The EU Plan of Action on Combating Terrorism: An Ambiguous and Redundant Tool of Governance

By Thomas Delaney

Abstract

‘The most powerful military in the world cannot invade, kill or capture a network or destroy every loose weapon on the planet. The best response to this network of terror is to build a network of our own -- a network of like-minded countries and organizations that pools resources, information, ideas, and power. Taking on the radical fundamentalists alone isn’t necessary, it isn’t smart, and it won’t succeed’ (Biden, 2006 cited in Crenshaw, 2007)

This report is a conservative, unprecedented attempt to evaluate and address the EU Action Plan for Combating Terrorism and wider EU counter-terrorism policy initiatives through a multidisciplinary lens. An ambiguity-conflict nexus has been distilled from a systematic literature review of differing perspectives that equate to policy entrepreneurs evoking ‘push’ and ‘pull’ factors within policy formation and implementation. Furthering this, an empirical content analysis of the Action Plan and related EU counter-terrorism documents and their evolution since September 11th 2001 highlight the overriding ambiguity-conflict nexus within EU counter-terrorism initiatives. Lastly, this report concludes that the ambiguity and conflict within the Action Plan that arose from policy entrepreneurialism and the ‘push’ and ‘pull’ perspectives, contradicted the central requirement of a managerialist, hierarchical governance that the Action Plan hoped to achieve (Yonah, 2002; 2006; Council of the European Union, 2004a; 2004b).

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1. Introduction

Since the establishment of the European Council and its various subsidiary branches, the notion of state-centric governance and national sovereignty has been evolved and amalgamated to include many transnational and multi-faceted governmental cooperative schemes (Staniford, 2010). One of which has been the monumental effort of the EU and it’s Member States to collectively counter modern terrorism in all of its differing guises (Crelinsten, 2002; Yonah, 2002; 2006). Moreover, this accelerated notion of fortification has seen the EU Council expenditure on counter-terrorism policy go from €5.7 million in 2002 to €93.5 million in 2009 (European Parliament, 2011), which begs the questions: ‘are the EU citizen’s taxes being used efficiently?’ and ‘is the counter-terrorism policy formation of the EU actually working?’. This report uses these simple, but fundamental questions to guide a delineated analysis of the effectiveness of the EU’s Action Plan to Counter Terrorism.

Over the five-year period following the unforgettable events of September 11th 2001, the EU’s unique and revolutionary multi-stranded approach to counter terrorism was heavily criticised by academics, politicians, and non-government organisations (NGOs) and regarded as little more than a ‘paper tiger’ (Wouters and Ryngaert, 2005; Omand, 2005). There has been a myriad account of the evolution in EU counter-terrorism policy (Sandler, 2005), but no academic or government literature has yet addressed the amalgamation of counter-strands that ‘push’ and ‘pull’ the implementation and governance process of EU counter-terrorism policy (Clark, 2007). More specifically, authors have summarised and hypothesised over the EU’s counter-terrorism policy within their own respected field of study (i.e., psychologically-centric studies, criminogenic-centric studies, and politically-centric studies), but thus far there has not been an attempt to analyse the counter-terrorism instruments through the incorporation of a multi-disciplinary lens (Bossong, 2008).

In light of this, the literature reviewed in this report brings together research conducted in the fields of criminology, war studies, communications, sociology, economics, religious studies, international relations, and public policy, in the attempt to distil an understanding of the aforementioned criticisms of the EU’s counter-terrorism measures. It is beyond the capacity of this report, however, to analyse all of the EU’s counter-terrorism instruments, so it has been decided that the fundamental starting point and the case study for this report will be centred on the most vital EU counter-terrorism policy, the ‘European Union Action Plan to Combat Terrorism’. Thus far, the Action Plan has been perceived by EU Member States and academics as a positive, if somewhat cumbersome, summary of “suggested” counter-terrorism ideals (Staniforth, 2010). However, a content analysis of the Action Plan and relating EU documents, combined with the multi-faceted approach to counter-terrorism drawn from a systematic review of the literature, highlights a multitude of problems and diverging ambiguities in EU counter-terrorism policy. Consequently, this report argues that the Action Plan on Combating Terrorism has not been able to fulfil its promise due to conditions of high policy conflict and ambiguity (Yonah, 2006), which, as the literature review will demonstrate, come from ‘push’ and ‘pull’ factors within policy formation. The ambiguous ‘push’ and ‘pull’ factors seen within the literature review have contradicted the central requirement of a managerialist,
hierarchical governance that the Action Plan hoped to achieve (Yonah, 2002; 2006; Council of the European Union, 2004a; 2004b). Furthermore, the contradiction in formation to implementation of policies was exasperated by frenzied, haphazard policymaking in reaction to September 11th, and especially the 2004 Madrid and 2005 London bombings (Pressman, 2007), which caused a bureaucratic overload and a lack of minimal, specific, concentrated policy aims (Robert and Richardson, 2007).

Thus, the structure of this report is as follow:

Chapter 2 illustrates the methodological approach taken for this research project, whilst exploring the strengths and weaknesses of several methods of deduction (i.e., primary analysis and content analysis);

Chapter 3 is an in-depth systematic literature review of multidisciplinary aspects of counter-terrorism policy formation. The process of extracting the multitude of differing perspectives within counter-terrorism policy formation is to highlight the idea of an ambiguity-conflict nexus that create ‘push’ and ‘pull’ factors within policy formation;

Chapter 4 is a brief illustration of the theoretical and political aspects that form the Ideal-Archetypal Traits of Action Plans;

Chapter 5 develops the aforementioned argument in relation to the ambiguity-conflict nexus of ‘push’ and ‘pull’ factors through a content analysis of the evolution of the EU Action Plan for Combating Terrorism and the Anti-Terrorism Roadmap from 2001 to present;

Chapter 6 gives two brief ideas for the progression of future EU counter-terrorism policy and further research that could aid in new policy developments; and

Chapter 7 concludes that the ambiguity-conflict nexus opened the floodgates for procrastination within policy formation, which contradicted the central requirement of a managerialist, hierarchical governance that the Action Plan hoped to achieve.

2. Methodology

Tasked with evaluating the success, necessity, and conceivable stigma of the EU Action Plan to Combat Terrorism, the notion of in-depth prevailing literature signifying the differing ‘push’ and ‘pull’ aspects of theory that influence policy formation was deemed an intrinsic necessity, as the multitude of ‘push’ and ‘pull’ factors, the Home Office (2010) argue, among others, has been the Action Plans weakness. More specifically, the primary task was to collect and distinguish relevant literature that addressed European counter-terrorism. Given the overabundance of explorations into counter-terrorism yet yielding a single agreed-upon theory (Hewitt, 2008; Crenshaw, 2007; Staniforth, 2010), research and literature were acquired in relation to the multiple specific aspects within the phenomena.
The methodology underpinning this research project is a bifurcated approach as the primary literature review is a systematic literary analysis of counter-terrorism theories within policy that produce the aforementioned ‘push’ and ‘pull’ factors, also referred to as the ambiguity-conflict nexus, which will create a springboard into an empirical content analysis of the EU Action Plan to Combat Terrorism. Simply, the systematic literary analysis will lay the groundwork for an analysis of EU counter-terrorism documents and the empirical content analysis of the Action plan, resulting in a fully documented, multi-disciplinary understanding of the EU’s current, deficient policy.

Primary research was not deemed suitable for this report for several reasons, the first of which being that counter-terrorism is an extremely politically sensitive topic (Aaron, 1979; Gunaratna, 2007). Hofferbert (1990) summarises the restricted use of traditional methods of social science research when studying counter-terrorism, which include the use of unobtrusive methodologies, as they are fraught by limited access to official records, intelligence or data that may be restricted from the public sphere, and language barriers. Jarol (1991) postulates further that the governmental secrecy surrounding counter-terrorism may negatively impact on any piece of academic research into the counter-terrorism policy arena. This is something that this report sympathises with, but as Fernando (2000) states, the plethora of counter-terrorism literature provides sufficient ground for evaluation, as European governments have to publish the fundamental structures of all policy implementations in accordance with the many differing European Council transparency directives (HM Government, 2010). Another key issue in the inappropriateness of primary research was that, as Bryman (2008), Berg (2004), and Jarol (1991) state, the time needed to obtain familiarity of different cultures, histories, and possible creditable interviewees is unreasonable for most academics.

There are many advantages to establishing research from secondary literary sources, as the literature has more accredited durability, which means that it is available to be meticulously checked and as such, will inevitably have acquired greater ethical foundations (Gibbs, 1985; Gilbert, 2001; Julian, 1969). By utilising and juxtaposing different literature, known as ‘data triangulation’, and using the differing, abovementioned multi-disciplinary ambiguity-conflict perspectives through ‘theory triangulation’, the accuracy and strength of subsequent research improves (Aaron, 1979; Jupp, 1993; Krippendorf, 2004), which would be near-on unachievable to attain via primary research in a report such as this (Jupp et al, 2000).

As stated above, the methodology incorporates two processes of analysis; firstly, the systematic literature review, and secondly, the content analysis of the Action Plan and related EU documents, which will be continually compared to the perspectives drawn from the literature review. A systematic literature review was carried out, as it is a replicable, unbiased and inclusive account of the literature (Tranfield et al, 2003 cited in Bryman, 2008). More specifically, the systematic method of meta-ethnography was used, as it is a method used in conjunction with qualitative literature (Hammersley, 1993; May, 1997), achieving an interpretive synthesis of counter-terrorism theories. Also, a systematic review allows for the underpinning of theoretical notions within the content analysis of the Action Plan, as the ‘push’ and ‘pull’ perspectives addressed through the literature review will allow for an all-encompassing evaluation of the Action Plan.
Furthermore, it was crucial, as Yanow and Schwartz-Shea (2006) note, to locate literature, key scholars, and government officials that offered noteworthy contributions to the existing framework of counter-terrorism theory - highlighting the diverging, contradictory, and misguided multi-hierarchical disciplines (Yanow and Schwartz-Shea, 2006; Jarol, 1991) that underpin the EU Action Plan. Encouraged to find equilibrium between appropriate literature and the influential factors of the journals, books, studies, and authors, the Social Science Citation Index (SSCI) was used to find the most worthy authors and publications, as Bryman and Burgess (1994) note that the SSCI is the most formidable and relevant starting point for literature reviews in social science. Thus, literature gained from the SSCI produces further relevant sources of literature from citations and bibliographies used in key texts (Bryman and Burgess, 1994; Hammersley, 1993). The methodology, however, does bear considerable limitations, not least of which is the widely criticised fact that the SSCI does not have any literature that is not, or has not been translated into English (Bryman, 2008).

Despite the abovementioned limitations regarding the pursued methodological approach (i.e., governmental secrecy), Yonah (2002; 2006) has repeatedly stated that there is a vast and varying amount of literature available on counter-terrorism, which means a literary analysis through the lens of any discipline, is achievable. Therefore, the combination of perspectives attained from the systematic literature review leading into the evaluation of the EU Action Plan via content analysis was considered to be the most suitable approach when taking into account the sensitivity of counter-terrorism, the convenience of adopting existing superior literature, and the time-scale available for this specific report.

3. Establishing a Clear Path: The Ambiguity-Conflict Nexus

Given the current struggle or unwillingness of the UN to accept a definition of terrorism (Amnesty International, 2005; Clarke, 2007; Hoffman, 2006), the international community viewing terrorism through differing typologies (Council of the European Union, 2002; 2004a; 2004b), and a deficiency of solid, concerted theories of terrorism in academia (Yonah, 2002; 2006; Sederberg, 1995), it is of no surprise that there is a comparable shortage of theories on how to counteract it. Moreover, due to the common conception of the omnipresence of terrorism in relation to the influx of those labelled “terrorists” (Sandler, 2005; Innes, 2006), the broadening impetus towards such acts, and the increasingly unforgiving strategies used (FAIR, 2004), assessing the current mechanisms on counteracting the phenomenon of terrorism is pivotal in understanding counter-terrorism policy-making (Crelinsten, 2002). For these reasons, this report has sought to identify the clearest counter-terrorism literature, provide suggestions for the evolution of these sources, and review the status quo; seeking to present an absolute and whole view of counter-terrorism theories through a multitude of disciplines. The presentation of which will undoubtedly show the multiple ‘push’ and ‘pull’ perspectives within counter-terrorism policy that contribute to the ambiguity-conflict nexus. Moreover, the variety of perspectives in the literature review forms an understanding of a whole host of policy entrepreneurs.
Grouping the literature into the aforementioned perspectives the amalgamation of counter-terrorism theory will be clearly deconstructed through different perspectives and authors and the ambiguity-conflict nexus will be evidently present by the end of the literature review.

3.1 Counter-Terrorism and Public Policy

As counter-terrorism policy is ultimately driven by politics (Wouters and Ryngaert, 2005), viewing the relationship of countering terrorism through the myriad of overt policy principles is intrinsic.

Hoffman (2007) suggests that counter-terrorism mechanisms implemented by governments allow for observable variances between the underpinning goals of policy (i.e., prevent, protect, respond, and pursue). Delineating different government counter-terrorism practices creates the catalyst for the construction and merit of a theoretically grounded hypothesis for future government preventative measures (Omand, 2005; Frank, 1990). The separation of practical and defensive policy, for example, has been addressed by Sandler (2005), as he engages the ramifications each has for coordinated multiparty counter-terrorism conduct. Sandler argues that practical policy implementation results in tactical proactive targeting of terrorist cells and covert operations that aim to subvert the force of the enemy, thus lowering terrorist confrontation (2005). Defensive policy implementation, however, will result in the fortification of ‘high risk’ targets, ultimately seeking to minimise the damage caused by an attack (Sandler, 2005; Sike, 2011).

An advance to Sandler’s (2005) argument can be seen by Staniforth (2010) and Robert and Richardson (2007), who have categorised three distinct, but comparable aims of counter-terrorism policy. Firstly, “eliminating terrorism” is policy formation that’s impetus revolves around the removal of incentives and desires to pursue terrorist ideology or aggression (Staniforth, 2010; Robert and Richardson, 2007). Hoffman (2007) notes, however, that root and trigger causes of terrorist ideology have seen an extraordinary increase over the past decade and “eliminating terrorism” is highly unlikely. Secondly, “minimising damage” is deemed as preventative counter-terrorism policy that focuses on high-risk, radical terrorist cells or individuals, specifically in relation to the prevention of suicide bombings or mass killings (Robert and Richardson, 2007). Ronald and Schmid (1993) have previously noted that minimising damage also means that situational crime prevention is often adapted, as there is increased fortification of probable target areas and a relocation of emergency service buildings to closer geographical proximities of these targets. Lastly, policy can stem from “preventing intensification” (Staniforth, 2010). This is deemed as conflict control, preventing transnational terrorist communication, and averting further attacks (Staniforth, 2010; Robert and Richardson, 2007). For this reason, governments actively seek to dismantle terrorist cells that may gain political affiliation or sustenance from foreign countries (Pressman, 2007; Crenshaw, 2007).

Crenshaw (1981; 2007) states that distinguished objectives create structured and transparent counter-terrorism policies that are guided by policymakers’ systematic analysis of successful preventative measures that have been conducted in the past.
Furthermore, counter-terrorism policy should be democratically and publicly acceptable and malleable enough to adapt in light of new empirical data (Amnesty International, 2005). The absence of theoretical perspectives underpinning policy, however, means that governments have to create policies that give a broad assumption on the parameters of action and decision-making (Staniforth, 2010; Marianne-Van, 2003).

The National Memorial Institute for the Prevention of Terrorism’s (MIPT) document called ‘Terrorism: What’s Coming’ advises all governments to move beyond a conformist mentality when addressing counter-terrorism policy (Jenkins et al., 2007). This advise springs from the notion that there is no regulated or structured model of terrorism, as the multitude of terrorist organisations acclimatise to “current” policy and adapt beyond the speed of a government’s policy formation (Jenkins et al., 2007). It is for this reason that a conformist mentality should be revoked – different types of terrorism require multiple, broader, overarching, short-term policies that follow one objective (Jenkins et al., 2007; Fletcher, 1966). The heightened collaboration between government agencies, intelligence agencies, and the police in understanding terrorist ideologies and the fundamental institutions of radicalisation is also an indispensable tool of counter-terrorism policy (Metropolitan Police Authority, 2007; Franck, 1990).

Abadie (2006) in the MIPT report ‘Poverty, Political Freedom, and the Roots of Terrorism’, however, argues that regardless of the plethora of information and intelligence gathered, terrorist cells cannot be infiltrated from top to bottom, nor nationally to internationally, as poverty and political strife will continue to “breed” new actors. Therefore, moving beyond the conformist mentality will allow flexibility and ensure that supposition is continuously tested against reality.

Further emphasizing the need to create clearer, multiple, short-term counter-terrorism policies, David Omand (2005) assess and critiques the former, and arguably current (Staniforth, 2010), state of affairs in the EU. Omand (2005) postulates that efforts to move beyond state-centric preventative measures to collective transnational counter-terrorism strategies are undermined due, in part, to a non-existent internationally agreed upon, long or short-term, definition or legal framework of terrorism or counter-terrorism strategies. Consequently, the deprivation of a theoretical pretext to the formation of international strategies obstructs the understanding at the European level of what terrorism encompasses, what measures are internationally acceptable, and what international strategies EU member states should follow (Jenkins et al., 2007; Yonah, 2002; 2006).

A report that transcends the basic premise of ideological responses is ‘Strategic Counterterrorism: The Way Forward’, which suggests that the increasing numbers of “home-grown” extremists can be decreased or eradicated if the government form bonds with the Muslim community (Gunaratna cited in Evelien, 2002). Gunaratna (cited in Evelien, 2002) argues that the Muslim community has been labelled as the criminogenic “other” and as such a minority of the Muslim population have become self-fulfilling prophecies. Bhui (2009) notes, however, that central government initiatives should be passed down to local councils to ensure that interfaith schemes become a fundamental part of the community, as they would help to reverse the entrenched misunderstanding and distrust between different ethno-religious communities (Bhui, 2009; Bowling and Phillips, 2002). Current and successful examples of this in the UK are the Muslim Contact Unit, the Muslim Safety Forum,
and the British Muslim Initiative, which have seen an increase in Muslims aiding the Metropolitan Police in counteracting radicalisation via establishing norms and ethics against extremism (Metropolitan Police Authority, 2007; HM Government, 2010).

As EU nation states perceive terrorism through different lenses of introspection, the successive counter-terrorism policy formation, policing initiatives, and intelligence agencies work towards different goals, forming uncoordinated international initiatives (EU Council, 2005; Council of the European Union, 2004b). With the formalisation of the 2002 Framework Decision and the unanimous approval of the 2005 EU Counter-Terrorism Strategy, the European Union has effectively improved its preventative measures, however, Coolsaet and De Swielande (2007), Crenshaw (2007), and Staniforth (2010) all point out that the main criticism pertaining to the lack of understanding concerning the fundamental traits of extremist ideology have not been addressed, and for this reason there has been little progress made and terrorism cannot be contained via current EU counter-terrorism policy.

3.2 International Relations Perspective

The following section will be a conservative account of how the EU member states use international relations to tackle the global issues and polarisation of the terrorism phenomenon within the international system.

Since September 11th, 2001 the European Union and its member states have had to face an evolution of terrorism and engage in actively designing new counter-terrorism measures (Pressman, 2007). Previously, Europe had only encountered state-centric terrorism seen through the ETA of Spain or the IRA or Northern Ireland, who’s terrorist actions were confined and aimed at the member state that they inhabited (Townshend, 2002). Over the past decade terrorist organisations such as Al-Qaeda have dismantled the notion of “confined” terrorism, as their war is against differing ideologies, namely those found in any western state (Karin Von, 2005; Townshend, 2002). This polarisation of terrorist frameworks, Roberts (2010) argues, is the most important function in understanding how to develop counter-terrorism models.

The obvious distinction between national and international terrorist cells revolves around their geographical reach, as state-centric organisations use national, and to a limited degree, transnational media to achieve nationally centred objectives, whereas transnational terrorist organisations proliferate in many different countries achieving global impact (Silke, 2011; Yonah, 2002). Hewitt (2008) notes another key distinction between nationalist and transnational terrorists: nationalist and separatist organisations try to limit civilian casualties as they are fighting for the “freedom” of the individuals in their particular region, needing the communities support, and not condemnation, to succeed, whereas transnational terrorists aim to cause mass-casualty, as their enemies are seen as oppressive nation states where the inhabiting citizens feed the state’s power of impunity (Coolsaet and De Swielande, 2007; Clark, 2007).
Pressman (2007) argues that counter-terrorism tools have variable legitimacy depending on the terrorists’ geographical exposure (i.e., nationalist or transnational), as he believes that the sanctions, negotiations, and deterrence used in counter-terrorism policies decrease in efficiency when the terrorist organisation’s target is not confined to a single state. Moreover, there is, as previously stated, an understanding that transnational terrorism is ideologically driven, which is almost impossible to dismantle, so Gunaratna (2007) believes that EU member states’ policy should not strive for overall victory, but aim to keep the terrorists in need of constant renovation, solidarity, and reform. Marianne-Van (2003) suggests that a bifurcated approach of international policy that incorporates the subjective elements of culture and diversity will effectively counter terrorist networks. Pressman (2007) agrees with this statement and warns that unilateralist policies should not be implemented, as they may sever current and future ties with other member states. Pressmen (2007) and Clark (2007) agree that the future of terrorism is transnational and for this reason counter-terrorism initiatives should stress the significance of transnational cooperation.

The seminal works of Keohane (2005), ‘*The EU and Counter Terrorism*’, highlights and deconstructs the paradigm of counter-terrorism in the EU. Keohane (2005) has been criticised by scholars for not addressing a theoretical framework to counter-terrorism (Staniforth, 2010), but has been admired greatly for his influential insight into how EU counter-terrorism is implemented from a EU minister’s standpoint (Staniforth, 2010; Robert and Richardson, 2007). Keohane (2005) establishes a fundamental obstacle in EU counter-terrorism policy that is rarely addressed: the counter-terrorism policy of each member state spans a multitude of differing policy arenas, with differing legal frameworks, which means that a paralleled collaboration is unachievable. This is intrinsic to the latter chapters of the content analysis, as this point is at the heart of the ambiguity-conflict nexus. Moreover, the differing rules of law that each member state use amplifies the fact that the EU’s ability to counteract terrorism is restricted, as it does not preside with hegemonic governance (Keohane, 2005). Addressing this fundamental issue, Crenshaw (2007) asserts that the European Union has been unhurried in it’s attempts to build an efficient infrastructure for countering terrorism, while the EU member states have been indecisive and unruly in their implementation of the counter-terrorism Action Plan.

Keohane (2005) addresses the combined member states’ flaws by urging them to integrate the political and judicial subsidiaries (i.e., the military and police) in a long-term, all-encompassing mechanism to countering terrorism. In addition, Keohane has established three pivotal notions that all counter-terrorism strategy should include:

1. Integration – all member states should hold counter-terrorism to the heart of their foreign policy;
2. Investigation – multilateral cooperation between preventative agencies is vital; and
3. Insulation – responding to terrorist emergencies, specifically civilian or infrastructure casualty, is fundamental.

The three-pronged approach works in conjunction with the aim of a multifaceted policy that hinders terrorists’ formation of actions from the minor to the major. Moreover, Keohane’s (2005) approach resonates the Counter Terrorism Strategy of...
the EU, placing emphasis on the human rights driven ‘prevent, protect, pursue, and respond’ initiatives. Sandler (2005) notes, however, that as the current EU policy places full accountability of counter-terrorism initiatives with individual nation states, the advantageous progression of intelligence, judicial, and resource cooperation has and will remain complex and contested at the EU level.

While it is undeniable that the EU directives have accelerated progress at a state level for all member states (Gunaratna, 2007), the overall EU agenda is disjointed and does not work effectively (Yonah, 2002; 2006). There are several key suggestions for the progression of EU counter-terrorism strategies that frequently appear in the academic and political literature. The three principles for progression are: 1) external intelligence sharing initiatives should be reinforced, specifically with countries such as Pakistan, Syria, Sudan, and African states, as these are countries with a large terrorist presence (Crelinsten, 2002); 2) the use of military action in the Middle East should be reconsidered, as the cost of a long-term war is not as beneficial as attempted democratic reform, which is more humane and economically viable (Berrebi, 2010; Sandler and Enders, 2004a; 2004b); and 3) all EU member states and the European Union should place the same prominence on counter-terrorism measures in their external political relations, as the alignment of EU member states will create the connotation of solidarity within the European Union, allowing for more political power globally (Omand, 2005; Robert and Richardson, 2007). As advocated by Clark (2007), a combined European perspective and legal structure of a counter-narrative will further aid and structure Europe’s progressive measures in countering terrorism.

Identifying that there are diverse cultural, legal, traditional, and ideological interests that separate European nation states, it is evident that a single implemented model of policy will not work in the realm of reality (Fernando, 2000). Nonetheless, Bossong (2008) urges the collective nations of Europe to re-evaluate past counter-terrorism mechanisms, as the development of new transnational threats means previous policy initiatives begin to stagnate. Cooperation in strategies such as EU wide arrest warrants, interdependent communication data, and clearer extradition laws are some of the proposals that have been made (Council of the European Union, 2004), however, no scholar or political advisor has yet to put forward an formable structure for change (Staniforth, 2010).

Wouters and Ryngaert (2005) have argued that the international policy progressions, such as Omand’s (2005), do not equate to scientifically grounded theory on counter-terrorism. However, the aforementioned literature does donate towards the argument that there is a necessity for a common understanding between member states and what they can do to facilitate these concerns.

### 3.3 Responses to Terrorism: Military versus Conciliation

One of the most contested views within counter-terrorism theory is the use of military action (hard power) in comparison to diplomatic reconciliation (soft power) (Amnesty International, 2005; Fletcher, 1966; Sederberg, 1995). The subsequent section will demonstrate the contention between the two. In the attempt to create a clear and
concise explanatory overview and add to the ambiguity-conflict nexus, air strikes will represent hard power, while conciliation will represent soft power.

Malvesti’s (2002) study, ‘Bombing Bin Laden: Assessing the Effectiveness of Air Strikes as a Counter-Terrorism Strategy’ is a concerted effort to analyse the efficiency of the United States’ counter-terrorism policy and the eternal use of military air-strikes. Evaluating the systematic use of air-strikes in Libya in 1986, Iraq in 1993 and Sudan and Afghanistan in 1998, Malvesti explains that this form of hard power is an apathetic and unproductive form of subordination that only serves to perpetuate a sinister cycle of retaliation (2002). Avoiding the advantageous attempt of assuming a theoretical framework, as many scholars do, Malvesti (2002) addresses two fundamental objectives of the United State’s hard power counter-terrorism strategy: 1) accountability – redress for terrorist actions, and 2) prevention – using drastic measures to deter current or future threats.

The aforementioned air-strikes were undoubtedly failed attempts in U.S. counter-terrorism measures, as the objectives of accountability and prevention were faced with heightened hostility by terrorist forces (Sederberg, 1995; Hoffman, 2006). The air-strikes did not act as a guard for future attacks, as the military action taken on Afghanistan in 1998 severed to increase the former Al-Qaeda leader Bin Laden and his follower’s determination for western demise (Townshend, 2002). For this reason, overt military action should be used as a last resort in policy formation, as it is the tool of vengeance and punitive reaction rather than the acts of a democratic state based on justice (Sederberg, 1995; Amnesty International, 2005). Moreover, Malvesti (2002) uses the metaphor of disturbing the ants’ nest, as punitive measures only serve to increase polarisation between the state and the terrorists.

Conciliation is seen as the polar opposite to military or hard power action, as conciliation is a democratic and peaceful process of negotiation that aims for minimal damage for both parties through the building of stable political relationships (Bossong, 2008). However, Ronald (1987) notes that conciliation is neglected in policy formation, as many states that have been a victim of terrorism see conciliation as a sign of weakness and empirical studies have shown that military action from 1989 to 1999 was the first step on 86 per cent of occasions (Malvesti, 2002). A short exploration into Sederberg’s (1995) study, ‘Conciliation as Counter-Terrorist Strategy’ denotes that terrorists are actors challenging a political sphere and that terrorism is just one path to their goals, which creates the possibility of conciliation if governments wish to actually counteract the most serious political grievance’s that the terrorist’s pursue. Furthermore, Sederberg (1995) notes that the political tide rapidly moved against terrorist negotiation post-1989, as previous modern history provides a subtext of pivoting towards conciliation strategy to counter possible actions of terrorism. Crenshaw (2007) notes, however, that today’s modern terrorists are viewed as ‘absolute terrorists’ that are beyond negotiation for two reasons: firstly, their tactical advances are beyond communication, and secondly, modern-day terrorist cells commit self-contained forms of terrorism that do not have a possible progression to conciliation. Wouters and Ryngaert (2005), however, suggest that some EU initiatives do consider conciliation, but include three rules to a successful conciliation strategy: the necessity of clarifying the specific framework of dialogue, distinguishing between the actor and the act, and differentiating terrorist actions from other form of political subversion (i.e., freedom fighters).
Resonating Malvasti’s concerns over the undesirable affects of hard power, Sederberg (2005) warns against many bystanders viewing conciliation in terms of the most idealistic and plausible strategy, as he argues that both soft and hard measures must be considered within the context of the real world – public fear and safety are subjective in themselves, warranting different predisposed reactions to attack. Lastly, Karin-Von (2005) notes that time is the most critical factor in conciliation methods, as conciliation is a long-term strategy that must filter through the ranks of terrorist organisation, which may not be plausible if there are concurrent and prolonged terrorist attacks.

In an attempt to demonstrate the reality of conciliation in use within the counter-terrorism paradigm, De Mesquita (2005) establishes an action – response model seen in the communications of governments and terrorist cells. The models foundations are based on the proposition that politically official terrorist organisations become more radical when it is perceived that the government is willing to negotiate or compromise (De Mesquita, 2005). This working model is based on the theory that only moderate terrorists within an organisation will accept negotiation tactics, which leaves the remaining extremist party to take leadership (De Mesquita, 2005). An example of this can be seen through the cessation in reconciliation attempts between the ETA and the Spanish government after the Madrid bombing of 2006 (Clark, 2007). The extremist factions of the ETA took it upon themselves to fill the void of leadership and deceive their own political agenda by planning attacks mid- cease-fire and mid-peace talks, leaving the Spanish government and the moderate sect of the ETA in turmoil (Clark, 2007).

In a perpetuation of the action – response model of De Mesquita (2005), Yonah (2006) explains that terrorist organisations usually attempt or accept conciliation when the moderate leaders of the organisation realise that they are losing control over their ranks. The acceptance of conciliation at the moment of realisation is due to the fact that the moderate terrorists wish to conclude a deal before the extremist party of the organisation take over and ultimately hinder the moderates’ chance of acquittal or political gain (Yonah, 2006). Furthermore, Mesquita (2005) and Yonah (2006) agree that when the offer of conciliation takes place the perpetuation and increase of terrorist activity may occur, so long as those in peace talks (i.e., moderate terrorist members) do not encounter a loss of resources.

Taking into account the prevailing literature on models of warfare or models of negotiation as a form of counter-terrorism policy, it is important that both have a broad range of subjective and prescriptive outcomes (De Mesquita, 2005; Malvesti, 2002). However, the differing strategies encompass two polar ideologies that are usually only united after an extended process of threat (Yonah, 2006). The fundamental pursuit of hard or soft power in policy relies on what a state believes is morally, ethically, and publicly correct; those that believe terrorism to be warfare will counteract with the authoritarian response of warfare (i.e., the United States and to some extent the UK) (Malvesti, 2002). Those that view terrorism as a criminal act or an act of political frustration will openly employ the counter framework of legal justice like conciliation (i.e., the European Union) (Malvesti, 2002). An example of this that is clear in the social science literature is Northern Ireland and the Good Friday Agreement.

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3.4 Communication Studies: the Counter Narrative Strategy

An almost untouched perspective in criminology but an intrinsically pivotal spectrum of counter-terrorism policy is the framework of communications (Casebeer and Russell, 2005). Communication studies are a growing field of research that aids in unique counter-terrorism strategies when combined with wider social science perspectives (Crelinsten, 2002; Roberts, 2010).

The works of Casebeer and Russell (2005) has seen an adaptive evolution of a counter narrative strategy, helping to provide essential and unforeseen insight into the reality of the terrorist-government nexus. Their book: ‘Storytelling and Terrorism: Towards a Comprehensive ‘Counter Narrative Strategy’’ (2005) transcends the mainstream counter-terrorism theory as they believe that counter-terrorism policy would profit from an inclusive, all-encompassing account of terrorist’s autobiographical accounts. Casebeer and Russell (2005) explain that this form of communication study will allow for the understanding of the origin, evolution, transformation, and productivity of any given terrorist organisation – enabling governments to filter a common narrative to ensure that the deterrence, disruption, and ultimate subordination of terrorist activities are carried out effectively. The Counter Narrative Strategy is built upon the storytelling framework known as the Gustav Freytag Triangle (Casebeer and Russell, 2005). The strategy incorporates the autobiographical stories of terrorists to aid in the psychological understanding of the enemy, as Casebeer and Russell (2005) note that the terrorists’ stories rely on a catalyst (beginning), a middle (the political or religious rhetoric), and an end; often involving themselves as the hero or protagonist.

The field of psychology identifies that storytelling is a vital component of structuring cognitive function and allowing us to choose right from wrong, as they are laced with analogies that help us, from childhood, perceive reality in different formats (Roberts, 2010; Crelinsten, 2002). This can be seen through different cultural ideologies (Roberts, 2010). A well-known example of a narrative associated with terrorism and widely used by Islamic extremists is “Jihad versus McWorld” (Barber, 1992 cited in Roberts, 2010). Casebeer and Russell (2005) explain that the tenets of social deprivation and alienation form part of all radical narratives, creating false prophesies that transfix the reader and perpetuate terrorist activities.

For extremist organisations, the creation of false prophesies through the mediation of narratives provides the foundation for spreading an emotionally transfixing ideology that influences and eventually underpins a collective mentality among the under-educated or dislocated population (Casebeer and Russell, 2005). For example, Al Qaeda’s principle narrative involves “The West” as a global oppressor and Al Qaeda as the protagonist martyr of freedom (Pressman, 2007). Dismantling these false prophesies, therefore calls for the construction of a counter-narrative that overrides the primary narrative and ensures that the “terrorist community” believes the true, counter narrative (Casebeer and Russell, 2005).

Casebeer and Russell (2005), Crelinsten (2002), and Roberts (2010) believe that terrorism research, governments, and counter terrorism policy initiatives have all
failed to address the “narrative” framework that fuels the extremist ideology, and until a Counter Narrative Strategy is implemented, groups such as Al Qaeda will continue to gain support through farcical stories. Moreover, Roberts (2010) has extended Casebeer and Russell’s Counter Narrative Strategy, explaining that narratives are involved in the four main phases of terrorist organisation:

1. Genesis: during the formation of a terrorist organisation narratives are used as tools of recruitment, creating a group identity, hegemony within the group, and status for the story teller/s;
2. Growth: once the organisation is fully established narratives affirm the groups ideology, create obligations for the members, and perpetuate into the wider ‘local’ community;
3. Maturation: narratives allow for stability and hegemony against environmental change, create motivation in a hierarchical manner, and channel organisational pursuits; and
4. Transformation: the framework of narratives allow for organisations to evolve, revive, and modify their goals and identities. Roberts notes that this may be the most dangerous phase (2010).

The Counter Narrative Strategy that Casebeer and Russell (2005) have created, along with Roberts (2010) work provides an understanding that the failure to present morally correct “stories” can create an increase in terrorist activity. Public representatives should not undervalue the progress and worth of counter-narrative rhetoric (Roberts, 2010; Ronald, 1987), as it has a reflective cognitive function that shapes how audiences value reality (Roberts, 2010). For this reason Casebeer and Russell (2005) argue that the European Union and all member states should implement a EU unified Counter Narrative Strategy. The Counter Narrative Strategy will address a global population, as it will not only effect domestic populations, but extremists globally, and specifically citizens of Europe who are at high-risk of radicalisation (Casebeer and Russell, 2005; Crelinsten, 2002; Ronald, 1987).

An over represented topic within social science, but a basic necessity for the promotion of an effective Counter Narrative Strategy is mass media (Gregerson, 2002). The mass media infiltrates every household in Europe and can dominate public opinion, therefore counter-terrorism initiatives should use the media as a vessel for counteracting extremist narratives (Gregerson, 2002; Bossong, 2008). The media is continuously used with positive effect to aid in poverty, disease, famine, and illiteracy reduction, and as such, Franck (1990) believes that it can be just as beneficial in promoting anti-terrorism ideologies.

Rohan Gunaratna, the head of the International Centre for Political Violence and Terrorism Research, has advised seven strategic steps to an effective counter-terrorism policy with the process of communications and media at the centre of each step (2006). Gunaranta (2006) explains that over the past decade terrorists have used the media as a tool to sustain their supremacy, which makes it imperative that governments do not neglect the media as a medium of counter-terrorism policy. In addition, governments should collectively use mass media to inform the European population on essential and commonly misunderstood terminology (Bhui, 2009; Bowling and Phillips, 2002). For example, the common misconception of the differentiation amid ‘Islamism’ and ‘Islamist’, as contrary to public belief, Islamism
and Islamist are strictly political, not religious, ideology of Islam (Innes, 2006). Addressing prevalent misinterpretations in wider society via different media formats effectively denotes a government’s enthusiasm for countering terrorism, without alienating or displacing the Muslim community (Metropolitan Police Authority, 2007). Pressman (2007) argues that home-grown terrorism will decrease dramatically if the wider public are educated and understand Islam, as the Muslim community will no longer feel alienated and individuals that would have previously defected to extremism will maintain their roles in the wider community. However, while the notion of a Counter Narrative Strategy should be implemented via the media and should undoubtedly contribute towards the wider nexus of counter-terrorism policy, governments continue to perceive the role of the media as a dangerous minefield of political correctness, a hindrance to ongoing intelligence, and an obstacle (Casebeer and Russell, 2005).

Coolsaet and Swielande (2007), however, suggest that Belgium is one of only a few countries in Europe that has actively addressed terrorism through the media. This can be seen through their study, ‘Belgium and Counterterrorism Policy in the Jihadi Era: 1986 to 2007’ as they create an overview of the Belgian counter-terrorism media enterprise, acknowledging that the fundamental codes of conduct are: no stigmatising language, the constant reassurance that Belgium does not tolerate anti-Muslim or anti-Arab bias, and the broad teachings of tolerance towards the ethno-religious divide (Coolsaet and Swielande, 2007). Moreover, the Belgian authorities have placed clear precedence on altering the populations mentality, as media creates the atmosphere that it is not Islam being besieged, but radical militants and terrorist acts from any given origin, political ideology, religious ideology, or justification (Coolsaet and Swielande, 2007).

3.5. Economic Perspective

An economic perspective is an unusual pathway of analysis within social science reports; however, it has been deemed essential to the understanding of the multifaceted Action Plan for Combating Terrorism, as Sandler and Enders (2004a; 2004b) explain that economics play a vital role in the incorporation and dismissal of policy ideas. As such economics has a fundamental role to play in counter-terrorism policy formation.

The approach of Game Theoretic Studies within economics allows counter-terrorism policy to be evaluated through cost and benefit measures (Berrebi, 2010). The Council of the European Union (2007) deem terrorists as rational actors who work towards maximal efficiency (i.e., net payoffs) through the expenditure of their chosen actions created from their commodification of illegal-flows. The “price” that terrorists endure as a result of their actions is perceived, by the Council of the European Union (2007), to fluctuate based on differing security and policy initiatives. Therefore, Sandler and Enders (2004a) argue that the cost-benefit realm of terrorism creates a broadening of counter-terrorism policy via forms of expanding terrorist actions (Council of the European Union, 2002). For example, the early 2002 EU Action Plan for Combating Terrorism caused a greater use in metal detectors at national boarders and airports, which raised the “price” of terrorist aircraft hijackings (Berrebi, 2010). This served to
alter “terrorist’’ actions, creating “low-cost” modes of terrorism seen in Madrid and London (Berrebi, 2010).

Drawing from a wide range of literature, it is evident that there are three strategies that work together in aiding and progressing the economic aspect of counter-terrorism. These are:

1) Governments should create clearly defined policy that makes terrorists retreat into less harmful actions (Sanders and Enders, 2004a; 2004b; Franck, 1990),
2) The European Action Plan must go after the terrorists’ resource facilities and group finances via a unilateral and coherent strategy (Berrebi, 2010), and
3) European member states must simultaneously counteract all modes of terrorism, so that there is a significant correlation between the rising “price” of terrorism and the decreasing availability of terrorist resources (Sanders and Enders, 2004a; 2004b; Berrebi, 2010).

The notion of these underlying strategies are guided towards raising the “cost” of terrorism in a hope that political ideologies will evolve from actions into words through a political context (Berrebi, 2010). Such recommendations have two hugely limiting factors; firstly, this is just one aspect in one perspective of counter-terrorism theory and policy, which means that the other ‘push’ and ‘pull’ factors undoubtedly mask, overtake, or eradicate the possibility of a Game-Theory style of policy formation (Sanders and Enders, 2004b). Secondly, many authors and politicians have commented on the numerous difficulties in evaluating and monitoring the process of Game Theory Strategies (Sanders and Emders, 2004a; Franck, 1990).

An alternative dilemma that has a negative tangible effect on the EU Action Plan is that a nation’s size can limit its effectiveness in countering terrorism on a national level, as a larger member state will presumably have a greater number of possible targets (Marianne-Van, 2003). It is, as Berrebi (2010) argues, an economical minefield for the European Council, as there is wide-ranging matrix of counter-terrorism intricacies to overcome, as terrorists can attack every target, while the member states and the overarching Action Plan cannot guard everywhere. An additional irregular notion of counter-terrorism policy is the false sense of sanctuary national political and military primacy provides (Sandler, 2005). This is demonstrated through Robert and Richardson’s (2007) empirical research, concluding that “modern” (i.e., religiously motivated) terrorists aim to attack nations that are economically superior, as it achieves a greater sense of global panic and further empowers followers of extremist ideology. This often results in member states enacting the Action Plan and European counter-terrorism initiatives in varying levels of adherence, causing confusion and haphazard implementation of national security, as there is no “correct” way of interpreting the Action Plan (Robert and Richardson, 2007).

Lastly, the concept of macroeconomics (i.e., transnational/EU-wide) and microeconomics (i.e., state-centric) control all policy over every spectrum of national and EU-wide initiatives (European Parliament, 2011). Within theoretical pursuit of economics within policy formation, the aspect of macro and micro adjustments has untold and relatively un-researched chain effect on counter-terrorism policy over the short-term and long-term (European Parliament, 2011). The main characteristics that
divide macro and micro economic aspects of policy are that the former guides the collective economy of the EU (i.e., GDP, FDI, and rates of import/export) while the latter guides specific economic activities within a member state (i.e., economic stability within transport, welfare instruments, and telecommunications) (European Parliament, 2011). The idea that there is a multifaceted element of economics on a supranational and state-centric level, ranging over all policies has major ‘push’ and ‘pull’ effects on counter-terrorism, as the monetary aspects of each country will create a varied and amalgamated response to terrorism when all member states attempt to view the Action Plan through a unified lens (European Parliament, 2011).

4. Ideal-Archetypal Traits of Action Plans

After presenting the differing perspectives that highlight just a small part of the ambiguity-conflict nexus and ‘push’ and ‘pull’ factors via the literature review, it is hopefully clear that the European Council and member states have to contend with a vast array of policy strands that all work towards counter-terrorism. Moreover, it will become evident that ambiguity rises from multiple transgressed counter-terrorism theory and policy ideals, which have a direct correlation with the faults of the Action Plan for Combating Terrorism (Jenkin et al., 2007). To accentuate these flaws, however, it is necessary to construct a stereotype of an ideal action plan for a basis of comparison. The proceeding, short chapter uses political and academic literature to formulate what constitutes an “ideal” action plan and will lay the basis for greater understanding of the previous ‘push’ and ‘pull’ perspectives in conjunction with the evolution of the Action Plan for Combating Terrorism.

As reiterated throughout this report, there is no clear or concise definition of the regulations and function that the Action Plan for Countering Terrorism affords Member States; however, looking at successful legally defined policies within the wider framework of political or business markets (i.e., Common Strategies under the Common and Foreign Security Policy (Council of the European Union, 2005)), it is, nonetheless, feasible to extract some prevailing ideal-archetypal traits that all counter-terrorism policies should provide. The first priority that any policy should promote is the dedicated focus to one overriding objective (Pressman, 2007; Council of the European Union, 2002; Clark, 2007). This contrasts with the current Action Plan’s wide and varying structure of member state interpretation and differing, guiding objectives (Pressman, 2007). Secondly, successful action plans need to specify and assign regulated roles to those contributing in any “plan’s” implementation, as well as constructing deadlines to aid positive progression (Clark, 2007; Sandler, 2005; HM Government, 2010). Lastly, all European policy implementation, action plans or otherwise, should be responsive to supranational and national-centric change, as efficient policy response creates solidarity between member states and hegemony between the European Council and member states (Omand, 2005).

Over the past decade of European governance, however, these policy ideals have been disregarded, as there has been a shift to a liberal use of action plans (Council of the European Union, 2004b). An example of this is the Vienna Action Plan (1998 cited in Council of the European Union, 2005) that proposed the enforcement of the Area of Freedom, Security, and Justice strategy (AFSJ) (Council of the European Union,
The Vienna Action Plan, however, reads as a pantopragmatic statement of the ASFJ; the specific implementation of timeframes and guiding targets of the Vienna Action Plan and the ASFJ were only fully detailed in the subsequent Tampere scoreboard (Pressman, 2007). Other poorly implemented action-strategy plans (see, Yonah, 2006) imply, too, that the European parliament, council, and residing members view “action plans” or “strategies” as loose frameworks for consideration and more specifically, as Yonah (2006) argues, political legalities that strengthen the output legitimacy of the EU.

The central aim of depicting several ideal-archetypal traits within action plans is to highlight that policy conflict and policy ambiguity are fundamental issues when trying to create natural progressions in successful governance (Wouter and Ryngaert, 2005). The literature review has already addressed the ambiguity and conflict within counter-terrorism policy formation, but it is necessary to address the ‘push’ and ‘pull’ factors through a content analysis of the current Action Plan to Combating Terrorism and it’s evolution, which will enforce this paper’s argument that only under circumstances of low policy ambiguity and conflict can the Action Plan be implemented to its full potential.

5. Birth and Evolution: from the Anti-Terrorism Roadmap to the Action Plan for Combating Terrorism

If, preferably, an Action Plan is forged as an attempt to lower multifaceted ambiguity within policy by regulating procedures, member states, and targets, then the EU Action Plan on Combating Terrorism undoubtedly intended to pursue a form of managerialist governance throughout the EU’s counter-terrorism agenda (EU Council Secretariat Factsheet, 2007). The European Parliament (2011) notes that it is also unlikely that the EU council and EU member states perceived the Action Plan as a verbatim contract, as all of the measures included would be impossible to enact over every member state. However, there were, and still are, severe inconsistencies in the endeavours to control EU counter-terrorism agendas on the pretence of managerialist target-setting ascendancy (Karin-Von, 2005; Staniforth, 2010). The lack of formalised control and hierarchical governance, from the European Council through to the member states, has been an issue since the Action Plan’s inception (Staniforth, 2010). The construction of an Action Plan in light of September 11th was not a managerialist feat of collective member state consciousness, but, rather, a knee-jerk reaction of chaotic and haphazard policy entrepreneurialism (Council of the European Union, 2004b; Pressman, 2007).

The proceeding content analysis provides the understanding that the EU Action Plan for Combating Terrorism does not constitute a prosperous tool in countering terrorism, as internal policy ambiguities (seen in Chapter 3) have served to create external EU counter-terrorism conflict, from formation to implementation. Moreover, due to the lack of the EU Council’s transcendent, hierarchical governance over European member states, the Action Plan cannot overcome varying policy conflicts via hierarchical coercive methods (Home Office, 2010). So, although periodic events, such as September 11th, Madrid, and the 7/7 bombings provided prospects for policy
formation, they served to obscure managerialist governance priorities such as the Action Plan (Clark, 2007; Bossong, 2008).

5.1. A Critical Content Analysis of EU Counter-Terrorism Measures

After the tragic events of September 11th, security became a high priority globally and the European Commission immediately began encouraging the formation of EU security policy (Council of the European Union, 2004a; 2004b). As soon as six days later policies that had been undergoing review since 1999, namely the European Arrest Warrant (2001 cited in Omand, 2005), were hastened and made central to the EU counter-terrorism effort (Council of the European Union, 2005). This evidently supports the notion of knee-jerk, haphazard policy reaction. However, what has been relatively unreported is that Commissioners Patten and Vittorino (i.e., policy entrepreneurs) simultaneously introduced several internal initiatives that integrated with the European Arrest Warrant, creating the need for counter-terrorism policy to have paramount participation with the European Commission (Staniforth, 2010). The internal initiative paper was titled ‘Increasing the Capacity of the EU to Fight International Terrorism’ and would path the direction of the future Action Plan (Amnesty International, 2003).

In the proceeding months following the aftermath of September 11th there was a overarching sense of ambiguity through the EU in regards to the fast developing counter-terrorism measures (Clark, 2007; Council of the European Union, 2002); yet no-one misunderstood the unilateral objective, which was confirmed by the unparalleled ‘joint declaration’ of all Heads of State, the High Representatives, and the European Parliament (Council of the European Union, 2002; EU 2005). Simultaneously, various national-centric agencies (i.e., MI6) and European agencies (i.e., Europol) used their supremacy to hasten greater EU action in an uncoordinated manner (Crenshaw, 2007). Under this guise of formal control, the aforementioned internal initiative paper sought to create a wide-ranging EU counter-terrorism framework that maximised the role of the EU vis-à-vis the Member States (Council of the European Union, 2005; Sandler, 2005).

The Commission’s attempt to enact “formal control” and bring about realism to counter-terrorism strategies culminated in a mass of eighteen proposals (Marianne-Van, 2003), ranging from extended rights and powers for Europol and Eurojust to the regulation and pursuit of transnational money laundering through terrorism, to name just one (Marianne-Van, 2003). Sixteen of the eighteen proposals went further than the realm of counter-terrorism, for example, the EU Visa and Sanctions Policy (Amnesty International, 2003). As previously discussed in the literature review, this type of extended theoretical proposition of multifaceted, ‘push’ and ‘pull’ policy-making dynamics is an example of policy entrepreneurs advancing their own, older policies in light of knee-jerk, ambiguous, fast-formation policy by loosely harmonizing their own proposals with “current” dilemmas (Amnesty International, 2005).
As an effort to counteract the Commission’s profound agenda initiatives, the Council Secretariat introduced the Anti-Terrorism Road Map, which was aimed at regulating the Justice and Home Affairs Council (JHAC) and aiding the implementation of the Action Plan (Staniforth, 2010). The intricacies of the Road Map, however, were an amalgamation of policies that had been on the agenda prior to 2001 (Staniforth, 2010; Clark, 2007), apart from the extended powers given to the investigation and transnational cooperation throughout immigration and asylum policy (Clark, 2007). This fact highlights one strand of this report’s argument: that the Road Map (i.e., the foundations of the Action Plan) were created out of frenzied, haphazard policy formation, as old policies were not changed but became “new” policy through necessity and sequential coincidence (Clark, 2007). Duvall (2007) argues directly, that if policy is not adequately remoulded or reinvented to pursue new targets then it is partly or wholly redundant – this viewpoint is fundamentally connected the Action Plan.

The initial Roadmap/Action Plan that was implemented by the JHAC, it has been argued, was the catalyst for the current problems within EU counter-terrorism policy, as it extended beyond it’s own role by integrating many uncontrollable EU counter-terrorism paradigms, such as extended transparency initiatives and cooperation with the United States or aiding the United Nations with financial aspects of terrorism (Amnesty International, 2003; Evelien, 2002; Wouters and Ryngaert, 2005). This haphazard broadening of policy direction opened the floodgates for unequivocal policy entrepreneurship, as the Belgian Presidency soon extended the Action Plan to contain the General Affairs Council and the Economic and Financial Affairs Council (Staniforth, 2010). This, therefore, created an exhaustive list of ‘push’ and ‘pull’ factors within the Roadmap/Action Plan and created policy ambiguity (Home Office, 2010). So the evolving ‘wide-ranging’ Roadmap, that sought to create structure, specific targets, and clarity, paradoxically created an ambiguous, overloaded Action Plan that further exacerbated the EU’s capabilities (Marianne-Von, 2003). Marianne-Von (2003) argues that the “capability breach” soon became greater (as is seen currently) once the remit of counter-terrorism was only one part of the wider Action Plan.

Clark (2007) explains that the preliminary overextension of policy formation, execution, and coordination can be partly excused as the aftermath of September 11th created global panic for security systems, but, as the Commission’s formation of the Roadmap demonstrates, it had also been motivated by the multiple perspectives of policy entrepreneurs working in an uncoordinated manner (Sandler, 2005), as seen through the literature review. Moreover, the counter-terrorism policies pre-2001 had been viewed as wholly unsuccessful (Sederberg, 1995; Fletcher, 1966), which made it highly problematic that the Action Plan came from a frenzied, haphazard reaction to September 11th, as it was enacted without the formalised consultation framework of ratification throughout the subsidiary political departments (Clark, 2007).

Consequently, policy conflict grew from policy ambiguity and has served to destabilise all member state’s trust in the EU’s Action Plan and wider counter-terrorism agenda (Coolsaet and De Swielande, 2007; Home Office, 2010). For example, eleven national parliaments, including France, Germany, and the United Kingdom, created evaluation boards to address the European Arrest Warrant after it had been enacted within three months at the supranational EU level, whereas,
Hoffman (2006) explains that crucial policy implementation habitually takes a minimum of two years. It has been a continuous criticism of the Action Plan that unevaluated policy instruments are being created and enacted without the critical planning and time needed to address the long-term affects of such policy (Innes, 2006). A controversial and pivotal example of this has been the Data Retention Directive of the Action Plan, which was enacted to the dismay of many civil rights, Heads of State, and telecommunication companies (see, Amnesty International, 2004; 2005).

Finally, even if less contentious frenzied policies (i.e., much aviation security) were made possible through the strength of external leaders such as the United Nations and the United States, the overarching role of the EU in the context of a counter-terrorism facilitator was, and still is, highly contested, as the EU failed to enact any form of hierarchical governance (Yonah, 2002; 2006; Council of the European Union, 2004b). The birth of the Anti-Terrorism Roadmap and its multiple tenuous links to counter-terrorism obscured the five guiding targets of the original European Action Plan and listed agendas complementary to the ‘push’ and ‘pull’ factors of the Council of Ministers rather than the “current” problems of terrorism (Marianne-Von, 2003). The overriding ambiguity that ensued within the Roadmap and Action Plan sought to dismantle any, aforementioned ideal-archetypal trait that may have guided the Action Plan in its inception (Bossong, 2008). More importantly, as the Action Plan continued to broaden, becoming more ambiguous and more conflicting, the Member States and their subsidiary anti-terrorism units sought to resolve the faults of the Action Plan by creating their own internal counter-terrorism initiatives that were to be more defined and concise (Metropolitan Police Authority, 2007; Coolsaet and De Sweilande, 2007). It is of no coincidence, therefore, that Member States such as the United Kingdom and France have created their own bilateral initiatives for intelligence sharing and do not appear to perceive the Action Plan as a binding legality (European Council, 2005). This strongly relates to the perspectives seen in the literature review.

5.2. The Current Action Plan for Combating Terrorism: the effect of the Madrid and London bombings

The most recent evolution of the EU’s Action Plan that was enacted following the events of Madrid and London, which is now the current Action Plan, will only be addressed briefly, as it ultimately follows the same disjointed, ambiguous progressions that have been outlined above. Firstly, the chaotic political scenario following the Madrid attacks allowed for the European Council to adapt a new Action Plan that encompassed all of the intended policies from the Anti-Terrorism Roadmap that were yet to be enacted (Staniforth, 2010). Secondly, policy entrepreneurialism found its way to the forecourt of advisories and “new” policy ideals, which inevitably served to raise ambiguity and conflict once again (European Council, 2005; Crenshaw, 2007). Lastly, however, there was a concentrated effort to speed-up policy formation and implementation of previous, frowned-upon ideas, as Omand (2005) argues that global political shock allows for misguided and unchecked policies to slip through in the critical period of governmental reorganisation.
Another impact that the Madrid and London attacks had was the propulsion towards a concentrated effort to reorganise the Action Plan around seven clearly defined objectives that were outlined in the latter sections of the European Council Declaration (2005, cited in Council of the European Union, 2007). The hope that clear definitions and aims would lessen ambiguity and conflict already had roots in the European Security Strategy dating back to 2003 (Crenshaw, 2007) and was immediately developed into current policy frameworks by the Commission (Crenshaw, 2007; Clark, 2007). The logical progression of these extenuating circumstances formed today’s European Counter-Terrorism Strategy (2005 cited in Council of the European Union, 2007), which identifies four counter-terrorism objectives: 1) prevent, 2) protect, 3) pursue, and 4) respond. These four objectives, however, resonate associated criticisms of the Action Plan, as they are constructs of ambiguity, serving actors of the EU that wish for leeway in internal policy formation (i.e., the United Kingdom) (Silke, 2011; Crenshaw, 2007; Staniforth, 2010). As a result, the current Counter-Terrorism Strategy combined with the “new” Action Plan have only served to repackage and promote a “public-friendly” counter-terrorism agenda that is still inconstant, poorly coordinated, ambiguous, conflicting, and ultimately dangerous in regards of future progression (Silke, 2011; Amnesty International, 2005).

This means that currently, EU counter-terrorism policies as a whole persistently fall below what is deemed as adequate (see chapter 4). Moreover, after the attacks on Madrid and London, the ambiguity-conflict nexus grew due to the revised Action Plan growing in size and complexities (Council of the European Union, 2005; Council of the European Union, 2004b; EU, 2005). This has been a continuous criticism of the EU Council and is accentuated by the fact that no implementation capacities of any Member State have been reinforced as counter-terrorism policy has grown (FAIR, 2004; Berrebi, 2010;), causing a supranational and nationally-internal breakdown of the Action Plan (EU, 2005; Pressman, 2007; Council of the European Union, 2004b; Coolsaet and De Swielande, 2007). Yet even if there were a unilateral effort for a greater formation, implementation, and hierarchical governance approach, and the ideal-archetypal traits of policy could be followed, the lack of unified resolution-making potential and legitimacy of the European Union, Council, and Government over supranational definitions, means that any future Action Plan for Combating Terrorism is bound to fall short to the whims of policy entrepreneurs, their ‘push’ and ‘pull’ perspectives, and the capability breach that has been slowly getting worse since the events of September 11th (Staniforth, 2010; Clark, 2007; Omand, 2005, Jenkins et al, 2007).

6. The Future of EU Counter-Terrorism

One long-term, but effective route the EU could take to resurrect a successful counter-terrorism strategy, is to ingeniously and practically pursue a cost-benefit assessment of probable terrorist damage via a State by State mapping system, to accentuate the susceptibility of Member States that have continuously introduced unsuccessful or below average counter-terrorism measures (Bossong, 2008). This type of economic cost-benefit calculation would inevitably rate each Member State’s counter-terrorism initiatives, creating an overall indices table/graph that would give clear results of risks
that nations face and cost measures of counteracting such risks (Bossong, 2008). Moreover, while the impact of terrorist actions is of low cost over short periods, long-term, cumulative attacks are exceedingly high-cost; for example, Northern Ireland (Karin-Von, 2005). The European Parliament (2011) assert that losses to GDPS for European States that have suffered from terrorism equates to €63.5 billion from 2001 to 2005. By implementing an autonomous system of an appraisal-shamming nexus in relation to the harm a terrorist attack could have on Member States, the European Council and Commissioners could aid in the formation of “successful” counter-terrorism policy, as a cost-benefit system would not only systematically structure the Member States, but also provide strong ground for comparisons and effectiveness, aiding in the establishment of a clear ideal-archetypal policy (Bossong, 2008).

On a similar note, and in relation to this report, awareness of the true extent of options available to the European Commission is a necessity when producing beneficial policy (Crenshaw, 2007). It is understood that this report merely touches the tip of the metaphorically iceberg that is the ambiguity-conflict nexus, but in doing so it has become apparent that there is yet to be an in-depth analysis into the true account of policy options spanning all disciplines, their advantages, disadvantages, and the circumstances in which they might work. The literature provided by academics and political research centres seem, unfortunately, to fall short of even depicting the multifaceted array of perspectives. Even though research and releases of literature on counter-terrorism have increased by an unimaginable figure since the events of September 11th, there is relatively nothing known about the formation of policies being applied and how all of the counter-terrorism measures unite (if at all) and diverge form one another (Sandler, 2005). It is for this reason that this report suggests that future research of counter-terrorism should work towards a framework derived from the ambiguity-conflict nexus that will help categorise counter-terrorism initiatives of Member States. This progression in analysis will create a unique categorisation of the effectiveness of counter-terrorism policy; further identifying what should be regarded as ‘best practice’ in policy formation for future supranational Action Plans and nationally internal interpretations of such Plans.

7. Conclusion

Since the inception of the Anti-Terrorism Roadmap and the Action Plan for Combating Terrorism, the EU’s counter-terrorism effort has lost transnational credibility (Clark, 2007; Pressman, 2007; Omand, 2005; Karin-Von, 2005). Even though the sheer output of policy implementation has been extraordinary or, as this report views it, worrying, the lack of clarity due to the implicit ‘push’ and ‘pull’ factors seen within the literature review have served to fundamentally hamper counter-terrorism progress (Staniforth, 2010; Townshend, 2002; Wouters and Ryngaert, 2005). Primarily, the Action Plan was deemed a useful instrument for counteracting terrorism; however, an in-depth content analysis of the birth and evolution of the Action Plan suggest that it could never serve as an efficient tool of EU governance (Marianne-Van, 2003; Sandler, 2005).

Not only the incorporation of the Economic and Financial Affairs Council into the Roadmap or the formation of the Arrest Warrant Initiative, but the entire Action Plan
itself was created out of hectic global panic, which allowed actor orientated, not “problem” orientated, processes of agenda-setting and policymaking to ensue (Clark, 2007). Yet the resulting frenzied, haphazard formation of counter-terrorism instruments by policy entrepreneurs overloaded the capabilities of the EU and its Member States, causing a paradox in “countering” terrorism (Crenshaw, 2007; Jenkins et al, 2007). Therefore, the genesis of EU counter-terrorism policy subsequent to the aftermath of September 11th was chaotic and unformulated. The ambiguity-conflict nexus that ensued opened the flood-gates for procrastination within policy formation, which opposed the central requirement of a managerialist, hierarchical governance that the Action Plan hoped to achieve through its longevity (Yonah, 2002; 2006; Council of the European Union, 2004a; 2004b).
8. Bibliography


