

Confidential partnerships? The EU, its strategic partners and international terrorism

THOMAS RENARD



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EU STRATEGIC PARTNERSHIPS AND TRANSNATIONAL THREATS

The purpose of the series of publications on 'EU strategic partnerships and international threats' is to provide evidence of the extent and limits of cooperation between the EU and its strategic partners on security issues, with a focus on transnational threats, namely **nuclear non-proliferation, international terrorism, organised crime and cyber security**.

This series includes four papers. It constitutes an original contribution to the existing literature on the subject, as it locates itself at the intersection between two distinct strands of research. On the one hand, there are a great amount of publications regarding these security issues and the EU's role in addressing them. On the other hand, there is a growing literature on the EU's strategic partnerships, at a rather general level. This publication and those that follow look into the operationalisation and implementation of all these partnerships in specific policy areas, including security. This crucial intersection offers a new and original angle to look at the EU's foreign policy, and to assess its effectiveness.

Already published in this series:

'Partnering for a nuclear-safe world: the EU, its strategic partners and nuclear proliferation' (October 2013).

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The European Union (EU) has identified terrorism as one of the key threats it faces in its external and internal security strategies. After the major terrorist attacks that shook the US and Europe, it crafted a strategy specifically for counter-terrorism, in which it identified key objectives and how to pursue them. This paper focuses specifically on the EU's cooperation with its strategic partners on international counter-terrorism issues, such as countering terrorist financing or capacity building in third countries. It shows that the EU remains largely a marginal player in counter-terrorism. Yet, it is also an actor with growing capabilities and geographical scope, one that is increasingly active at the bilateral and multilateral level. In this sense, this paper holds that it is worth investigating further the EU's cooperation with pivotal partners.

After reviewing the urgency of the terrorist threat, the paper looks into the EU as a counter-terrorism actor. Its strategic approach is studied, before analysing the complex coordination mechanisms in place internally, at the European level, as well as externally, between the EU and its partners. It is argued that the EU is a fledgling counter-terrorism actor, but that it holds nonetheless potential to become a more effective player. The second part of the paper looks into the EU's cooperation with its partners in specific areas, with a view to assessing the general effectiveness of these partnerships. The conclusion suggests that most of these partnerships are still under-delivering, if not elusive.

Assessing the threat

Terrorism is a very old phenomenon that historians can trace back to ancient times.¹ It has affected many regions and societies to a variable extent. But at no point in history was international terrorism as important as in the first decade of this millennium, following the attacks against the US, on 11 September 2001. It is not so much the intensity of the threat that has changed, since terrorism reached an unequalled peak in the 1980s,² but rather its centrality to the course of international relations. After 9/11, the fight against terrorism became the top priority of the American administration overnight, and world leaders followed suit by expressing solidarity with the US and fine-tuning their security discourse accordingly. The subsequent American 'war on terror' brought together an improbable coalition of countries in Afghanistan, and later in Iraq.

The terrorist threat, which had traditionally been a domestic threat with a trans-border dimension, acquired a global dimension with al-Qaeda, a group created by Osama bin Laden in the late 1980s. This small terrorist organisation initiated a war against the 'West', from its

¹ Blin, A., Chaliand, G. 2006. *Histoire du Terrorisme: de l'Antiquité à Al-Qaïda* (Paris: Bayard Jeunesse).

² There are various databases on terrorist incidents, which vary quite significantly in their reports, due to difficulties in 'measuring' terrorism. But the general trend seems to be one of 'waves' of attacks, with a peak in the 1980s. See: Country Reports on Terrorism (US State Department), available online: <http://www.state.gov/j/ct/rls/crt/>; the Database of Worldwide Terrorism Incidents (RAND), available online: <http://www.rand.org/nsrd/projects/terrorism-incidents.html>; or the Global Terrorism Database (University of Maryland), available online: <http://www.start.umd.edu/gtd/>

safe haven more than ten thousand kilometres away from Washington. A couple of years later, al-Qaeda could count on the support of an increasing number of followers worldwide as well as several autonomous franchises (e.g. in the Maghreb, Iraq, Yemen or Somalia). Nowadays, al-Qaeda has further decentralised, while new fronts are still being opened, lately in Syria. Every new front attracts new recruits, radicalised youth as well as experienced fighters and trainers, from many different parts of the world. With al-Qaeda, contemporary terrorism has merged local grievances and objectives with a global enterprise and label.

In Europe, the impact of this war on terror has been particularly significant. On the one hand, European troops have been deployed in Afghanistan (and in Iraq), officially to remove al-Qaeda's safe haven, but in practice as a gesture of transatlantic solidarity. On the other hand, Europe was itself directly struck by the attacks in Madrid (2004) and London (2005). The terrorist threat in Europe became more acute than ever, and the official threat levels have remained high ever since.

But the worldwide obsession with terrorism seems to be waning – again. After entering the White House, Barack Obama took a series of decisions with a view to reshaping the American approach to counter-terrorism. He banned the words 'war on terror' from the official lexicon; he outlawed the use of torture as a counter-terrorism practice; he tried, unsuccessfully, to close Guantanamo; he supervised an exit strategy from Iraq and Afghanistan; and he encouraged a more multilateral and less military-driven approach to counter-terrorism, notably through the establishment of the Global Counterterrorism Forum. At the same time, the US pursued its targeted operations, eliminating several al-Qaeda leaders, including Osama bin Laden in May 2011. But it has done so from a distance, relying mostly on drones and Special Forces. The times of large-scale military operations are over. The terrorist threat remains high and persistent on the American agenda, and the Boston marathon drama in 2013 provided a reminder of the country's vulnerability to attacks. But the fight against international terrorism is now probably second to other concerns such as the economic crisis (and its geopolitical implications), the rise of China and growing tensions in the Asia-Pacific – all of which are seen as more destabilising and pressing to US security.

Overall, terrorist activities (approximated by measuring attacks and arrests) are in steady decline in Europe, but the threat remains high.³ A total of 219 attacks in 2012 is a non-negligible number. These attacks originate from a broad spectrum of terrorist groups – mostly ethno-separatist movements – many of which operate across national borders, making it more difficult to monitor and mitigate them. If international religiously-inspired groups have carried out very few attacks in the past years (six in 2012 and none in 2011), the threat is nonetheless considered to be serious and these groups to be active, as indicated by the important number of related investigations and arrests. The radical Islamist terrorist threat is evolving as well. The profile of violent activists is gradually changing, with an increase in self-radicalised and lone-wolf terrorists. This complicates the counter-terrorism challenge since these individuals are particularly difficult to spot early in the radicalisation process. It also requires more monitoring of online activities, opening a whole new front in the cyber-world.⁴ The threat is evolving in geographical terms as well. As Afghanistan loses its appeal for jihadi fighters, there is a danger that some of them, and particularly European jihadists, might come back to Europe and start plotting an attack. Afghanistan and Pakistan – known as the AfPak region – are already being replaced by the Sahel region and Syria as the new hotbed for international terrorism, thereby moving the core of the threat closer to Europe's borders.

³ Europol. 2013. *TE-SAT 2013* (The Hague: European Police Office).

⁴ On this issue, see the paper on cyber-security to be published in this series.

Mirroring the trend in terrorist activities, the popular perception of terrorism as a major threat to Europe is eroding. In all EU member states, citizens ranked terrorism as a major concern in the aftermath of 9/11. Their threat perception has evolved and terrorism is no longer the major preoccupation of citizens, although it remains seen as an important security challenge.⁵

The challenge in Europe today is thus one of facing an evolving, multi-dimensional and multi-faceted threat while popular support is waning and other challenges are taking over attention and resources. The end of the terrorism frenzy and the return to a certain normality is probably a good thing, but a growing sense of ‘counter-terrorism fatigue’⁶ is not. European governments and societies must learn the right lessons from the past decade and continue to develop more effective means of cooperation, including at the European level, to reduce the risk and the impact of a future terrorist attack. This is the reason why the EU should pursue its efforts on counter-terrorism, at the regional and global levels.

The EU’s strategic approach

The EU is a nascent security actor in many dimensions, including the counter-terrorism one. By the turn of the new millennium, certain institutions had been established, such as the TREVII platform in the 1970s, which initiated police cooperation in Europe, or Europol, the EU agency, in the 1990s. Certain measures were also taken, such as the European Convention on the Suppression of Terrorism in the 1970s or the EU Convention on Extradition in the 1990s. However, the European appetite for cooperation on counter-terrorism was meagre. It took a succession of shocking incidents, starting in the US in 2001, and followed by attacks on European soil, to prompt more cooperation among member states and eventually the birth of the EU as a counter-terrorism actor.

In the last decade, the EU has adopted a vast range of measures to cope with terrorist threats in Europe and beyond. The EU Action Plan to Combat Terrorism, adopted in the aftermath of 9/11, has been extended, updated and revised regularly since then. Following the Madrid bombings, it was restructured around seven ‘strategic objectives’ in order to refine the purpose of the EU’s counter-terrorism policy. This process arguably culminated with the adoption of the EU Counter-Terrorism Strategy (EU CT Strategy hereafter) in November 2005.

The EU CT Strategy observes that terrorism ‘poses a serious threat to our security, to the values of our democratic societies and to the rights and freedoms of our citizens’.⁷ The 2003 European Security Strategy (ESS) and the 2010 Internal Security Strategy (ISS) also emphasised that terrorism was one of the major threats to Europe’s security. The EU CT Strategy is articulated around four work strands: preventing people from turning to terrorism; protecting citizens and infrastructure; pursuing and investigating terrorists across our borders and globally; and preparing to respond to the consequences of a terrorist attack. These four strands are in line with most counter-terrorism strategies developed elsewhere. In fact, they follow closely the UK’s strategy, elaborated in 2003 – unsurprisingly, since the EU strategy was adopted during the UK rotating presidency of the EU.

⁵ Bures, O. 2011. *EU Counterterrorism: A Paper Tiger?* (Farnham: Ashgate), 39-45.

⁶ De Kerchove, G. 2009. ‘EU Counter-Terrorism Strategy – Discussion Paper’, Council of the EU, 15359/1/09, 26 November. Available online: <http://register.consilium.europa.eu/pdf/en/09/st15/st15359-re01.en09.pdf>

⁷ Council of the EU. 2005. *The European Union Counter-Terrorism Strategy*, Brussels, 30 November. Available online: <http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf>

In addition to its CT Strategy, the EU adopted a Strategy for Combating Radicalisation and Recruitment to Terrorism in 2005,⁸ a shorter document deepening one of the four work strands identified in the CT Strategy. It also adopted a Strategy on Terrorist Financing in 2004, which was later revised in 2008.⁹ In 2004, the Council of the EU adopted a concept paper on the CSDP dimension of European counter-terrorism efforts, that is, the civil-military contribution that can be made to the four strands of the EU CT Strategy, including intelligence and military capabilities.¹⁰ This in principle allows the EU to resort equally to law enforcement and military capabilities in the fight against international terrorism, although in practice CSDP capabilities were almost never used with counter-terrorism intentions.¹¹

The fundamental objective of counter-terrorism efforts is 'to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice'.¹² The EU CT Strategy thus makes the connection between internal and external security, acknowledging that security in Europe goes beyond EU borders. This principle underpins the EU's global role in counter-terrorism, and its cooperation with third countries. In a similar way to what is happening in the field of non-proliferation, progress on the EU CT Strategy is reviewed every six months, according to the principle of 'democratic accountability' present in the strategy.

The EU CT Strategy has been criticised – just like most EU strategic documents – for its lack of policy guidance. According to Bossong, the document 'did not live up to a stricter definition of strategy, which would present a clear set of priorities and make corresponding resource commitments'.¹³ The EU CT Strategy was in fact highly political, with a view to stressing the EU's added value internally and externally vis-à-vis member states and third parties – not least the US. This political-more-than-strategic ambition is consistent with documents, such as the ESS or the WMD non-proliferation strategy.

Despite this real limitation, the EU CT Strategy offers a basic strategic framework, according to which counter-terrorism efforts must take place at various levels. The national level continues largely to dominate overall efforts. According to an EU official quoted in a previous study, the member states would be responsible for more than 90 percent of European counter-terrorism policies.¹⁴ At the European level, the document identifies four added values of the Union: strengthening national capabilities; facilitating European cooperation; developing collective capability; and promoting international partnership.

The external dimension of EU counter-terrorism policies is precisely the main focus of this paper. It is also arguably their weakest dimension because the EU has little sense of the overall purpose of its counter-terrorism measures and how they relate to broader foreign policy objectives.¹⁵ Available funding for external counter-terrorism policies is also very limited. For instance, the Instrument for Stability (IfS) foresaw €0-14 million for the 'support for prevention of and fight against terrorism' in 2009-11, mostly for capacity building in the Sahel and Pakistan. This amount remained similar for 2012-13.

⁸ Council of the EU. 2005. *The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism*, 14781/1/05, 24 November. Available online: <http://register.consilium.europa.eu/pdf/en/05/st14/st14781-re01.en05.pdf>

⁹ Council of the EU. 2008. *Revised Strategy on Terrorist Financing*, Brussels, 17 July. Available online: <http://register.consilium.europa.eu/pdf/en/08/st11/st11778-re01.en08.pdf>

¹⁰ Council of the EU. 2004. *Conceptual Framework on the ESDP Dimension of the Fight against Terrorism*. Available online: http://www.consilium.europa.eu/uedocs/cmsUpload/14797Conceptual_Framework_ESDP.pdf

¹¹ Martins, B. O., Ferreira-Pereira, L. C. 2012. 'Stepping Inside ? CSDP Missions and EU Counter-Terrorism', *European Security*, 21:4, 537-556.

¹² Ibidem.

¹³ Bossong, R. 2008. 'The Action Plan on combating Terrorism: A Flawed Instrument of EU Security Governance', *Journal of Common Market Studies*, 46:1, p.41.

¹⁴ Renard, T. 2012. 'EU Counterterrorism Policies and Institutions after the Lisbon Treaty', Policy Brief (Washington: Center on Global Counterterrorism Cooperation), September.

¹⁵ Keohane, D. 2008. 'The Absent Friend: EU Foreign Policy and Counter-Terrorism', *Journal of Common Market Studies*, 46:1, 125-146; Renard, T. *op. cit.*

The EU's approach to counter-terrorism at the global level is multi-layered.¹⁶ It relies on multilateralism, regionalism and bilateralism. At the multilateral level, the EU is committed to working within the UN system. The UN Global Counter-Terrorism Strategy (UN CT Strategy) was adopted by the General Assembly in September 2006. The EU has been active ever since to promote the UN CT Strategy, along with UN conventions and protocols. The European Commission offers technical assistance to third countries in their efforts to implement UN resolution 1373, which calls on UN member states to strengthen their legal and institutional counter-terrorism capabilities. A significant initiative was the EU-UN joint project in Central Asia, which led to the adoption of an Action Plan by regional governments in 2011, and was complemented by measures to counter and combat radicalisation.¹⁷ In another instance of good cooperation, the United Nations Office on Drugs and Crime (UNODC) Terrorism Prevention Branch was tasked to implement an EU multi-million project in Southeast Asia. The EU and the UN have established a regular political dialogue in 2011 to discuss their projects on counter-terrorism. But the EU is also very active in many more multilateral organisations and informal forums. The EU was for instance a founding member of the newly established Global Counterterrorism Forum (GCTF), in which it is the sole non-state actor, and where it co-chairs with Turkey the working group on the Horn of Africa. Other relevant multilateral forums in which the EU has been active include the G8, with its Counter-Terrorism Action Group (CTAG) and the Lyon-Roma Group, the Financial Action Task Force (FATF) or the International Civil Aviation Organisation (ICAO).

At the regional level, counter-terrorism meetings have taken place in the framework of the ASEAN Regional Forum (ARF), the Asia-Europe Meeting (ASEM) or the Organisation for Security and Cooperation in Europe (OSCE), among others. The counter-terrorism dimension is also present in regional strategies, such as the Sahel Strategy or the Strategy on the Horn of Africa, for instance.¹⁸ The EU is also committed to strengthening regional capacities to deal with terrorism in all its forms. An important European contribution was the funding (of about €600,000) of the African Centre for Study and Research on Terrorism (ACSRT), which is mandated to facilitate the implementation of the African Union's counter-terrorism framework.

At the bilateral level, the EU cooperates with a certain number of partners. The EU is committed to 'mak[ing] counter-terrorism a high priority in dialogue with *key partner countries*, including the USA [emphasis added]'.¹⁹ Yet, the EU CT Strategy did not clarify which these countries are precisely. The 2010 Stockholm Programme – the EU's five-year work programme on internal security – repeated that it is 'necessary to work with key strategic partners' on counter-terrorism.²⁰ But the Stockholm programme is perhaps too comprehensive, by including almost every region of the world in its list of 'key partners'. In 2014, the EU has ten strategic partners, namely Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea and the United States. This list may or may not be the most adequate for the EU's global counter-terrorism action, which is notably what this paper will investigate. Indeed, some partners in this list may appear less useful to the EU's counter-terrorism objectives than some other countries absent from it, such as Turkey or Pakistan. The overall purpose of the EU's strategic partnerships is not always clear, but the objectives in terms of counter-terrorism appear relatively self-evident from the EU's documents and practice in this field. They include the willingness to conclude agree-

¹⁶ On the importance of the multi-layered approach, see the other papers published in this series.

¹⁷ De Kerchove, G. 2012. 'Annual Report on the Implementation of the EU Counter-Terrorism Strategy', Council of the EU, 16471/12, 23 November. Available online: <http://register.consilium.europa.eu/pdf/en/12/st16/st16471-ad01.en12.pdf>

¹⁸ EEAS. 2011. *Strategy for Security and Development in the Sahel*, European External Action Service. Available online: http://www.eeas.europa.eu/africa/docs/sahel_strategy_en.pdf; Council of the EU. 2011. *A Strategic Framework for the Horn of Africa*, Annex to the FAC conclusions, 14 November. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126052.pdf

¹⁹ Council of the EU. 2005. *op. cit.*

²⁰ Council of the EU. 2009. *The Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens*, December. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:en:PDF>

ments with partners to improve counter-terrorism security, to exchange information and best practices, to cooperate on capacity-building in third countries, to counter terrorist financing jointly and, finally, to strengthen the multilateral fabric.

The challenge of implementation

Despite the stated priority in the Lisbon Treaty of establishing an Area of Freedom, Security and Justice (AFSJ), matters related to national security remain exclusively the competence of the member states. Cooperation between the member states remains limited due to national reflexes and a general lack of trust between intelligence and security services. However, Europeans are building this trust progressively, through the sharing of information and experience on very specific and technical issues.²¹ The European Commission plays an important role therein.

With regard to the coordination between the EU and its member states, there are several specific forums where this can take place. There are notably two working groups in the Council of the EU that deal with counter-terrorism: the Terrorism Working Group, gathering representatives from interior and justice ministries; and the CFSP Working Group on Terrorism, gathering representatives from foreign ministries. In addition, the Standing Committee on Internal Security (COSI) was established in order to 'ensure that operational cooperation on internal security is promoted and strengthened' within the EU.²² COSI gathers representatives from the national security services with a view to coordinating, among other matters, 'police and customs cooperation, external border protection and judicial cooperation in criminal matters relevant to operational cooperation in the field of internal security.'

At the EU level, the internal aspects of counter-terrorism activities fall within DG Justice or DG Home Affairs. Europol and Eurojust are two agencies of particular importance, which are quite active through their analyses, briefings, trainings and Joint Investigation Teams. However, counter-terrorism remains a relatively marginal activity in their daily tasks, and their operational added value remains limited.²³ In addition, more coordination appears needed between the two agencies, as well as with and between DG Home and DG Justice.

The EEAS deals with the external aspects of counter-terrorism activities through its various relevant departments, namely one dealing with global issues and various geographical desks. Other relevant departments include the Intelligence Analysis Centre (IntGen) and the EU Military Staff (EUMS). The EEAS is also in charge of implementing relevant regional policies, such as the Sahel strategy. The European Commission plays a key role as well, not least through its multiple financial instruments, such as the IfS or the European Neighbourhood Policy Instrument (ENPI).²⁴

As terrorism knows no borders, services in charge of internal security must cooperate with those in charge of external security, notably enhancing cooperation between the European Commission and the EEAS. In this regard, there have been several instances of good cooperation, but some turf battles have also been reported. The EU Counter-Terrorism Coordinator (EU CTC) plays a role in this complex inter-institutional exercise, since he is in charge of both internal coordination (with member states) and

²¹ Interview with an official from the European Commission, Brussels, 23 April 2013.

²² Article 71 of the Lisbon Treaty.

²³ Bruguière, J.-L. 2013. 'Le Chantier Inachevé de la Sécurité Collective Européenne', *La Nouvelle Revue Géopolitique*, n.121, 28-34.

²⁴ See for instance Wennerholm, P., E. Brattberg, and M. Rhinard, 2010. 'The EU as a Counter-Terrorism Actor Abroad: Finding Opportunities, Overcoming Constraints', EPC Issue Paper no. 60 (Brussels: European Policy Centre).

external coordination. Despite very limited prerogatives, he has the ear of most member states and of many third countries. He has also shown an ability to initiate reflections and policies. Gilles de Kerchove was among the first to highlight the terrorist threat from the Sahel, eventually leading to the drafting of the EU Sahel strategy. Yet, it is not clear how long his position will survive the post-Lisbon architecture. The Treaty has empowered both the EEAS and the European Commission in counter-terrorism policies, whereas the competences of the EU CTC remain loosely defined and non-executive.

The EU has not blindly ignored the need for some internal coherence, and in 2011 the Council of the EU adopted 'conclusions on enhancing the links between internal and external aspects'²⁵ of counter-terrorism, which include recommendations to foster coordination and cooperation on all dimensions of counterterrorism.

Among many things, the document recommends improving coordination and coherence 'between the EU's internal and external [counter-terrorism] policies', and fostering better communication between the EU and third countries. Very concretely, it also calls for greater counter-terrorism expertise in EU delegations to ensure that the external aspects of counter-terrorism are integrated into the EU's common foreign policy and that EU programmes are effectively implemented and coordinated with member states. Priority countries and regions are named: Afghanistan, Pakistan, Yemen, Central Asia, Southeast Asia, the Horn of Africa, Maghreb and the Sahel.²⁶

Coordination is thus in order at the European level, among EU institutions and with member states. But in its ambition to emerge as a global counter-terrorism actor, the EU must also ensure cooperation and coordination with key players in this sensitive policy area. With this purpose in mind, the EU is building a sophisticated architecture of dialogues and consultations with its strategic partners, although there are evident discrepancies between the EU's ten partnerships. Terrorism is a regular item on the agenda of meetings at the highest level between the EU and most of its partners. It features prominently in many past summits' joint statements, although it has become less central in the last few years – or even disappeared in certain cases such as with Canada – reflecting a decreasing emphasis on this threat. Discussions at the highest political level can mirror a good level of cooperation, like with the US or Japan for instance, but they can also be used as a jolt to trigger more joint initiatives, as illustrated by the 2010 EU-India joint declaration on international terrorism.²⁷ Very often, however, these rhetorical statements hide a mere absence of cooperation. The joint statements with China and Russia are good instances thereof. There are also some partners with whom the EU has almost never discussed terrorism at the summit level. That is the case with Brazil, Mexico and South Africa.

Discussions on terrorism can also take place at the ministerial level. The EU and the US hold a bi-annual ministerial dialogue on justice and home affairs, which regularly puts terrorism on its agenda, while the EU's High Representative and the US State Secretary occasionally exchange their views on this issue. The EU and Russia discuss terrorism issues in the framework of the Permanent Partnership Council. With India, the issue is often present in filigree when the High Representative meets her counterpart, although it does not drive the agenda. With other partners, there is perhaps less urgency to address terrorism at the ministerial level, but the mechanism exists in case the need arises. The EU and China could for instance use the High Level Strategic Dialogue for this purpose, although this has not yet been the case.

²⁵ Council of the EU. 2011. 'Council Conclusions on Enhancing the Links between Internal and External Aspects of Counter-Terrorism', *op. cit.*

²⁶ *Ibidem.*

²⁷ Council of the EU. 2010. *EU-India Joint Declaration on International Terrorism*, Brussels, 10 December. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/118405.pdf

At the working level, coordination is facilitated by a certain number of structured dialogues between the EU and some of its partners. There is a political dialogue on counter-terrorism with half of the EU's partners, namely the US, Canada, India, Japan and Russia. These dialogues take place at least once every year, between representatives from the EEAS and foreign ministries. The EU CTC is involved in most of these dialogues. There are some additional dialogues of importance with the EU's transatlantic partners, namely the meeting on justice and home affairs (with Canada), as well as the steering committee on countering violent extremism and the working group on aviation security (with the US). With Mexico, there is an annual dialogue on public security and law enforcement, which has yet to address terrorism. With the other partners (China, South Korea, Brazil and South Africa), there is no structured dialogue on the issue, although the Joint Action Plans with the latter two foresee this possibility.

In addition to bilateral meetings, there are also two instances of trilateral dialogues, one between the EU, Russia and the US in the field of justice and home affairs, following the 2006 Vienna initiative aiming to strengthen ties in this field between the three sides;²⁸ and the other between the EU, the US and Canada with regard to the protection of critical infrastructures.²⁹ Finally, as the member states remain all-powerful in this policy area, it is not surprising that several partners have established regular counter-terrorism dialogues with some EU member states. This is notably the case of Canada, India, Russia, South Korea or the US. The EU-US partnership remains unique nonetheless as it is the only dialogue where all member states are involved along with EU representatives in a semi-annual dialogue.

Partnering on counter-terrorism issues

Over the last decade, the EU has developed growing counter-terrorism capabilities, with a global scope. Although it is not yet a major actor in this policy area, it is slowly positioning itself vis-à-vis member states and third countries. It has done so by negotiating ambitious judicial agreements, or by launching joint counter-terrorism measures with key partners. This section reviews the EU's cooperation with its strategic partners in key domains of counter-terrorism activity.

Agreements to improve counter-terrorism security

The EU has concluded a certain amount of legal and judicial agreements with some of its partners, with a view to strengthening its security against terrorist attacks or to facilitating cooperation during counter-terrorism investigations. Agreements on extradition and mutual legal assistance (MLA) are very significant in this regard, although the EU has concluded such agreements with very few countries. The 2003 EU-US extradition and MLA agreements were the first international agreements in justice and home affairs signed by the EU. They have now entered into force and facilitate cooperation on counter-terrorism files.³⁰ Eurojust organises regular joint workshops with US representatives, in order to ensure the effective implementation of these agreements. Japan is the only other strategic partner with whom the EU has signed a MLA agreement, in 2009. It should be noted that the EU-US

²⁸ EU-Russia-USA. 2006. *Communiqué*, Meeting at Ministerial Level, 4 May. Available online: http://www.libertysecurity.org/IMG/pdf/draft_press-communique-MP_04_05_final.pdf

²⁹ De Kerchove, G. 2012. *op. cit.*

³⁰ Archick, K. 2013. 'US-EU Cooperation against Terrorism', Report, Congressional Research Service.

agreements offer a framework for cooperation, but they nonetheless co-exist with bilateral agreements between the US and the EU member states. The EU-Japan MLA agreement, on the other hand, is a self-standing agreement, substituting for the absence of other bilateral agreements with member states. It thus offers significant added value.

Possibilities of starting MLA negotiations with India or Russia have been raised several times. In 2012, for instance, a workshop was organised by Europol and Eurojust, together with India, to promote judicial cooperation on counter-terrorism.³¹ However, this perspective appears very ambitious – if not unrealistic – at this stage, notably due to a lack of trust and to normative divergences. The fact that India practices the death penalty has been an important hindrance for bilateral judicial cooperation. Having said this, the US practice of the death penalty did not prevent the conclusion of an agreement, because mutual trust and the need to cooperate in the aftermath of 9/11 simply outweighed European normative concerns.

The agreements on passenger name record (PNR) data are another major type of accord between the EU and some partners. PNR data is information provided by passengers while booking their flight tickets, which can then be accessed and shared by government agencies in order to fight terrorism and serious crime. The EU has signed PNR agreements with Australia, Canada and the US. The transatlantic PNR agreement suggests that the EU is a natural interlocutor for the US on important home affairs issues, not least because it exempts Washington from negotiating 28 separate treaties – which would possibly create inequalities among EU citizens if the terms of these treaties differ.³² The PNR agreements have proved particularly strenuous to negotiate since they affect the very sensitive boundaries between security and individual privacy. There has been a lot of pressure from the European Parliament and NGOs in particular, to resist some controversial elements of these agreements, such as the duration of data retention. Nevertheless, these agreements have been reviewed by the EU, and deemed to be useful in the fight against terrorism. Therefore, more similar agreements are likely to follow. Among EU partners, South Africa and South Korea have expressed an interest in initiating PNR negotiations.

There are a certain number of concrete agreements, almost exclusively with the US, that were justified as measures aimed at tightening security against terrorist threats. This is the case for instance of the 2004 Container Security Initiative, according to which the EU must scan all containers shipped towards US territory, or the 2010 aviation security agreement in which both sides pledged to achieve maximum reliance on each other's security measures and avoid duplication.

Exchange of information and best practices

In addition to formal agreements, the EU can share information and best practices with its key partners on a regular basis. These exchanges are of course dependent upon the level of trust between the partners, and they can be facilitated by structured consultations or dialogues such as those mentioned previously. These exchanges are most developed, by far, with the US. According to Gilles de Kerchove, the EU CTC, there is 'no significant counter-terrorism investigation in Europe in which US support has not played a crucial role'.³³ Joint trainings and seminars have been organised, for instance, on explo-

³¹ De Kerchove, G. 2012. *op. cit.*

³² Byrne, A. 2012. 'Building the Transatlantic Area of Freedom, Security and Justice. The Case of the Passenger Name Record Agreements', IAI Working Paper 12-06 (Rome: Istituto Affari Internazionali)

³³ De Kerchove, G. 2011. *EU Action Plan on Combating Terrorism*, Brussels, January. Available online: <http://register.consilium.europa.eu/pdf/en/10/st15/st15893-re01.en10.pdf>

sives (involving US armed forces and the European Defence Agency) as well as on radicalisation and recruitment, notably among Somali and Pakistani diasporas.³⁴ Cooperation has been established with Europol in the wake of the 9/11 attacks to ease the exchange of information. The Secret Service (since 2006), the FBI (since 2006) and the Postal Inspection Service (since 2007) have liaison officers at Europol, while Europol has posted two liaison officers in Washington DC. The US has also a liaison officer at Eurojust,³⁵ and the EU has home affairs counsellors in Washington (Moscow is the only other place where the EU has sent home affairs counsellors). According to a senior European Commission official, the level of trust between the EU and the US is improving, allowing for more exchange of intelligence in an incremental manner.³⁶

Together with the US and Canada, the transatlantic partnership covers critical infrastructure protection (CIP) in a trilateral dialogue, with a view to strengthening cooperation by 'sharing knowledge, best practices and information on CIP, including the development of a global infrastructure security toolkit'.³⁷ Transatlantic cooperation is completed by the operational agreement between Europol and Canada, which led for instance to the organisation of a joint seminar on the Liberation Tigers of Tamil Eelam (LTTE) in 2008.

With regard to the EU-Russia partnership, counter-terrorism has been identified as a priority area for future cooperation. Some ambitious aims have been expressed, such as signing a Memorandum of Understanding (MoU) on the fight against terrorism,³⁸ which could incorporate new priorities and actions that are not reflected in their underpinning cooperation programme, namely the 2005 Road Map for the four Common Spaces.³⁹ Beyond the political dialogue, there are several possible tracks for sharing intelligence, with Europol notably. The latter has concluded a strategic agreement on mutual exchange of information with Russia, which includes objectives related to the fight against terrorism. Contacts are also possible through EU counsellors in Moscow responsible for JHA issues. The EU CTC is in regular contact with Russian authorities to exchange best practices and lessons learned.⁴⁰

EU-India counter-terrorism cooperation has been increasing recently, although it remains difficult and limited. The EU CTC has visited India several times, including in the company of Catherine Ashton, the EU High Representative, in June 2010. Europol has engaged counterparts in India, notably the Central Bureau of Investigation (CBI) and the National Investigation Agency (NIA). Talks with Japan are wide-ranging and include, notably, exchanges on best practices.⁴¹ Cooperation was also initiated between Europol and Japan's police agency, although there is no agreement on information exchange. With South Korea, the 2010 Framework Agreement foresees exchanges of 'experiences in respect of terrorism prevention',⁴² although little has been done so far. With other strategic partners, intelligence sharing and exchanges of best practices is limited at best, or possibly inexistent.

³⁴ See the annual progress reports published by the EU CTC. Available online: <http://www.consilium.europa.eu/policies/fight-against-terrorism/eu-strategy?lang=en>

³⁵ Kaunert, C. 2010. 'Europol and EU Counterterrorism: International Security Actorness in the External Dimension', *Studies in Conflict and Terrorism*, 33:7, 652-671.

³⁶ Interview with a European Commission official, Brussels, 23 April 2013.

³⁷ European Commission. 2013. 'A new approach to the European Programme for Critical Infrastructure Protection. Making European Critical Infrastructures more secure', Commission Staff Working Document (Brussels: European Commission). Available online: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/crisis-and-terrorism/critical-infrastructure/docs/swd_2013_318_on_epcjp_en.pdf

³⁸ Hernandez i Sagrera, R. Potemkina, O. 2012. 'Russia and the Common Space on Freedom, Security and Justice', Study, European Parliament, 24.

³⁹ Council of the EU. 2005. *Road Maps*, Brussels, 11 May. Available online: <http://www.consilium.europa.eu/uedocs/cmsUpload/84815.pdf>

⁴⁰ De Kerchove, G. 2011. *op. cit.*; Hernandez i Sagrera, R. Potemkina, O. *op. cit.*

⁴¹ Interview with a Japanese official, Brussels, 4 May 2011.

⁴² EU-ROK. 2010. *Framework Agreement Between the European Union and its Member States, on the one Part, and the Republic of Korea, on the other Part*. Available online: http://eeas.europa.eu/korea_south/docs/framework_agreement_final_en.pdf

Cooperation and capacity-building in third countries

The external dimension of the EU's counter-terrorism efforts includes financial and technical assistance to third countries. This modest assistance can be implemented through EU financial instruments (such as the IfS or the ENPI), or via EU capacity-building missions. For instance, the EU has developed many capacity-building programmes in third countries 'that are of particular priority to the EU', notably in North Africa and Southeast Asia, although it should try to obtain more 'tangible results'.⁴³

Having said this, the EU is not acting in an international vacuum, and Brussels can thus coordinate its programmes with those of its partners, or even develop joint initiatives. In Afghanistan, for instance, the EU is present with its police training mission (EUPOL). Canada is the only non-EU state participating in the mission. Cooperation was also undertaken with Japan, notably by setting up a police training centre.⁴⁴ The EU and Japan are among the biggest donors in Afghanistan. Counter-terrorism cooperation between the EU and the US in Afghanistan has been modest, while most efforts between Europeans and North Americans took place within the NATO framework. However, in dealing with the post-2014 transition, there is perhaps a greater scope for EU-US cooperation, notably in terms of police and judicial capacity building. India, China and Russia are three other strategic partners that could become more involved in Afghanistan, and with whom the EU could seek enhanced cooperation. At this stage, however, little has been achieved. China has been cooperative at the diplomatic level, notably to mediate with Pakistan,⁴⁵ but it is not yet ready to go beyond this first-level engagement, unless its national interest is directly threatened.

The Sahel is another region that has been identified as a source of concern, with regard to terrorism and transnational threats.⁴⁶ The EU Sahel Strategy mentioned that the EU should work in cooperation with the US, Canada and Japan, in addition to regional partners.⁴⁷ Yet cooperation remains very limited – although more operational cooperation was largely reported with member states, notably with France during the Mali intervention. Coordination is nonetheless reported to be underway with Canada, in the framework of the Global Counterterrorism Forum (GCTF),⁴⁸ and with Japan, in terms of funding and capacity-building.

Overall, the EU-Japan partnership is quite operational. In Southeast Asia, they promote regional cooperation through regional Counter-Terrorism Centres.⁴⁹ They have also discussed the creation of training centres in Japan for police and counter-terrorism forces from the Asian region.⁵⁰ With the exception of Japan, Canada and the US, the EU's strategic partnerships appear quite shallow in terms of capacity-building. This task was mentioned in the 2010 Framework Agreement with South Korea but never implemented. When it comes to South Africa, despite the EU's significant interest and involvement on the African continent, including for terrorism-related policies, there is no cooperation on this issue with

⁴³ Council of the EU. 2011. 'Council Conclusions on Enhancing the Links between Internal and External Aspects of Counter-Terrorism', Luxembourg, 9-10 June. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122505.pdf

⁴⁴ EU-Japan. 2011. *EU-Japan Joint Press Statement*, Brussels, 28 May. Available online : <http://www.mofa.go.jp/region/europe/eu/joint1105.html>

⁴⁵ Gill, B., Murphy, M. 2005. 'China's Evolving Approach to Counterterrorism', *Harvard Asia Quarterly*, Winter/Spring, 21-32.

⁴⁶ Renard, T. 2010. 'Terrorism and Other Transnational Threats in the Sahel: What Role for the EU?', Policy Brief (Washington DC, Center on Global Counterterrorism Cooperation).

⁴⁷ EEAS. 2011. *Strategy for Security and Development in the Sahel*, *op. cit.*

⁴⁸ GCTF. 2012. *Co-Chairs Summary*, Second Meeting of the Coordinating Committee, Istanbul, 7-8 June. Available online: <http://www.thegctf.org/documents/10162/19434/Second+Coordinating+Committee+Co-Chairs'+20Summary>

⁴⁹ Council of the EU. 2005. *EU-Japan Joint Press Statement*, Luxembourg, 2 May. Available online: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/84774.pdf

⁵⁰ Mykal, O. *op. cit.*, 198.

the major continental power. Finally, the 2005 EU-Russia Road Map mentioned as an objective the joint improvement of counter-terrorism capabilities in third countries, but this has not been implemented due to a lack of trust. In fact, paradoxically, the EU has developed counter-terrorism programmes *on* Russia (more than *with* Russia), in order to beef up Russia's counter-terrorism capacities. These programmes were developed formerly in the framework of TACIS projects and now under the ENPI. Interestingly, Russia is therefore a partner as much as a target of European counter-terrorism efforts.

Countering terrorist financing

Like any other organisation, terrorist groups need money. This creates opportunities for counter-terrorism experts to track these groups ('follow the money'), gather information on them and, eventually, freeze their assets. The EU has adopted a certain number of instruments related to terrorist financing, most of which are designed to implement or enhance existing international regimes.⁵¹ Indeed, the EU's action in this field is mostly framed by the work of the UN and the FATF, an inter-governmental body developing and promoting policies to combat money laundering and terrorist financing. Cooperation between the EU and its partners fits particularly well the FATF framework, since all ten strategic partners are among the 36 FATF members.

The EU considers the fight against terrorist financing an important dimension of its broader counter-terrorism efforts, and has therefore adopted a specific strategy on it, as mentioned previously. This strategy argues that 'constructive dialogues with key partners' are necessary, in particular with the US and the Gulf Cooperation Council.⁵² EU-US cooperation is framed by the Terrorist Finance Tracking Programme (TFTP), also known as the SWIFT agreement, under which both sides can share financial transfers data related to counter-terrorism investigations. This agreement was first rejected by the European Parliament on the basis of data privacy concerns, similar to its objections to the PNR agreement. The recent Snowden leaks – after the name of the American consultant who revealed massive US spying practices in Europe – have certainly not appeased these concerns, and suggest that more trust-building measures are needed even between old allies. The SWIFT agreement was eventually adopted in 2010 and, although still controversial, it has been deemed an effective instrument in the fight against terrorism by the EU and the US.⁵³

Cooperation with all other strategic partners occurs mostly within the FATF. Mexico, for instance, is deemed to be an important partner with regard to the fight against money laundering.⁵⁴ Japan is another potentially important partner. In their 2001 Action Plan, the EU and Japan listed measures to be taken immediately against terrorism, including joint initiatives to stop the financing of terrorism.⁵⁵ Terrorism financing is also mentioned as a possible area for cooperation with South Korea, in the 2010 Framework Agreement, and with Russia in the 2005 Road Map. Russia is a particular case again, since some EU programmes are implemented in the country. There is for instance an EU programme against money laundering and terrorist financing, implemented by the Council of Europe.⁵⁶ With China, there has been some rudimentary cooperation in the past, but there is none

⁵¹ See Bures, O. *op. cit.*, 173-199.

⁵² Council of the EU. 2008. *Revised Strategy on Terrorist Financing*, *op. cit.*

⁵³ Archick, K. 2013. *op. cit.*

⁵⁴ Interview with an EU official (Council of the EU), Brussels, 13 May 2011.

⁵⁵ EU-Japan. 2001. *Shaping our Common Future: An Action Plan for EU-Japan Cooperation*, Brussels. Available online: http://eeas.europa.eu/japan/docs/actionplan2001_en.pdf

⁵⁶ 'MOLI-RU 2: Project against Money Laundering and Terrorist Financing in the Russian Federation', Website of the Council of Europe (undated). Available online: http://www.coe.int/t/dg1/legalcooperation/economiccrime/moneylaundering/Projects/MOLI%20RU-2/moliru2_en.asp

at the moment. Brussels and Beijing organised, for instance, a joint workshop on anti-money laundering in 2009, addressing the financing of terrorism.⁵⁷ Overall, bilateral cooperation between the EU and its partners remains limited, with the notable exception of the transatlantic partnership.

Strengthening the multilateral fabric

The 2003 ESS stated that the EU is committed to promoting effective multilateralism. It is thus normal for the EU CT Strategy to argue that the EU will act 'through and in conjunction with the United Nations and other international or regional organisations', in order to pursue its counter-terrorism objectives.⁵⁸ The UN sits at the core of the multilateral system. The EU has developed 'extensive' contacts at all levels with the UN,⁵⁹ which have deepened with the establishment of an annual political dialogue. There has been a 'particularly close dialogue with the UN Counter-Terrorism Executive Directorate (CTED)',⁶⁰ and the UNODC has been tasked to implement several EU projects. Having said this, while not challenging the doctrine of effective multilateralism, some EU officials express doubts about the added value of UN agencies in counter-terrorism, due to the sensitive nature of the issue.⁶¹ Beyond the UN, the EU is also cooperating with several other multilateral and regional organisations. There is basic counter-terrorism cooperation with the OSCE and the Council of Europe, but this cooperation could be enhanced in the near future, particularly in Central and South Asia with a view to dealing with the post-2014 transition in Afghanistan.

The EU and its strategic partners are all, more or less, committed to addressing the terrorist threat in the multilateral context. Support for multilateralism has been expressed in joint documents without exception, namely in joint declarations (such as the 2005 EU-US Declaration on Enhancing Cooperation in the Field of Non-Proliferation and the Fight against Terrorism⁶²), in joint summit statements (with Canada, regularly, for instance), in joint action plans (such as with Mexico, India or Brazil, for instance), or even in binding documents (such as the 2010 Framework Agreement with South Korea). Cooperation takes place first and foremost within the UN system, where the EU and its partners support politically, and in some cases technically, the universal implementation of the UN CT Strategy and some terrorism-related UN resolutions.

In addition to the UN, cooperation with partners occurs within various multilateral fora. The successful EU-US push leading to the adoption of an ICAO declaration on aviation security in 2010, agreed by 190 countries, is a positive instance of transatlantic cooperation at the multilateral level. The EU was also prompt to join the GCTF, which is a US initiative under the Obama administration to re-boost multilateral cooperation, ten years after 9/11. The EU is the sole non-state actor therein, but it has been active nonetheless in the various Working Groups, where it interacts with its partners. Other relevant 'minilateral' fora include the FATF or the G8 CTAG. In the G8, Japan has led efforts to strengthen links with the UN system in counter-terrorism.

⁵⁷ Hassan, O. 2010. 'Mapping Bilateralism', Working Paper 3, EU-GRASP, 16.

⁵⁸ Council of the EU. 2005. *op. cit.*, 7.

⁵⁹ De Kerchove, G. 2012. *op. cit.*, 44.

⁶⁰ De Kerchove, G. 2009. 'Report on the implementation of the Strategy and Action Plan to Combat Terrorism', Brussels, 2 June, 17. Available online: <http://register.consilium.europa.eu/pdf/en/09/st09/st09715-re01.en09.pdf>

⁶¹ Interviews with European officials, Brussels, April 2013.

⁶² Council of the EU. 2005. *EU-US Declaration on Enhancing Cooperation in the Field of Non-Proliferation and the Fight against Terrorism*, Washington, 20 June. Available online: <http://www.consilium.europa.eu/uedocs/cmsUpload/85384.pdf>

Overall, the EU-US partnership is the most developed at the multilateral level. Cooperation with Mexico and Canada is usually positively rated. Japan and South Korea are also deemed to be constructive partners at the multilateral level, but also at the regional one. They are both participating in the bolstering of regional capabilities, and they have been active players in ASEM, which convenes a regular conference on counter-terrorism and has issued a declaration on cooperation against international terrorism in 2002.⁶³ They also participate in the regular discussions in the context of the ARF, namely the Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime. Brazil and South Africa converge rhetorically with the EU, but no cooperation was reported on counter-terrorism within the multilateral framework. It could be added that inter-regional cooperation with these two partners is equally under-developed, although the EU-Africa strategic partnership could offer some interesting opportunities to address the terrorist challenge on the continent.

China, India and Russia are considered to be more difficult interlocutors at the multilateral level. The EU and China stressed, on various occasions, their 'recognition of the United Nations as the only truly global forum for the fight against terrorism'.⁶⁴ In fact, after 9/11, China was quick to express support for the US and to join the relevant UN resolutions, protocols and conventions. Beijing was also active within the ASEM framework, where it was particularly involved in the group on aviation security in 2010.⁶⁵ At the regional level, China has been active, through ASEAN and APEC, notably.⁶⁶ Yet, despite various interactions at the multilateral level, no concrete joint initiatives or actions have emerged. Beyond an apparent convergence of views on the need for a multilateral approach, Brussels and Beijing have distinct interpretations of multilateralism. The Chinese efforts to develop the Shanghai Cooperation Organisation (SCO), for instance, go against the EU's stated preference for norm-based effective multilateralism.⁶⁷ The SCO is heavily military-driven and involves no cooperation on human rights. Its light institutional framework includes a Regional Anti-Terrorism Structure (RATS), although it remains mostly a dormant body.

In a similar manner, the EU and India have pledged to support 'effective multilateralism' in their Joint Action Plan, but multilateralism has a different meaning in Brussels and in New Delhi, and its practice largely differs. India favours a selective form of multilateral engagement, and it has failed to consolidate the multilateral security framework in its own region (e.g. SAARC), despite the incentives to tackle terrorism together with its neighbours.

Assessing the partnerships

The unity of the concept of 'strategic partnerships' hides a diversity of cooperative relationships in counter-terrorism, different in scope and depth. In other words, not all strategic partnerships are equal. The US is the EU's most strategic partner, by far. It is the only one that is singled out in the EU CT Strategy, as well as in all progress reports from the EU CTC. Cooperation is very dense

⁶³ ASEM. 2002. *Declaration on Cooperation against Terrorism*, joint statement at the 4th Asia-Europe Summit, Copenhagen, 22-24 September. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/72247.pdf

⁶⁴ Summit joint statement, 2007.

⁶⁵ ASEM. 2010. *Chair's Summary on the 8th ASEM Conference on Counter-Terrorism*, Brussels, 10-11 June. Available online: http://www.asem8.be/sites/1226.fedimbo.belgium.be/files/20100610-11_chairs_summary_8th_asem_conference_on_ct_-_10-11_june_2010.pdf

⁶⁶ Gill, B., Murphy, M. *op. cit.*

⁶⁷ Renard, T. 2013. 'Strategic Bilateralism or Effective Multilateralism? The EU, the SCO and SAARC', in T. Christiansen, E. Kirchner and P. Murray (eds), *The Palgrave Handbook of EU-Asia Relations* (London: Palgrave Macmillan), 359-375.

at all levels and across various policy areas. It is also the only partnership involving directly all 28 member states in a legal dialogue. Declarations on counter-terrorism have been issued jointly by the US, the EU and its member states,⁶⁸ which is not a standard practice in EU diplomacy. This indicates a good level of pragmatism in the transatlantic relationship. With all other partners, the EU member states are involved indirectly, through relevant Council working groups such as COTER, or they carry out their own bilateral dialogues with these countries, in parallel to the EU's framework.

Besides the US, constructive cooperation has been reported with a group of countries: Canada, Japan and, to a lesser extent, South Korea. Canada is considered to be a close partner, though the partnership tends to be mostly envisaged in a broader transatlantic framework. The partnership with Japan is seen as particularly mature, whereas the one with South Korea is nascent but promising. Cooperation with this 'like-minded' group is certainly more straightforward than engagement with Russia, India and China. The counter-terrorism policies of the latter trio, or at least some aspects of them, are not necessarily compatible with EU standards while, on the other hand, they are at times reluctant to cooperate with the EU as an entity in counter-terrorism, preferring bilateral talks with its member states. For instance, Russia's operational cooperation is already well developed with Sweden, Spain, Poland and Germany, among others. As for India, it has established joint working groups on counter-terrorism with the UK and Germany, whereas cooperation was deepened with France, following the Mumbai attacks, to cover 'threat assessment, technical collaborations and operational exchanges'.⁶⁹ On paper, the partnerships with Russia and India are ambitious and quite advanced, but they are by and large under-delivering. The partnership with China is shallow and superficial. Finally, Brazil, Mexico and South Africa have shown little interest in cooperating with the EU so far. Hence they can hardly be seen as strategic partners in this field.

The foundations of any partnership rest on bilateral ties. In counter-terrorism, the EU has developed these ties with most of its partners – even if at times only superficially. A very basic, though highly visible, sign of cooperation is the adoption of joint statements/declarations on terrorism. The EU has done so with four partners: India, Japan, Russia and the US. These documents do not always lead to concrete actions, but they constitute a political signal. A distinction should be operated nonetheless between the joint statements with Russia and Japan, which were issued shortly after 9/11, and those with the US and India. With the US, several joint declarations confirmed the importance of this partnership, whereas the 2010 joint declaration with India was more a declaration of intent. More substantial agreements have been (or are being) negotiated between the EU and its partners. These include agreements on extradition, MLA, PNR or the financing of terrorism. Yet, the EU-US partnership is the only one that has managed to cumulate a number of these.

Bilateral cooperation is managed through various kinds of exchanges and dialogues. The EU has a political dialogue on counter-terrorism with half of its strategic partners. In addition, it has developed other useful mechanisms such as establishing contacts between Europol, Eurojust and their counterparts, i.e. via liaison officers, or deploying JHA counsellors in EU delegations in Russia and the US. Strategic partnerships are thus built on a sophisticated architecture that allows for the exchange of information when cooperation is mature, or for the building of trust in an earlier phase of the partnership.

⁶⁸ See for instance: Council of the EU. 2010. *EU-US and Member States 2010 Declaration on Counterterrorism*, Brussels, June. Available online: <http://register.consilium.europa.eu/pdf/en/10/st10/st10591.en10.pdf>

⁶⁹ 'France in India', Presentation on the website of the French Embassy in New Delhi (published on 18 January 2013). Available online: <http://ambafrance-in.org/Presentation,7435>

Cooperation between the EU and its partners can also take place at the regional level or, more precisely, in the form of trans-regionalism, that is to say involving various players from across two or more regions. In the Western hemisphere, these forums include the OSCE and the Council of Europe. With Asian partners, some form of cooperation has taken place in the framework of ASEM and ARF, which have both set up regular meetings to discuss terrorism issues and have led to common declarations. The EU has not been able to engage, at the regional level, with its partners from Africa and Latin America on counter-terrorism issues, partly due to a lack of interest, and in spite of strong inter-regional frameworks expressed notably in the partnership between the EU and the African Union. In fact, all existing regional organisations have very weak counter-terrorism structures and policies – if any at all. In South Asia, for instance, where terrorism is such a deadly scourge, member states of SAARC have been unable to develop an effective collective response. Assuredly, no regional institution compares to the EU. This is an evident limit to any EU inter-regional policy on counter-terrorism and, therefore, to the EU's multilayered approach.

Complementing bilateral and regional ties, the EU and its partners cooperate at the multilateral level. To begin with, they have all signed the UN CT Strategy, adopted by the UNGA in 2005, which offers a good starting point for political cooperation at any level. All partners are also parties to most UN legal instruments dealing with terrorism,⁷⁰ and they have been cooperative in filing reports to the UN Security Council Counter-Terrorism Committee with regard to the status of their national counter-terrorism efforts.⁷¹ It can be said, therefore, that there is broad support for multilateral engagement. The significance of this support should be put in perspective, however, since UN monitoring is light and not intrusive. It should also be clear that the post-9/11 context induced global support for counter-terrorism, not least because no country wanted to antagonise the US. This does not prevent some partners from being mildly defiant vis-à-vis effective multilateralism, and from engaging in multilateral efforts that contravene the EU's fundamental principles. This is the case, for instance, of the China-Russia counter-terrorism initiative within the SCO.

The EU's role within the multilateral system is facilitated by the annual EU-UN political dialogue on counter-terrorism, which helps to monitor and coordinate respective and joint actions. Having said this, the EU's cooperation with its partners is more concrete and useful within technical organisations, such as the FATF or ICAO. The EU-US partnership, for instance, has been particularly effective in ICAO. Cooperation also takes place in less formal forums, such as the G8 CTAG or the GCTF, although not all partners are part of these institutions.⁷² The GCTF has become an important venue to coordinate projects in third countries, and good cooperation between the EU and its partners therein has already been reported.

The EU's approach to counter-terrorism is thus multilayered, combining bilateralism, (some) regionalism and multilateralism. There are interactions between these various levels, which is after all one of the purposes of strategic partnerships. Good bilateral ties can make multilateralism more effective whereas, conversely, multilateral encounters can facilitate bilateral discussions. However, in counter-terrorism, these interactions are limited and could certainly be further strengthened.

⁷⁰ 'International Legal Instruments to Counter Terrorism', Website of UN Action to Counter Terrorism. Available online: <http://www.un.org/terrorism/instruments.shtml>

⁷¹ Country Reports, Website of the UNSC Counter-Terrorism Committee. Available online: <http://www.un.org/en/sc/ctc/resources/countryreports.html>

⁷² Brazil, Mexico and South Korea are not members of the GCTF. G8 members and the EU are part of the G8 CTAG.

Conclusion

Overall, this paper has shown that counter-terrorism cooperation is deepening between the EU and its partners. Several EU documents acknowledge emphatically that counter-terrorism considerations 'play a crucial role'⁷³ in the EU's debate over strategic partnerships, and it is said that the fight against terrorism is 'increasingly shaping the political dialogue between the EU and partner countries'.⁷⁴ Having said this, counter-terrorism cooperation continues to be very limited with most partners. The strategic nature of some partnerships in this policy area clearly remains to be demonstrated. Conversely, some other countries have become important partners of the EU. This includes Israel, Saudi Arabia, Pakistan and Turkey. The EU has initiated a political dialogue on counter-terrorism with the latter three countries.

One key question remains: is the EU itself a strategic partner? The EU is a nascent counter-terrorism actor, which has developed its policies and capabilities since 2001. It is progressively positioning itself as a reliable partner internally, vis-à-vis its member states, and externally, vis-à-vis third countries. Comparing the EU with other non-state actors, it is impressive how much has been achieved already in such a sensitive policy area, in which trust is critical. The EU has limited capabilities, for sure, but it is also the only supranational body to possess this level of competence and ambition, and to have a say in various regional and multilateral forums. Building trust is slow and difficult. This is laboriously starting within Europe, and it will likely take even more time at the international level.

The internal dimension of EU counter-terrorism policy is by far dominant, but the external one has developed significantly in recent years, to encompass various instruments and programmes. Having said this, the member states continue to be the major players in this field, and they have their own strategic partnerships with third countries, sometimes overlapping with the EU ones. This could open avenues for effective coordination between the national and European levels, but no such concrete instances have been reported so far. In fact, bilateral ties between member states and third countries on counter-terrorism are pursued outside the confines of the EU, and are largely unaffected by the EU-level of strategic partnership.⁷⁵

Counter-terrorism is a sensitive issue. The EU has only limited experience in this domain, and it remains a minor player, even in Europe. However, despite limited means and competences, the EU has a role to play and the potential to become a more effective agent for coordination in a field that desperately needs it. As in other policy areas, to develop strategic partnerships, the EU must become a strategic partner first.

⁷³ Council of the EU. 2011. 'Council Conclusions on Enhancing the Links between Internal and External Aspects of Counter-Terrorism', *op. cit.*

⁷⁴ EEAS. 2010. *India - Country Strategy Paper (2007-2013): Mid-term Review*, *op. cit.*, 7.

⁷⁵ See Argomaniz, J., Rees, W. 2013. 'The EU and Counter-Terrorism', in S. Biscop and R. Whitman (eds), *The Routledge Handbook of European Security* (Abingdon: Routledge), 225-234. This assumption was also confirmed during an interview with an official from the European Commission, Brussels, 23 April 2013.

Appendix

The purpose of this appendix is to offer synthetic information on each strategic partnership, to complement the main body of this paper. It covers the key documents defining the principles of cooperation (where they address counter-terrorism); relevant dialogues established to address counter-terrorism issues; and a brief assessment of each partnership. The information provided here is not comprehensive. Only the dialogues that deal with counter-terrorism issues on a regular basis are listed, hence leaving out other dialogues that could potentially address the issue in the future (this explains why summits or ministerial dialogues are not systematically mentioned).

EU-USA

Key documents:

- EU-US Declaration on Combating Terrorism (2004): http://www.consilium.europa.eu/uedocs/cmsUpload/10760EU_US26.06.04.pdf
- EU-US Declaration on Enhancing Cooperation in the Field of Non-Proliferation and the Fight against Terrorism (2005): <http://www.consilium.europa.eu/uedocs/cmsUpload/85384.pdf>
- Toledo Joint Statement (2010): <http://register.consilium.europa.eu/pdf/en/10/st06/st06261.en10.pdf>
- EU-US and Member States Declaration on Counterterrorism (2010): <http://register.consilium.europa.eu/pdf/en/10/st10/st10591.en10.pdf>

Key dialogues:

- Summit (annual)
- Ministerial dialogue on justice and home affairs (twice a year)
- Ministerial meeting on foreign affairs (annual)
- Political dialogue on terrorism (twice a year)
- Dialogue on counter-terrorism (twice a year)
- Steering committee on countering violent extremism (several times per year)
- Working group on aviation security (annual)
- 28 member states + EU + US dialogue on counter-terrorism and international law (twice a year)
- EU-US-Russia dialogue on justice and home affairs (annual)
- EU-US-Canada dialogue on the protection of critical infrastructures (annual)

Brief assessment:

Although some transatlantic cooperation on counter-terrorism existed prior to 9/11, mostly in multilateral forums, the 2001 attacks have led to the institutionalisation and a substantial deepening of bilateral links.⁷⁶ Terrorism was a predominant item on the agenda of bilateral summits under the Bush administration, heavily driven by the 'global war on terror'. Under the Obama administration, the rhetoric on counter-terrorism was significantly toned down, but cooperation in practice has continued to be strengthened. Cooperation between the EU and the US is by far the most developed among all strategic partners, but some hurdles remain. On the American side, the added value of the EU is not always understood, and bilateral cooperation with member states remains the favoured path for intelligence agencies. For instance, FBI officers in London have 20 to 30 meetings with UK intelligence and security officials each week.⁷⁷ On

⁷⁶ Segell, G. M. 2004. 'Intelligence Agency Relations between the European Union and the US', *International Journal of Intelligence and CounterIntelligence*, 17:1, 81-96.

⁷⁷ Aldrich, R. J. 2009. 'US-European Intelligence Co-operation on Counter-terrorism: Low Politics and Compulsion', *The British Journal of Politics and International Relations*, vol.11, 122-139.

the European side, concerns are regularly raised regarding detainees, surveillance, data protection and civil liberties. Despite a shared emphasis on the need to combat terrorism, the EU and the US are not always in full agreement over the perception of the threat and how to deal with it. As a result, cooperation remains suboptimal.

EU-CANADA

Key documents:

- EU-Canada Joint Summit Statement (2002): http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/70444.pdf

Key dialogues:

- Senior officials' meeting on justice and home affairs (annual)
- Political dialogue on counter-terrorism (annual)
- EU-US-Canada dialogue on the protection of critical infrastructures (annual)

Brief assessment:

The EU and Canada share a common perception of the terrorist threat. The EU and Canada are generally perceived as normatively closer in their approach to counter-terrorism than they are to the US, as they perceive the problem as a civilian more than a military one. Yet, despite this large convergence of perceptions and approaches, concrete operational coordination appears limited, entailing a risk of duplication and lack of synergies.⁷⁸ The annual EU progress reports, as well as interviews with EU and Canadian officials, confirm that few joint actions take place and that much more could be done. One explanation for this could be that the partnership is often considered in the context of transatlantic cooperation, where it is overshadowed by the major importance of EU-US cooperation.⁷⁹

EU-MEXICO

Key documents:

- Mexico-European Union Strategic Partnership Joint Executive Plan (2010): http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/114467.pdf

Key dialogues:

- Dialogue on public security and law enforcement (annual)

Brief assessment:

Terrorism is not a central item for cooperation between the EU and Mexico. Although they both firmly condemn terrorist acts, their experience in this domain differs widely. Mexico is more concerned with domestic and regional criminal groups than with terrorists. In any case, the two sides have not felt the urge to prioritise this policy area so far.

⁷⁸ Alegre, S. 2008. 'The EU's External Cooperation in Criminal Justice and Counter-Terrorism: An Assessment of the Human Rights Implications with a Particular Focus on Cooperation with Canada', CEPS Special Report, Centre for European Policy Studies.

⁷⁹ Ibidem.

EU-BRAZIL

Key documents:

- Brazil-European Union Strategic Partnership Joint Action Plan (2008): http://eeas.europa.eu/brazil/docs/2008_joint_action_plan_en.pdf
- European Union-Brazil Strategic Partnership Joint Action Plan (2011): http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/124878.pdf

Key dialogues:

None.

Brief assessment:

The EU and Brazil are each committed to fighting terrorism, but cooperation has not materialised yet, mostly due to a lack of interest. Tellingly, there is no formal common recognition that terrorism constitutes a major threat to international security, as often stated in joint statements with other strategic partners. It appears that the security dimension of the Joint Action Plan has been the least implemented. More broadly, bilateral cooperation on security is under-developed at best, as illustrated by the fact that no project related to security appears in the EU's Country Strategy Paper (2007-2013) on Brazil.⁸⁰ The section on the fight against terrorism was simply copy-pasted from the previous plan in the updated version of the JAP (2012-14), confirming that expectations should remain low.

EU-SOUTH AFRICA

Key documents:

None.

Key dialogues:

None.

Brief assessment:

The EU and South Africa have no cooperation on counter-terrorism. The EU is focusing many of its counter-terrorism external activities in Africa. There are programmes in North Africa, in West Africa and in the Horn of Africa. Yet, the EU has not felt the need to engage its only African strategic partner, South Africa, on these initiatives, despite the regional and comprehensive reach expressed by their strategic partnership. In August 2012, Catherine Ashton briefly discussed the evolution of the security situation in the Sahel with her South African counterpart, but this was more about regional security than it was about terrorism.⁸¹

⁸⁰ European Commission. 2007. *Brazil - Country Strategy Paper (2007-2013)*, European Commission, E/2007/889. Available online: http://eeas.europa.eu/brazil/csp/07_13_en.pdf

⁸¹ European Commission. 2012. 'Catherine Ashton Travels to South Africa for the 11th EU-SA Ministerial Political Dialogue', Press release, 23 August. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/12/908&format=HTML&aged=0&language=EN&guiLanguage=fr>

EU-INDIA

Key documents:

- The India-EU Strategic Partnership Joint Action Plan (2005): http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressData/en/er/86130.pdf
- Global Partners for Global Challenges: The EU-India Joint Action Plan (2008): http://eeas.europa.eu/india/sum09_08/joint_action_plan_2008_en.pdf
- EU-India Joint Declaration on International Terrorism (2010): http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/118405.pdf

Key dialogues:

- Summit (annual)
- Security dialogue (annual)
- Political dialogue on counter-terrorism (annual)

Brief assessment:

The EU and India share a relatively similar perception of terrorism as a threat to their security, as they have both experienced a long history of it. During the last decade, both sides have regarded Pakistan and Afghanistan as (potential) sources of concern and destabilisation. This has laid the foundations for cooperation. But these foundations remain shaky and cooperation shallow. Despite a rhetorical convergence, some major obstacles stand in the way of good cooperation. On the one hand, India prefers to engage bilaterally with the EU member states, as it remains unconvinced of the EU's added value in counter-terrorism. On the other hand, normative divergences limit the breadth of cooperation. Death penalty issues hindered cooperation in the aftermath of the Mumbai attacks. Negotiating a Mutual Legal Assistance (MLA) agreement would help prove the EU's added value in this domain. Taking into account the changing nature of terrorism and its nexus with other challenges, an ambitious suggestion was made years ago to 'expand the EU-India dialogue to include the link between drug trafficking and terrorism, document security, illicit arms trafficking and cyber-terrorism'.⁸² But overall, the partnership is continuously under-delivering.

⁸² Council of the EU. 2005. *The India-EU Strategic Partnership Joint Action Plan*, 7 September. Available online: http://eeas.europa.eu/india/docs/joint_action_plan_060905_en.pdf

EU-CHINA

Key documents:

None.

Key dialogues:

- Summit (annual)

Brief assessment:

On the surface, the EU and China converge on their counter-terrorism rhetoric. They both agree that terrorism is a global scourge that must be combated. Yet, this does not mean that there is a sustained convergence of agenda and priorities. Europeans have taken an approach of fighting terrorism at home and abroad (e.g. in Afghanistan, most directly, but also in many other regions including in Asia through assistance and capacity-building programmes), whereas the Chinese remain reluctant to be involved in counter-terrorism activities beyond their borders. Overall, Beijing keeps a low profile on this issue. Its main priority is to avoid external interventions in its domestic affairs, particularly those related to security. The absence of concrete cooperation is confirmed by the absence of any mention of China in the EU counter-terrorism progress reports.

EU-JAPAN

Key documents:

- EU-Japan Joint Declaration on Terrorism (2001): <http://www.mofa.go.jp/region/europe/eu/summit/terro0112.html>
- Shaping our Common Future: An Action Plan for EU-Japan Cooperation (2001): http://eeas.europa.eu/japan/docs/actionplan2001_en.pdf

Key dialogues:

- Summit (annual)
- Political dialogue on counter-terrorism (annual)

Brief assessment:

Europe and Japan have both experienced the horrors of terrorism. There is thus a common perception of the threat. The EU and Japan also share a common approach to tackling this scourge. Cooperation is valuable and there is more than meets the eye. There is no unnecessary rhetorical inflation of the threat or over-institutionalisation of common responses. Cooperative measures are taken where possible or needed. The partnership is mature, informal and, overall, quite effective.

EU-SOUTH-KOREA

Key documents:

- Framework Agreement Between the European Union and its Member States, on the one Part, and the Republic of Korea, on the other Part (2010): http://eeas.europa.eu/korea_south/docs/framework_agreement_final_en.pdf

Key dialogues:

None.

Brief assessment:

The EU and South Korea have repeated on various occasions, including during summits, their willingness to work more closely together in the field of counter-terrorism. South Korea is generally perceived as an effective counter-terrorism player, with good domestic capabilities. It supports the multilateral framework and plays a constructive role in improving regional capabilities. Having said this, cooperation with the EU remains minimal. There is thus scope for deepening this partnership.

EU-RUSSIA

Key documents:

- EU-Russia Joint Statement on the Fight against Terrorism (2002): http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/73188.pdf
- Road Maps for the four Common Spaces (2005): http://eeas.europa.eu/russia/docs/roadmap_economic_en.pdf

Key dialogues:

- Summit (twice a year)
- Permanent Partnership Council (several times per year)
- Political dialogue on counter-terrorism (twice a year)
- EU-US-Russia dialogue on justice and home affairs

Brief assessment:

The EU and Russia are both interested in counter-terrorism, but this does not necessarily result in a convergence of interest or values. The Russian way of dealing with terrorism, domestically or multilaterally (through organisations such as the SCO), contrasts with the European approach. In addition, priorities are not fully shared. Bilateral relations are difficult, and cooperation remains cautious and not particularly frank. Having said this, it would be nonsensical for the EU to ignore its Eastern neighbour on counter-terrorism issues. Terrorists and money flow easily across borders. In addition, Moscow has a long experience with terrorism. Nonetheless, the EU-Russia partnership remains gridlocked and the positive spill-over effect from cooperation with member states is still expected. The two sides are often not on the same page, particularly when it comes to issues such as human rights and the protection of civil liberties. There is thus a lot of potential, but also many obstacles to deepening cooperation.

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