

Étude

International Terrorism : the quest for a coherent EU response

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I. The European policy context¹

The events of 11 September 2001 posed a clear challenge for the European Union; not only because Europeans realised that their own countries were in danger, and not only because international terrorism forced Europe to review the nature of its relationship with its partner, ally and yet rival, the United States. A major issue was the EU's ability to respond coherently. There may well have been readiness at a national level to provide a firm and Clear response, though even national responses were disparate, and their effectiveness depended more on historical needs to counter terrorism domestically than on a comprehensive approach to terrorism as an international phenomenon. The new international terrorism had no specific demands. It was not open to negotiation. And, importantly, it was not concerned by the EU's three pillar system. Thus the existence of national borders and varying abilities to meet the threat provided a permissive context for terrorism rather than a sophisticated security environment. So, the major challenge for the EU was forming a coherent response to international crisis, despite the need to use simultaneously national, intergovernmental and supranational policy toolboxes. For the European response to international terrorism to be adequate, the EU's response had to be adequate. True, and despite

1. A first version of this paper has been published in : Bayles A. and Frommelt I. (Eds.), *Business and Security*, Oxford University Press, 2004.

Ambassador Cofer Black's somewhat negative testimony on the European contribution to the 9/11 hearings², there was swift reaction after 9/11. But despite the immediate support for the United States the image that remained in the mind of the public was the farcical emergency prime ministers dinner in London, admittedly not a formal EU meeting, but to which some European prime ministers were not invited and others were seemingly self-invited.

Once NATO's article 5 had been implemented (with little practical effect), significantly, when it came to practical policy-making, the European Commission was found to be the repository of the major part of the necessary policy initiatives. This undoubtedly came as a surprise to many politicians and officials involved in purely national policy-making. National responses were perhaps simpler in principle. But they were inadequate given the international nature of the problem. In any case, the European Community was legally the policy-making context. Most of the obvious mechanisms with which terrorism had to be fought were squarely in the European Community domain.

The problem for the EU was obvious. Since the Amsterdam Treaty there had been a specific debate within the EU surrounding its ability to ensure European and world security and the instruments it can wield towards that end. Much had been achieved on the reach, salience, instruments and procedures of Europe's international policy³, but there were still basic flaws of both a political and an institutional nature. EU member states regarded the sensitive areas of foreign, security and defence policy as central to their notion of national sovereignty. They resisted the pooling of sovereignty that had long existed within the economic and other internal fields, or in foreign trade. They were particularly allergic to placing any control of the resources devoted to security, or of specific operational decisions, in collective European hands. And this national reticence was compounded by significant differences in foreign policy culture, experience and expectations within member states⁴.

2. Ambassador Black was head of the State Department's Counter-terrorism branch.

3. For a description and critique of these developments see Cameron F., *The Foreign and Security Policy of the European Union: Past, Present and Future* (Sheffield Academic Press: Sheffield, 1999); and Everts S., *Shaping a Credible EU Foreign Policy* (Centre for European Reform: London, 2002).

4. For a description of foreign policy cultures and the role of national foreign ministries in EU affairs see Hocking B. and Spence D. (eds), *Foreign Ministries in the European Union: Integrating Diplomats* (Macmillan: Basingstoke, 2002).

At the institutional level, a succession of treaty changes during the 1990s had left the EU with a Byzantine system of differentiated decision making. Neither a state nor an international organization, it has defied simple definition, although the characterisation of the Union by Jacques Delors, former Commission President, as ‘an unidentified political object’ captures the continuously open-ended nature of the European project⁵. As a result, some matters directly relevant to the security of the EU’s common territory and assets (such as intelligence collection and sharing, and the running of police forces, military and civil defence and disaster response, not to mention armed forces) have remained a purely national responsibility, while those matters which come within a collective EU framework can be handled in at least three significantly different procedural contexts⁶.

The historic European Community (EC) – the ‘first pillar’ – covers those areas where member states have ceded sovereignty to the Union. In relation to security threats and peace building, the most important areas are those relating to trade, external economic and financial programmes and assistance. Then there are the extensive areas of civil protection, air and sea transport, information security, data protection etc, which are also key first pillar competence.

In the Common Foreign and Security Policy (CFSP) – the ‘second pillar’ – member states coordinate policies but retain national sovereignty over decision making in most areas. This area of activity has developed rapidly in recent years, especially in the security field through the development and deployment of new police and military crisis-management instruments following the creation of the ESDP in 1999⁷. Most of this new activity has been in the Western Balkans, although the deployment in June 2003 of Operation Artemis in the Democratic Republic of the Congo (DRC) and the 2004 Althea military mission in

5. Delors J., ‘Where is the European Union heading?’, Presentation in the United States on 20 Mar. 2001, available at <<http://www.notre-europe.asso.fr/fichiers/DiscoursIV01-en.pdf>>.

6. For a detailed analysis of the 3-pillar system see Demaret, P. ‘The treaty framework’, eds D. O’Keeffe and P. Twomey, *Legal Issues of the Maastricht Treaty* (Chancery Law: London, 1994), p. 3.

7. Helsinki European Council, Presidency Conclusions, 10-11 Dec. 1999, Annex IV: ‘Presidency reports to the Helsinki European Council on “strengthening the common European policy on security and defence” and on “non-military crisis management of the European Union”’, available at <<http://ue.eu.int/en/Info/eurocouncil/index.htm>>.

Bosnia are indications of the EU's more global ambition⁸. In all these second pillar areas the Commission contributes with project and budget management as well as flanking policies in civilian areas.

Justice and Home Affairs (JHA) activity – the 'third pillar' – provides a framework for cooperation between Ministries of Justice and the Interior and police forces. The Commission has a front-line role as proposer of legislation in the third pillar, including proposals to combat organised crime and terrorism within the European Union. This is the most complex area of cooperation, mainly because of the reluctance of governments to agree to policies which risk undermining national legal systems and procedures, potentially placing their overall security at stake.

The September 2001 terrorist attacks brought urgency to the debate in the 2002-2003 European Convention about how each of the three pillars could tackle the relevant aspects of security, and whether and how the instruments appropriate in each of the pillars could be wielded by a single decision-making centre in the EU under stronger and more consistent leadership. There was a clear link to the larger question of the EU's mission in the world, since the attacks were a reminder that external enemies could strike from within, that even the richest and most peaceful 'homelands' were not immune, and that defence could not be achieved with the classic, state-level tools of security alone. Though there is clearly not a simple, causal link, there is no doubt that the post 9/11 political context was a permissive environment for the emergence of a European foreign minister post, as the draft constitution clearly set out.

The USA's forceful reactions after 9/11 put pressure on the EU to demonstrate its own seriousness and efficiency in tackling the new mass-impact terrorism – the transnational character of which made Europe a key theatre for corrective action – and forced European states to confront differences of view with the USA. Whether it was threat analysis, operational priorities or even basic attitudes to human rights and other values, there were different perceptions, perhaps hitherto discreetly ignored but now firmly on the policy agenda. While policy

8. Operation Artemis (also known as the Interim Emergency Multinational Force, IEMF) was deployed in Bunia, capital of Ituri Province, DRC, on 12 June 2003 for a period of 3 months, later extended to 15 Sep. 2003. See 'EU launches the Artemis military operation in the DRC', 12 June 2003, <<http://europa-eu-un.org/article.asp?id=2428>>; and Dwan R. and Wiharta S., 'Multilateral peace missions', *SIPRI Yearbook 2004: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2004). The Althea mission, whereby the EU is replacing Nato forces in Bosnia, is in the process of creation.

rapprochement was the requirement and the desire, its achievement was not a foregone conclusion. Indeed, by 2003, the USA's decision to launch military action against Iraq without a United Nations mandate and with an embarrassingly limited coalition of partners exposed the EU to its most painful political split for many years.

The issue areas were now twofold; what should Europe do to tackle terrorism and related challenges in its own and its future members' interests, and if, where and when it should take a stand in relation to the USA. Whatever the school of opinion, Europeans came to believe that the only way forward was to be clearer about Europe's own security philosophy and policy, as well as a great deal more effective in pursuing it. This political response broadly reflected public opinion across Europe. Ever since 1996, surveys had shown a slow but steady increase in feelings of insecurity across the EU. For most Europeans, maintaining peace and security, combating terrorism, and fighting organised crime and drug trafficking are priorities, which come close in order of importance to tackling unemployment and poverty⁹. A survey of EU and US opinion in the autumn of 2002 showed little difference between British, French, German, Italian and US respondents when it came to their concern about the possibility of terrorist attacks in their countries¹⁰.

The EU Security Strategy (ESS), prepared by the High Representative for CFSP, Javier Solana, and adopted by the European Council in December 2003¹¹, was one of the first fruits of this realisation. The strategy document identified terrorism as a key threat to the European Union and a prime field for action. The ESS linked terrorism to other key threats, including state failure, regional conflicts, proliferation and organised crime, all themes further adumbrated in the "Headline Goal 2010, approved by the European Council under the Irish presidency at Dublin on 17/18 June 2004.

9. See European Commission, *Eurobarometer: Public Opinion in the European Union*, Report no. 58 Mar. 2003; and *Eurobarometer 59*, July 2003, both available at <http://europa.eu.int/comm/public_opinion>.

10. See Pew Research Center for the People and the Press, 'Americans and Europeans differ widely on foreign policy issues: Bush's ratings improve but he's still seen as unilateralist', Washington, DC, 17 Apr. 2002, '<<http://people-press.org/reports/print/php3?ReportID=153>>.

11. European Council, Solana, J., 'A Secure Europe in a Better World: European Security Strategy', Brussels, 12 Dec. 2003, <<http://ue.eu.int/solana/docs/031208ESSIIEN.pdf>>. The initial report was presented by Solana to the European Council at Thessaloniki, Greece, on 20 June 2003; see <<http://ue.eu.int/pressdata/EN/reports/76255.pdf>>.

As part of the ESS implementation Dutch politician, Gies de Vries, a former deputy interior minister, was appointed the EU's first counter-terrorism coordinator¹². De Vries was a member of the Dutch parliament, a former member of the European Parliament and a vocal advocate of the International Criminal Court. His task was to monitor and report on EU action against terrorism in areas ranging from intergovernmental matters, such as intelligence cooperation to first pillar concerns such as border security and the fight against the financing of terrorism. Solana initially envisaged that the post would go to a civil servant, but finally chose someone with more political profile. In a letter to the Irish EU presidency, Solana said he expected the coordinator to take action in three main areas: to present proposals aimed at better organising and streamlining the work of the EU secretariat on the fight against terrorism, to prepare proposals for better coordination among specialist EU councils and preparatory bodies on security issues and to maintain regular contacts with member states to ensure coordination between EU and national action. Significantly, de Vries' appointment came a full two and a half years after 9/11.

The Commission had been initially cautious about the idea of a special representative for terrorism, though President Prodi had mentioned the idea in the margins of a silent meeting organised in Brussels in memory of the victims of the terrorist massacre in Madrid in March 2004. It was not, however, included in the Commission's 2004 communication. The idea stemmed from a Solana think piece presented three days before the Madrid bombing, in which he stressed the lack of EU efficiency in the overall response to terrorism and criticised the low level of implementation of European agreements on, for example, the creation of investigatory teams in cooperation with Europol or the coordination problems between the many European actors and instruments. And Solana pointedly underlined that specific first pillar areas were in need of enhanced cooperation, such as transport. Shortly after, De Vries' senior advisor was appointed. She was a UK seconded official, who had hitherto handled terrorism in the European Commission.

II. The EU's policy responses to the September 2001 attacks

The immediate response of the European Union to the September 2001 attacks was one of strong political support for the United States.

12. See "EU's Mr. Terrorism" in *European Voice* 1-14 April 2004.

The EU immediately lobbied other governments to ratify relevant United Nations conventions, to implement UN Security Council Resolution 1373¹³, and to support a comprehensive convention against terrorism. There was also strong support for the military operations in Afghanistan, which began on 7 October 2001, based on Security Council Resolution 1368¹⁴. Individually, some EU member states contributed to the US effort to combat the al-Qaeda network and to end the Taliban regime in Afghanistan¹⁵, while the EU adopted a series of specific activities and a large budget covering security sector reform and peace-building in general.

In preparing its own policy response, the EU faced the challenge of bringing together a wide array of possible instruments from its various pillars. EU activities were reviewed in each of these fields in a succession of council meetings involving foreign, interior, finance, transport and telecommunications ministers. The resulting EU and national action to combat terrorism, both internationally and within the European Union, extended across a very broad spectrum. It underlined the multifaceted nature of the security threat itself. Work was undertaken on implementation of UN Security Council Resolution 1373; the execution of orders to freeze property or evidence; stepping up mutual assistance between police and justice authorities in the member states; bilateral cooperation with the United States; the introduction of anti-terrorism clauses in agreements with third countries (see below); better cooperation between the European police (Europol) and judicial (Eurojust) agencies, updating the list of terrorist organizations¹⁶; activities to combat bio-terrorism; possible improvements to the Schengen Information System

13. UN Security Council Resolution 1373, on threats to international peace and security caused by terrorist acts, 28 Sep. 2001, available at <<http://www.un.org/Docs/scres/2001/sc2001.htm>>.

14. UN Security Council Resolution 1368, on threats to international peace and security caused by terrorist acts, 12 Sep. 2001, available at <<http://www.un.org/Docs/scres/2001/sc2001.htm>>.

15. On the war in Afghanistan see Cottey A., 'Afghanistan and the new dynamics of intervention: counter-terrorism and nation building', *SIPRI Yearbook 2003: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2003), pp. 167–94.

16. See 'Council Common Position 2003/651/CFSP of 12 September 2003 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2003/482/CFSP', *Official Journal of the European Union*, L 229 (13 Sep. 2003), pp. 42–45, available at <<http://europa.eu.int/eurlex/en/index-list.html>>.

(SIS)¹⁷; and cooperation with external partners. All these lines of action were grouped together in what became the EU Plan of Action to combat terrorism¹⁸. A ‘road map’, based on the Action Plan and comprising some 70 areas of implementation of the action plan, was drawn up.

The broad objective immediately after 9/11 was thus to ensure effective coordination of the EU response to terrorism, to provide a specific EC response in areas falling within EC competence, to extend and enhance the anti-terrorist coalition through political dialogue with other states and in multilateral forums and to strengthen the EU partnership with the United States. In functional terms, the main lines of action could be broken down into a series of measures addressing cooperation within the EU and relations between the EU and other countries. These included hunting, detaining and prosecuting terrorists; denying terrorists financial and material resources; encouraging, supporting and technically assisting third countries in tackling terrorism and addressing the social and political resources drawn on by terrorist and criminal networks.

Measures in the field of internal security

The opening of intra-European borders, global markets and global communications have facilitated the activities of both criminal and terrorist networks, enabling people and goods to move with growing ease. The 1997 Treaty of Amsterdam¹⁹ provided for closer police and judicial cooperation against organised crime – although crime within national borders remained under national responsibility. The terrorist attacks of September 2001, subsequent attacks on European targets in Istanbul (Turkey), Morocco and Saudi Arabia, and planned attacks within the European Union now accelerated police and judicial cooperation between member states against all forms of cross-border crime, including terrorism.

The most significant developments included:

17. On the SIS see <http://www.europarl.eu.int/comparl/libe/elsj/zoom_in/25_en.htm>.

18. See ‘Conclusions and Plan of Action of the Extraordinary European Council meeting on 21 September 2001’, Brussels, <http://europa.eu.int/comm/external_relations/110901/actplan01.pdf>; and Presidency Conclusions, Seville, 21–22 June 2002, Annex V: ‘Declaration by the European Council on the Contribution of the CFSP, including the ESDP, to the fight against terrorism’, <<http://ue.eu.int/en/Info/eurocouncil/index.htm>>.

19. The 1997 Treaty of Amsterdam Amending the Treaty on European Union entered into force on 1 May 1999. For the treaty see <<http://europa.eu.int/abc/obj/amst/en/>>.

- Agreement and legislation on a European Arrest Warrant, adopted on 27 December 2001²⁰. This dispenses with traditional extradition procedures and expedites the arrest and transfer of suspects.
- Agreement on a common definition of terrorist offences for criminal law purposes.
- Provision for improved joint investigation between national police forces, the creation of an anti-terrorism unit within Europol²¹ and strengthened cooperation between anti-terrorist units.
- Improved cooperation between the Judiciary and Prosecutors' offices.
- Measures to give the intelligence services access to parts of the data of the Schengen Information System (SIS), and simplification of procedures to improve use of the SIS in the fight against terrorism.
- Enhanced cooperation between member states on a common list of terrorist organisations (Article 4 of the Common Position on terrorists lists)²², on strengthening external border checks, on exchange of information on visas and on strengthening internal security.
- Closer cooperation with Canada and the United States, including the appointment of liaison officers to the EU from both countries and mutual visits between Eurojust and Canada and the USA. Europol signed a Strategic Cooperation Agreement with the United States on 4 December 2001 and negotiated a second agreement with the USA on 20 December 2002, allowing for the transfer of personal data²³. The USA pushed in general for a 'single-stop shop' where it can coordinate with the Brussels authorities on all these matters.

20. On the European Arrest Warrant see Laeken European Council, 'Extradition will no longer be necessary between EU member states', <http://europa.eu.int/comm/justice_home/news/laecken_council/en/mandat_en.htm> and European Union Factsheet, 'The fight against terrorism', <http://europa.eu.int/comm/external_relations/us/sum06_03/terror.pdf>.

21. See the Europol Internet site at <<http://www.europol.net>>.

22. 'Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism', *Official Journal of the European Communities*, L 344 (28 Dec. 2001), pp. 93-96, updated in Council Common Position 2003/402/CFSP, 5 June 2003, *Official Journal of the European Union*, L 139 (6 June 2003).

23. See United States Mission to the European Union, 'US, Europol to sign cooperation agreement', 4 Dec. 2001, Brussels, <<http://www.useu.be/Terrorism/EUResponse/Dec0401Europol/Agreement.html>>.

Some progress has been made, but there have been problems. These are discussed below.

In some cases, such as the European Arrest Warrant, preparatory work had been done by the Commission prior to 9/11. In fact, this work was accelerated and repackaged in the weeks following the attacks. Work on the future requirements of SIS II (the next-generation system) included a new, simpler consultation procedure, in the context of combating terrorism, for alerts issued pursuant to Article 99 of the 1990 Schengen Convention²⁴, the possibility of running searches on the basis of incomplete data, access for public authorities responsible for vehicle registration, extended access for the authorities which issue residence permits and access for Eurojust and Europol and security services to the SIS.

Other measures related to blocking the international movement of guilty persons and protecting that of the innocent proved more problematic. To take the case of aviation security, the EU had no trouble in backing initial US pressure, for example, for better baggage security and passenger screening, which many people felt had already been raised to a higher level in Europe than on most US domestic flights²⁵. However, when airlines were hit by rocketing insurance premiums and sought help, effectively in the form of reinsurance from national governments, the European Commission was exercised by the need for such support measures to be time-limited, minimalist and devoid of hidden subsidies. The Commission also needed to ensure that European airlines driven to the point of closure by their losses were not bailed out improperly.

By late 2003 the US demands on countries enjoying visa-free access for their citizens to the USA to introduce machine-readable passports with bio-data were causing practical problems for many European governments²⁶. US proposals to place armed "air marshals" on flights and to transfer large quantities of personal data on passengers for US intelligence screening were seen by many as objectionable. These issues remain sensitive. European states have increasingly agreed a common

24. On the 1990 Schengen Convention, which entered into force in Mar. 1995, and for the signatories see <http://europa.eu.int/comm/justice_home/fsj/freetravel/frontiers/wai/fsj_freetravel_schengen_en.htm>.

25. European Commission, Directorate-General for Energy and Transport, 'Air safety & air security', <<http://europa.eu.int/comm/transport/air/safety/index.en.htm>>.

26. See the US-VISIT Program, <http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0333.xml>.

front through the EU to protect their interests when dealing with them. Interestingly, as concern grew within the US aviation sector that business was being adversely affected by tighter aviation restrictions, US pressure on Europe was softened. Meanwhile, within the EU there were debates on border controls, prompted not just by concerns about terrorist infiltration, but also by illegal migration and the growing flow of asylum seekers. The issue continues to divide European countries because of the values and principles involved as well as the practicalities. A good example is the EU/US Passengers Data Agreement with the US, on which the Commission has continually asked for new guarantees from the US regarding the collection and archiving of personal data. An agreement in December 2003, much debated within the Commission, was rejected by the European Parliament in March 2004. It covered the transfer of names, credit card details and telephone numbers of travellers to the US, vital for counter-terrorism, but anathema to human rights activists.

In the area of consequence management after terrorist attacks, there is a large number of Community programmes aimed at maintenance and restoration of vital services in situations of crisis affecting the EU itself. Examples are in the sector of transport and energy, the general issue of security of supply and energy stock reserves²⁷, the proposal to improve the use of civilian and military airspace in Europe under the concept of a Single European Sky, and the introduction of a European global positioning system (GPS) using the GALILEO satellite system²⁸. In these sectors, and even more so in the information-technology (IT) sector, the issue of protection of critical infrastructure such as telecommunications and the Internet (cyber crime) has been the subject of increasing attention²⁹.

Addressing the financial and material resources of terrorism

The European Union accounts for 40 per cent of world gross domestic product and a high proportion of global financial transactions. Tighter controls on these transactions are now contributing significantly to

27. See European Commission, *Green Paper: Towards a European Strategy for the Security of Energy Supply*, 9 Aug. 2002, available at <http://europa.eu.int/comm/energy_transport/en/lpi_lv_en1.html>.

28. On the Single European Sky see European Commission, <http://europa.eu.int/comm/transport/air/single_sky/index_en.htm>.

29. European Commission, 'Activities of the European Union Information Society', <http://europa.eu.int/pol/infos/index_en.htm>.

cutting off the financial resources of terrorism. The EU largely supports United Nations guidelines and the 2001 Financial Action Task Force on Money Laundering (FATF) of the Organisation for Economic Co-operation and Development (OECD). The latter's remit was extended in 2001 beyond money laundering to include measures against terrorist financing. The FATF Eight Special Recommendations required governments to ratify and implement UN instruments, criminalize the financing of terrorism and associated money laundering, freeze and confiscate terrorist assets, report suspicious transactions, assist third countries with implementation, and review and upgrade domestic legislation in certain areas³⁰. The EU ensures ratification and implementation of all relevant UN instruments and decisions by its own members and others, and implements the FATF Recommendations, though much work remains – in mid-2003, only two of the EU's then 15 members were in full compliance with all the FATF Recommendations, a further 11 member states were in full compliance with six recommendations, and one in full compliance with four of the recommendations, while one was in compliance with only one recommendation³¹. Much of the non-compliance is related to a failure to implement UN instruments, though the EU rate of implementation compares well with that of other states, including the USA, itself not in full compliance with all the regulations.

Nonetheless, there has been significant progress, not only towards implementing decisions of the United Nations and the FATF, but also in corresponding measures at the EU level. The November 2001 EU Directive on Money Laundering was upgraded to include terrorist acts, and a regulation regarding the freezing of funds of terrorist organizations was adopted in December 2001³². It also made provision for an additional Protocol on mutual assistance in respect of money laundering and financial crime. On 28 February 2002 the Justice and Home Affairs

30. See Financial Action Task Force on Money Laundering, 'Special Recommendations on terrorist financing', <http://www1.oecd.org/fatf/SRecsTF_en.htm>.

31. Financial Action Task Force on Money Laundering (FATF), *Annual Report 2002–2003* (FATF: Paris, 20 June 2003), available at <http://www.fatf-gafi.org/pdf/AR2003_en.pdf>.

32. The scope of Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering was extended in Directive 2001/97/EC of the European Parliament and the Council, approved on 19 Nov. 2001 and issued on 4 Dec. 2001. For the new directive see *Official Journal of the European Communities*, L 344 (28 Dec. 2001), pp. 76–82.

Council reached a common understanding on the draft Framework Decision on the execution in the European Union of orders on the freezing of property or evidence. The purpose was to establish the rules under which a member state was to recognize and execute in its territory a freezing order issued by a judicial authority of another member state. A special committee was set up to review policy at frequent intervals.

Assistance and support to third countries in tackling terrorism

As the world's largest trading partner and its largest provider of development assistance, the European Union helps other governments tackle organized crime and terrorism – and withdraws assistance from governments which refuse to do so. It thus uses its leverage in trade and cooperation with third countries by linking this to implementation of standards for cooperation on terrorism and non-proliferation, a fact underlined by the agreement reached in 2002 at the Seville European Council on the inclusion of an 'anti-terrorism clause' in the Association and Co-operation Agreements between the EU and other parties³³. The clause has been included in a number of agreements concluded since then³⁴. It provides for cooperation in 'preventing and repressing terrorist acts within the framework of [UN Security Council] resolution 1373' and on sharing information and expertise. A clear weakness, however, is that the anti-terrorism clause is technically regarded as non-essential, meaning that it could not lead to suspension of agreements. Its application is further limited 'with respect to international conventions to which [the signatory states] are party, and to their legislation and to their respective regulations'³⁵. So, if a state is not a party to the relevant UN conventions, little can be done.

33. See Seville European Council, 21–22 June 2002, Presidency Conclusions, Annex V (note 17).

34. See Perpiña-Robert F., 'EU Presidency Statement on Counter-Terrorism: Resolution 1373: Summary: Speaking points for the presentation by the European Union in the meeting of the Counter-Terrorism Committee with the EU', New York, 23 Apr. 2002, <<http://europa-eu-un.org/article.asp?id=1323>>; and 'Report of the European Union to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism', Enclosure, UN Security Council document S/2001/1297, 28 Dec. 2001, available at <http://europa.eu.int/comm/external_relations/un/docs/eu1373.pdf>.

35. The standard text of this clause is an internal Council document which has not been published.

The 'non-proliferation clause', agreed in December 2003, is potentially much more far-reaching in its effect, as it is an 'essential clause' which could lead to suspension of cooperation in the event of concerns arising which were not addressed through an established dispute procedure³⁶. It applies to all new agreements. Work has also focused on technical assistance for states' efforts to combat terrorism. Trial projects have been carried out in Indonesia, Pakistan and the Philippines, and more are planned³⁷.

Reaching the sources of terrorism

A common theme of European responses was the need to tackle the 'sources of terrorism' as well as terrorism itself. Terrorist networks have deep roots in weak states and draw social and political capital from societies where there is unresolved conflict or social upheaval and economic stagnation. A common thread in the analysis and prevention of all new threats is state weakness – or in some extreme cases the absence of any functioning state at all. Afghanistan's link with both terrorist and crime networks has been well documented. Most of Europe's heroin originates in Afghanistan and enters Europe along trafficking routes through Central Asia and the Western Balkans. Organised crime preys on the fabric of societies, contributing to erosion and collapse from within. In the Western Balkans the perspective of EU membership has acted as a powerful driver for reform, but much practical help is needed³⁸. Balkan criminal organizations are thought to control the distribution of around 70 per cent of the heroin entering Europe, for example³⁹ and according to the International Organization for Migration (IOM)⁴⁰, among the 700 000 women who are transported over international borders each year for the

36. See "Non-proliferation clause" to be included in agreements with third countries', <<http://ue.eu.int/pesc/Armes/Docs/st14997.en03.pdf>>.

37. Commitments to cooperate closely in the fight against terrorism have been included in or agreed alongside new Association Agreements between the EU and Algeria, Chile and Lebanon.

38. See Caparini, M., 'Security sector reform in the Western Balkans', *SIPRI Yearbook 2004* (note 7).

39. Interpol statistics, quoted in 'Intervention by Javier Solana at the London Conference on Organised Crime in South Eastern Europe', London, 25 Nov. 2002, <<http://ue.eu.int/pressdata/ENdiscours/73343.pdf>>.

40. See the IOM site at <<http://www.iom.int/>>.

sex trade, as many 200 000 are taken to or through the Balkans⁴¹. At the collective European level, the range of potential instruments is formidable. The EU operates assistance programmes and has structured agreements with most countries. Even if these measures were not primarily designed for or billed as security-building programmes, their effects can militate against the conditions which breed and spread terrorism in a number of ways: by promoting social and economic development, by drawing states into profitable international economic cooperation, by improving education, cultural standards and transparency, and in general by fostering and consolidating democracy and good governance.

The strongest operation of this kind in which the EU has engaged in recent years has undoubtedly been the pre-accession process. Enlargement has just brought 10 states, mostly post-Communist, into the EU and has managed to eliminate interstate conflicts between them and improve most of their internal security problems along the way. The prospect of EU membership is now acting as a powerful incentive for reform in the Western Balkans. The Stabilisation and Association Process (SAP), introduced by the EU for the Western Balkans in 1999⁴², was designed, more explicitly than any previous EU strategy, to bring security problems in the region under control and to pre-empt new conflict through a combination of material aid and political incentives – notably the prospect (albeit long-term) of eventual full EU membership. A strong security rationale can also be found in the EU's Barcelona Process, the latest embodiment of a long-standing Euro-Mediterranean dialogue with states in North Africa and the Middle East⁴³.

41. See Binder, D., 'Bosnia shunning European drive to halt trafficking in women', *International Herald Tribune* (Internet edn), 21 Oct. 2002, <<http://www.iht.com/articles/74297.html>>, citing the IOM.

42. The SAP offers the possibility for the 5 countries of the region (Albania, Bosnia and Herzegovina, Croatia, FYROM, and Serbia and Montenegro) to sign a new kind of agreement, i.e., a Stabilisation and Association Agreement with the EU, opening up concrete EU accession perspectives for the first time, as the EU did for Central and East European countries in 1998 with the launch of the enlargement process and the opening of accession negotiations. See European Commission, 'EU in Southeast Europe: the Stabilisation and Association Process', <http://www.eudelyug.org/en/eu_in_see/stabilisation.htm>.

43. On the Barcelona Process, or Euro-Mediterranean Partnership, see <http://europa.eu.int/comm/external_relations/euromed/>. The Euro-Mediterranean Partnership has since 1995 built up a solid and substantial set of cooperation activities, ranging from political dialogue, through trade liberalization, economic reform and infrastructure networks to culture, education and the movement of people. It is based on a

Certain capabilities developed in the framework of the ESDP since 1999 – especially in the areas of policing⁴⁴ – can help to develop local capacities. The first-ever EU crisis-management operation, the EU Police Mission (EUPM), was launched in Bosnia and Herzegovina in January 2003 with a mandate for three years and with the goal of establishing local police enforcement capacities. The EU Police Mission Proxima in the Former Yugoslav Republic of Macedonia (FYROM), with similar aims, but with an additional focus on efficient border management, was launched in December 2003⁴⁵.

III. Remaining challenges for the EU

The examples above show what has been achieved within the EU framework in the three years since the attacks of September 2001. New instruments have been developed – particularly in the area of internal security – and old instruments have been adapted and combined. The speed of the changes is especially noteworthy against a background where the EU, until recently, could not have been seen as a conscious security actor. The need to adapt has in itself been a driver of institutional change and development. Nonetheless, the response has been uneven. And, three years after 9/11, the balance sheet of effective action still leaves a full agenda for further work⁴⁶. A number of issues for the EU still need to be addressed.

One of these issues is the role which the ESDP might play in tackling terrorism more directly. A fundamental objective of the CFSP is ‘to strengthen the security of the Union in all ways’. For many years, however, there has been more ‘foreign’ than ‘security’ in CFSP. Engagement in crises was hampered by the absence of capabilities at the EU level, leaving Europe reliant on the United Nations, NATO or the

comprehensive approach to security and the principle that cooperation and co-ownership are the best way to promote reform and to deal with the root causes of the terrorist threat. It includes EU-financed activities to promote exchange of best practice and training to help the police and judicial authorities in the countries concerned in the fight against terrorism.

44. See Dwan, R. and Lachowski, Z., ‘The military and security dimensions of the European Union’, *SIPRI Yearbook 2003* (note 12), pp. 213–36.

45. The EUPOL Proxima mission was launched on 15 Dec. 2003, for an initial period of 12 months. See <<http://ue.eu.int/arym/pdf/concordia.pdf>>; and Dwan and Wiharta (note 7).

46. For a useful summary of the state of play see *Le Monde*, 11 september 2004 “L’état de la menace islamiste trois ans après le 11 septembre”.

USA for external security. Even in the foreign policy area, effectiveness was constrained by the shifting focus of rotating six-monthly presidencies, by an emphasis on declamation over action, and by the strong and often competing interests of member states. This has changed with the appointment of an EU High Representative for the CFSP, the progressive development of joint military and police capabilities for crisis management and the prospect in the yet to be ratified constitution of a foreign minister for Europe.

The initial stimulus for this development was the 1999 crisis in Kosovo, which created a determination to take a more active role in the challenges of post-conflict reconstruction that Europe faced in the region. This was followed by two years of essentially institutional and doctrinal development before the EU declared itself operational⁴⁷. In 2003, the EU launched police operations in Bosnia and Herzegovina and in FYROM, and undertook military missions in FYROM (EUFOR Concordia, March–December 2003) and in the DRC (Operation Artemis, June–September 2003). These military operations have so far been limited to the Petersberg tasks-humanitarian and rescue tasks; peacekeeping; and other tasks of combat forces in crisis management, including peace making. This mission definition is expressly included in Article 17 of the 1992 Treaty on European Union (Maastricht Treaty) and forms the limiting framework as well as the foundation of ESDP⁴⁸. The range of tasks involved in counter-terrorism was not foreseen when it was formulated. Consequently, when the June 2002 Seville European Council meeting examined the issue of ESDP and terrorism, it foresaw two avenues of work⁴⁹. First was the need to identify the military capabilities required to protect forces deployed in EU-led crisis-management operations against terrorist attacks. Second was the need to explore how military or civilian capabilities could be used to help protect civilian populations against the effects of terrorist action.

Even at the height of internal EU disagreement on Iraq, there was a growing convergence of views in the EU on the need for new thinking in the security and defence field on how best to tackle terrorism. At the Le Touquet Summit of February 2003, France and the UK agreed on the need for solidarity in the face of possible terrorist attacks.

47. 'The Future of the European Union: Laeken Declaration', 15 Dec. 2001, <http://europa.eu.int/futurum/documents/offtext/doc151201_en.htm>.

48. For the Maastricht Treaty see <<http://europa.eu.int/en/record/mt/top.html>>.

49. See Presidency Conclusions, Seville.

“Faced with the risks of all kinds, particularly from terrorism, France and the UK commit themselves as from today to mobilise all their available assets in order to provide help and assistance to the other country. We invite our Partners in the EU to join us in this commitment. We support the proposal to include in the Treaty a solidarity clause, in order to cope effectively with the threats we face together, making use of all the instruments and structures of the EU, both civilian and military”⁵⁰.

The draft Treaty on a Constitution for Europe includes a ‘solidarity clause’⁵¹, engaging member states to help each other against the consequences of possible terrorist attacks, and a provision for structured cooperation on defence matters. The European Security Strategy, approved in December 2003, also foresees a wider spectrum of ESDP missions, including support for third countries in combating terrorism. And it emphasises the need ‘to transform our militaries into more flexible, mobile forces and to enable them to address the new threats’⁵². The European Council has agreed to the establishment of a small military planning cell. All these decisions are not intended to encroach on the role which NATO is assuming in counter-terrorist actions, but they do ensure that ESDP will become a more serviceable instrument for addressing new security threats.

A second issue is threat assessment and intelligence cooperation. Following the September 2001 attacks, assessments were drawn up by EU member states’ embassies and Commission delegations in many capitals. The assessments covered the perceived terrorist threat to third countries and the ability and willingness of governments to enforce strict counter-terrorism measures. But, most intelligence cooperation between EU member states and with third countries takes place outside the framework of the EU institutions⁵³. Different perceptions of the threat from Iraq contributed to sharp differences of view among EU member states on military action, so there has been growing awareness that common approaches to difficult security-related issues have to be based

50. See ‘Declaration on Strengthening European Cooperation in Security and Defence’, Le Touquet, 4 Feb. 2003, <http://www.defense.gouv.fr/dga/fr/pdf/declaration_touquet.pdf>.

51. Article 42 of the Draft Constitutional Treaty for Europe (note 1).

52. European Council (note 8).

53. For a partial overview see Keohane D. and Townsend A., ‘A joined up EU security policy’, *CER Bulletin* (Centre for European Reform), no. 33 (Dec. 2003), <<http://www.cer.org.uk/articles/issue33.html>>.

on common threat assessments and improved information flows between member states to underpin strategic decisions at the EU level.

A third issue is coordination. The new threat of terrorism has clearly shown that the EU cannot pigeonhole the threats or categorise the challenges to its existence as a liberal democratic polity and a social market economy, according to its own decision-making structures. The terrorism threat cuts across internal and external security and across the competences of member states and the European Union. It impacts on policies ranging from security to trade, development, transport and justice. From the perspective of European integration, it might be deemed the threat that synthesizes. The EU deals with terrorism under all three of its institutional pillars. It has two working groups of national experts dealing with terrorism. The Terrorism Working Group (TWG) deals with internal security under the first and third pillars and the Counter-Terrorism Working Group (COTER) deals with external security in the framework of CFSP. While there are periodic joint meetings, interaction is limited. This reflects partly the coordination problems in many member states, but it remains a weakness within the EU'S own institutional structures. At the senior working level, the Political and Security Committee (known by its French acronym 'COPS') deals with CFSP and ESDP matters, while the Committee of Permanent Representatives (COREPER) has a broader remit and is the traditional filter and preparatory mechanism for decisions by foreign ministers and the European Council.

Like everything else in the European context, the challenge of integration is complex and operates at three different levels. The first challenge is to pull together elements of policy, funding and action within what is recognized as the span of the EU's external security related activity. The incompletely realised link between anti-terrorist strategy and the 'classic' instruments of ESDP is referred to above. Other developing elements of EU security policy offer similar overlaps and opportunities for synergy. One example is the EU's policy against the proliferation of weapons of mass destruction (WMD), which developed rapidly in 2003 through the adoption first of a set of guiding principles and an Action Plan, and then the Strategy against Proliferation of Weapons of Mass Destruction, adopted at the Brussels European Council in December⁵⁴, which led to the appointment in 2004 of a special advisor to Solana on

54. EU Strategy Against Proliferation of Weapons of Mass Destruction, Brussels, 12–13 Dec. 2003, <ue.eu.int/pressData/en/misc/78340.pdf>.

WMD, with a staff of a dozen secondees from national capitals. Measures are foreseen not only to combat proliferation between states but also to combat terrorists and other sub-state actors. These require laborious concertation of action and sources of funding (the Commission, the Council, the member states, the European Atomic Energy Community, and so on) and the integration of the WMD theme into a range of different EU external relationships and dialogues.

EU members have already recognized that a step-change in efficiency across the whole field of external action requires drastic institutional change, such as the draft EU Constitution's creation of a powerful EU 'Foreign Minister', double-hatted as Commissioner and supported by a single Foreign Ministry bringing together personnel and resources formerly split between the different EU organs⁵⁵. The appointment of a longer-term President of the European Council and changes in the system of EU collective representation abroad will also be important steps towards greater coherence. There is a great deal riding on the successful ratification of the Constitutional Treaty.

The second challenge is operationalising the link between internal and external security, a need stressed repeatedly in the European Security Strategy. Viewed through the prism of enlargement, what was once external action to promote stability and security is now internal action. The candidate countries were already participating before membership in stability building and other 'homeland security' programmes identical or similar to those in place for EU members. To a more limited but still significant extent, this is also true for cooperation with some other partners close to Europe which are preparing themselves for candidate country status. An example is the JHA programme, which forms part of the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) programme for the Balkans⁵⁶. Conversely, some security-related Community programmes that were developed primarily for use within the Union are increasingly being applied outside the EU, a prime example being civil protection.

The challenge of achieving full coordination and synergy in this field is complicated both by the institutional barriers remaining between external and internal agencies and activities – at the national level and in the EU 'pillars' – and by the problems of attitude and bureaucratic

55. See D. Spence "The External Service" in D. Spence (ed) *The European Commission*, Harper, 2005.

56. On the 2002–2006 CARDS programme see <http://europa.eu.it/comm/external_relations/see/docs/cards/sp_02_06.pdf>

culture. A further dimension is the proper concern of EU governments and citizens not to allow internal security measures, no matter how real the external threats that drive them, to encroach too far on individual liberties and civil rights or to create new suspicion and divisions in multi-ethnic societies.

A third challenge is to achieve coherence between EU activities related to external and internal security, and activities carried out in the 'first pillar' under the Commission's authority. The Commission has a clear but limited role in security matters within both CFSP and ESDP. It certainly has no direct role in military affairs. Yet, its actions contribute to the emergence and strengthening of EU security policy and have the potential to enhance the success of future operations. Examples are the efforts under way to improve and simplify the regulatory framework for the defence industry within the Union and its capability to compete on the world market, including through more standardisation. Some of the more significant shortfalls related to the ESDP military headline goal are directly related to a number of industrial and technological sectors, including aerospace and information technology, where there is no strict demarcation between civilian and military industries. On the more defensive side, it is the Commission within the framework of the Common Commercial Policy that represents the EU in international discussion on the strategic export controls which are now generally recognized to need strengthening, against both 'rogue states' and terrorists. Other first-pillar matters of obvious relevance are energy, international finance and infrastructure protection. In addition to these traditional roles, areas of Commission competence form the focus of security sector governance, technical assistance and overall development.

One more general issue is the need for greater interaction between governmental and non-governmental actors, whether these are non-governmental organizations (NGOs) in the field or companies in the private sector with their own risks and their own methods of risk assessment and risk management. This, in turn, will imply the sharing of information with partners hitherto outside the formal security loop. It will also imply greater coordination and therefore greater costs in human and financial resources. It will imply increased state reliance on private security provision, increased training and considerably enhanced public diplomacy to match the required degree of greater government involvement in the private lives of citizens. These are relatively uncharted waters for the EU, but September 2001 boosted both the consciousness of

urgency and the mechanisms of inter-sectoral cooperation and integration.

The European Commission action paper in response to the terrorist attacks on Madrid

Having described EU action until 2004, it is worth briefly outlining the Commission's proposals for the immediate future. The Commission proposes a register and database of persons, groups, entities providing full up-to-date information, including information on convictions. The Commission has now proposed a Council Decision aimed at broadening the exchanges of information on convictions for terrorist offences and cooperation between Member States, Europol and Eurojust. It has also proposed the establishment of a European Register on convictions and disqualifications for individuals and firms. Work is also underway in the Forum on Organised Crime Prevention for the establishment of a database of persons, groups and entities covered by restrictive measures for the fight against terrorism or under criminal proceedings for terrorist offences. This work is being undertaken in partnership with the private sector and in liaison with Europol. At the same time, the Commission has stressed that the freezing of funds or other financial assets and economic resources of individuals, groups and entities involved in terrorism is a key tool to combat terrorism. Several legal instruments were adopted in the wake of 9/11 under Title V of the TEU. These provide for the freezing of the funds and other financial assets or economic resources of persons, groups and entities involved in acts of terrorism. The lists of terrorist organisations/assets need to become operational and reactive on a "real time" basis. They urgently need to be streamlined and the Commission is proposing to assist Member States in the process. Allowing for modification of the lists under qualified majority voting is an option, as is the replacement of the present three lists by only two, one on suspected cases/threats, the other as a record of past terrorist activity. The latter would involve a court record and would cover not only decisions on the freezing of assets connected to terrorism but also all court decisions on terrorist behaviour in general.

The Commission is also advocating the establishment of a new coordination mechanism for the exchange of information – a clearing house mechanism – where law enforcement, judicial authorities and intelligence services meet to enhance mutual trust and exchange operational intelligence enabling each to perform its duty properly.

Europol and Eurojust would need to be fully involved, together with national intelligence and law enforcement networks. Priorities would cover recruitment to terrorist organisations, identification of sleeping cells, their financial powerbases in civil society and their external connections. The exchange of information among and between national authorities and at EU level clearly needs improvement. The EU needs a comprehensive methodology for the exchange of information, but the proposed new coordination mechanism is meant neither to be a European CIA nor merely a second pillar instrument. Terrorism is both an internal and an external security matter. The mechanism proposed would exchange information mostly within a third pillar umbrella, but existing Community, Union, international and national networks would benefit from enhanced dialogue among themselves.

There are also moves on detection, traceability and control of weapons accessible to terrorists such as explosives, detonators and radioactive sources including precursors. This means new and upgraded databases and full use of advanced technologies such as satellite enhanced (GALILEO) RFID (Radio Frequency Identification Device) tracking. Member States are being urged to strengthen the identification, control and interception of illegal trafficking in WMD materials. This should include Member States' support for international initiatives aimed at disrupting WMD networks, the interception of illegal WMD shipments and measures to enhance controls of WMD related material in the EU, including the transit and transshipment of sensitive materials. It also means the development of common policies related to criminal sanctions for illegal export, brokering and smuggling of such material.

Finally, in the field of Bio-terrorism, the Commission maintains that tackling bio-terrorism requires specific Health Security measures. Health and security communities are seemingly not communicating as they should and urgent action is needed to remedy this. The Commission argues that the EU and Member States should accelerate the implementation of a Health Security Strategy addressing in particular the adoption of a general EU Emergency Preparedness Plan, joint emergency planning and response exercises, an agreed risk incidence classification scale, and most crucially, ensuring the mutual availability of adequate stocks of medicines and vaccines. A European Centre for Disease Prevention and Control (ECDC) will be established in 2005 and will prioritise the coordination of efforts to improve surveillance, notification, response, assistance, communication and laboratory capacity on health security matters.

IV. Conclusions

European integration has been neither smooth nor steady. The inherent political difficulty of achieving new surrenders of competence to the centre and harmonisation of national practice means that moments of great crisis and popular emotion may offer the only chance to jump hurdles to progress. 9/11 may prove to have been one such moment. With the end of the cold war and the subsequent emergence of 'rogue states' and new and exacerbated forms of international terrorism, it is now widely recognized that security must be analysed and managed not only between states but also at the sub-national, regional and global levels. Similarly, the functional scope of what is included in 'security' has widened from the purely military to a broader political, economic, social and environmental coverage⁵⁷. The EU had arguably been developing as a 'post-modern' security system for some time before the 'post-modern' security philosophy was voiced⁵⁸. Some within the EU, including some within the European Commission, have followed these conceptual developments and have for some time recognized the EU's consequent potential⁵⁹. Since its inception, the EU has had a range of competence and applicable resources that are wider than those of almost any other organisation, capable of covering all the currently recognised dimensions of security and soon even collective military defence. Its intrusive regulatory character gives it unique possibilities to address sub-state dimensions of threat and mobilise sub-state actors for positive ends. Its border-free internal market both allows and forces it to find and exploit transnational remedies. Its tradition of common external negotiating positions allows it to make coherent, often influential collective inputs to global-level discussion of universal human challenges.

The September 2001 events brought home to the EU itself and to a range of external partners the need for cooperation in areas relating to the internal security of the Union. Some of these areas relate specifically to the security of citizens, while others relate to critical infrastructure

57. See, e.g., Krahmman E., *The Emergence of Security Governance in Post-Cold War Europe*, Economic and Social Research Council Working Paper 36/01 (University of Sussex, Sussex European Institute: Falmer, 2001), <<http://www.one-europe.ac.uk/pdf/w36krahmann.pdf>>, p. 13.

58. See, e.g., Cooper R., *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (Atlantic Books: London, 2003).

59. See Commission Report to the Ghent European Council, 19 Oct. 2001, <<http://europa.eu.int/news/110901/emu.htm>>.

protection (CIP) and the environment. Still others are important for security in terms of their effects on economic life and prosperity: such widely diverse policy areas as development cooperation or the stabilising effects of Economic and Monetary Union (EMU) and the single European currency have far-reaching relevance for overall security. How far the European Union itself will succeed in mobilising this dauntingly wide range of possibilities and resources – or even in keeping track and control of the narrower range of instruments directed against terrorism as such – remains an open question.

But it is certainly the case that the EU response to international terrorism since 2001 has brought a new realism to EU foreign policy making. Under pressure from a very present threat and from the US responses to it, the EU has had to grapple with the profound link between domestic and international security and with the need to develop new capabilities and new modes of cooperation. The threat of international terrorism and ‘hyper-terrorism’⁶⁰ has underlined the impotence of the EU’s legalistic approach to policy making, with its undue concentration on separating the three pillars of policy making produced by the Maastricht Treaty. This is increasingly acknowledged – in the European Security Strategy, in the provisions of the draft Treaty establishing a Constitution for Europe and in the wide acceptance of the importance of solidarity as a guiding principle in security matters. Despite moves to the contrary, the EU still remains hamstrung by its own internal procedures. But, the simple yet deceptive premise that internal and external security are somehow separable has now been exposed and the EU’s potential for rising above its internal incoherence is greater than ever before.

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60. Heisbourg, F., Fondation pour la Recherche Stratégique, *Hyperterrorisme: La Nouvelle Guerre* (Odile Jacob: Paris, 2003).