

# **The Collective Securitization of Terrorism in the European Union**

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## **Abstract**

This article explores the significant growth in European Union (EU) cooperation on counter-terrorism in the last few years, by drawing upon the concept of ‘collective securitization’. The analysis highlights how 9/11 was a precipitating event, which led some EU leaders to call for the governments of the EU Member States to agree on developing an EU counter-terrorism policy and step up counter-terrorism cooperation with the United States (US). Various counter-terrorism legislative instruments have been adopted, such as that defining terrorist acts, some of which have had a significant impact on national counter-terrorism policies. 9/11 was therefore used by some actors to convince the EU Member States that they all faced one collective terrorist threat, embodied at the time by al Qaeda, rather than each of them facing a distinctive threat as had been hitherto a common view across Europe. This was a crucial moment as it paved the way for the development of a common EU counter-terrorism policy for the first time. The subsequent, growing institutionalisation of this cooperation, in particular through the establishment of the post of CTC and the creation of the ECTC within Europol, has significantly contributed to the routinisation of counter-terrorism practices in the EU.

## **Keywords**

Securitization; European Union; terrorism; counter-terrorism

## **Introduction**

A month after the terrorist attacks in Brussels in March 2016, a debate on existing tools and possible future measures to combat terrorism took place in the European Parliament and notably featured interventions by Commission President Jean-Claude Juncker and the Dutch Minister of Defence Jeanine Hennis-Plaesschaert who represented the Council presidency. A few months earlier, Europol, the European Union (EU)'s law enforcement agency, had launched the European Counter Terrorism Centre (ECTC) as a hub of expertise and an operational centre aiming to strengthen the EU's response to the threat of terrorism. A year later, the EU adopted Directive (EU) 2017/541 on combating terrorism, which further approximated the definition of terrorist offences in all EU Member States, in particular in relation to foreign terrorist fighters and terrorist financing. Nowadays, any significant terrorist attack in Europe tends to lead to questions about possible failures of the EU and calls for strengthened counter-terrorism cooperation amongst Member States. This strongly suggests that, although some remain sceptical about the effectiveness of its policies (Bures 2011), the EU has acquired an increasingly significant role in the efforts to combat terrorism across Europe.

This was not always the case. For years, several European countries, including Spain, Italy, the United Kingdom and West Germany, tackled the terrorist threat each of them was facing largely on their own. The general perception was that each state was faced with a distinct threat, namely ETA ('Basque Fatherland and Liberty') in Spain, the Red Brigades in Italy, the Irish Republican Army in the UK, and the Red Army Faction in Germany (Chalk 1996). Cooperation amongst

European states remained extremely limited. Some European governments even accused others of actually enabling the growth of terrorism. For example, as explained by Heiberg (2007: 42), after 1982,

to the intense irritation of the Spanish socialists, the French government insisted on continuing its policy of offering ETA a safe haven in southern France, viewing the militants as freedom fighters and political refugees. This safe haven offered ETA the opportunity to train its recruits, plan its operations, headquarter its leadership, and maintain its weapon supplies. After operations in Spain ETA militants would withdraw to the impunity of France.

Thus, compared to the lack of shared perception of the terrorist threat and the virtual absence of counter-terrorism cooperation amongst European states in the 1970s and 1980s, the existence of EU-wide debates, legislative instruments and practical cooperation nowadays is particularly remarkable. This article explores this change and seeks to explain it by drawing upon the concept of ‘collective securitization’, which is at the heart of this collection of articles. For that purpose, this article is structured as follows. First of all, it outlines an analytical framework for analysing collective securitization. It then moves on to analysing the collective construction of terrorism as a threat within the EU using the six-stage framework developed in the introduction to this special issue, before offering some conclusions.

### **An analytical framework for analysing collective securitization**

The concept of ‘securitization’ was initially developed by Ole Wæver to make a major contribution to the so-called ‘widening-deepening’ debate in security studies, which had begun in the 1980s and intensified with the end of the Cold War. The ‘widening’ dimension was

defined as the extension of security to issues or sectors other than the military, such as the environment or the economy, whereas the ‘deepening’ dimension addressed the question of whether entities other than the state, such as society or individual human beings, should be able to claim security threats (Krause and Williams 1996: 230). Together with the concept of ‘security sectors’ previously developed by Buzan (1991), ‘securitization’ is at the heart of a new theoretical framework that, according to Wæver and Buzan, enables researchers to simultaneously widen and deepen the concept of security without rendering it too broad or meaningless. The key idea underpinning the securitization framework is that security is not about objective threats that ‘really’ exist out there. Rather, still for Wæver and Buzan, it is about ‘the processes of constructing a shared understanding of what is to be considered and collectively responded to as a threat’ (Buzan et al. 1998: 26). More precisely,

[security] is about survival. It is when an issue is presented as posing an existential threat to a designated referent object (traditionally, but not necessarily, the state, incorporating government, territory, and society). The special nature of security threats justifies the use of extraordinary measures to handle them (Buzan et al. 1998: 21).

In other words, according to Buzan and Wæver (also known as the ‘Copenhagen School’), security is a ‘speech act’ (Buzan et al. 1998: 26) (see also Wæver 1995: 54-55; Roe 2008: 617; Stritzel 2007: 358; Balzacq 2005: 174-179). It is an intersubjective and socially constructed phenomenon. Key concepts in the securitization framework are the ‘securitizing actor’, who socially constructs a specific issue as a threat to the survival of a given entity, known as the ‘referent object’, which therefore requires urgent protection through the use of extraordinary

measures. Another important concept is that of the ‘audience’. According to the Copenhagen School, ‘[a] discourse that takes the form of presenting something as an existential threat to a referent object does not by itself create securitization – this is a *securitizing move*, but the issue is securitized only if and when the audience accepts it as such’ (Buzan et al. 1998: 25). To sum up, securitization is understood as a process whereby a given actor frames a specific issue as an ‘existential threat’, which is then presented to a target audience for approval in order to employ extraordinary means and measures to tackle it (Léonard and Kaunert 2011: 57).

In its original formulation by the Copenhagen School and in subsequent studies by other scholars, securitization theory has overwhelmingly been applied to states, as well as nations to a lesser extent. According to Buzan and Wæver (2009: 255), ‘the middle-scale “limited collectivities” have proved the most amenable to securitisation as durable referent objects [because] such limited collectivities (states, nations, and as anticipated by Huntington, civilisations) engage in self-reinforcing rivalries with other limited collectivities and that such interaction strengthens their we-feeling’. This in turn facilitates securitization. In contrast, collectivities at the system level lack the mass identity that is necessary for securitization to take place (Buzan and Wæver 2009: 255). In other words, the level of analysis in the study of securitization processes has generally been the middle level of world politics, with a specific focus on states. This is not to say that the work of the Copenhagen School has exclusively focused on states. This can notably be illustrated by their other concept of ‘security constellation’, which ‘[links] across all of the levels and sectors in which securitisations occur’, and that of ‘macrosecuritization’, which concerns ‘referent objects higher than those at the middle level’ and ‘[aims] to incorporate and coordinate multiple lower level securitisations’

(Buzan and Wæver 2009: 257), as seen during the Cold War. In addition, some of Wæver and Buzan's writings also went beyond the national level to focus on regions, in particular their development of Regional Security Complex Theory. This was underpinned by the concept of 'regional security complex', which they defined as 'a set of units whose major processes of securitization and de-securitization or both are so interlinked that their security problems cannot reasonably be analyzed or resolved apart from one another' (Buzan et al. 1998: 201; Buzan and Wæver 2003).

However, what is striking is that, even when Buzan and Wæver considered regions or the level above that of world politics, their work remained firmly focused on states, their patterns of amity and enmity, as well as the distribution of power amongst them and the role of global powers (Buzan et al. 1998; Buzan and Wæver 2003; Buzan and Wæver 2009). In particular, they did not consider how securitization processes may take place within regional arrangements. The first scholars to address this gap in the literature were Haacke and Williams (2008). They coined the concept of 'collective securitization', which they defined as 'securitization within a regional arrangement as involving one or more securitizing actors within that arrangement identifying a particular development or issue as an existential threat to a security referent, making relevant validity claims, and finding a receptive audience among other regional actors' (Haacke and Williams 2008: 785). They also noted that one could expect securitizing moves within a regional arrangement to entail claims that a specific development 'constituted a threat either to regional security or to the respective national security of participants, and required a collective response' (Haacke and Williams 2008: 785). Nevertheless, as highlighted by Sperling and Webber (2016: 29), Haacke and Williams's approach '[assumed] that a state [would] initiate a securitising move

that [would] then be generalised within a regional arrangement or organisation'. They did not consider cases where a regional organisation itself could initiate a securitizing move. This is to a significant extent linked to their case selection, as they focused on the cases of the African Union (AU) and the Association of Southeast Asian Nations (ASEAN). Those may indeed be considered 'the primary multilateral arrangements in their respective region' (Haacke and Williams 2008: 777). However, compared to a regional organisation like the EU, the AU and ASEAN are characterised by a considerably lower degree of integration when it comes to the institutional set-up, the decision-making processes, the degree of legal integration, and the extent of political integration, amongst others. In contrast, Sperling and Webber have argued that the role of regional security organisations should not necessarily be reduced to that of a site for bargaining amongst their Member States. In their view, a regional security organisation can also be an agent of collective securitization, especially 'when an international organisation is possessed of legal and political authority, has agenda-setting powers, is the framework for formulating and implementing common policies, and is the repository of a common security narrative' (Sperling and Webber 2016: 29).

In order to study this process of collective securitization, Sperling and Webber have outlined a six-stage model in the introduction to this special issue, which comprises (1) the *status quo* security discourse and policies; (2) a single precipitating event or a cascade of events; (3) the securitizing move; (4) the response of the audience; (5) the formulation and execution of policies to address the securitized threat; and (6) routinization and the emergence of a new *status quo*. It is important to underline at this stage that, building upon Floyd's (2016) work and in contrast to some of the literature on securitization, they consider that the policies enacted after the

securitizing move need not have emergency characteristics for a securitization process to be successful (Sperling and Webber in this issue). What matters is that a given policy development is justified by the existence of the threat that has been highlighted in the securitizing move (see Floyd 2016: 679).

### **The collective securitization of terrorism in the EU**

This section applies the six-stage model of collective securitization developed by Sperling and Webber (in this issue) to the case of terrorism in the EU. However, it only contains five sections as stage three (the securitizing move) and stage four (the audience response) are combined into one single section given their co-dependence. This is because, as noted by Sperling and Webber themselves (in this issue), although it might be analytically possible to distinguish the securitizing move from the audience response, the two stages ‘are co-dependent through the process of recursive interaction’. In addition, this blurring of the boundaries between actor and audience is particularly pronounced in the case of the EU because it combines both supranational and inter-governmental features.

#### (1) *Status quo* security discourse and policies

Although one may consider that there have been various terrorist events affecting European countries throughout history, it is generally agreed that modern terrorism in Europe can be traced back to the 1970s (Bossong 2013: 25). Several European states saw attacks committed by various ethnonationalist-separatist groups, including ETA in Spain and the IRA in the United Kingdom. Others were hit by left-wing terrorist groups, such as the Red Brigades in Italy and the Red Army Faction in West Germany. In addition, various Middle Eastern groups, including

Black September, committed terrorist attacks in Europe in an attempt to influence the foreign policies of Western European states (Bossong 2013: 25).

However, these terrorist attacks did not lead to the collective securitization of terrorism within the predecessor of the EU, the European Economic Community. Each state confronted by a terrorist threat tended to consider it a domestic issue that had to be dealt with 'at home'. Terrorism was not collectively securitized in Europe and counter-terrorism cooperation was therefore severely limited. This was due to several reasons (Chalk 1996). The first was the lack of a shared perception of terrorism as a significant threat. Although some European states were hit by terrorist attacks, others were not, which also meant that the latter did not see any need for counter-terrorism cooperation. The second factor was the existence of differences amongst the various terrorist threats affecting European states. Those were not under attack from the same terrorist groups. In some cases, they were not even facing the same type of terrorist threat. For example, the UK was mainly preoccupied by the IRA, whereas Spain's counter-terrorism efforts focused on ETA. Other European countries were also hit by terrorist groups, but those were not ethnonationalist-separatist in nature, but rather inspired by a violent left-wing ideology. Examples in that respect include the Red Brigades in Italy and the Red Army Faction in West Germany. A third factor explaining the initial lack of collective securitization of terrorism in Europe was the persistence of concerns for national sovereignty, which went hand in hand with the existence of different historical, political and legal traditions amongst various European states. For example, the French authorities were willing to openly negotiate with terrorists and accommodate their demands, which stood in stark contrast to the approach favoured by other

governments, such as the British government. Such differences made cooperation across Europe more difficult for a long time.

Nevertheless, the terrorist attacks that took place in the 1970s, in particular the 1972 Munich Massacre during the Summer Olympics, led to the start of some limited cooperation on counter-terrorism amongst European states. First of all, counter-terrorism officers began to develop bilateral contacts, which led to a growth in mutual trust (Chalk 1996: 121-122). In addition, some first attempts at multilateral counter-terrorism cooperation took place, but outside the framework of the EU's predecessor, the European Economic Community, since it did not possess any competence in the field of counter-terrorism or even security more broadly. In particular, one can identify five venues in which European states began to cooperate on counter-terrorism from the 1970s onwards. First of all, European states started coordinating their counter-terrorism strategies within Interpol. This organisation has a global membership, but has developed a regional infrastructure to specifically address European challenges, including a European regional assembly, a European committee and a European bureau (Chalk 1996: 125). Secondly, counter-terrorism cooperation also developed within the framework of the Council of Europe, where the European Convention on the Suppression of Terrorism, which entered into force in 1978, was drawn up. It mainly aimed to facilitate the extradition of persons having committed acts of terrorism by attempting to limit the use of the 'political offence' exception, which had hitherto been a major obstacle to the extradition of terrorists. However, it was not ratified by several of its early signatories, including Belgium, France, Greece, and Italy for a considerable number of years, which limited its impact in practice (Bossong 2013: 26). Thirdly, some counter-terrorism cooperation at the practical level also developed amongst European states within the

TREVI group, which was an intergovernmental forum independent from the European Economic Community (EEC), from the mid-seventies onwards (Argomaniz 2009: 152-153). In particular, two operational working groups dealing with terrorism matters were established. WG1 focused on information exchange and mutual assistance regarding terrorist activities, whereas the remit of WG2 was mainly training matters and the exchange of technical and scientific information to facilitate the fight against terrorism. Although the achievements of TREVI cooperation were rather modest in practice, the existence of this group helped develop trust amongst individual police and intelligence officers across the EEC. Fourthly, the Police Working Group on Terrorism (PWGOT) was a semi-permanent working group independent from TREVI, which promoted closer working relationships amongst police officers across Europe (in contrast with TREVI, which was a ministry-level initiative). Fifthly, counter-terrorism was also part of the nascent Schengen cooperation amongst some states of the EEC/European Community (EC). This is because terrorism was identified as one of the illicit activities that might benefit from the lifting of the internal border controls within the Schengen zone, which therefore called for it to be addressed by Schengen compensatory measures. Although Schengen cooperation did not specifically focus on counter-terrorism, it contributed to the development of counter-terrorism cooperation amongst EC Member States by facilitating cross-border law enforcement and police cooperation (Chalk 1996: 127).

Nevertheless, the overall picture is that counter-terrorism cooperation amongst European states remained severely limited for a long time, actually up to 9/11, as will be explained in the next section. One can identify three main explanations for this lack of progress, namely the intergovernmental nature of the counter-terrorism cooperation attempts, the lack of a common

perception of the terrorist threat and the concomitant lack of a shared definition of terrorism, as well as the wide range of institutional venues, both inside and outside the EEC/EC, in which Western European States had begun to cooperate in a somewhat haphazard manner in the 1970s (den Boer 2000).

## (2) Precipitating event

According to Sperling and Webber (in this issue), the second stage of a process of collective securitization is made of ‘a single precipitating event or a set of cascading events of gravity sufficient to disrupt this *status quo* and prompt a perception by the securitizing actor (and its audience) that the qualitative character of the internal or external security environment has worsened’. In the case of the collective securitization of terrorism in the EU, one can identify a single precipitating event, namely the terrorist attacks on 11 September 2001 (or ‘9/11’). On that day, in the United States (US), four airplanes were hijacked by 19 terrorists associated with al Qaeda. Two aircrafts were flown into the Twin Towers of the World Trade Centre in New York City, whilst the third plane hit the Pentagon and the fourth one crashed in a field in Pennsylvania. In total, almost 3,000 people lost their life in these terrorist attacks. With reference to the collective securitization framework, the terrorist attacks on 11 September 2001 were very serious due to their large scale, the high number of victims, as well as the original *modus operandi* of the attackers, which made them unique. Another key factor was the fact that these attacks received extensive media coverage, including the live broadcast of the plane slamming into the second of the Twin Towers and the subsequent collapse of those, and were watched by millions of people around the world (Gonçalves 2016: 1). These terrorist attacks also disrupted the *status quo* in the field of counter-terrorism by confirming what a growing number of experts had been claiming in

recent years, namely that the character of the terrorist threat was changing. In 1999, Laqueur (1999) had argued in *The New Terrorism* that the nature of terrorism was evolving as it was moving away from the calculated use of violence for political gains towards fanaticism and the pursuit of catastrophic destruction. Other experts had warned against the threat of what had been variously described as ‘super-terrorism’, ‘mega-terrorism’ or ‘hyper-terrorism’ in order to denote that the world was now facing a new type of terrorist threat, which was thought to be more lethal, more dangerous and less predictable than it had ever been before (Neumann 2009: 3). In other words, the terrorist attacks on 11 September 2001 reinforced the growing perception that Western governments now faced a new terrorist threat, namely that of Islamist terrorism, which was seen as being far more concerning than the threat that had been posed by left-wing or ethno-nationalist terrorist groups in some European countries. Even in the European states that continued to experience terrorist acts by ethno-nationalist groups, such as France and Spain, the threat of Islamist terrorism was perceived to be more serious because of its above-mentioned characteristics.

Thus, this article argues that 9/11 was a single precipitating event for the collective securitization of terrorism in the EU. As demonstrated in greater detail in the upcoming sections, the terrorist attacks on 11 September 2001 were so grave and unique in character that they were sufficient on their own for the collective securitization of terrorism to take place in the EU in their aftermath. This is not to say that the numerous Islamist terrorist attacks that happened later in Europe, including in Madrid, London, Paris, Brussels and Nice, did not have any impact on the EU counter-terrorism policy, for they certainly did. However, from an analytical viewpoint, they can be seen as belonging to the final stage of the collective securitization framework, which concerns

routinization and the emergence of a new *status quo*, rather than playing a role in the initial collective securitization process.

### (3) The securitizing moves and the response of the audience

Very shortly after the terrorist attacks on 11 September 2001, President Bush made a key speech, which some called the ‘act of war speech’, which constituted a platform for the emerging norm to join the ‘war on terrorism’ (BBC News 2001a). In his speech, he declared the following: ‘The deliberate and deadly attacks, which were carried out yesterday against our country, were more than acts of terror. They were acts of war.’ [...] ‘This enemy attacked not just our people but all freedom-loving people everywhere in the world.’ [...] ‘We will rally the world.’ [...] ‘This will be a monumental struggle of good versus evil, but good will prevail.’ These statements show that the US Administration considered these acts to be acts of war, even though, conventionally, they would have been defined as terrorist attacks. However, the definitions and norms were about to change. The acts were perceived as an act of war, against which the US needed to take necessary military action. Also, the US needed other countries to join in the ‘fight against terrorism’ in order to legitimate the war and to combat the terrorists.

One should note the enormous pressure for other countries to adopt this norm. Bush defined appropriate action in terms of fighting in the ‘war against terrorism’ and made an even stronger case by distinguishing between ‘good and evil’. Since nobody would want to be associated with ‘evil’, it was imperative to join the war in order to count as a ‘force of good’. Later, Bush (BBC News 2001a) enforced this emerging norm by stating that ‘you are either for us or against us’. In this presentation, there was no grey area. The countries supporting terrorism would later be

called the 'axis of evil'. It was therefore appropriate and even imperative to support the US, in whichever way needed. NATO ambassadors also invoked the mutual defence clause in the organisation's founding treaty for the first time ever in its history (NATO 2001), even though the organisation was to be largely side-lined throughout the military campaign against Afghanistan.

After NATO, the international community decided to join in, and it would have been considered inappropriate to oppose this, or even to just be lukewarm about it. The United Nations Secretary, Kofi Annan, said that the international organisation's host country and its host city had just been subjected to a terrorist attack of a kind one hardly dared imagine 'even in our worst nightmares' (United Nations 2001). He also asserted the fact that the UN Assembly had continuously condemned terrorism on numerous occasions and had called on all states to adopt measures to prevent it and strengthen international co-operation against it. 'All nations of the world must be united in their solidarity with the victims of terrorism, and in their determination to take action - both against the terrorists themselves and against all those who give them any kind of shelter, assistance or encouragement' (ibid). The importance of these statements becomes apparent when one considers the speed and timeframe in which they were made. In the space of one day, almost the entire world had already rallied behind the US. Even more importantly, there was a widely shared view that there was an obligation for the international community to join the 'war on terror' as these terrorist attacks had been attacks on the 'civilized world'.

Several European political leaders also reacted shortly after the terrorist attacks against the US and rallied behind President Bush and his Administration. In addition to extending their sympathy to American citizens, they also securitized terrorism, notably by presenting it as an act

of war. For example, German Chancellor Gerhard Schröder described the attacks as ‘a declaration of war against the entire civilized world’, whilst EU External Relations Commissioner Chris Patten called 9/11 ‘an act of war by madmen’ (Bossong 2013: 39). The German Chancellor also called on European nations to band together within the framework of the EU to combat global terrorism: ‘Only if we put in place common policing and judicial resources can we ensure that there will be no hideouts for terrorists and other criminals in the European Union’ [...] ‘We are ready to make Europe into an international player with global influence’ (BBC News 2001b). What is particularly noticeable here is that the referent object in the securitizing discourse of these European leaders was not Europe or the European Union. This is understandable since, although some of the perpetrators had links to Europe, the terrorist attacks on 11 September 2001 did not target Europe, nor was there any specific threat made by al Qaeda against European states. Rather, the referent object was broader and encompassed ‘the civilized world’, of which the US and European states are part. The securitization of terrorism also played an agenda-setting role. This was notably evidenced by Jacques Chirac’s statement in New York on 19 September 2001 – in the context of a meeting with President Bush – that ‘the fight against terrorism had evidently become an absolute priority in today’s world’.

#### (4) Formulation and execution of policies

The EU rapidly moved beyond statements of sympathy and solidarity with the US to discussing the development of an EU counter-terrorism policy. As early as 12 September 2001, the Council requested the Presidency, the High Representative for the Common Foreign and Security Policy and the Commission to submit, as soon as possible, a ‘report on *concrete measures*’ that may be recommended to ‘[increase] the capacity of the European Union to effectively fight, together

with the United States and other partners, international terrorism’ (Council of the European Union 2001: 4; italics added). On 14 September, in a Joint Declaration issued by the Heads of State and Government of the European Union, the President of the European Parliament, the President of the European Commission, and the High Representative for the Common Foreign and Security Policy, the EU emphasised two specific policy objectives in the fight against terrorism, namely ‘[strengthening the] intelligence efforts against terrorism’ and ‘[accelerating] the implementation of a genuine European judicial area, which will entail, among other things, the creation of a European warrant for arrest and extradition, in accordance with the Tampere conclusions, and the mutual recognition of legal decisions and verdicts’ (European Union 2001: 2).

The Justice and Home Affairs (JHA) Council met on 20 September 2001, agreeing on a package of measures to combat terrorism. Those were endorsed by an extraordinary European Council meeting on the next day. At the extraordinary Council Meeting on 21 September 2001, the European Council launched an ambitious ‘Action Plan to Combat Terrorism’. Its cornerstones were ‘close cooperation between all the Member States of the EU’ and the adoption of a ‘coordinated and interdisciplinary approach embracing all Union’s policies’ (European Council: 2001). The European Council called for the use of all the tools at the EU’s disposal, amongst which are legislative and operational, repressive and preventive, internal and external measures. This made the European collective response as comprehensive as possible and essentially multidimensional.

It was now quite clear that the EU would take part in the ‘war on terror’, although the exact modalities of this engagement still had to be established. In speaking to the European Parliament, the Commissioner responsible for the Area of Freedom, Security and Justice (formerly better known as Justice and Home Affairs), Antonio Vitorino, declared the following (Financial Times 2001): ‘Terrorist acts are committed by international groups with bases in several countries, exploiting loopholes in the law created by the geographical limits on investigators and often enjoying substantial financial and logistical resources. Terrorists take advantage of differences in legal treatment between States, in particular where the offence is not treated as such by national law, and that is where we have to begin.’ Thus, Vitorino highlighted the crucial character of legal harmonisation to tackle terrorism. In his view, anyone opposing such measures behaved out of line, inappropriately, and effectively supported terrorism indirectly by not closing the legal loopholes.

In the case of the European Arrest Warrant (EAW), the Commission followed this rhetoric up politically with a very timely proposal (Kaunert 2007, 2010a, 2010b, 2010c). This proposal for the policy had already been under preparation for about two years before it was launched. Vitorino initially intended to launch it under the Spanish Presidency in the first half of 2002 due to Spain’s strong support of the issue in order to solve its own problems with the ETA terrorists. Yet, with the emerging norm of the ‘war on terror’, it became apparent that fast action was required. Ministers in the AFSJ would be under intense pressure to behave appropriately and settle their differences rapidly. Vitorino remarked: ‘If we do not get agreement, and it should be a substantial agreement to cope with the global threat, it will be difficult to explain to the public why we failed.’ (Financial Times 2001) Therefore, the European Commission’s strategy was for

the EAW to be presented as a counter-terrorism measure and to be amalgamated with other such measures, such as the Framework Decision on the Definition on Terrorism (Kaunert 2007, 2010c).

The EAW is exemplary for the scope of integration achieved in EU counter-terrorism after 9/11, as it abolishes extradition amongst EU Member States. Vogel emphasises the importance of the introduction of the principle of mutual recognition in the EAW to be a 'revolution in extradition law' (Vogel 2001: 937). Until the adoption of the EAW, extradition between EU Member States was based on several different intergovernmental measures based on international law (Peers 2001). The EAW does not create international law, but rather transnational or 'European' law (Wagner 2003b). It replaces all previous international legal instruments amongst the different Member States with an EU legal instrument. In effect, this is a European extradition law and revolutionary in many ways. For example, it abolishes the term 'extradition' and replaces it with the term 'surrender' (Douglas-Scott 2004). The legal effect of this measure is subject to the jurisdiction of the European Court of Justice (Peers 2001) if Member States sign a declaration approving this. The EAW abolishes the principle of double criminality for serious offences (Douglas-Scott 2004), so an EAW may not be contested on the basis that it is for an activity not criminalised in a surrendering Member State. In addition, the EAW applies to 32 different categories of crimes, thus, virtually all crimes, with the exception of petty crimes.

In addition to the EAW, a key legislative development in EU counter-terrorism cooperation was the adoption of the Framework Decision on Combating Terrorism. Effectively, this is the first time that a common definition of what constitutes terrorism has been agreed at the supranational

level. This is particularly remarkable given that a number of Member States did not even have a legal definition of terrorism (Douglas-Scott 2004). The EU's Framework Decision on Combating Terrorism, agreed politically in December 2001, firstly defines what is meant by terrorist acts in three parts: (1) the context of an action; (2) the aim of the action; and (3) the specific acts being committed. Terrorist acts 'must be intentional acts [...] which given their nature or context, may serve to damage a country or an international organisation. These acts must be committed with the aim of either seriously intimidating a population or unduly compelling a Government or international organisation to act or fail to act, or seriously destabilizing or destroying the fundamental political, constitutional economic or social structures of a country or international organisation' (Bures 2006: 68). In addition, a list defines eight specific acts. The definition also covers behaviours which may contribute to terrorist acts in third countries. The Framework Decision on Combating Terrorism thus ensures that terrorist offences are punished by heavier sentences than common criminal offences would have been in all EU Member States. Furthermore, it approximates the level of sanctions amongst Member States according to the principle that sentences have to be both proportional and dissuasive. Member States are legally responsible to act in cases of terrorist incidents that take place on their own territory or are committed against their own people. Thus, this Framework Decision was also favourable for EU-US cooperation in the fight against terrorism as this terrorism is now recognised as a criminal offence on both sides of the Atlantic.

Thus, the terrorist attacks on 11 September 2001 became a normative defining point – for European integration and for the Commission's role in this process. The European Commission played a significant role in leading the EU into this emerging 'war on terror'. It managed to

construct an important role for the EU in this policy area by being a ‘strategic first mover’ in order to shape the debate, as indicated above. It also allied with the US to put pressure on reluctant Member States. However, the European Commission had to use a ‘carrot and stick’ approach in its relations with the US, symbolised by the fact that the former US Homeland Security Secretary Thomas Ridge stated that his greatest regret was to have not worked more closely with the EU from the start (Lebl 2006: 125). The European Commission managed to contribute to the construction of a role for the EU into the ‘war on terror’, and thereby rhetorically and practically ‘securitized terrorism’. Furthermore, it used security reasons to move the negotiations faster, in order to secure the adoption of the EAW and an increase in EU-US cooperation. This underlines the argument that securitizing actors use securitization as a political strategy and have clearly defined political objectives.

However, it is important to underline that these important policy developments at the EU level were not immediately followed by changes at the domestic level. As argued by Argomaniz (2009: 157), ‘[the] reality [...] is that the implementation record during this period [was] poor’. This became particularly evident in the wake of the terrorist attacks in Madrid in March 2004. On that occasion, the European Council (2004: 3) adopted a ‘Declaration on Combating Terrorism’, which notably emphasised that ‘[the effective combating of terrorism requires that measures adopted by the Council be effectively and comprehensively implemented by Member States’. The Declaration listed six key legislative measures that had to be adopted by all Member States by June 2004. Even then, as argued by Monar (2005: 142), ‘nine Member States had, by [December 2004], still not fully implemented the framework decision on combating terrorism. In addition, nine (partly different) EU countries had not implemented the legislation on joint

investigation teams and one Member State (Italy) had still parliamentary ratification problems with the European arrest warrant’.

(5) The routinization of EU counter-terrorism cooperation and the emergence of a new *status quo*

After this intense phase of collectivisation of the terrorist threat in the EU, a period of relative inertia followed until the terrorist attacks against Madrid in March 2004. This is actually a pattern that has tended to repeat itself over the years (Argomaniz 2009, 2010). Terrorist attacks tend to lead to a spike in the number of EU counter-terrorism policy initiatives, which is then followed by a period of deceleration until a new terrorist attack pushes terrorism to the top of the policy agenda again. In so doing, the new terrorist attack sheds light on the remaining challenges and possible problems of implementation, which may then be addressed by new initiatives. For that reason, the implementation of EU measures at the domestic level often lags one terrorist attack behind. Nevertheless, despite what some may perceive as the slow development of the EU counter-terrorism policy (Argomaniz 2011, Bures 2011), policy developments clearly point towards the gradual strengthening of the EU’s role in counter-terrorism governance in Europe. Institutional innovations reinforce and solidify this trend, as explained in the remainder of this section.

There were a number of other significant EU counter-terrorism measures that were subsequently developed, often initiated by the Commission, such as the EU-US Container Security Initiative (CSI) in 2004, which was negotiated to ensure greater protection for containers being transported from Europe (and a number of other important ports around the world) to the US (MacKenzie 2012). Furthermore, the European Commission negotiated the first EU-US PNR agreement in

2003-2004 on the basis that data was dealt with under the first pillar, but the European Court of Justice (ECJ) ruled this to be an incorrect legal basis and invalidated the agreement, thereby pushing the responsibility to negotiate the next agreement to the Member States on the basis of the second and third pillars. The Commission helped use the momentum of these negotiations to later push for an EU-PNR. A greater role for the European Commission did not really emerge until 2009, when the Treaty of Lisbon came into force (Kaunert 2010c). Through this treaty, the Commission gained greater powers to negotiate agreements with third states and from then on was able to negotiate agreements in the former third pillar, starting with the re-negotiation of the SWIFT agreement between February and July 2010 after its rejection by the European Parliament in February of that year (Servent and MacKenzie 2012). Further agreements that have been negotiated by the European Commission include the EU's PNR agreements with the US (2012), Australia (2012), and Canada (2014). What we therefore have seen is a gradual expansion of the Commission's powers over the past decade, which has enabled it to play a more significant role in counter-terrorism.

This section also looks in greater detail at the role of an under-estimated body – the office of the EU Counter-Terrorism Coordinator. In 2004, following the Madrid bombings, the EU decided to appoint a Counterterrorism Coordinator (CTC), with the first incumbent being Gijs de Vries. This was no easy position given that the EU is an organisation of twenty-eight member states, all of which have had different experiences with terrorism, making it inevitable that some Member States will be more concerned about terrorism than others (Bures 2011, Monar 2005). The weakness of the position appeared to be confirmed on the grounds that de Vries resigned in March 2007, with the post being left vacant for six months and rumours abounding that the post

itself might thereafter be discontinued (Bossong 2013). However, Gilles de Kerchove – an EU insider – took up the position in September 2007. De Kerchove has now held the position for ten years and has made significant efforts to improve counter-terrorism cooperation with certain key partners, making him active not only within Europe but around the world. There is no specific legislation establishing the post and setting out the Coordinator’s powers. Formally, the post was established by the European Council in its Declaration on Combating Terrorism that was adopted shortly after the Madrid bombings (Council of the European Union 2004). As a consequence, although quickly nicknamed the EU’s ‘Mr. Terrorism’ or the ‘European terrorism czar’ by the media, the actual formal mandate of the EU CTC is rather general and his precise tasks and powers are not entirely clear.

In practice, the EU CTC has audited the progress of the 200+ measures from the EU counterterrorism action plan. For this purpose, he publishes a Report on the Implementation of the Strategy and Action Plan to Combat Terrorism every six months, as well as other occasional and more specialised reports and discussion papers on various aspects of the EU counter-terrorism policy. Although these reports are sometimes rather critical of both the deficiencies of the EU Member States and the EU agencies involved in the fight against terrorism, at least in the latter case, the content of the report is always an outcome of prior consultations. The Coordinator should also coordinate a plethora of other institutions and committees that have a role in different aspects of the EU counter-terrorism policy, and encourage greater cooperation between the Commission (which drafts legislation) and the Council (where national Interior and Foreign Affairs ministers meet to decide EU policies). However, the problem is that the Coordinator formally lacks both powers and resources to coordinate the work of the Commission, Council,

and the other EU agencies involved in the fight against terrorism. With a very small office, one can hardly expect a hands-on coordination of the complex area of counter-terrorism that is overcrowded with diverse EU and non-EU structures and agencies. Another and arguably even more important, role of the EU CTC is to cajole the Member States towards timely implementation of EU-level counter-terrorism agreements and initiatives. The ability of the EU CTC to do so in practice is, nevertheless, significantly circumscribed because he cannot force national governments to act, has no independent budget, and cannot propose legislation.

Europol has also become an important player in EU counter-terrorism. Its role was reinforced in the aftermath of the 9/11 attacks and has steadily increased since then. Given the importance of the threat of religion-based terrorism (i.e. Islamist), compared to other forms of terrorism, Europol's counter-terrorist efforts have been mainly directed towards tackling this form of terrorism. Its activities in the field of counter-terrorism are as follows: (a) analysing gathered information from strategic, tactical and operational perspectives; (b) undertaking threat and risk assessments, and, based on their results, crafting and implementing awareness activities; (c) on request, supporting operational investigations in the Member States through various means; (d) monitoring, tracking and preventing all forms of illicit trafficking of nuclear material, strong radiological sources, arms, ammunition, explosives as well as WMD; (e) establishing regular contacts and a sound relationship with experts in the coping with terrorism and counter-proliferation.

In order to strengthen Europol's counter-terrorist efforts, the European Counter Terrorism Centre (ECTC) was created within Europol in January 2016. The official website of Europol and

serving officers present the ECTC as an operations centre and hub of expertise that reflects the growing need for the EU to strengthen its response to terrorism. The ECTC focuses on: (a) tackling foreign fighters; (b) sharing intelligence and expertise on terrorism financing amongst Member States (through the Terrorist Finance Tracking Programme and the Financial Intelligence Unit); (c) monitoring and suggesting preventive measures against online terrorist propaganda and extremism (through the EU Internet Referral Unit); (d) illegal arms trafficking; and (e) international cooperation among counter-terrorism authorities. Thus, over the years since 2001, counter-terrorism cooperation has become increasingly institutionalised in the EU, as epitomised by the creation of the post of CTC and of the ECTC within Europol. This institutionalisation has greatly contributed to the routinization of EU counter-terrorism practices.

## **Conclusion**

This article set out to explore the significant growth in EU cooperation on counter-terrorism, which includes various important legislative instruments that have had a significant impact on the EU Member States. It did so by drawing upon the concept of ‘collective securitization’. The analysis highlighted how 9/11 was a single precipitating event, which led some EU leaders to call for the governments of the EU Member States to agree on developing an EU counter-terrorism policy and step up counter-terrorism cooperation with the US. Various counter-terrorism legislative instruments have been adopted, such as that defining terrorist acts, some of which have had a significant impact on national counter-terrorism policies. 9/11 was therefore used by some actors to convince the EU Member States that, although some of them may continue to face threats from ethnonationalist-separatist terrorist groups, they now all faced one major, collective terrorist threat, embodied at the time by al Qaeda, rather than each of them

facing a distinctive threat as had been hitherto a common view across Europe. This was a crucial development as it paved the way for the development of EU counter-terrorism cooperation for the first time. The subsequent, growing institutionalisation of this cooperation, in particular through the establishment of the post of CTC and the creation of the ECTC within Europol, has significantly contributed to the routinisation of counter-terrorism practices in the EU.

However, there are limitations to the argument developed in this article. Given the focus of this article on the EU itself, it has been unable to do justice to the richness and complexity of the EU-Member State relationship on terrorism. While on some occasions the EU led Member States in the fight against terrorism and those then enacted national legislation, it is important to acknowledge that counter-terrorism largely remains the preserve of Member States, as has been particularly noticeable when it comes to its policing and intelligence dimensions. The EU mainly aims to add value in counter-terrorism above the national efforts of the EU Member States. Nevertheless, more than 15 years after 9/11 and the initial collective securitization of terrorism, the idea that the EU has a significant role in combating terrorism alongside its Member States is no longer put into question. Through its application to the case of terrorism and the EU, this article has also confirmed the viability of the collective securitization framework presented by Sperling and Webber in the first contribution to this special issue.

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