Counter-Terrorism Cooperation in the European Union: A Hybrid Case of Integration

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by

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ABSTRACT

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Terrorism has emerged as one of the greatest threats of the twenty-first century, and it is one that demands the attention of the European Union. However, the field of counter-terrorism is unique as it spans both foreign and domestic policy areas. As such, this relatively new field in EU politics serves as an exciting case study for the development of integration.

To understand counter-terrorism in the current period of integration, I first examined various theories of integration. Looking closely at functionalism, federalism, and variable geometry as the dominant theories of integration at work in counter-terrorism cooperation, I then investigated why the EU has seen growth in counter-terrorism cooperation and sought to answer what the experience in this area suggests about the path forward.

To discover how counter-terrorism cooperation has developed, I examined four factors pressuring the formation of counter-terrorism cooperation in both foreign and domestic policy arenas. These factors included differences in defense budgets, the transatlantic perception gap, the difficulties of institutionalizing intelligence sharing, and the changing nature of security threats.

In studying these factors, I find that the transatlantic perception gap presents the greatest obstruction to international cooperation, and that through rectifying this gap, the EU will come one step closer to winning the respect of the United States and becoming a more prominent global leader. In addition, I find that though functionalism has been the dominant force driving domestic cooperation in the EU, cooperation efforts are beginning to stumble from their lack of direction from federal institutions at the EU level. Finally, I determine that though variable geometry has attained great successes in the EU’s counter-terrorism efforts, especially through achievements like the Schengen Agreement, it is becoming increasingly necessary for the EU to abandon this variable geometry model in favor of promoting more universal cooperation in an field where the weakest member state makes the entire Union vulnerable.

Two methods of research shaped this project. My interest in counter-terrorism cooperation in the EU developed during my participation in Miami University’s Transatlantic Seminar, which traveled to six European capitals from May 19 to June 23 of 2006. Over these five weeks, seminarians met with various high-ranking officials in both the public and private sectors, who served as exemplary primary sources. Some of my research draws upon observations from this experience, while the rest is garnered from traditional sources of research, including scholarly works in academic journals, and primary documents and treaties. From these resources, I gained insight into the developments of counter-terrorism cooperation and the future path of integration.
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# TABLE OF CONTENTS

Introduction: The Current Period of Integration.................................................................1

Part 1: The Importance of Counter-Terrorism....................................................................6

Part 2: Theories of Integration and their Impact on the Development of Counter-Terrorism Cooperation.................................................................................................10
  Chapter 1: Functionalism and Federalism......................................................................11
  Chapter 2: Fixed and Variable Geometry Models for Integration...............................18

Part 3: Factors of Explanation on the Formation of Counter-Terrorism Cooperation........21

Part 4: Conclusions and Future Expectations ..................................................................31

References............................................................................................................................37
Introduction: The Current Period of European Integration

Since the creation of Justice and Home Affairs (JHA) as the third pillar of the European Union (EU) in the Treaty on European Union in 1992, and the expansion of JHA through the incorporation of the Schengen Agreement in the Amsterdam Treaty in 1999, the EU has seen vast expansions in counter-terrorism cooperation. The goal to maintain the Union as an area of freedom, security, and justice necessitates the prevention of terrorism, and the EU has found that policy integration in this field is vital, despite the challenges it presents through spanning both foreign and domestic arenas. Because of counter-terrorism’s unique position as both a foreign and domestic policy issue, as well as the sensitive nature of the threat it manages, counter-terrorism cooperation serves as an intriguing case study for the development of integration. However, before the development of integration in counter-terrorism can be further explored and the dominant theories at work in this field can be studied, a discussion of the status of integration in the EU in recent years will serve as a practical backdrop to indicate the significance of studying integration at this time.

Confronted with the failures of two referenda on the Constitutional Treaty\(^1\), Europe has entered into a period of reflection, adopting a “wait and see” attitude. This new obstacle in the face of integration is a stumbling point for the European Union, and the EU is demonstrating understandable hesitancy as it struggles to appreciate the

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\(^1\) In May of 2005, both France and the Netherlands voted no on their referenda for the Constitutional Treaty, which would have greatly expanded the powers, as well as the international standing, of the European Union.
problems before pushing onward with the drive to union. The very identity and purpose of the Union is up for discussion, and before it is redefined, the EU must discover more of what European citizens want and need out of this relationship. This paper attempts to open further discussion and scratch the surface on the future of European integration.

In the current era, it is useful to recall the well-known simile that the EU is like riding a bicycle; if one stops riding, the bike will fall over. Similarly, many believe that if the EU remains stagnant, even for just a short time, in the process of integration, future integration will be put in serious jeopardy. Because of this common belief, the current period of reflection is a critical time. Will the constitutional crisis truly be a roadblock for the EU, bringing integration to a halt? Or will the EU be able to use this period of reflection as a resting point to catch its breath, allowing it to pick up speed and be even faster and stronger in the future?

Indeed, many Europeans are currently frustrated with the EU, particularly as they no longer have a clear idea about its shape or purpose. Starting with the creation of the European Coal and Steel Community\(^2\) (ECSC) in 1951, there has been an unmistakable goal behind further integration for each decade. The ECSC found purpose as a project for peace and economic redevelopment, while by the late 1980s and early 1990s, the European Community (EC) saw its purpose as a project for stability in the region and for the spread of democracy. Since the last two enlargements of 2004 and 2007, expanding the Union from fifteen to twenty-seven member states, the EU appears to lack a common

\(\text{2 The European Coal and Steel Community, or ECSC, was created in 1951 by the Treaty of Paris. Signed by France, Germany, Belgium, Luxembourg, and the Netherlands, this forerunner of the European Community was created to pool the coal and steel resources of the member states, and in doing so, tie together their economic interests, thus also ensuring the need for more stable and secure relationships.} \)
drive and is floundering in its efforts to redefine itself. Mark Rackles, the chief spokesman on European political affairs for the Mayor’s Office in Berlin, stated, “It is hard to demonstrate why the European Union is important now. We understood its function in the past, but it is unclear now what the function will be for the future.” Indeed, “generation E” only has a perception of the negative, and for this perception to change, the European Union requires a positive project for the future. In addition, national governments need to be on board with this project, as they have the responsibility of transmitting a positive image of the EU to its citizens, as noted by Thomas Grunert and Michael Shackleton at the European Parliament. At the core of the problem, however, is the fact that the EU’s image right now is one of hesitancy and uncertainty. What will the future of the European Union be? Where is the EU going? Until the EU can answer these questions, and identify a common project to fuel integration, the EU will be unable to harvest the public support of European citizens for future integration.

The EU could clearly identify several problems to serve as their purpose to solve, ranging from various topics including practical answers for dealing with the effects of globalization, the implementation of a new social model to aid with changing economies, or the development of an appropriate defense system in the face of new security threats. However, in identifying a project to fuel integration, it is important to find one of universal importance. Already, discrepancies have developed in member states’

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3 In a discussion on May 29, 2006, of the critical issues facing the European Union, Mark Rackles talked at length of the negative perception European citizens have of the EU and the need to change this through demonstrating the EU’s positive impacts.
willingness to integrate, with some states like Britain wishing to slow down, while others, like France are racing ahead. These differences are troubling, as there is a risk that a “Europe of two speeds” will develop, with pro-integrationists going forward, and the opponents stepping back. This would, ultimately, be the end of the European Union, as the union itself would be broken. Though some considerable successes have been accomplished with variable geometry, as a few member states proceed with areas of integration for which other member states are not ready, the full implementation of this method would certainly result in the dissolution of the union as the member states pushing forward with integration would, in effect, make all of the decisions for the slower paced ones. This occurred with the creation of the eurozone, as all future participants in the eurozone will sign on to the original decisions they had no part in making. Truly, this is not a sign of union, but rather of disunion.

Clearly, the constitutional crisis has caused great distress in the EU, imposing upon the EU a forced period of reflection, and the EU has several important questions to answer. How will the EU proceed from here? What will be the common purpose for the EU to unite upon? How will the EU accomplish further integration? What will the future of integration look like?

Counter-terrorism cooperation may provide the answer. A field that bridges domestic and foreign policy realms, counter-terrorism is a unique field with ever increasing importance. Terrorism has emerged as one of the greatest threats of the twenty-first century, and it is one that demands the attention of the European Union. As
such, this newly expanding field in EU politics serves as an intriguing case study for the
development of integration.
II. The Importance of Counter-Terrorism

As a relatively new field that has only recently undergone great integration, counter-terrorism demands special attention. It is necessary to understand how counter-terrorism has developed, especially since the nature and scope of terrorist threats are very different from any shared purpose that has motivated European cooperation in the past. Counter-terrorism efforts span both foreign and domestic policy within the European Union, and thus this sensitive area is one that requires more consideration.

Though terrorism can trace its roots to Zealot campaigns in the Roman Empire in the first century and the Reign of Terror in the French Revolution, the modern understanding of terrorism requires a global perspective. Terrorism has had a dynamic identity throughout history, and its current transnational character necessitates an examination of both European Union cooperation and EU-US cooperation in counter-terrorism as the very nature of it has compelled governments of the world to approach this threat as one. It is not possible to look at forms of EU cooperation in counter-terrorism without identifying US influences, and it is even more impossible to examine EU-US cooperation without seeing pressures from the individual EU member states.

EU counter-terrorism cooperation began on an informal, intergovernmental basis outside of the structure of the European Community during the 1970s, and it became more formal in 1990 when five member states signed the Schengen Agreement. Justice

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5 The European Union. Solidarity Program discusses extensively the necessity of cooperating on an international level due to the ability of terrorist attacks to affect multiple countries.
and Home Affairs (JHA) was then incorporated into the institutional framework of the EU in 1992 with the Treaty on European Union (TEU), and the Amsterdam Treaty of 1999 further expanded JHA by including the Schengen rules in the text.\(^6\) This created the goal to maintain the Union as an area of freedom, security, and justice, which requires the prevention of terrorism. Since then, various examples of counter-terrorism cooperation have included intelligence sharing through Europol,\(^7\) participation in the War on Terror, and JHA measures like the European Arrest Warrant. Why have new forms of cooperation emerged within the EU and in the transatlantic relationship as a result of counter-terrorist struggles? What roadblocks have emerged to this cooperation and how have they been addressed? Specifically concentrating on cooperation in intelligence sharing, JHA counter-terrorist measures, and the War on Terror, this essay seeks to examine why internal and international cooperation in counter-terrorism has formed and to analyze the influences that have shaped it.

Though terrorism has been a security issue for years, on September 11, 2001, the reality of the threat abruptly changed. The scope and scale of terrorism was suddenly rearranged, with terrorist operations no longer limited to minor bombings, as terrorist cells exploited weaknesses to turn airplanes into missiles. The danger of terrorism exponentially increased that day, and the world continued to watch it grow in the attacks on Madrid and London. This threat was no longer one that could be addressed by a

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\(^6\) Wood and Yesilada examine the development of JHA cooperation (228-234). The Schengen Agreement was signed by Germany, France, Belgium, the Netherlands, and Luxembourg in 1985, which permitted free movement of people through the participating countries and supplied protective measures for external border controls, visa policy, and police and judicial cooperation in criminal matters.

\(^7\) Freedom, Security, and Justice for All explains Europol’s role in intelligence sharing, in addition to other forms of EU counter-terrorism cooperation. (17-20)
single nation alone, but rather would require the attention and cooperation of the entire world. Furthermore, during negotiations of the Single European Act of 1986, and later with the Treaty on the European Union in 1992, it became clear that the free movement of individuals internally through the Union was inherently tied to the ability of member states to secure their external borders, and as such, the EU has realized the growing importance of consolidating border security, immigration, and counter-terrorism policies. With such a large union of states covering such a vast area of land, and concerns over the security of the newest ten members’ borders, it became necessary to increase cooperation on border security in order to continue to protect every citizen and permit them to enjoy the freedoms granted by the European Union, including the freedom of movement. Indeed, open internal borders make the national security issues of one country more critical to the other member states, and it has pushed international terrorism to the foreground of EU security issues.

As such, the EU has increased their vigilance, through JHA measures like the European Arrest Warrant\(^8\) and policies that freeze terrorist assets. In addition, the EU has increased and facilitated intelligence sharing among EU member states through Europol\(^9\), as well as with other countries like the US, through such agreements as the US-EU Declaration on Combating Terrorism. Finally, the world has watched as the US, in alliance with many other countries, began its “War on Terror,” a name coined by

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\(^8\) The European Arrest Warrant entered into force in 2003 and permits the arrest of criminal suspects and their transfer for trial or detention throughout the member states of the EU. Its goal is to increase the speed of extradition throughout the EU, and in doing so, make police and judiciary matters more streamlined and efficient.

\(^9\) Europol became operational in 1999 and functions as the EU’s criminal intelligence agency, focusing particularly on organized crime. It facilitates information exchange and intelligence analysis, and it also shares common expertise and training.
President Bush on September 20, 2001. This “war” has seen the landscape of defense strategies change, raised political tensions in both domestic and foreign arenas, and, perhaps most importantly, emphasized the importance of international cooperation. The threat of terrorism has changed, and thus it is critical, nay vital, to focus on new forms of cooperation in order to contain and lessen the danger. Whether or not the term “war” is an apt name for the ongoing struggle, terrorism is a danger facing the world, and counter-terrorism efforts will continue to fight to reduce the threat, if not end it all together.

But why have these efforts developed? What forces of integration have shaped counter-terrorism cooperation? Without understanding dominant theories of integration in the field of counter-terrorism, it will be impossible to appreciate how successful counter-terrorism measures came about and even more challenging to recognize how new forms of cooperation can develop in the future.
III. Theories of Integration and their Impact on the Development of Counter-Terrorism Cooperation

Truly, the EU is now, and again, at a time where it must find a need for which it may continue functioning. One obvious common need is the goal to unite against the threat of terrorism. However, counter-terrorism cooperation presents itself as an entirely unique area for integration, considering the special nature of the field. Indeed, when discussing counter-terrorism cooperation, it is important to consider the sensitive nature of the field, as it has raised questions concerning sovereignty, especially in relation to national security and border control issues. In addition, counter-terrorism efforts have the ability of affecting numerous other fields, as in fighting terrorism, the EU may utilize other integrative measures, creating a spillover effect.

Perhaps most significantly, the nature of the threat itself allows terrorism to present itself in a manner that demands substantial attention and cooperation. In the past, a specific goal has always been the impetus from which the EU functioned, as previously discussed, promoting peace and stability on the continent following World War II provided fuel for the ECSC and EC to develop. Now, terrorism may prove itself to be the next rallying cause for the EU, particularly as the EU recovers from the failure of the European Constitution. The nature and growing field of counter-terrorism demands that it be examined in a different light. Indeed, counter-terrorism cooperation may not fit completely into one traditional theory of integration, as through the following discussion
of dominant theories of European integration, it is apparent that more than one theory of integration is at work in counter-terrorism cooperation.

**Chapter 1: Functionalism and Federalism**

In the aftermath of World War II, the leaders of the devastated continent sought an answer for how they could recover, rebuild, and join together to ensure such a war would never happen again. Winston Churchill was one of the leaders that came to the forefront, offering wisdom on the future of Europe. Indeed, when Churchill called for a “United States of Europe” in a speech before Zurich University on September 19, 1946, he set the framework as to how integration would occur on the continent.\(^{10}\) Churchill stated:

“The first step in the re-creation of the European Family must be a partnership between France and Germany. In this way only can France recover the moral and cultural leadership of Europe. There can be no revival of Europe without a spiritually great France and a spiritually great Germany. The structure of the United States of Europe, if well and truly built, will be such as to make the material strength of a single state less important. Small nations will count as much as large ones and gain their honor by their contribution to the common cause.”\(^{11}\)

Beyond this, Churchill provided little concrete direction as to how the Union could be accomplished. Indeed, Churchill’s vision was rather limited and cautious in its approach.

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\(^{10}\) Though Churchill was joined by other postwar integrationists in his call for a united Europe, his stature forced European leaders to take his call seriously, and his continued work on this issue eventually led to the Hague Congress of May 1948 and the creation of the Council of Europe in 1949.

\(^{11}\) Speech reprinted in Nelsen (5-9)
to European integration, particularly in comparison to his continental colleagues, and it, notably, excluded the British from the great union. Though European leaders took Churchill’s advice seriously, they sought further guidance as to how a Union could be achieved.

Heeding Churchill’s advice to find a way to reconcile France and Germany, and to unite the continent, “unionists,” as those ascribing to Churchill’s beliefs were called, and federalists agreed to meet at the Congress of Europe in the Hague in May of 1948. Finding common ground over their agreement on the benefit of European unity, both bodies were able to recognize the need for an institutionalized international organization with a parliamentary body. The unionists sought a body which would act merely as a consultative assembly bound to defer to a committee of government ministers, while the federalists sought a more lofty parliamentary body, which would be a constituent assembly charged with drafting a constitution.¹² What resulted was in essence a submission to the unionists, as the Council of Europe was more effective in creating a forum for the discussion of social, legal, cultural, and most importantly, human rights issues, in comparison to creating a parliamentary body to rival the federal institutions of nations.

However, integration took a considerable step forward with the Schuman plan, when Robert Schuman, France’s foreign minister, developed a new strategy to achieve the union Churchill described. On May 9, 1950, Schuman outlined a plan to unite France and Germany through joining together their coal and steel industries under a single

¹² Dinan 15.
authority. In what would later be called the Schuman Declaration, Robert Schuman stated:

“Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. … The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims. … In this way, there will be realized simply and speedily that fusion of interests which is indispensable to the establishment of a common economic system; it may be the leaven from which may grow a wider and deeper community between countries long opposed to one another by sanguinary divisions.”13

Schuman realized that in tying together core interests of both France’s and Germany’s economies, France and Germany would be given the incentive to build a relationship based on trust and cooperation, and this relationship may continue to grow through the unions of additional interests. Schuman’s plan would, in fact, be the successful leavening agent, which would direct the growth and deepening of relationships between European countries, leading to the eventual rise of the European Community.

Schuman’s plan resulted in the creation of the European Coal and Steel Community, which was established by the Treaty of Paris, signed in 1951 by France,

13 Quoted in Nelsen 11-12.
Germany, Italy, Belgium, Luxembourg, and the Netherlands. The Preamble to the Treaty of Paris states:

“Recognizing that Europe can be built only through practical achievements which will first of all create real solidarity, and through the establishment of common bases for economic development. … Resolved to substitute for age-old rivalries the merging of their essential interests; to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared, Have decided to create a European Coal and Steel Community.”

This passage truly reflects a dependence on functionalism as the basis for integration, as it speaks to “merging…their essential interests;” however, it also addresses federalism in referencing the need “to lay the foundations for institutions.” As evidenced in the Treaty of Rome, these two theories of functionalism and federalism have dominated the field of European integration since the inception of the European Coal and Steel Community in 1951.

Federalist theory was supported by many of the key players in the ECSC’s and EC’s inception, including Jean Monnet and Robert Schumann. Their vision was of a European governing body, which could cooperate above national divisions for the greater good of the continent. Monnet, director of the French Modernization Plan that was designed to repair the French economy, concluded that the only means through which

14 Quoted in Nelsen 13-15.
Europe could avoid conflict in the future would be through economic integration, and this would best be achieved through the formation of a “federation or a ‘European entity,’ which will make them a single economic entity.”\(^\text{15}\) Monnet believed:

“The profound change is being made possible essentially by the new method of common action which is the core of the European Community. To establish this new method of common action, we adapted to our situation the methods which have allowed individuals to live together in society: common rules which each member is committed to respect, and common institutions to watch over the application of these rules.”\(^\text{16}\)

Truly, Monnet wished to develop common rules for the European Community, believing that through doing so, further integration would be made possible as the institutional structure to permit integration would already be in place. Federalism relies on a political consensus that occurs through the recognition of shared values, among existing political communities to create a new political community.

However, when Monnet realized that he could not rely solely upon a federalist approach to unite the continent, Monnet was forced to turn to a more gradual functional strategy for European integration. Monnet’s theory of functionalism was derived from David Mitrany’s vision of Europe, described in Mitrany’s “A Working Peace System.” He believed that the problems of insecurity in Europe, and in the world in general, required radical changes in the way people thought about solving these problems. He

\(^{15}\) Monnet made this argument in a note to the French Committee of National Liberation in Algiers in August of 1943. Quote referenced in Dinan 13.

\(^{16}\) Quoted in Nelsen 20.
argued that nations should adopt common rules governing their behavior and create common institutions to apply these rules. Mitrany believed that a world federal government would eliminate the competing political divisions that resided at the root of all international conflict, but that this government would be impossible to establish due to tendencies for nationalism. Instead, Mitrany proposed a functional approach that would “overlay political divisions with a spreading web of international activities and agencies, in which and through which the interests and life of all the nations would be gradually integrated.” Functionalism would succeed where federalism could not, as it would blur the national and international distinctions which previously caused so much conflict. Furthermore, functional integration would be pragmatic, technocratic, and flexible, and as functionalism took hold, national divisions would become increasingly less important. However, Monnet departed from Mitrany’s theory of functionalism, as he maintained the necessity of having federal institutions to ensure the success of functional integration.

Functionalism as a strategy of integration seeks to promote cooperation among existing sovereign authorities in functional areas essential to the continued well-being of each of them. The goal is to promote enough shared interests or values in vital areas of life to serve as a basis for more comprehensive and open-ended political cooperation. As such, functionalism relies on the gradual growth of economic and technical interdependence to create the basis for a new political community. That is, functionalism will give way to a federal system.

18 Nelsen 77.
Indeed, functionalism operates off of the shared values that are established through integration, allowing cooperation to continue in the future. The process of building shared values where they may not exist at first glance is key to the success of functionalism. Also key to the success of functionalism is the concept of spillover, which refers to the pressure to transfer integration from one functional area to another because of the interdependence of modern societies. Spillover can occur in functional or technical realms as a result of economic and technical pressures, or it may occur in political realms, among leaders, interest groups, and institutions because, as vested interests in these new areas grow, interest groups and institutions related to these functions must develop. In functionalism, it is necessary to have cooperation among sovereign authorities to manage specific functional requirements, such as the regulation of agriculture or the management of financial services.
Chapter 2: Fixed and Variable Geometry Models for Integration

In another model for integration, the fixed geometry model of the treaties relies on the principle of sovereign equality, in which every member state is a sovereign equal and has final authority in decision-making. In this model, the EU is a voluntary community of sovereign and equal members, and decision-making depends on repeated negotiations to seek a compromise. This model respects vital national interests, through affording member states veto power on fundamental interests.\(^\text{19}\) It also requires a certain amount of restraint of members in their demands, as well as a degree of respect for the community’s rules and values. In this respect, member states must regard treaties as the ultimate expression of EU law. Furthermore, this model uses future prospects and threats as a spur to cooperation, making decisions concerning integration about future expectations and needs. Perhaps most importantly, the fixed geometry model is based on the principle of no member state left behind, as the entire Union moves at the speed of its slowest member.

Alternatively, Europe has frequently used a formula for cooperation based on variable membership or variable levels of participation. Examples of this variable geometry have included aircraft production and the European Space Agency outside of the EU, and the Economic and Monetary Union and Schengen Group within the EU. The variable geometry model has proved to be effective where the principle of sovereign equality could not govern decision-making. In this model, an agreement on core goals

\(^{19}\) Warleigh 4.
and values is necessary, and all members must value the benefits from group cooperation. To maintain this model, compulsory cooperation is required on the core common programs. This cooperation produces an institutionalized commitment to a budgetary stake in addition to routine interaction between the cooperating members. The drawbacks of variable geometry, however, are seen mostly in the reduction of the coherence of the union.\textsuperscript{20} For one, the incentives for reciprocal cooperation are reduced. In addition, the tighter commitment required to build trust and enhance cooperation in the most sensitive areas does not develop. Indeed, the effects of variable geometry, if not checked, are to create disunion.

Several modes of variable cooperation are currently under discussion in Europe, which would result in distinctively different Unions than the current model. For one, variable geometry could result in a “Two-Speed Europe.” This EU would separate the members into two distinctive groups, with one moving ahead quickly with integration, while the remainder move slowly and deliberately. A second possibility is a Europe of concentric circles, surrounding a hard core, where the original six member states proceed with integration while the surrounding countries move at a slower pace. A “Multi-Speed Europe” is also a possibility, in which each country would move forward with integration at their own speed, depending upon the policy issue. This model, however, presents the danger of disintegration. Finally, Europe “a la carte,” in which members cooperate only in what they want to, does not, however, develop a union. As such, the first two models

\textsuperscript{20} Warleigh 58.
are what appear to have the greatest potential of emerging as future models of integration for the EU.

Complicating these theories, however, are different views of the purposes of the EU. Indeed, many disagreements exist over the basic view of the EU’s function, with some arguing for the EU as an international organization, while others see it as merely a bloc within the global political economy. Still others view the EU as a policy maker, taking into consideration its interactions with individual nations and its role in a larger, international scheme. Finally, others argue that the EU is a sui generis phenomenon: a completely unique organization generated out of need.\textsuperscript{21} These varying perspectives of the EU thus impact the manner in which individuals seek further integration in the Union.

Having closely examined the development of functionalism, federalism, and variable geometry, the ensuing discussion of the formation of counter-terrorism cooperation indicates that counter-terrorism does not fit succinctly into just one of these theories, but rather is shaped by all of them. Truly, counter-terrorism cooperation proves itself to be a hybrid case of integration.

\textsuperscript{21} Nugent 496.
IV. Factors of Explanation on the Formation of Counter-Terrorism Cooperation

One single factor cannot be pinpointed as the sole reason why cooperation in counter-terrorism has been shaped as it has. On the surface, one may point to the obvious stimulus of increasing international terrorism, yet that does not explain why cooperation is stronger in one realm, like JHA, and weaker in another, like intelligence sharing. In broad terms, historical, cultural, economic, and political pressures have culminated in the formation of international and internal cooperation in the EU on counter-terrorism. These pressures comprise the following factors:

1. Differences in defense budgets. Though EU member states have made it a priority to fight terrorism, as put forth in documents like the European Security Strategy and the Declaration on Combating Terrorism, economic factors have influenced how much they are able to cooperate with each other and with the United States. European governments as a whole have limited defense budgets, and therefore, they use their resources with discretion, committing them only when absolutely necessary. According to Captain Devoe, Head of the NATO desk at the French Ministere de la Defense, European governments do not feel any need to increase their budgets, or their capabilities, and thus, the United States continues to spend around four percent of their GDP on defense, while France spends only 2.4%, which is the second highest of European countries.22 Thus, when deciding whether or not to commit military forces to counter-terrorist operations, it is appropriate that European governments approach the

22 Captain Devoe at the French Ministere de la Defense indicates the differences in and implications of European and American defense budgets.
decision with careful consideration bearing in mind their comparatively smaller amount of resources.

The difference in defense budgets also help highlight the difference between the approach to terrorism of the United States and the EU. According to Col. Michael Ryan, Defense Advisor to the United States Mission to the EU, the EU must seek funding for operations through multilateral efforts, while the Americans would prefer quicker, more effective tactics. According to Col. Ryan, Europe just does not work as fast or with the scope that the US could, and does, to handle these issues. To illustrate this point, Col. Ryan revealed that four hours after the 9/11 attacks, a US general in Saudi Arabia was already launching an attack on Afghanistan. The EU would not be capable of this type of reaction. While the US has the capabilities and defense budget to lead the War on Terror and the War in Iraq simultaneously, the EU does not have the same means, and thus bases its approaches to counter-terrorism on multilateralism and cooperation. These approaches are seen throughout the EU’s structures of cooperation in counter-terrorism, which tend to concentrate more on soft power than hard power approaches, especially as the EU focuses on complementing security policies that exist among member states in keeping with the principle of subsidiarity.

Indeed, the European approach to fighting terrorism is not always characterized by military intervention, while the United States is drawn toward it. But difficulties with military solutions are leading many governments to realize that the key to defeating terrorists lies in effective intelligence sharing and police work. The military does not

23 Lindstrom explores the reasons behind and causes for different approaches to homeland security between the EU and US.
have to be the only tool. The EU has shown that despite their hesitancy to engage the military in counter-terrorism operations, favoring police and judicial cooperation as an alternative, they are willing to commit forces in times of need. The EU’s Conceptual Framework on the European Security and Defense Policy Dimension of the Fight Against Terrorism\textsuperscript{24} does indicate a move toward utilizing all tools at the EU’s discretion, including military instruments. One key component of this document to be highlighted is that all ESDP contributions to the fight against terrorism are voluntary, and thus defense cooperation remains purely at the will of the members and not in control of the EU.

2. Transatlantic perception gaps. The amount of cooperation on counter-terrorism efforts has been a formation of the perceptions that European have about the threat of terrorism. Indeed, compared with Americans, Europeans do not feel an overwhelming danger. Among Americans, 71\% feel considerably likely to be affected by international terrorism, in comparison to only 53\% of Europeans.\textsuperscript{25} Captain Devoe at the French Ministere de la Defense illustrates this by stating, “The threat on us is not the threat on you.” This perception gap has serious implications, since the European public is less willing than the American public to back many counter-terrorist policies.\textsuperscript{26} However, the role of JHA has been growing, and Europeans are beginning to realize the ever-increasing importance counter-terrorism efforts.

\textsuperscript{24} The EU’s Conceptual Framework on the European Security and Defense Policy Dimension of the Fight Against Terrorism indicates the EU’s desire to approach counter-terrorism cooperation with all available tools, including military, while the decision to do so remains in the hands of the member states.
\textsuperscript{25} Gerd Föhrenbach explores just how divisive the perception gap on the severity of the threat of terrorism is.
\textsuperscript{26} Ulrich Beck describes how 9/11 affected the perception of Americans on the threat of terrorism, and how this difference affects policy cooperation in “Power and Weakness in a World Risk Society.”
According to Peter Kujawinski, a counter-terrorist specialist in the Political Section at the US Embassy in Paris, a division exists between the countries that have experienced terrorism, including England, France, Spain, and Italy, and those that have little history with terrorism. The four countries just mentioned have all been very aggressive in fighting terrorism and cooperating with the US to fight terrorism together. These are also the countries with the most robust intelligence agencies. In comparison, the Nordic, Eastern, and Baltic countries do not have the same experience, and thus have a completely different understanding of the threat.

In addition, historical factors also influence a country’s understanding of terrorism. On September 11, 2001, scores of Americans began to realize that the world as they knew it had changed. Though the US had experienced terrorism before, it was never on this level, and according to Jeremy Shapiro, “The attack on 9/11 was not terrorism as Europe knew it or understood it,” and therefore Europeans could not have comprehended why a war was an appropriate response. Europe has lived with the reality of terrorism for a long time and their experiences with responding to terrorism never warranted a massive military campaign. The EU member states that do have extensive experiences with terrorism, however, do appear to have closer relationships with the US on counter-terrorism matters. France, for example, has a long history of experiences with terrorism, and in part because of this history, the country maintains a particularly close tie with the US. France’s history has brought the country to understand

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27 In a personal interview with Peter Kujawinski, a counter-terrorist specialist in the Political Section at the U.S. Embassy in Paris, Kujawinski highlighted the differences in approaches to counter-terrorism of EU member states with historical experiences with terrorism.

28 Schapiro 56.
terrorism as a strategic threat, and as the world’s number one threat. On the other hand, the Czech Republic has only minimal experience with international terrorism, despite its tumultuous past, with its greatest incident being the bombing of the Radio Free Europe building. However, despite their small connections with terrorism, the country is extraordinarily sensitive to the issue. Dr. Vasil Hudak, Vice President of Programs at the EastWest Institute, explained that the Czechs have contributed to operations in Iraq and Afghanistan, and for these very reasons alone, they must be concerned with terrorism. This cooperation has increased the perception of the severity of the risk, as it has raised awareness to countries like the Czech Republic where the threat of terrorism may not be as severe.

One of the greatest differences in cooperation in counter-terrorism in the transatlantic alliance is captured in the rhetoric of the fight. While Americans are eager to embrace the “War on Terror,” Europeans in general do not feel “at war” with terrorism. Indeed, Europeans feel that the “War on Terror” is a purely American concept, and they feel that terrorism is better characterized as an ongoing struggle waged by police and judges. Dr. Bruno Tertrais with the Paris-based Foundation pour la Recherche Strategique noted that the term “war” should not be used, as “it implies that it can be won and the enemy can be clearly defeated.” Though sometimes limited military intervention is required, Europeans do not conceptualize terrorism as a fight that can be completely won, a problem that can be completely eradicated. Instead of continuing the debate on

29 Dr. Vasil Hudak described why the Czech Republic must be concerned with terrorism, despite not having an extensive history with it.
the depiction of the struggle, which only serves to obscure the challenges,\textsuperscript{30} both sides of the ideological fight should be focusing on revealing how further cooperation can help the fight. This miniscule difference of perspectives has had great effects, though, and T.R. Reid refers to a process of “continental drift” that has driven the US and the EU to develop different approaches.\textsuperscript{31} Indeed, “September 11 brought us together, but only temporarily. We have to realize that major differences exist across the Atlantic, and will not go away. Europe and the U.S. will have to live with them.”\textsuperscript{32} In sum, transatlantic cooperation on counter-terrorism has had to overcome significant differences in how Europeans and Americans feel about the threat, and about each other; yet, the reality of the threat has been significant enough to compel both sides of the Atlantic to cooperate.

3. \textit{Difficulties in institutionalizing intelligence sharing and other sensitive security areas.} One of the greatest struggles for the EU in the security realm, however, is in information sharing, as this mainly happens best on a bilateral basis. Dr. Bruno Tertrais believes that intelligence sharing is not accomplished through institutions,\textsuperscript{33} but rather works best in informal networks and exchanges. Thus, the EU has found it very challenging to institutionalize intelligence sharing for twenty-five countries, as there is an element of trust and secrecy that cannot be translated into such a large body on such sensitive issues. Thus, while cooperation in this area has been seized with vigor, the EU

\textsuperscript{30} Philip Stephens provides his opinion on how “The rhetoric of a war on terror obscures the real challenges.”

\textsuperscript{31} T.R. Reid discusses the great discrepancy between the feeling of transatlantic unity that followed September 11, 2001, and the new American-European discord that resulted from the War in Iraq in \textit{The United States of Europe}.

\textsuperscript{32} Reid 23.

\textsuperscript{33} Selected notes from Dr. Bruno Tertrais’s speech to the Transatlantic Seminar, concerning the most successful forms of cooperation on intelligence sharing.
has found certain challenges presenting themselves due to the very manner in which the EU is structured. Consequently, cooperation between individual governments is better and stronger than EU-wide cooperation.

However, the EU has found success in approaching counter-terrorism with a common stance. This involves developing a clear understanding of the threat,\(^\text{34}\) and the EU has done just that through The European Union Counter-Terrorism Strategy.\(^\text{35}\) While the member states have the primary responsibility to combat terrorism, the EU recognizes its responsibility in this document in facilitating inter-member state cooperation, promoting international cooperation, strengthening the individual member states’ capabilities, and developing those capabilities collectively. It is also necessary that the EU recognizes the need to continue streamlining the exchange of information and intelligence\(^\text{36}\) in order to make the process more efficient and beneficial.

At the same time, institutionalizing additional areas of counter-terrorism efforts is problematic, as it is important not to duplicate the work being done on national and supranational levels. Because of this, a gray area of competences now exists between national and EU efforts in JHA. However, Dr. Grunert at the European Parliament is more optimistic about the progress being made in the area of JHA\(^\text{37}\) than any other sector,

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\(^{34}\) Yves Boyer examines the keys to successful intelligence sharing, focusing on the need to build common policies and develop a common understanding of the nature of the threat.

\(^{35}\) The European Union Counter-Terrorism Strategy outlines a four-tiered plan to prevent, protect, pursue, and respond. The uniformity of the policy fosters common understandings and procedures for member states in fighting terrorism.

\(^{36}\) The EU’s Declaration on Combating Terrorism followed the March 11, 2004 terrorist attacks on Madrid, and it recognizes the need for improvement in counter-terrorist measures, including simplifying the exchange of intelligence and streamlining other operations.

\(^{37}\) Dr. Thomas Grunert of the European Parliament highlights the main issues in conflict in the gray area of competences in JHA matters.
including CFSP. Indeed, it is not logical to just have national arenas to handle terrorism, and it is not necessary to have EU institutions to duplicate the same tasks as the member states.\(^{38}\) Instead, the EU needs to act as a facilitator for the member states, infusing the field of counter-terrorism with cooperation and integrating all of the various member states’ approaches into one, common, EU approach. This may be accomplished in the near future through the creation of more joint policies, taking the focus away from building institutions and placing it on creating one efficient, streamlined process to fight terrorism. Though counter-terrorism and the pillar of JHA as a whole are still in an evolutionary process, there is a consensual view that this realm needs to be “Europeanized,” according to Dr. Grunert, and this, if anything, provides fuel to continue internal cooperation on counter-terrorism in the EU.

Progress has been made as the EU has continued to build its common counter-terrorism policy. Though they are a long way from doing anything radically effective, they have created the bureaucratic structures that are required to help fight terrorism internally. For one, the European Arrest Warrant has become much more fluid, and the Schengen countries have found an increasing necessity to cooperate and focus on intelligence sharing in order to keep every country’s borders safe. Indeed, the EU has been very progressive with police and judicial work, and they have streamlined the

\(^{38}\) Guy Verhofstadt briefly discusses room for improvement in the European area of justice and security in *The United States of Europe*, focusing on how the EU should coordinate policies instead of creating a new bureaucracy for JHA matters.
member states’ police and judicial realms with Europol and Eurojust.\(^{39}\) Though there are difficulties in institutionalizing intelligence sharing, the EU continues to cooperate with the FBI, Homeland Security, US Treasury Department, and other US institutions. There have been some difficulties, but it is important to note that both sides have reported dramatically increasing their contacts\(^{40}\) and have been successful in disrupting terrorist threats, like the recent airline scare of 10 August 2006. While the US makes most of its contacts on a bilateral basis with the individual member states, the EU has put into play cooperation with the US by building up JHA with such instruments as the position of Coordinator of Counter-terrorism, who can facilitate intelligence sharing on terrorist activity.

4. *The changing nature of security threats.* The very nature of terrorism has required intense cooperation in the field to respond to it. The scope of the threat is too immense for just one country or even a union of countries to handle alone. For this reason, as Dr. Bruno Tertrais observed, “Despite what happens at a political level between nations, cooperation on police, judicial, and intelligence levels is still excellent.” As such, the EU and the US agreed to a Declaration on Combating Terrorism, where they committed to cooperating on developing measures that would maximize their capacities\(^{41}\) to prevent terrorism. Though 9/11 was the impetus to increase EU-US cooperation, it has

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\(^{39}\) Eurojust is composed of national prosecutors, magistrates, and police officers from each of the EU’s member states. Its task is to enhance the effectiveness of the national authorities when handling the investigation and prosecution of cross-border and organized crime.


\(^{41}\) The *US-EU Declaration on Combating Terrorism* indicates a commitment between the EU and the US to continue to cooperate on counter-terrorism measures, in order to create the best defense available.
continued to gain momentum,\textsuperscript{42} creating more contacts between intelligence and state departments, as well as increasing their dialogue to ensure coherency in their standards for combating terrorism. The threat of terrorism has demanded that countries, both within the EU and without, are in tune with others’ policies and needs. Indeed, following 9/11, the US placed considerable pressure upon the EU to advance counter-terrorism efforts, as the global network of terrorist cells implicates every country in the need to fight terrorism. The threat of terrorism continues to change and evolve, and the EU and the rest of the world must be able to develop counter-terrorism measures simultaneously. As such, the recent terrorism scare of 10 August 2006 prompted the EU to reexamine their needs\textsuperscript{43} and to identify new policies to respond to the new capabilities of the terrorists. While there will always be hurdles to overcome in cooperation, both internal and international, cooperation is necessary\textsuperscript{44}, as it “takes a network to beat a network,” according to Daniel S. Hamilton.\textsuperscript{45} Indeed, the EU and the US must learn from their successes\textsuperscript{46} and accentuate the benefits of cooperation in order to make any headway in the fight against terrorism.

\textsuperscript{42} The “European Union Factsheet: The Fight Against Terrorism” highlights the increased amount of cooperation between the EU and the US, pointing to specific new policy measures.

\textsuperscript{43} The Joint Press Statement released from the “Informal London Meeting on Counter- Terrorism” indicates the dynamic nature of terrorism and the need for governments to be able to respond in turn.

\textsuperscript{44} Daniel S. Hamilton discusses the problems with transatlantic cooperation, the need to overcome these problems, and the benefits of cooperating in the fight against terrorism.

\textsuperscript{45} Hamilton xxv.

\textsuperscript{46} Alyson Bailes describes in “The Price of Survival: Shared Objectives, Different Approaches” the need for transatlantic cooperation in counter-terrorism.
V. Conclusions and Future Expectations

In reviewing the four pressures influencing cooperation in counter-terrorism, one finds that the perspectives gap is the main stumbling point for American and European cooperation. Indeed, with cultural and political factors reinforcing these differences in perspectives, the perceptions on the threat of terrorism will never be the same. Despite their experiences and histories with terrorism, Europeans will continue to have a different conception of terrorism than Americans. In addition, the perception gap will continue to fuel the capabilities and defense budgets gaps, as European politicians will not attempt to increase defense budgets while Europeans do not see the need. However, perhaps this is best, as the Europeans’ views of terrorism as an ongoing struggle will permit the EU to build effective, long-term structures of cooperation to defeat terrorists and protect Europeans, instead of attempting high-profile battles, committing money and man power to a war that may have no end. The European Union has the opportunity to play a critically instrumental role in this respect, as the EU can not only work through CFSP and ESDP to increase defense budgets, but it can also put more focus on the threat of terrorism. Though it has already done so through highlighting terrorism as one of the main security threats facing the EU, increasing the powers of JHA, and creating a Declaration and Action Plan on Combating Terrorism, more policy work in this area and increased cooperation will help increase the visibility of the threat, thus reducing the perception gap and advancing further transatlantic cooperation. Furthermore, as the EU continues down the road of integration, the member states will grow in their respect and
understandings of each other, sharing in interests and concerns. As such, their trust in each other will grow, and intelligence sharing may one day become more institutionalized, and thus better facilitated. The US will eventually be compelled to cooperate with the EU on a greater scale, as the EU grows in power and standing, and this will create more efficient intelligence sharing and smoother transatlantic cooperation.

However, the support of the US is critical at this stage. For the EU to establish itself as a global player, it must gain the respect of the US, and that involves demonstrating their strength as an international leader. The US must see the EU acting as an international power before they will begin to appreciate the EU as more than just a trading union and international organization. Unfortunately, this relationship hit a roadblock in the first few years of this century over the question on whether to join the US in the War in Iraq, as it divided Europe, and in doing so, also distanced the US. Truly, this issue caused a crisis of sorts as it was the first significant division of member states on an issue concerning a great ally, the US. This issue, though, has significantly calmed down within Europe, and the EU has returned to good relations with the US, which were particularly marked by President Bush’s visit to Brussels last year, which was the first visit a US president paid to the EU. Now, the EU has come out in support of many US policies, but has also taken their own approach to global issues, through their commitment to help build democracy in Iraq, working with Iran on nuclear proliferation and disarmament, securing fair trade policies, and helping in the fight against terrorism. Indeed, much of this has been done to help create a EU presence on the global stage.
Truly, the newly globalized world requires new international governments and powers to help lead. The economy has always been the main focus of the EU, and the central reason for the creation of its systems of cooperation, and perhaps, in this time of reflection, the EU will feel the urge to cling to the economy to usher the EU into the next phase of integration, especially as new social systems are required to help handle the effects of globalization. However, the cause of globalization to spur integration does not have the same urgency behind it as terrorism does, and the EU may be more successful in grasping this new role to bring itself out of its constitutional crisis. Regardless, if the EU truly does want to establish itself as a global leader, it must set the tone for global leadership through making an example out of its own operations.

In this same regard, Javier Solana, the High Representative for the EU’s CFSP, noted:

“The quality of international society depends on the quality of the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.”

Truly, the EU has demonstrated that it recognizes that one of their greatest responsibilities in the fight against terrorism is their willingness to act, and that this willingness will establish their presence in the international playing field. As part of their

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47 EU Solidarity Program
efforts, and in cooperation with the UN and other global leaders, the EU is providing technical assistance for over eighty countries on how to draft and implement counter-terrorism laws and policies, and the EU is providing funds to these countries in support of these efforts. In a similar vein, the EU includes counter-terrorism clauses in all of their agreements with third world countries and uses development assistance to erode the support base for terrorist organizations through focusing on poverty reduction, human rights, good government, and participatory democracy.48 However, for all of these measures to be truly effective, the EU must prove that it is a top global player.

Where will the future of counter-terrorism cooperation take the EU? Mr. Gijs de Vries, the EU Counter-Terrorism Coordinator, appears to be turning in a new direction to focus on the protection of human rights and the promotion of good governance49 as keys to preventing the formation of terrorism. With such a strong civilian-military force at its disposal, it will not be surprising to see the EU merge counter-terrorism efforts with development efforts.50 Indeed, in a speech on “The Fight Against Terrorism- Five Years After 9/11,” de Vries noted, “We need to bolster the capacity of fragile states to deliver security and justice, and to promote development… There is no long-term security without development, just as there is no development without security.” Another key aspect of the development and counter-terrorism connection is in understanding what

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49 Jimmy Burns recounts how the EU’s counter-terrorism coordinator believes that “Human rights ‘are key to winning terror battle.’”
50 Gijs de Vries, the EU’s Counter-Terrorism Coordinator, discusses problems with EU counter-terrorism cooperation and the need to connect development projects with counter-terrorism projects.
drives people to terrorism, and the EU has made this one of its new focuses in the fight against terrorism.

The EU has one considerable advantage in the fight against terrorism, and that advantage is in their sheer number alone. Each of the twenty-seven member states are able to learn from each other, developing best practice policies and efforts, studying each others’ mistakes, and pooling their knowledge and expertise. This cooperation between states is one of the greatest tools the EU has at its disposal, and increasing this cooperation on an international scale will only help aid the fight against terrorism. Fortunately, counter-terrorism cooperation has a significant chance at further development, as it is apparent that the functional need for counter-terrorism is the driving force behind integration.

Indeed, in reviewing the pressures influencing cooperation in counter-terrorism, one finds that functionalism has dominated the field, with many of the JHA measures, including Europol and Eurojust, created through the functional need for a cooperative European criminal intelligence system. However, federalism and variable geometry also have roles in counter-terrorism cooperation. Federalism has not been as successful a method for integration, particularly as observed in the problems of institutionalizing intelligence sharing. There is, though, a recognizable need for a more federal system in counter-terrorism cooperation, as identified in the problems of competing competencies between the EU and the individual national governments. Finally, variable geometry has thrived in such counter-terrorism cooperation as the Schengen Agreement. Though the Schengen Agreement can be considered a success, the variable geometry approach to
integration does have its problems, mainly in that counter-terrorism cooperation, as a rule, requires the participation of all member countries to be most effective. Indeed, having a select few countries cooperating on a greater level than others, when the entire union needs protection, only complicates general EU cooperation. In a field where the weakest member state becomes a liability to the entire Union, it is imperative to establish universal cooperation in counter-terrorism in the EU. Counter-terrorism cooperation needs to move to more uniform integration through simultaneously taking advantage of the existing federal system to increase their institutions and keeping the functional importance of fighting terrorism as the drive for future integration. Monnet believed that only great crises move politicians to act against their cautious instincts, and that only a future crisis would provide the necessary push for European integration. If this is truly the case, the EU needs to act now in improving integration in counter-terrorism efforts, using both committed and thwarted terrorist attacks through the past few years as an impetus for integration and as examples of the consequences of not having a coherent, fully-developed counter-terrorism policy, instead of waiting for a greater crisis to befall the Union.
VI. Reference Bibliography


