out policies in the absence of public and political pressure. Since these policies face complex challenges and the dangers of over-reaction and unintended consequences, a more paused reflection based on in-depth analyses of the problem and the sharing of experiences and good practices could lead, we would hope, to better informed policies. Considering the controversy raised by some EU initiatives, this is certainly not a bad thing. Hence we follow Bakker in hailing the progressive move of the EU from an "incident driven counter-terrorism and counter-radicalization policy to one that is based on an increasing collective body of knowledge and expertise".

As importantly, some contributors see an opportunity here to redress the post-9/11 emphasis on security with more attention being put on the consequences of these policies for European citizens' liberties. As Occhipinti remarks, the increased importance of fundamental rights in the Lisbon Treaty and the goals of the Stockholm Programme seem to be a step in the right direction. Moreover, the new powers that Lisbon bestows to the European Court of Justice have widened its authority to protect the individual rights of European citizens. Firstly, the Commission can now initiate infringement proceedings and bring national governments before

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[29] Europol (2011) Terrorist Activity in the European Union: Situation and Trends Report (TE- SAT) , https://www.europol.europa.eu/sites/default/files/publications/te-sat2011.pdf.

[30] Luis R. Aizpeolea, 'ETA pone fin a 43 años de terror'*, El País*, 21 October 2011.

[31] Council of the European Union, EU Counter-Terrorism Strategy – discussion paper, 15359/1/09, 26 November 2009, p.4.

the ECJ in the area of police and judicial cooperation in criminal matters. Secondly, when requested by national courts, measures in this area are now automatically subject to preliminary rulings of the Court.

As we have argued before, the post-Lisbon function of the EP as co- legislator and overseer will be fundamental in this regard. Here, whereas Occhipinti believes that the EP will "likely push for and gain greater safeguards regarding the handling of personal data and the creation of new systems and networks to store and share information about EU citizens", Kaunert, Leonard and Mackenzie broadly agree with this prognosis, but at the same time, also highlight some obstacles for the future evolution of the EP's as an active supporter of citizens' privacy rights. This is an important question that remains open for the time being and would certainly merit continuous attention by scholars in the future.

Another aspect that has received significant attention from the contributors has been the importance of international organizations (UN, ICAO, IMO, FATF and others) and the United States in spurring EU action in a wide variety of areas. There are little doubts that these external actors will remain drivers for further developments in the near future and even serve to encourage further action in new areas of very recent EU activity such as cybersecurity, as Argomaniz shows. At the same time, as Bures suggests in his contribution, the EU should take advantage of the current period of relative calm to reconsider its past practice of blind implementation of those external counterterrorism standards and practices that do not necessarily reflect the nature of the contemporary terrorist threat in Europe.

Looking further into the future, most of the contributors to this special issue remain doubtful as to whether a holistic and coherent EU response to terrorism will be attainable. Argomaniz has brought attention to the fragmented character of the EU policies on the protection of infrastructures from terrorist attacks and see these as an illustration of the broader consistency challenges that the EU faces in its response to the terrorist threat, a product amongst other factors of a complex institutional structure that is made up of a multiplicity of committees, agencies and bureaucracies. Interestingly, we find on this question various predictions for the future depending on the policy sector. Thus, although Bakker sees positive steps in the anti-radicalization field towards an approach that is more consistent and comprehensive, Monar finds that "institutional complexity and cross-policy coordination problems (between the external JHA dimension, the CFSP and external economic relations) continue to act as powerful constraints upon its external counter-terrorism role". Likewise, Bures finds practical and political obstacles to the co-ordination demands that a comprehensive counter- terrorist financing approach at the EU level would require. It remains to be seen whether the EP calls for a holistic approach that would align both the external and the Internal Security Strategies and strengthen coordination mechanisms between Council JHA structures, European agencies and the European External Action Service[32] will make a difference in light of the scale of the challenges. Finally, Monar posits, and the editors agree, that "it seems clear that the EU's future role will as well heavily depend on the further development of its internal political legal and institutional counter-terrorism framework". At the same time, the further development of the EU AFSJ legal and institutional machinery to be applied to the fight against terrorism may not come as a reaction to terrorism itself but from other enabling internal factors. Occhipinti for instance sheds light on the spillover-enlargement effect and how a future expansion of the Schengen zone to Bulgaria and Romania and the enlargement into the western Balkans could exacerbate the challenges to the AFSJ from transnational crime. A "desire to find practical solutions to common challenges' may bring not only the increased use of existing tools such as the Joint Investigation Teams but also the adoption of

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[32] European Parliament Committee on Civil Liberties, p.11.

ambitious new mechanisms in the light of the new potentialities offered in key strategic documents such as the Internal Security Strategy and the Stockholm Programme.

Although this special issue cannot offer answers to all of the aforementioned puzzling questions and dilemmas, its findings clearly challenge many of the commonly expressed views concerning the EU and its role in the fight against terrorism. We therefore hope that the readers of Intelligence and Security will find as much food for thought in the following articles as we did in the process of their production and revision.

**Participants:**

**Javier Argomaniz** joined the St Andrews Centre for the Study of Terrorism and Political Violence (CSTPV) in 2009 after an academic career in Spain (Universidad del Pais Vasco), Ireland (Trinity College Dublin) and UK (Universities of Leicester and Nottingham). He has published widely on the subject of international cooperation in counter-terrorism and European Union security policies. His publications include *International Perspectives on Terrorist Victimisation. An Interdisciplinary Approach* (Blasingstoke: Palgrve Macmillan, 2015) with with Lynch, O. (eds.); *Post-9/11 European Union Counter-terrorism: Politics, Polity and Policies* (London: Routledge, 2011); and *Victims of Terrorism. A Comparative and Interdisciplinary Study* (London: Routledge), 2014) with Lynch, O. (eds.).

**Oldrich Bures** is Head of the Center for SecurityStudies, Metropolitan University Prague with research interests in United Nations peacekeeping; privatization of security: private military interest companies; and EU counterterrorism policy. He has published *EU Counterterrorism Policy: A Paper Tiger?* (Aldershot: Ashgate, 2011) and a number of articles

**Christian Kaunert** is Professor of International Politics, as well as Jean Monnet Chair in EU Justice and Home Affairs (July 2013). He is also the Director of the European Institute for Security and Justice at the University of Dundee, which has recently been awarded the distinction of a Jean Monnet Centre of Excellence. His monograph *European Internal Security: towards supranational governance* has been published with Manchester University Press (2010), while a second book with Dr Kamil Zwolski on the *EU as a Global Security Actor* has been published with Palgrave (2013).

**Charlotte Heath-Kelly** is a Leverhulme Early Career Fellow at Warwick University's Department of Politics and International Studies. Previously, the British Academy funded her research into the memorialisation of post-terrorist sites. She is the author of two monographs: *Politics of Violence: Militancy, International Politics, Killing in the Name* (Routledge 2013) and *Death and Security* (Manchester University Press, forthcoming 2016). She edited the volume *Counter-Radicalisation: Critical Perspectives* (Routledge 2014) with Lee Jarvis and Christopher Baker-Beall, while also publishing peer-reviewed articles in *Security Dialogue*, *Politics*, *The British Journal of Politics and International Relations*, *Critical Security Studies* and *Critical Studies on Terrorism.*

**Hendrik Hegemann** is lecturer in International Relations & Peace and Conflict Studies at the University of Osnabrueck, Germany. He holds a MA from the University of Freiburg and a PhD from the University of Hamburg, both in Political Science. In his research and teaching, he focuses on transnational security risks, global and regional security governance and counterterrorism. His recent publications include the monograph *International Counterterrorism Bureaucracies in the United Nations and the European Union* (Nomos, 2015), co-edited volumes on *European Civil Security Governance* (Palgrave, 2015; with Raphael Bossong) and *Studying 'Effectiveness' in International Relations* (Barbara Budrich, 2013; with Regina Heller and Martin Kahl)

as well as a co-edited special issue on security governance in the journal *European Security* (with Hans-Georg Ehrhart and Martin Kahl).

**Alex Marshall**, University of Glasgow, is a lecturer at the Scottish Centre for War Studies at Glasgow University, and was formerly a lecturer at the Defence Studies Department of King's College London. His publications include the monograph *The Russian General Staff and Asia, 1800-1917* and a variety of articles on subjects ranging from Russian military intelligence in the First World War to the Soviet withdrawal strategy from Afghanistan in 1987-89. His latest publications are *The Caucasus under Soviet Rule* (RoutledgeCurzon, 2010) and a co-authored monograph with Dr Tim Bird for Yale University Press, *Afghanistan. How the West Lost Its Way* (Yale, 2011). He is currently working on a biography of M.A. Suslov and on a political economy of illicit drugs.

**Sir David Omand** is a Visiting Professor in War Studies, King's College London. He is a former UK Security and Intelligence Coordinator, Permanent Secretary of the Home Office and Director GCHQ.

## Review by Charlotte Heath-Kelly, PAIS, University of Warwick

This special issue of *Intelligence and National Security* has been organised around the exploration of the European Union's (EU) first decade as a counterterrorism actor. It consists of ten articles which describe the imperfect attempts of EU agencies and bodies to develop counterterrorism capabilities in the fields of policing, intelligence, finance and border security. As I will highlight in this review, the special issue provides a useful reference point for those engaged in studies of EU security agency, touching upon debates of 'actorness' of international organisations and the degree to which convergence has successfully been achieved between national policies of counterterrorism as a result of EU efforts to effect coherence.

I was, however, surprised by the level of repetition between the articles and the lacking engagement with wider debates in security studies pertaining to security technologies and the theoretical modelling of security action. The special issue had the potential to explore a crucial question of relevance to security studies: if dominant European security theories explain security within social constructivist terms as the constitution of national identity or biopolitical population against an external other or exceptional threat[1], then of what significance is the EU's intervention (as a supranational actor) within counterterrorism? Do these theories have relevance to security policies beyond the nation state level?

Unfortunately the special issue does not attempt to engage with broader literatures of security or answer related questions about the significance of the EU's post-9/11 security role. Instead the articles provide *descriptions* of the evolution of the EU's counterterrorism powers and initiatives. Of course, it is helpful that ten such similar descriptions are provided – the special issue provides a clear narrative of the post 9/11 period replete with extensive detail. But the collection of articles is light on analysis of the significance of these developments.

Despite the title of the special issue promising a 'Critical Assessment' of the EU's post 9/11 decade of counterterrorism, the descriptive approaches of many of the articles instead result in a barely critical narrative dominating the contribution of the special issue. Many of the arguments contained within the special issue show that, despite the pre-existence of the TREVI framework for European counterterrorism, 9/11 stimulated the EU to reframe itself as a counterterrorism actor of significance – and yet it has struggled to implement the wide variety of measures initially promised, with some successes notwithstanding. This is not an especially revelatory or insightful evaluation of EU security, when work by scholars such as Rik Coolsaet and Michael Brzoska has provided depth and insight into the patchwork bureaucracy of EU counterterrorism endeavours.[2]

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[1] Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press 2003); Barry Buzan, Ole Waever & Jaap de Wilde, *Security: A New Framework for Analysis* (London: Lynne Rienner, 1998); David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Manchester: Manchester University Press, 1992); Richard Jackson *Writing the War on Terrorism: Language, Politics and Counter-Terrorism* (Manchester: Manchester University Press, 2004).

[2] Rik Coolsaet, "EU Counterterrorism Strategy: Value Added or Chimera?," *International Affairs,* 86:4 (2010), 857 –873; Michael Brzoska, "The Role of Effectiveness and Efficiency in the European Union's Counterterrorism Policy: The Case of Terrorist Financing," *Economics of Security Working Paper 51,* 2011.

But as the editors explain, the aims of the special issue are to explore the 'presencing' of EU counterterrorism measures – meaning the translation of policy into materialised national systems and institutional actors. The special issue works to describe the implementation and realisation of counterterrorism systems at the supranational level, because larger questions about the effectiveness of these practices are, it is presumed, methodologically impractical.[3] But such questions are *not* beyond the reach of empirical research involving, for example, embedded researchers with Frontex, Europol, communities affected by counter-radicalisation initiatives or EU stakeholder meetings on critical infrastructure protection. Marijn Hoijtink, for example, has produced excellent and informative work on the EU SECUR-ED program for urban transport by engaging with security theories and employing methodology which involves field research.[4] The epistemological choice to focus on 'presencing', and not methodological possibility, is that which limits the special issue to the description of the EU's bureaucratic endeavours.

While the overall special issue takes a descriptive approach to the 'presencing' of counterterrorism within the EU, it does contain several articles which analyse the significance and consequences of this post 9/11 shift in governance. For example, Sarah Léonard's exploration of the EU border control regime provides an interesting and well substantiated discussion of the counter-productivity and mission creep of such measures.[5] She highlights how Frontex, the private company tasked with implementing the EU's counterterrorism border controls, has evolved toward the policing migration rather than counter-terrorism. Simultaneously, the wider array of EU border control measures have serious drawbacks in terms of data protection and privacy, without any discernible impact upon terrorism, while making travellers' lives more difficult. Her article provides a detailed and analytically precise evaluation of EU border controls, a highlight within a special issue which could otherwise remain uncritical and descriptive.

Javier Argomaniz provides another interesting contribution to the special issue, detailing the progress of EU initiatives on critical infrastructure protection.[6] While much of the article remains a description of the various networks and instruments which have emerged since 9/11 to tackle the supposed vulnerability of infrastructure, Argomaniz does also provide an interesting analysis of private-public partnerships in counterterrorism as a discursive illusion maintained by the EU: private companies actually want to avoid such relationships because they are one-sided affairs which result in them bearing costs for new laws. Furthermore, the article provides an interesting discussion of the limited success enjoyed by the EU with regards to aviation security (the major achievement being the implementation of the liquids ban) and the European Parliament's interjection within the airport body scanner episode on the side of privacy.

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[3] Javier Argomaniz, Oldrich Bures & Christian Kaunert "A Decade of EU Counter-Terrorism and Intelligence: A Critical Assessment," *Intelligence and National Security*, 30: 2-3 (2015), 191-206.

[4] Marijn Hoijtink, "Performativity and the Project: Enacting Urban Transport Security in Europe," *Critical Studies on Terrorism*, 8:1 (2015), 130-46.

[5] Sarah Léonard, "Border Controls as a Dimension of the European Union's Counter-Terrorism Policy: A Critical Assessment," *Intelligence and National Security,* 30:2-3 (2015), 306-32.

[6] Javier Argomaniz, "The European Union Policies on the Protection of Infrastructure from Terrorist Attacks: A Critical Assessment," *Intelligence and National Security,* 30:2-3 (2015), 259-80.

Moving on from the critical analysis found within the work of Léonard and Argomaniz, the special issue provides an interesting contribution to the debates on EU 'actorness' through the contributions of Jörg Monar and Christian Kaunert *et al.*[7] Monar uses the three criteria for EU international 'actorness' of 'opportunity', 'presence' and 'capability' proposed by Charlotte Bretherton and John Vogler[8] to assess the evolution of the EU through treaty changes, changing institutional capabilities and the broadening of intelligence sharing. He concludes favourably that, while the EU's counterterrorism capabilities remain subsidiary to its member states, the EU has developed into a recognisable international counterterrorism actor. Its 'actorness' is increased through the post-9/11 counterterrorism agenda – a conclusion which could be useful within a broader consideration of security through literatures of social constructivist identity performance, governmentality or biopolitics. The article could contribute to the interrogation of security as a functional component within statecraft, through its consideration of a supranational actor. Unfortunately however, the special issue does not connect with wider debates in the security literature.

Christian Kaunert, Sarah Léonard, and Alex MacKenzie also consider the EU's actorness through the lens of the counterterrorism agenda, focusing specifically on the capacity increase engendered for the European Parliament by the 2007 Lisbon Treaty. Exploring the Parliament's status as recognised international counterterrorism actor through the EU-U.S. PNR Agreements ('passenger name record' data sharing agreements regarding air travellers), and the EU-U.S. SWIFT Agreements (which relate to the exchange of financial transaction data), the authors make a favourable reading of the increased actorness of the European Parliament on the global stage. The Lisbon Treaty has enabled the EU Parliament to take on a legal personality with regards to international counterterrorism agreements such as PNR and SWIFT, thereby increasing both its capacity and recognition. The authors remain extremely positive about the potential results of these developments for the defence of individual privacy, arguing that the Parliament will have increased powers to hold the European Council and Commission to account.

Moving away from the discussion of actorness vis-à-vis EU counterterrorism, Monica den Boer and Irina Weigand make an interesting comparative study of six European nations' counterterrorism regimes to assess the convergence achieved through supranationalism.[9] They engage with theories of administrative functionalism and organisational mimesis to structure their discussion of convergence and contrast in the legal regimes of the UK, France, Germany, Italy, the Netherlands and Spain. Their exploration of difference and similarity within approaches to counterterrorism includes important critical points regarding the EU's mission to direct greater homogeneity, but utilisation of comparative politics and management theories adds to a growing sense that the special issue does not belong in a journal otherwise dedicated to literatures of security and intelligence.

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[7] Jorg Monar, "The EU as an International Counterterrorism Actor: Progress and Constraints," *Intelligence and National Security,* 30:2-3 (2015), 333-56; Christian Kaunert, Sarah Léonard, and Alex MacKenzie, "The European Parliament in the External Dimension of EU Counter-terrorism: More Actorness, Accountability and Oversight 10 Years on?," *Intelligence and National Security,* 30:2-3 (2015), 357-76.

[8] Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, 2nd ed. (London: Routledge 2006), 12–36.

[9] Monica den Boer and Irina Weigand, "From Convergence to Deep Integration: Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas," *Intelligence and National Security* 30:2-3 (2015), 377-401.

It is this consideration which will inform the conclusion of this review article. The ten articles of the special issue each contribute to knowledge on the evolution of EU counterterrorism capacity. Taken together, they provide a very useful reference point for any scholar interested in detailed development of counterterrorism instruments and mechanisms. However the special issue does not seem to sit comfortably within literatures of security or intelligence, limiting itself to discussion items from EU studies. There is a prominent silence within the special issue regarding the significance of the EU's development as a counterterrorism actor for the conceptualisation of security in general, and with regards to the ethical consequences of security instruments at the supranational level (albeit Léonard's article is an exception). The decision to arrange the special issue around the 'presencing' of EU counterterrorism – the translation of policy into identifiable practice regimes – has led the special issue to limit its readership to those versed in the study of the EU, rather than extending into the fields of security studies.  As a result, I am slightly bemused by its publication in a journal such as *Intelligence and National Security* which primarily dedicates itself to material analysing intelligence agencies and security issues, and consider that this may affect overall readership of the articles.

## Review by Hendrik Hegemann, University of Osnabrueck (Germany)

The attacks of 11 September 2001 elevated counterterrorism from a largely invisible and almost non-existent issue on the sidelines of European Union (EU) policy to one of its most dynamic fields. This manifests itself in a plethora of decisions, action plans, directives and strategy papers involving various EU competences and institutions. According to one estimate, the EU adopted 239 counterterrorism-related decisions between 2001 and 2013.[1] However, the EU's effectiveness and legitimacy as counterterrorism actor remain contested and many of its measures are deeply controversial, not least because they may infringe upon the basic rights of citizens. An overall assessment of the EU's role in this field is difficult because it is hardly possible for individual researchers to keep track of the diverse activities and developments across the range of EU policies and institutions that are more or less directly related to counterterrorism.

A decade after the attacks in Madrid and London, Javier Argomaniz, Oldrich Bures and Christian Kaunert as well as the contributors to their co-edited special issue seek to take stock and provide a "critical assessment" of the EU's achievements and shortcomings in the fight against terrorism. For this purpose, the special issue assembles a distinguished group of contributors with long-standing experience in researching different aspects of EU counterterrorism policy. Moreover, in their introduction the editors opt for a "long-term perspective" and "a broadly sectoral approach".[2] Hence, the different contributions not only deal with the full post-9/11 period, but also cover a wide spectrum of actors, policies, and instruments. The different articles deal with critical infrastructure protection (Javier Argomaniz), counter-radicalization (Bakker), countering terrorist financing (Oldrich Bures), intelligence (Monica den Boer), border controls (Sarah Léonard) and police cooperation (John Occhipinti).[3] Furthermore, they also tackle cross-cutting issues like the domestic impact of EU counterterrorism policies (Monica den Boer and Irina Wiegand), the role of the European Parliament (Christian Kaunert, Sarah Léonard and Alex MacKenzie) and the EU's international actorness (Jörg Monar).[4]

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[1] Ben Hayes and Chris Jones: *Report on How the EU Assesses the Impact, Legitimacy and Affectiveness of its Counterterrorism Laws*. SECILE Deliverable 2.3, 2013, http://www.statewatch.org/news/2013/dec/secile-how-does-the-EU-assess-its-counter-terrorism-law.pdf.

[2] Javier Argomaniz, Oldrich Bures and Christian Kaunert, "A Decade of EU Counter-Terrorism and Intelligence. A Critical Assessment", *Intelligence and National Security* 30: 2-3, 2015, 191-206, 192.

[3] Javier Argomaniz, "The European Union Policies on the Protection of Infrastructures from Terrorist Attacks. A Critical Assessment," *Intelligence and National Security* 30:2-3, 2015, 259-80; Edwin Bakker, "EU Counter-Radicalization Policies. A Comprehensive and Consistent Approach?" *Intelligence and National Security* 30: 2-3, 2015, 281-305; Oldrich Bures, "Ten Year's of EU's Fight against Terrorist Financing. A Critical Assessment," *Intelligence and National Security* 30: 2-3, 2015, 207-33; Monica den Boer, "Counter-Terrorism, Security and Intelligence in the EU. Governance Challenges for Collection, Exchange and Analysis", *Intelligence and National Security* 30: 2-3, 2015, 402-19; Sarah Léonard, "Border Controls as a Dimension of the European Union's Counter-Terrorism Policy. A Critical Assessment", *Intelligence and National Security* 30: 2-3, 2015, 306-32; John D. Occhipinti, "Still Moving Toward a Euopean FBI? Re-Examining the Politics of EU Police Cooperation", *Intelligence and National Security* 30: 2-3, 2015, 234-58.

[4] Monica den Boer and Irina Wiegand, "From Convergence to Deep Integration. Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas", *Intelligence and National Security* 30: 2-3, 2015, 377-401; Christian Kaunert, Sarah Léonard and Alex MacKenzie, "The European Parliament in the External Dimension of EU Counter-

The individual chapters provide a rich overview of what happened in their respective fields, some of which – such as radicalization or the role of the European Parliament – have so far not received much attention despite their increasing importance. At the same time, the contributions are held together by the overarching imperative to critically assess the EU's achievements and failures. Some authors, such as Léonard, follow the structure very explicitly by defining EU goals and then looking for evidence to analyze achievements and shortcomings. Others, such as Argomaniz and Monar, examine these questions along different thematic dimensions of their issue areas. The historical and cross-sectoral perspective is able to shed light on larger trajectories and patterns that often go unnoticed in analyses focusing more narrowly on specific issues and periods. The editors' introduction also does a nice job in tying the different findings together and relates them back to larger debates. Hence, this is a diverse, but still coherent collection of articles.

There are, of course, always opportunities for expansions and additions. For example, the authors could have awarded a more prominent role to the still-burgeoning critical discourse on securitization, governmentality and related issues, which have been an important part of research on EU counterterrorism over the last decade. In general, the editors' statement that EU counterterrorism policy „only relatively recently received due attention in the academic community" might be somewhat outdated given the rich amount of research published by now, not least by the contributors to this special issue themselves.[5] Hence, the field of research on EU counterterrorism is obviously broader and more diverse than represented here. However, the contributions assembled already cover a wide array of important issues and will certainly serve as an important reference point in the debate.

The special issue's particular focus is to "answer the question of whether, when it comes to the measures taken to combat terrorism following the 9/11 attacks, the EU has lived up to the promise made in its founding treaties", i.e. the goal to protect its citizens.[6] This is a laudable effort as we still have very little systematic knowledge about the actual effects of EU counterterrorism policy 'on the ground.' However, this ambition raises difficult methodological and conceptual questions. The editors are well aware of problems like the scarcity of clear data, the lack of accepted indicators and the difficulty to establish clear-cut causal relations, which are particularly hard to disentangle in the EU's complex multi-level system.[7] As a consequence, they decide to eschew the difficult question of effectiveness and instead decide to focus on the more easily to analyze, but also more elusive concept of "presence", which they define as "the materialization and development of EU policies and their translation into national systems and the establishment of institutional

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Terrorism. More Actorness, Accountability and Oversight 10 Years on?" *Intelligence and National Security* 30: 2-3, 2015, 357-76; Jörg Monar, "The EU as an International Counter-Terrorism Actor. Progress and Constraints", *Intelligence and National Security* 30: 2-3, 2015, 333-56.

[5] Bures et al, 191.

[6] Bures et al, 192.

[7] For a recent review of these problems see Eric van Um and Daniela Pisoiu, "Assessing Effectiveness in Counterterrorism Policy", in: Hendrik Hegemann, Regina Heller and Martin Kahl (eds.), *Studying 'Effectiveness' in International Relations. A Guide for Students and Scholars*. (Opladen et al: Barbara Budrich, {where is the publisher's name? Barbara Budrich is the actual name of the publisher, 2013} 255-79.

actors with the necessary powers and resources to fulfil the objectives laid out in the official EU strategy documents".[8]

This approach is reasonable taking into account the intricate difficulties of studying counterterrorism effectiveness, but it also entails important drawbacks and limitations. In the terminology of regime theory, the editors concentrate on the dimensions of output and, to a lesser extent, outcome, but remain largely unable to say anything about impact in the sense of direct problem-solving contributions.[9] A potential danger of this approach is that any kind of action becomes an indicator of success in itself. The editors therefore rightfully stress that "more does not necessarily always mean better when it comes to fighting terrorism in Europe".[10] This implies that more EU "presence" per se is not always desirable. However, this also means that they cannot fully meet their self-declared goal of assessing whether the EU has met its overall and ultimate promise, which is to provide security for its citizens while maintaining civil liberties and human rights. This is especially problematic as the EU regularly claims to be effective based on largely anecdotal evidence. Even if it is not possible to offer final judgment on the effectiveness of EU counterterrorism policies, it is important to note that the way the EU assesses it remains fragile and contested.[11] Moreover, it is crucial to note that the promises and goals set by the EU may already be inappropriate, for example by unduly privileging security over civil liberties.

Despite these challenges, the special issue offers a rich analysis of basic dynamics in post-9/11 EU counterterrorism. Reflecting their overall approach, the editors' discussion of major findings is able to to assess whether the EU has become a significant counterterrorism actor, but can hardly offer judgments about the appropriateness and desirability of this outcome. Yet, they still draw a mixed picture regarding the EU's significance. On the one hand, the EU has "accomplished a surprising amount" and has become "an increasingly visible and important counterterrorism player".[12] On the other hand, the different contributions show that the EU "still plays mostly a subsidiary role".[13] To explain the emerging patterns, the editors essentially point to a combination of crisis-driven politics and long-term path dependences. While this finding may not be a big surprise to students of EU counterterrorism, it is significant because it confirms these findings based on a cross-sectoral and long-term perspective. The recommendations emerging from the different contributions, such as demands for "better thought out policies" or "a holistic and coherent EU

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[8] Bures et al, 195.

[9] Most contributions share this limitation while Leonard in her study of migration and border protection claims that EU policies in this area did not do much to prevent terrorist attacks even though they were publicly justified with counterterrorism imperatives.

[10] Bures et al, 196.

[11] Hendrik Hegemann and Martin Kahl, "Constructions of Effectiveness and the Rationalization of Counterterrorism Policy. The Case of Biometric Passports," *Studies in Conflict and Terrorism* 38:3, 2015, 199-218.

[12] Bures et al, 196, 197.

[13] Bures et al, 201.

response" , may not seem particularly innovative as well.[14] However, this does not make them any less true. As long as the EU does not appear to follow them, it remains necessary to restate them.

Overall, the special issue is an important contribution that provides a nuanced and empirically rich assessment of post-9/11 EU counterterrorism policy stretching across different areas and institutions. Its greatest strength is the sheer range of distinguished expertise it brings together and the cross-sectoral, long-term perspective it is able to take based on this broad input. While readers familiar with research on EU counterterrorism policy should not expect dramatic overall findings, they can still probe the relevance of their knowledge across different areas of EU activity and learn much about the more detailed developments unfolding within particular sub-fields and institutions. For readers that are new to the field, the special issue is a sound reference point from which to become acquainted with the diversity of EU activities, the main patterns underlying them, and the progress and problems emerging from them. In any event, the special issue can be highly recommended to both groups of readers.

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[14] Bures et al, 204, 205.

## Review by Alex Marshall, University of Glasgow

The ongoing evolution of the European Union (EU) as a security actor is a topic that undoubtedly merits considerable scholarly attention, not least in the fields of international relations, criminology, sociology, and international political economy. The EU as a trans-national actor operating in a globalising world faces many of the same challenges as the UN and (earlier) the League of Nations, in terms of constantly battling to impose and retain both governmental efficiency and relevance. In this context, if the current Greek crisis has underlined the near-fatal limitations of decoupling economic and monetary union from political union in circumstances were private debt was largely unregulated, then the security challenges facing a European political space that is at the same time committed both to ongoing expansion of its sphere of influence, but also ever-stronger policing of its borders, deserves just as much attention as well. That the achievements of the EU in practice have been in fact "rather humble"[1] (261), as one contributor to this present special issue notes, should come as of no surprise to anyone with experience of working within the EU institutions, the structures of which are often by design already somewhat antagonistic in their internal competition for resources (the tensions between DG-Justice and DG-Home Affairs being only perhaps the best known example of this), even before factoring in the further reluctance of many national governments concerned to significantly pool sovereignty when it comes to issues of security or social policy. The disagreements of the current UK government with the International Court in the Hague over the interpretation of the Human Rights Convention is in this regard merely one of the best-known examples of ongoing frictions between the EU institutions and the individual member states over security policy. One could with equal validity for example point to the fact that, whilst successive drafts of the EU drug strategy have underlined the utility and necessity of harm reduction measures (needle exchange programmes, opioid substitution treatment, drug consumption rooms) as a form of intervention in managing the illicit drug issue, to date not a single EU member state has implemented comprehensively across the board the three measures most closely associated with such a policy. As Javier Argomaniz underlines, (260-4, 272), such problems are in fact then further compounded, not least with regard to critical infrastructure protection, by the EU's own commitment to a free market, privatisation-friendly approach, and the consequent ambiguity of who really own many of the critical infrastructure hubs of the EU political space, and accordingly where the costs for protecting such infrastructure should fall.

If defending critical infrastructure confronts the EU with sizeable challenges, no less significant are the challenges that come with tackling radicalization amongst individual communities, or with targeting the sources of terrorist finance. With regard to countering the financial networks that support terrorism, many of the obstacles that confront anti-money laundering legislation in general come into sharp focus. These include-the willingness of individual sovereign states to turn a blind eye to such endeavours, the role of offshore tax havens, the inability to disaggregate terrorist funding from the general black market that- for example-supports both organised crime, and the rigging of market exchange rates (witness the recent LIBOR scandal)[2].

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[1] Javier Argomaniz, The European Union Policies on the Protection of Infrastructure from Terrorist Attacks: A Critical Assessment' *Intelligence and National Security* 30:2 (April and June, 2015), 261.

[2] The Libor scandal was a series of fraudulent actions connected to the Libor (London Interbank Offered Rate) and also the resulting investigation and reaction. The Libor is an average interest rate calculated through submissions of interest rates by major banks in London. The scandal arose when it was discovered that banks were falsely inflating or

Such issues are further complicated by the tendency of prosecuting authorities to become quickly exhausted and diverted by the sheer variety of measures by which illicit proceeds can be laundered and concealed, and the tendency to catch small fry (the 'mules' carrying undeclared amounts of large currency) rather than the main players. Well underlined here is also the fact that legislative measures aimed at controlling and freezing the proceeds of organized crime via blacklists and asset freezes may in fact be entirely inappropriate as a counter-terrorist framework, where many of the financial flows involved are licit rather than illicit (217-18) and the role of individuals is often extremely small scale. It is therefore perhaps unsurprising that EU documents not only "offer very little guidance when it comes to assessing the aforementioned preventative, deterrent, investigative and analytical functions of its CTF measures" (213); they also offer no overall metric by which their effectiveness can be measured.

All three articles in this current special issue highlight the limitations of the EU continuing to evolve as an effective governance institution in the light of current security dilemmas. A growing proliferation of policy documents, technocratic regulations, and directives across the board has, in almost every case, also been accompanied by growing internal frictions, soft defections from the ostensible control regime, an increasing lack of transparency, and evidence at the top levels of a growing shortage of governance capacity in dealing with multiplying complexity. In highlighting the fact that not the least of the problems facing the EU is that, in the contemporary security field, serious doubt must exist as to whether comprehensive and effective regulation and governance across the board will ever be achieved, all three articles also point by proxy to the growing tensions now affecting almost all liberal governance models which seek to operate on a global scale. To a large degree the problems of such systems are also attributable to the underlying contradictions of liberalism itself. These contradictions are at least three-fold: that the process of systemising governance itself by its very nature cuts against the grain of political freedom and liberty which liberalism is ostensibly designed to uphold, creating an ever-more bloated and abnormal bureaucratic machine; that liberalism's commitment to facilitating the flourishing of the private sector (now significantly increased in strength and global bargaining power by the absence of state territoriality) cuts against the grain of equality, accountability and transparency that has traditionally characterised the liberal state in the past; and finally, that the embrace of the market as the ultimate bottom line in all human affairs both undermines traditional social bonds, and creates the gaps for the very festering radicalization which liberalism itself is ostensibly designed to contain and prevent. The contributors therefore raise wider questions than they themselves set out to answer, and in this sense they should also be contextualised as important contributions towards what now needs to be a much wider debate over the fate of the Enlightenment project as a whole-a debate within which philosophers such as John Gray must have just as much a legitimate voice and level of insight as the political scientists gathered here.[3] In an era in which liberal governance is haemorrhaging support and sympathy across the board, such a debate is now also as urgent as it is necessary.

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deflating their rates so as to profit from trades, or to give the impression that they were more creditworthy than they were. Libor underpins approximately $350 trillion in <u>derivatives</u>.

[3] John Gray, *Enlightenment's wake. Politics and Culture at the close of the Modern Age* (London & New York: Routledge, 2007).

## Review by Sir David Omand, Visiting Professor in War Studies, King's College London

*"The European Union (EU): A supporting or supported command for counter-terrorism?"*

The stated aim of this special edited issue of *INS* is to look back at the decade after 9/11 and to examine whether when it comes to the measures taken to combat terrorism the EU has lived up to the promise in its founding treaties to provide citizens with a high level of safety within a common area of Freedom and Security and Justice. Topics examined cover exchanges of information between police and intelligence agencies, the protection of critical infrastructure, the development of external action, the production of counter terrorism legislation, border controls and terrorist recruiting and financing. Other contributions take a thematic approach to institutional actors, the impact of EU policies on national systems and the importance of intelligence.

The editors acknowledge the difficulties of measuring the effectiveness of measures at the European level given that they are only one set of contributions to the policies being implemented by nations and by other international bodies. Much of the discussion by the contributing authors therefore is about *presence*, the materialisation and development of EU policies and their translation (or not) into national systems. This collection of detailed accounts by scholars steeped in Euro-processes has therefore an inevitable institutional and legal bias. Each paper is well supported by extensive footnotes providing a good key to the main EU developments of the period.

The *INS* special issue only takes the story up to around 2010/2011, and therefore its coverage of secret intelligence in counter-terrorism has inevitably been overtaken by the subsequent European debate that followed the theft by former U.S. government contractor Edward Snowden of large numbers of highly classified intelligence documents from the U.S. National Security Agency and its UK partner, the Government Communications Headquarters, GCHQ.

Similarly, history has not been kind to the Editors since sadly the terrorist threat did not decline and has remained very high in European public consciousness. Much of the optimism of the volume about terrorism moving down the political agenda has proved misplaced. Since then we have seen the resurgence of radical jihadism under the banner of the Islamic State, supported by large numbers of young European Muslims travelling to Iraq and Syria, the horror of the *Charlie Hebdo* and Danish murders by European jihadists with their direct assault on European fundamental values and in the background the growing realization by member states in imposing sanctions on Russia that post- Cold War stability in Europe cannot any longer be taken for granted. The Euro crisis itself and the political questioning in several nations of many of the fundamentals of the European project has slowed the bandwagon towards supra-nationalism and ever-closer Union, a theme of the period covered by this volume.

What the special edition demonstrates is that throughout the decade there was an unhelpful tension between the adherents of two very different conceptions of the role of the EU in counter terrorism. For the majority of member states, countering terrorism is at heart a national responsibility that touches directly on the principal duty of national government to provide public security. For these member states the initiative for collective action belonged with the European Council of Ministers, representing the nations and respecting their differences, supported by new post 9/11 Council institutions such as the EU Counterterrorism Coordinator and the EU Intelligence Centre, and not the European Commission and the European Parliament. The nations upheld the principle of subsidiarity under which policy making is applied as close to the citizen as

possible. That view was contested by the supporters of a wide interpretation of the Lisbon Treaty on European Union who saw counter-terrorism as another policy area where the lead should be with European institutions such as the European Commission, the European Parliament, and the European Court. The authors in the collection largely share much of that outlook. It would have been instructive therefore if the volume had included articles by former national intelligence and counter-terrorism practicioners assessing which EU initiatives have helped them stop the many jihadist plots mounted against European nations over the period and which have simply been a distraction.

U.S. readers will recognise parallels with the familiar debate over 'supporting' versus 'supported' military commands. Should the EU have seen itself as a 'supporting command' providing assistance to nations when it made sense to do so, but coordinating only where necessary and where value-added is likely to be found in a collective approach, always applying the principle of subsidiarity? It is certainly possible to interpret the material in this special edition (including the excellent accounts by Javier Argomaniz on critical infrastructure protection,[1] by Oldrich Bures on terrorist financing[2] and Léonard on border controls[3]) that more progress was made on specific measures when those concerned unconsciously adopted this interpretation of their role. Or, alternatively, should the member states have ceded to the EU the role of a supranational 'supported command' with the responsibility, acting through the work of the Commission and the European Parliament, of providing leadership and constructing, driving, and overseeing counterterrorism strategy, thus achieving early convergence of national policies to mandatory European standards? It is tempting to read into some of the accounts in this special edition that the threat from terrorism was used at times as a convenient vehicle for pushing such ideas for ever closer Union. Talk of turning the European Police Office (Europol) into a European FBI and of creating a European Intelligence Agency, for example, alarmed the major member states whose concern was that the effectiveness of the practical arrangements they oversaw should not be sacrificed for European institution building.

As many of the articles demonstrate, it has been both hard for the nations to let go, even where action at a European level (such as the introduction of the European Arrest Warrant and Data Retention legislation) clearly made sense, and for the Euro-Federalists to resist the temptation to engage in bureaucratic politics and *la guerre des competences*, using the alphabet soup of Comitology familiar to followers of Brussels politics to which this volume provides an excellent guide. The results have been lopsided: a few remarkable instances of swift and firm EU action in a sea of barely visible practical advances in most policy spheres with widely differing degrees of intensity of action.

Another source of institutional friction has resulted from the work of the European Parliament (EP), through its Civil Liberties, Justice and Home Affairs (LIBE) Committee, that emerged as a key institutional body alongside the Commission and member states. European legislation on airport security that required prior Parliamentary approval led, for example, to opposition to some of the most stringent airport security measures

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[1] Javier Argomaniz, "The European Union Policies on the Protection of Infrastructure from Terrorist Attacks: A Critical Assessment," *Intelligence and National Security*" 30:2 (April and June, 2015): 259-280 –hereafter cited as *INS*).

[2] Oldrich Bures, "Ten Years of EU's Fight against Terrorist Financing: A Critical Assessment," *INS*, 207-233.

[3] Sarah Léonard, "Border Controls as a Dimension of the European Union's Counter-Terrorism Policy: A Critical Assessment," *INS,* 306-332.

imposed after 9/11, and even forcing the Commission and the Council into a compromise in 2010 on the liquids ban. Just one example of the EP questioning approach to what the authors of this collection see as an insufficiently justified post-9/11 rush towards stronger security rules.

It is a pity therefore that there is no article in the volume that examines how the objective threats faced by EU member states from terrorism and cyber crime evolved over the decade, and how that was perceived differently dependent upon States' perceptions of how far they were directly affected.  Nor, apart from one glancing reference by Argomaniz to work on cyber security, is there any discussion of the contested NATO/EU relationship that introduced further bureaucratic friction into counter-terrorism, an odd omission given that the two organisations share a majority (22) of members and NATO was conducting serious operations against the Taliban in Afghanistan with the aim of preventing a terrorist safe haven from re-emerging.

In a thought-provoking analysis of the impact of EU counter-terrorism strategies on domestic arenas, Monica Den Boer and Irina Wiegand assess one of the main effects of EU policies as levelling up national counter-terrorism legislation and executive measures on the part of the least affected, attaining the capabilities already in place in the major member states.[4]  The authors comment critically on the way that the UK and France went beyond the EU Framework Decisions of 2002 and 2008 in terms of legislative measures, but without noting that the decision was hardly surprising since it was these two nations that at the time felt most threatened, an example of the tendency in most of the papers in this volume to under-estimation of the problem as seen from the member states that were struggling to keep their publics safe.

Overall, however, the accounts in this volume show that over the decade a combination of public pressure after terrorist attacks and external pressure from the U.S. encouraged European leaders to act and to adopt formal commitments to greater European cooperation in counter-terrorism. Although the editors rightly argue that European action has not yet matched the ambitions portrayed in EU doctrine, much was done during the decade to provide the basis on which the resurgent threat of terrorism today can be tackled.

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[4] Monica Den Boer & Irina Wiegand, "From Convergence to Deep Integration:  Evaluating the Impact of EU Counter-Terrorism Strategies on Domestic Arenas," *INS*, 377-401.