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Summary

This thesis reviews the role given to the United Nations in American and European strategy concepts against terrorism and their impact on the organization's work. Its starting point is the premise that warfare in general changed substantially in the last two decades and that terrorism has become a truly transnational issue. To elaborate on this, the literature on "new wars" (principally the writings of Mary Kaldor and Herfried Münkler) is being discussed. The second theoretical starting point is the neo-institutionalist theory of International Law and international organizations as developed by Andrew T. Guzman. Furthermore, this thesis discusses the state of multilateralism in general and especially the United Nations in the last decade. This is being done within the context of the failure of the UN in major conflicts (Rwanda, Darfur, Yugoslavia), the subsequent discredit and the resulting skepticism in regard to a possible role of the UN in counter-terrorism matters. The attacks of September 11, 2001, established terrorism as a significant global threat and led to reactions by the entire international community. By taking several institutional steps, the UN reacted to these developments. Yet, the reforms of the UN are marked by disparities in the definition of terrorism and in the envisioning of an institutional setting for counter-terrorism at the UN-level.

The European Union made significant steps towards integration in the last ten to twenty years. It has become an aspiring and independent international actor and is perceived as such within the UN system. Its anti-terrorism strategy is in line with the approaches of the UN.

The United States generally has a difficult relationship with the UN with regards to counter-terrorism. In the U.S., the sentiment that the UN institutions are not fit to tackle the challenges is predominant. Unlike Europe and especially during the Bush presidency, there is a prevailing paradigm of regime change (the so-called Freedom Agenda) and the possibility of pre-emptive military strikes. Nevertheless, multilateralism plays an important role in the American strategy,

albeit less out of ideological conviction but more out of pragmatism and rationalism.

Eventually, a convergence between anti-terrorism strategies can be observed. Both sides of the Atlantic recognize the terrorist threat, the importance of the United Nations and other international partners and the significance of resolving regional conflicts, and especially the Israeli-Arab conflict. Building on a long history of trans-Atlantic cooperation, this partnership has been globalized.

What remains in the end nevertheless is the structural problem of an organization that was created to resolve disputes between states and is now challenged to cope with a problem between states and diffuse, trans-national non-state actors, which may or may not be supported or harbored by states.

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List of Abbreviations

ABM	Anti-Ballistic Missile Treaty
BSO	Black September Organization
CCPCJ	Commission on Crime Prevention and Criminal Justice (UN)
CFSP	Common Foreign and Security Policy (EU)
CICP	Center for International Crime Prevention
COREPER	Committee of Permanent Representatives (EU)
COTER	Council working group against Terrorism (EU)
CSCE	Conference for Security and Co-operation in Europe
CTC	Counter-Terrorism Committee (UN)
CTED	Counter-Terrorism Committee Executive Directorate (UN)
DHS	Department of Homeland Security
ECOSOC	Economic and Social Council (UN)
ECTS	European Counter-Terrorism Strategy (EU)
ESDP	European Security and Defense Policy (EU)
ESS	European Security Strategy (EU)
ETA	Euskadi ta Askatasuna
EU	European Union
FATF	Financial Action Task Force on money laundering and terrorism financing (OECD)
GA	General Assembly (UN)
IAEA	International Atomic Energy Agency
IO	International organization
IRA	Irish Republican Army
ISS	Internal Security Strategy (EU)
LOAC	Laws of Armed Conflict
NAFTA	North Atlantic Free Trade Agreement
NATO	North Atlantic Treaty Organization
NSCT	National Strategy for Combating Terrorism (U.S.)
NSS	National Security Strategy (NSS)

OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
RAF	Rote Armee Fraktion
TFEU	Treaty on the Functioning of the European Union
TPB	Terrorism Prevention Branch (UNODC)
TREVI	Terrorism, Radicalism, Extremism, and International Violence network
TWG	Terrorism Working Group (EU)
UN	United Nations
UNICRI	UN Interregional Crime and Justice Research Institute
UNODC	UN Office on Drugs and Crime
UNODCCP	UN Office for Drug Control and Crime Prevention (Renamed UNODC as of October 1, 2002)
UNSCR	UN Security Council Resolution
U.S.	United States
WMD(s)	Weapon(s) of Mass Destruction

Introduction

"We only have to be lucky once. You will have to be lucky always."

– IRA statement after a failed attempt to kill

Margaret Thatcher in her hotel in Brighton, 1984

Starting with the pivotal events of September 11th, 2001, this thesis will try to show how the role of the United Nations in the global war on terror has changed and how the United States and Europe use it differently as an instrument in the war on terror. Even though there is a general consensus that multilateral cooperation is important, there are differences on how the United States and Europe cooperate with the UN. On several occasions, the U.S. acted outside the UN framework, using military action without a specific mandate. But is the "common wisdom, at least in Western Europe," which Luck (2004) critically describes, "that Washington's response to the terrorist attacks of September 11, 2001, has confirmed its penchant for unilateralism and its disdain for multilateral processes and institutions" (ibid., p. 74) really accurate? Are Americans really "from Mars" and Europeans "from Venus" (Kagan 2003)?

It will therefore be analyzed, how the UN is fitted differently into American and European strategies against terrorism and how those strategies reflect in the UN's work. After all, terrorism is not dismissed as a "second-order strategic concern" anymore as it was in the 1990s, but is now widely regarded "as one of the most potent threads to international peace and security" (Phillips 2010).

Developments on both sides of the Atlantic in the last decade

Both the United States and Europe went through some significant developments in the last 10 years. The attacks of September 11, 2001, prompted the United States to take a more active stance at the international level. Guided by the assertion of "state-sponsors of terrorism" it engaged in two long-lasting wars in Afghanistan and Iraq, in the case of the latter much to the dismay of parts of the international community and the United Nations. The time period between the terrorist attacks and now can be divided into the era of George W. Bush's

presidency (2001-2009) and into the new administration of Barack Obama (2009-present). The fact that President Obama received a Nobel Peace Prize only after a few months in office "for his extraordinary efforts to strengthen international diplomacy and cooperation between people"¹ stands as an interesting indicator for a possible (perceived) paradigm shift in U.S. policy.

In Europe, on the other hand, the gradual process of integration has led to an increasingly consolidated European Common Foreign and Security Policy and the amplified establishment of the European Union as a global actor, also within other multilateral bodies such as the UN.

Dealing with terrorism is an intrinsically complicated and controversial matter. Apart from the legal issues involved with state actors operating against non-state actors abroad, policy-makers face many dilemmas. Neuhold (2006) mentions the following: the dilemma between security and the respect for human rights, the dilemma between the right to information and the avoidance of publicity for terrorism, and the dilemma between the need to share intelligence and the reluctance of intelligence services to cooperate.

Embedment into political theory

The analysis of anti-terror strategies needs to be conducted within a wider theoretical framework that looks at the development of modern warfare and the change in how armed conflicts present nowadays. This is necessary to emphasize the transnational character of terrorism and subsequently also anti-terrorism and to situate the possible role of the United Nations Organization accordingly. The main string of literature chosen is the literature on "new wars" as well as some contemporary literature on international law and international organizations.

The main research questions

This thesis will therefore try to answer several questions:

- How do the US and Europe relate differently to concepts of multilateralism?

¹ Nobel Foundation, http://www.nobelprize.org/nobel_prizes/peace/laureates/2009/

- What role does the United Nations play in American and European foreign policies? Can it simply be summarized by the statement that the U.S. use the UN to legitimize military actions and to increase the effectiveness of economic and political sanctions, whereas the EU/European countries see the UN as an instrument to resolve regional conflicts, to foster economic and social development and to promote good governance?
- How do the U.S. and Europe influence the UN and to which extent?
- What has been done at UN level? Does it help to reach the counterterrorism goals identified by the U.S. government and the EU?
- Does the plurality of institutions with the purpose of combatting terrorism produce synergy effects? Is there enough coordination? Or, to the opposite, is their effectiveness reduced due to duplication? In other words: Is there interlocking or interblocking?

Structure

We will thus start first with a theoretical part focusing on the development of new forms of modern warfare in a world where the United Nations, after several fiascos in the 1990s and at the beginning of the 21st century, still have to find their adequate role.

The second chapter reflects on the current state of multilateralism and the UN and reviews recent theories on international organizations.

The third chapter discusses terrorism as a new global threat of the 21st century and the immediate response of the international community.

Chapter four will look at how the United Nations deal with this new threat and especially at the legal instruments at its hand. New institutions have been built and others extended. The focus will lie on the UN Office on Drugs and Crime based in Vienna, Austria.

Chapters five and six will then look at counter-terrorism strategies on both sides of the Atlantic. There are different ways to analyze a government or institution's strategy, but the approach taken here was to look at important policy documents. These are for instance the American National Security Strategies (NSS) of 2002, 2006 and 2010, the American National Strategy on Combating Terrorism (NSCT), the European Security Strategy (ESS) of 2003 and the European Counter-Terrorism Strategy (ECTS) of 2005.

A particular focus will have to rest on the aspect of sovereignty, that is, the methodological caveat lying in the fact that we are comparing a sovereign nation (the United States) with a rapidly integrating European Union, which nevertheless is by itself only an association of independent countries. The fact that Europe more and more speaks with one voice on the international sphere legitimizes this comparison.

Finally, a conclusion – emphasizing the hypothesis of a globalization of trans-Atlantic cooperation – will summarize the main findings and remaining questions for future research.

New wars

Before addressing the “war on terror,” some further inquiry into what constitutes a war and how warfare has changed in the last decades has to be conducted.

Political scientists came up with various definitions of war. Killingsworth (2010) cites Quincy Wright’s argument that war “was a violent contact of distinct but similar entities” (Killingsworth 2010, p. 126). This definition has some serious shortcomings that shall not be discussed in further detail here. Other authors tried to find a quantitative definition of war – an approach that rather failed, though (see *ibid.* for a review). An important contribution to the theory of war is Carl von Clausewitz’s *On War* (1832) where war is defined as “an act of force to compel our enemy to do our will” (Clausewitz 1976) and is seen as “nothing but the continuation of policy with other means” (*ibid.*). Hedley Bull’s definition of war emphasizes the presence and importance of political entities: therein, war is “organized violence carried on by political units against each other” (cited in Killingsworth 2010, p. 126).

The Organization of the United Nations was founded at a time in which wars were fought between nations, in the wake of the Second World War. As several authors point out, warfare has changed since World War II and international terrorism has become a new form of it. The following section thus presents a theory arguing that recent conflicts differ drastically from those that we knew before. The literature on this issue was started by the current Professor of Global Governance at the London School of Economics Mary Kaldor’s study “New and old wars” (Kaldor 1998 [2006]) and quickly followed by the German political scientist Herfried Münkler, who introduced the discussion to the German-speaking world (see e.g. Münkler 2004 and Münkler 2006). The main difference between the two authors, who both discuss the same phenomenon, is their respective explanation of causality. While in Münkler’s view the new wars are mainly wars of state failure and are made possible by the weakness of central state authority, Kaldor sees them as a product of globalization and general trend towards privatization, even of violence.

Old wars

A starting point in the analysis of warfare is the war of 1618-1648 (Thirty Years' War), arguably one of the most destructive conflicts in European or even world history.

In the Thirty Years' War, violence was mainly directed at the civilian population and less against military units. This happened because warfare was not led by a central authority with standing national armies, but was delegated to private warlords. Economic motives stood behind many decisions of the rulers, the motto so to say being "bellum se ipse alet" (the war nourishes itself). Around 1,500 war entrepreneurs (probably the most well-known being Bohemian politician and soldier Albrecht von Wallenstein, who offered his army of 30,000 to 100,000 men to the Holy Roman Emperor Ferdinand II and became the supreme commander of the armies of the Habsburg monarchy) were directly involved in the war (Münkler 2004).

Mercenaries quickly discovered another form of income, next to their soldier's pay: looting. An economy of war developed, consisting mainly in looting whole areas and displacing or killing the people living there. While the war was waged in the name of religion, this was more of a pretext to get rich at someone other's expense. The subsequent loss of discipline among soldiers entailed a deadly vicious cycle of violence. The civilian population started to arm and defend itself against marauding mercenaries. The damages to the local economies were so high, that the only way to achieve an income allowing subsistence was to enter the war economy, be it as mercenary or as a merchant within the posse consisting of the soldiers' families, artisans and business people like smiths, tailors or innkeepers. A parallel society, a state within the (barely actually existing) state and only rarely in line with the demands of the state leadership developed. Those elements of the vicious cycle: erosion of the state's monopoly on violence, loss of discipline among soldiers, assaults on civilians, self-justice by the local populations, revenge by the soldiers, farmers joining the baggage, more people becoming part of the war economy; are seen again in new kinds of conflicts in the twenty-first century. The actors in the war are not interested in any solution of the conflicts, as this would mean the loss of their main source of income. While the old wars were ended by a peace conference

(e.g. the Congress of Vienna), nowadays the term “peace process” is more common and would also have applied to the process leading to the treaty of Westphalia (Münkler 2004).

What came after this war was what is considered a robust political system based on symmetry between nations. While wars were fought repeatedly after the peace of Westphalia, the system was able to prevent forms of warfare threatening the system as a whole, or at least to confine it to the periphery. This political system of symmetry proved itself successful on three levels: military strategy, political rationality, and legitimacy from the point of view of international law. By international law, the respective sovereignty and formal equality of countries were prescribed, regardless of their size and population. This prevented especially less powerful countries to fall back into asymmetric warfare as this might have entailed the loss of the “equality premium” (Münkler 2004, 121). Structural symmetry stabilized at the level of political rationality by making the power of countries comparable. By simply comparing the size of military expenditures or the size of armed forces, rulers could relate the powers of other countries to their own. Wise forging of coalitions then allowed balancing those powers. Countries could arm themselves according to rational facts and did not – as in the case of asymmetric warfare – have to arm themselves against any imagination of a threat.

At some point in the course of the twentieth century, this system of symmetry burst. It is debatable whether this happened already in the First World War, in the course of the Second or only with the demise of the Soviet Union and the rise of the United States to be the world’s only superpower (Münkler 2004). Münkler’s ambivalence ought to be criticized here though. World War II is probably the most striking example of the failure of the Westphalian system. The proxy wars of the Cold War are another one.

Warfare was structurally changed not only as a result of the Thirty Years’ War, but also to concurrent technological changes. Artillery gave a huge advantage to the territorial sovereign over the feudal warrior. Yet, this new, expensive weaponry could only be afforded through a viable tax system (see e.g. Münkler 2000). Cost of investment became too high to be affordable for the

individual war entrepreneur. Since the new weapon systems required training, standing armies had to be erected. This entailed uniforms, drill, and exercising.

As mentioned above, this new symmetry led to wars being ended by a decisive battle and a subsequent peace conference. In the all-encompassing wars of the 20th century, war, state, and society unified and together with technological advances led to the immense number of victims (see e.g. Kaldor 2000). Especially World War II showed that Münkler's thesis that war has been disciplined by the state does not tell the whole story (see e.g. Zelik 2007).

The new wars

The term "war" – still a useful category?

To begin with, it should be discussed whether the new wars are in fact wars.

Mary Kaldor maintains the term "war" while saying that:

"The new wars occur in situations in which state revenues decline because of the decline of the economy as well as the spread of criminality, corruption and inefficiency, violence is increasingly privatized both as a result of growing organized crime and the emergence of paramilitary groups, and political legitimacy is disappearing. Thus the distinctions are breaking down between external barbarity and domestic civility, between the combatant as the legitimate bearer of arms and the non-combatant, or between the soldier or policeman and the criminal. The barbarity of war between states may have become a thing of the past. In its place is a new type of organized violence that is more pervasive, but also perhaps less extreme." (Kaldor 1998 [2006], 6)

and:

"First of all, I use the term 'war' to emphasize the political character of the new wars, even though they could also be described as organized crime (illegal or private violence) or as massive violations of human rights (violence against civilians). Because networks are loose horizontal coalitions, unlike vertical disciplined armies of the past, a shared narrative, often based on a common identity, ethnic or religious, is an important organizing mechanism. In the case of the netforce, the networks engaged in the new wars, what holds them together is generally an extreme political ideology based on the exclusive claim to state power on the basis of identity - ethnic chauvinism or religious communalism."

She stresses access to state power “because these ideologies are not about substantive grievances, such as language rights or religious rights, although these may be indirectly important; rather they are about control of power and resources for an exclusively defined group of people.” (Kaldor 2001) It should be added though that Kaldor’s distinction between what she calls “substantive grievances” and the will to control of state power is not perfectly clear or warranted.

The low-cost war

Historically, war is something expensive. Modern weapons systems, be they war tanks, fighter planes, or even satellite reconnaissance and missile defense, were and are costly and thus only affordable by governments. Armed forces nowadays are therefore smaller, but better equipped than during the times of the large tank formations and naval forces of the Second World War.

Yet, the new wars are astonishingly cheap, at least in regard to the costs of their preparation and execution. They are waged using light and relatively cheap weapons such as automatic rifles, landmines, or rocket launchers. Jeeps and pickup trucks serve as means of transportation. Heavy weapons, easily available especially shortly after the break-up of the Soviet Union, are taken from the remainders of the arsenals received by the great powers during the Cold War. But there is no need for them: massacres and skirmishes can be conducted easily with light weaponry and quick transportation (Münkler 2004).

Globalisation

Kaldor sees globalizations as the main reason for the increase in the number of conflicts that could be called new wars.

“There are two aspects of the new wave of identity politics which specifically relate to the process of globalization. First, the new wave of identity politics is now local and global, national as well as transnational. In many cases, there are significant Diaspora communities whose influence is greatly enhanced by the ease of travel and improved communication. Alienated Diaspora groups in advanced industrial or oil-rich countries provide ideas, funds and techniques,

thereby imposing their own frustrations and fantasies on what is often a very different situation. Second, this politics makes use of the new technology. The speed of political mobilization is greatly increased by the use of the electronic media. The effect of television, radio or videos on what is often a non-reading public cannot be overestimated. The protagonists of the new politics often display the symbols of a global mass culture – Mercedes cars, Rolex watches, Ray-Ban sunglasses – combined with the labels that signify their own brand of particularistic cultural identity.” (Kaldor 1998 [2006], 8)

It is probably safe to say that international terrorism more than ever relies on the tools provided by globalization. The attacks of September 11 were almost televised live to a worldwide audience. Al-Qaeda frequently uses the Internet or international news outlets like Al-Jazeera to broadcast their propaganda. Many videos of alleged crimes against Muslims or messages from influential clerics can easily be found on YouTube.

International law

In international law, the only actor is the state, as well as international organizations with an international legal status. It is based on the principle of equality among all those actors. Yet, in the new wars, the relevant actors are not states anymore. As an example, if we look at the conflict between the United States on one side and Al-Qaeda on the other, it becomes clear that this cannot directly be settled through international law. It makes therefore sense, that the concept of “states harboring terrorism” had to be introduced².

² On a side note, it should be remembered that this is what President Bush infamously referred to as the “axis of evil”. While media coverage on Bush’s 2002 State of the Union Address suggested that Bush wrongly constructed an alliance between Iraq, Iran and North Korea, the exact wording of the address talks about an “axis of evil” between terrorists on one side and state harbors of terrorism (specifically the three countries just mentioned) on the other side. Bush also confirms this interpretation in his autobiography (Bush 2010).

Military discipline

New wars, which do not rely on traditional standing armies anymore, are therefore also characterized by the loss in military discipline among its soldiers. While traditional guerillas such as those of Che Guevara or Mao Tse-Tung thrived to win the “hearts and minds” of ever-larger parts of the population, in order to eventually get in control of the country, in the new wars political control is obtained the creation of religiously or ethnically “clean” areas, through what Kaldor calls “identity politics” (Kaldor 1998 [2006]). Radical Islamism has a specific concept for its identity politics: the “ummah” (see e.g. Philip 2010). In pan-Arabism, this concept referred to the whole collective of Arabs. In pan-Islamism, it refers to the community of the believers. Radical Islamism then distinguishes between Dar al-Islam, the Muslim world, and Dar al-Harb (literally: House of War), the geographical area where Muslim laws does not apply.

The media

The role of the media has also changed in the new wars. Their role is henceforth to influence the international community. Conflicting parties thus systematically and concertedly use the media to spin the world opinion to their favor. They will then try to either avoid the media’s being present in the field, or, on the contrary, try to get reporters and cameras into the battleground, so that their version of the story gets heard and seen. Media have thereby involuntarily (or sometimes voluntarily) become an active actor in those armed conflicts. This is a direct consequence of the asymmetric structure of modern conflicts, that is, not the fight between soldiers and soldiers, but between a military and a civilian population. The world audience has thus become a valuable resource of war, behind which fighters of the perceived weaker side can hide. The political and military relevance of television cameras therefore increases with a conflict’s asymmetry. Any party involved in the fighting has an incentive to portray itself as the David fighting against Goliath. The most useful means to do so is by selectively presenting refugees, crying women and desperate children (Münkler 2004).

External support

As it also became clear in Kaldor's stressing the importance of globalization, external support is a key motor for new wars. Neighboring countries, which expect a strategic benefit from their involvement, or countries with historic or religious ties to the conflict zone will get involved. Kaldor used the war in Bosnia-Herzegovina as a case study of a new war. She therein identifies several forms of support by fellow Muslim states: secret service information, military equipment, diplomatic support in international organizations, infrastructure measures, humanitarian aid, and simply financial support (Kaldor 1999 [2006]). The other group of supporters consists in the diaspora communities dispersed around the world, which will give their support to and lobbying in favor of the faction they support (ibid.).

Financing of new wars, in particular terrorism

Kaldor and Münkler both highlighted the importance of looting, the misuse of humanitarian aid, the exploitation of a country's natural resources, and cross-border smuggling to the financing of new wars. Terrorists have repeatedly found ways of acquiring money for their endeavors.

Terrorism vs. guerilla warfare

While new wars are definitely a form of war, there nevertheless needs to be a clear understanding of the differences between war (old or new) and terrorism. Both Münkler and Kaldor are aware of this issue, though only Münkler devoted a whole chapter to it. Depending on the setting, the distinction between terrorism and guerilla warfare is not clear-cut anymore. Are the so-called insurgents in Iraq³ partisans using guerilla methods (in their view, they are representatives of a people fighting foreign invasion and occupation), or are they terrorists (after all, they use methods like suicide attacks deliberately targeting civilian populations and fall well under any definition of terrorism)? The answer is probably: both. While this distinction might seem at first purely academic, it has relevance at the legal level and thus decides as to whether and what kinds of

³ The situation in Iraq is summarized quite well by Record (2003, p.34): "What started out as a short conventional war of choice has become an open-ended unconventional war of necessity."

intervention against those insurgents is/are permissible to the UN and its member states. The simplest “test” to characterize an armed political organization or movement as either terrorists or guerilla warriors could be to look at its targets. Whether it uses violence against noncombatants or against lawful combatants of its opponents would make the crucial difference. Neuhold (2006) cautions that this distinction, which is also made in the 1999 UN Convention for the Suppression of the Financing of Terrorism and in the 2004 UN report “A more secure world: Our shared responsibility”, means that “an attack killing a politician and a high military officer sitting at the same table in a restaurant [...] would only constitute a 50 per cent terrorist act” (ibid, p. 25).

Terrorism as a communication strategy

The difficulty of defining terrorism originates from the simple fact that it is highly political and subjective. Similarly to the old, somewhat cliché saying “one man’s terrorist is another man’s freedom fighter”, the designation “terrorism” in international relations is a mechanism of exclusion⁴. It, by definition, immediately renounces the opponent’s claims as non-negotiable or at least as long as they recur to violent means (Münkler 2004). Of course, the other side will refer to itself as freedom fighters who, due to their military weakness, need to make use of unconventional methods. Whether an organization is stigmatized as a terrorist organization or whether it is able to garner support as the legitimate advocates of a rightful cause, will be pivotal for its success (ibid.). What is paramount is that terrorism is a way of applying violence that earns its success indirectly. It is not about its physical effects, but of the psychological effects. In the armed struggle between Al-Qaeda and the United States, destroying the World Trade Center did not provide Al-Qaeda a direct military, physical advantage. Neither did its attacks on American soldiers in Iraq. On the other hand, the actions of partisans in other wars, say World War II, actually damaged

⁴ Note that this view of the ambiguity of the term terrorism and that said view is now considered „politically correct“ is criticized by Ganor (2002) when he claims that „an objective, internationally accepted definition of terrorism is a feasible goal, and that an effective struggle against terrorism requires such a definition. The sooner the nations of the world come to this realization, the better.”

the capacities of the opponent's military – unlike terrorists, those partisans were also able to withstand surprise and short military confrontations. What made those attacks so successful for Al-Qaeda was the message that it sent and the terror and fear that it spread. Münkler therefore emphasizes the importance of terrorism as a strategy of communication. The recipient of those messages is first the victim of the attack, who is shown its vulnerability to attacks and the political costs of a continued engagement in a specific region or the sustaining of its political will, and second to a third party of which the interested the terrorists try to garner. This third party is the group of people for which the terrorist organization claims to be waging the war. This third party is also the source of the terrorist group's sense of legitimacy.

From a tactical element to a political and military strategy

Terrorism has a longstanding tradition in the history of politics. It is only in the middle of the twentieth century in the course of anticolonial liberation movements throughout the European colonial powers that terrorism became a successful strategy. Its social-revolutionary counterpart in the second half of the nineteenth century, as an example for comparison, failed. Many politicians who were considered terrorists earlier made it into the United Nations General Assembly in the 1960s⁵. The function of terrorism was to spark a broader partisan movement against the colonial power. As such, its usage was self-restricted by its perpetrators. Targets were carefully chosen and the aforementioned third party was kept out of harm's way as much as possible in order to prevent the colonial power from using it for its propaganda (Münkler 2004). Münkler sees as – especially for this paper relevant – difference between social-revolutionary and ethnic-nationalist groups' terrorism on one hand and religious terrorism on the other hand. The former is quite meticulous about said self-restriction, whereas the latter has a much broader conception of the enemy. There is no distinct third party, but rather this has yet to be constructed. Additionally, it can draw upon millenarian or apocalyptic legitimizations of its

⁵ The PLO's high-wire act between seeking recognition as legitimate representatives of an oppressed people on one side and engaging in terrorist acts on the other side could also be mentioned as an example.

acts. In a divine struggle against “evil” or the “infidels”, it cannot be taken into consideration on innocent victims.

This is of importance to the strategies against terrorism and the United Nations insofar as it is religious terrorism that acts truly internationally and transnationally. The internationalization of terrorism (e.g. through hijackings of and attacks on commercial airliners – with the Landshut hijacking and the Lockerbie attack as probably the most notorious incidents) further extended the circle of potential victims and made the restrictions of terrorism more diffuse.

Terrorism has furthermore become an independent strategic option that works independently of the “big war” and also independently of the “small war”, the guerilla. The new war against a foreign power does not have to be won on the battlefield by partisans anymore (as it was the strategy during the Second World War or the Vietnam War), but the rationale is to keep the war going for as long as possible in order to render it excessively expensive for the enemy. Terrorism, unlike partisan warfare, though does not so much target the its enemy’s economy as it rather tries to gain access to the enemy’s media, which exercise a strong leverage on the effects of terrorists’ attacks. Usually (and with the exception of the attacks of September 11, 2001) the physical effects of a terrorist attack on the economic infrastructure of a country would be too small without the amplification by the media. The shift in warfare towards partisan and terrorist tactics and strategies also has another consequence, namely that the regular army likewise needs to recur to similar tactics and strategy in order to win the war – with very adverse effects on the civilian populations (ibid.). This has important legal implications though, given that international law does not sanction the use of such approaches by states. Terrorism has led to a new kind of asymmetric warfare in which even small groups can do a large amount of harm. Defending oneself against terrorism is almost impossible – religious terrorists cannot be prevented from their acts by monetary or political concessions.

Since the collapse of the Soviet Union, the United States by and large and to a lower extent the Western European countries stand unchallenged in any symmetric, conventional conflict. Therefore, anybody who wishes to challenge these powers needs to make use of asymmetric warfare. In this kind of warfare, even the United States can be defeated – the Vietnam War and the failed

interventions in Somalia and Lebanon stand as examples. The diffusion of the imagery through the mass media contributes to the deterring effects of this kind of warfare on the attacked state.

The targets of terrorist groups

The above-mentioned shift in strategies and the importance of the media leads us to the question of what the targets of terrorist actions are. Religious terrorism (and this kind of terrorism is singled out here for the reason that this is the most transnational kind of terrorism and thus has the highest relevance for the topic of this thesis) presents a highly extended definition of what the enemy is. It targets not just power elites, but whole civilizations (or even: lifestyles). As it cares less about the third party, it produces far higher numbers of casualties. The fact that religious terrorist attacks usually come without specific political demands (they communicate through the imagery produced, not through the more “classic” letters claiming responsibility) that – if met – would put an end to the terrorist campaign. The purpose is rather the establishment of a general feeling of menace (by the American population in the case of the September 11, 2001, attacks) and the message to the third party that a war against an overwhelming power can be successful if the “weaker” side recurs to non-conventional methods. But the attacks of 9/11 as well as several attacks on tourist destinations reveal that the target was also the economic infrastructure.

The economic fabric of western economies can be very thin. Indeed, such attacks and the panic they create have immensely detrimental effects on stock markets and investors’ expectations about the future. Especially smaller countries, which are oriented towards the United States and Europe, might thereby be forced to shift their orientation and keep at distance from the West. The damage produced by terrorism is thus not the destruction of economic infrastructure, but the tearing apart of the sensible psychological economic fabric of modern societies (ibid.).

Summary and criticism

It will be seen later on that the United Nations do not have such a clear view of what exactly terrorism and the war against it are. Finding a definition of terrorism at the UN level has been a long and still on-going process and relates

directly to the topic at hand. The UN is not alone with this difficulty of definition: Schmid et al (1988) count 109 different definitions of terrorism.

Thus, an old dictum by Clausewitz becomes once again relevant: “first, the supreme, most far-reaching act of judgment that the statesman and the commander have to make is to establish the kind of war on which they are embarking, neither mistaking it for, not trying to turn it into, something that is alien to its true nature. This is the first of all strategic questions and the most comprehensive” (Clausewitz 1976, p.88).

For sake of completeness, it should also be noted that the literature on “new wars” faces some criticism. If new wars, which take place in the context of globalization and the fragmentation of state authority, are summarized as conflicts between state and sub-state actors (thus emphasis being put on the privatization aspect) and characterized by their targeting of civilians and deliberate displacement of people(s), then the criticism of this literature points out that those are elements present throughout the last one hundred years (Killingsworth 2010).

While Killingsworth (2010) is critical of the concept of “new wars” (mainly because the differences to old wars are not clear-cut enough and the nature of warfare as organized violence for political goals has not changed in his view), he recapitulates why the war on terror “appears to be the perfect example of a new war” (ibid, p. 133):

- The war on terror confronts state and sub-state actors. Sub-state actors include the Taliban and various insurgents in Iraq, but also the private security contractors hired by the United States (such as the notorious Blackwater Group).
- The wars in Afghanistan and Iraq (which are the main battlefields of the war on terror) lack definitive or even traditional battles. The predominance of airstrikes and ongoing ground skirmishes renders it difficult to declare winners or losers.
- Civilian deaths outweigh military deaths. There are high numbers of permanent refugees and displaced persons.
- The casus bellum is disputed and ambivalent. This relates more generally to the problems involved with the concept of pre-emptive

wars (the United States National Security Strategy of 2002, which is reviewed below, advocates this principle).

Multilateralism and the United Nations

Why rely on international organizations and international law?

Before pursuing the question of how countries use the United Nations to combat terrorism, a more fundamentally theoretical aspects need to be addressed: Why is it that states rely on international law at all? Why would they comply with it even though there are no obvious enforcement mechanisms? Why do they use international organizations? What is their purpose?

We observe in reality that international legal rules affect state behavior. States react to judicial decisions and sometimes adapt domestic legislation in order to comply with international agreements. Those changes show that agreements sometimes do exert some influence (Guzman 2008). If it is concluded that international law has an effect in some instances and under certain circumstances, then strategies against terrorism will have to take this fact into account. The empirical evidence is that states invest a lot of resources in the creation of international rules and into debates about compliance with them. An example would be the huge diplomatic and material effort that states exert in order to obtain a Security Council resolution authorizing the use of force. States invest resources to obtain or to prevent international agreements (see for instance the field of environmental policy) and foreign ministries like the United States Department of State employ large and costly cadres of lawyers evaluating the legality of their country's and other countries' conduct (*ibid.*).

As Guzman (2008) notes, there is still an academic challenge in the field of international law: "Despite the important contributions from the authors listed here [*in ibid.*, PCH] and many others, the field of international law remains largely without a comprehensive and coherent theory that seeks to explain how the system works across its full spectrum." He puts his emphasis of analysis on the enforcement and uses the approach of the "three Rs of compliance": reputation, reciprocity, and retaliation.

The study of international law – especially with this thesis' topic – confronts one particular exception, namely the European Union, which is an organization *sui generis*. "Because European states successfully delegated

authority to European institutions such as the European Commission (EC), the Council of the European Union, and the European Parliament, the consent of all EU members is not required to establish rules governing their conduct. This causes the EU to take on some characteristics we normally think of as belonging to states, including its own laws, regulations, and courts. Furthermore, the EU represents such a deep level of integration that matters of compliance and defection take on a different character. [...] To the extent a new Europe offers all states significant benefits, there is a greater incentive to accept individual arrangements that are costly” (ibid, p. 14).

The problem of legality in a new kind of war is reflected upon in memorandum by President Bush (2002a) where he states that: “However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognizes that this new paradigm – ushered in not by us, but by terrorists – requires new thinking in the law of war, but thinking that should nevertheless be consistent with the principles of [the] Geneva [Convention Relative to the Treatment of Prisoners of War of August 12, 1949].”

New multilateralism

Neoliberals (in regard to international relations, not necessarily to economic policy) such as the influential Robert Keohane (1990) or John Ruggie (1993) describe multilateralism as a process that “coordinates behavior among three or more states on the basis of generalized principles of conduct” (Buggies 1993, p. 14). Hence, the problem is to find principles and norms that provide the rules to guide said behavior. These rules are crucial components of coordinated collective state action. The key to multilateralism is therefore the overcoming of collective action problems in the absence of enforcement.

Other questions are: “How should the norms that shape behavior actually be operationalized and how should decision-making authority be allocated? Empirically, we can observe that the institutionalization over time of bodies such as the IMF and the World Bank has seen a greater degree of decision-making autonomy pass to the institution than their membership had almost certainly

initially anticipated” (ibid., p. 226). In the last decades the number of state-sponsored and non-governmental international organizations has grown “dramatically” and this growth has been a defining feature of the international system for decades. International cooperation was spurred on one side because of technological advances (with the International Telegraph Union, founded in 1865, being widely regarded as the first modern international organization) and on the other side by the pursuit of peace (Concert of Europe, League of Nations). After the Second World War, the organizations established at this time dealt with the management of the international economy. This process was led under the auspices of the United States and followed the idea that maintaining economies open and liberal was a solution to prevent future major conflicts. What is also important to note is that “there has been a continuing shift of authority from states to non-government or government-sponsored organizations which are assuming greater responsibility for making and enacting policy in their area of presumed competence” (ibid., p. 227). This is an important point when looking at institutions like the UN Office on Drugs and Crime (of which terrorism prevention is one of the mandates), which employs specialists and unelected technocrats who have some authority in policy-making.

The role of international organizations and the influence they can exert depends also on their composition and role. Such an organization can be very narrow in their scope but then is often broad in membership (take as an example the Universal Postal Union), while others can be broad in scope and narrow (read: more regional) in membership (the typical examples include the European Union, the Asia Pacific Economic Cooperation forum or the Organization for Economic Cooperation and Development). The broader an organization is, the easier it is to agree on deals. So if, for instance, anti-terrorism is embedded with the UN organization, then it provides a forum where one state can agree to deeper cooperation in anti-terrorism matters in exchange for concessions in, say, climate change agreements. A review of this thread of literature can be found for instance in Guzman (2004).

In order to further understand the role of the UN in counter-terrorism, a theory that tries to understand international organizations has to be built. Guzman (2011) tries to do so by understanding IOs as an analytical category and

seeks to understand (a) why they are made the way they are, and (b) what they are doing. This analytical approach builds, among others, on Dunoff and Trachtman (1999) and Abbott and Snidal (1998). The first principles are that IOs are created by states and that these states can design them in any way they want. These IOs are only established if their creation makes all founding member states (represented by their heads of government or heads of state) better and states negotiate in order to maximize the joint value of IO.

Guzman (2011) identifies several design choices:

- Action v. policy. It can focus on specific tasks (WHO eradication of smallpox) or it can have a broader policy mandate (UN Human Rights Committee).
- Narrow v. broad scope. It can have a narrow, specific competence (e.g. the Universal Postal Union) or a broad, general competence (UN General Assembly). The “advantage” to states of narrow IOs is that it protects their sovereignty. Therefore, they might prefer several small IOs to one large one. Reasons for a broader IO can be their increased effectiveness, the linkage of policy fields, and economies of scale.
- Silence v. speech. An IO can have its own voice, that is, right to its own opinion (OECD), whereas some IOs do not have a distinct voice from their members (Commonwealth of Nations).
- Low v. high voting requirements. Decisions can be made by a unanimity rule (WTO, UNODC) or through a simple majority (UNGA, some international tribunals). The UN Security Council takes an in-between position (unanimity among permanent members and majority of the council).
- Non-binding v. binding rule making. Organizations like the ICJ or the ILO can only adopt non-binding norms, whereas the UN Security Council and the EU can impose binding and enforceable rules. Hard laws exist only on very rare instances and often only where the IO can be constrained to narrow and technical areas.
- Easy exit v. hard exit. IOs can be distinguished upon whether it is legally and practically (that is, at a non-excessive cost) possible to leave the organization. The UNESCO, for example, can be easily left, while there is

not even a formal procedure to leave the EU (and more drastically, the European Monetary Union).

Therefore, states wishing to establish an international organization face what in economics and engineering is called an “optimization problem”. They can and have to choose between a weaker IO that protects the member states’ sovereignty and a stronger IO that compromises national sovereignty. This choice has to be done along these six dimensions described above. It explains why there are so many international organizations, why they vary so much in size, scope and authority, and why states are reluctant to use dispute resolution in IOs. A lesson that Guzman (2011) draws about state preference is that the gains from allowing international organizations to create “hard”, that is, binding law seem to be small as compared to the perceived political costs of doing so. See the following page for a graphical representation.

A note on the wording

In many instances, the United States was accused of unilateralism. Luck (2004) points out that the wording might often be inaccurate. For instance, the U.S. was blamed for leaving the negotiations on land mines or children’s rights. Yet, this is not necessarily unilateralism – in fact, Luck calls Washington’s stance on those issues “exceptional”, that is, out of line of the international consensus or majority. But the point is rather the process. And indeed, the U.S. was theoretically and factually willing to join the multilateral process with the aim of drafting conventions e.g. on said issues. Unilateralism instead would be if a state acted without even consulting widely beforehand or seeking to build a broader coalition. Thus, multilateralism and unilateralism mark “the characteristics of the policy option chosen, not [...] the nature of the interests pursued through it” (ibid., p. 76).

The United Nations Security Council (Guzman 2011):



The UN Office on Drugs and Crime (own representation):



Figure 1: Institutional design of the UNSC and UNODC

The United Nations – an organization in discredit

“The world has a love-hate relationship with the UN. States turn to the organization when it suits their individual agendas, calling for its intervention. Others, conversely, either veto or ignore its authority or shun its involvement” (Chandler 2007).

The 1990s were a decade where this finding was particularly corroborated. The organization came in serious criticism at various occasions. Three political events on the world stage have to be especially high-lightened as the organization’s credibility and legitimization came under particular discredit: the 1994 genocide in Rwanda, the failure in Yugoslavia, in particular in regard to the events in Srebrenica in 1995, and the genocide in Sudan.

Rwanda

In the case of Rwanda, there was basically no political will, while the intervention which was eventually sanctioned by the Security Council came too late and was not determined enough (see e.g. Chandler 2007). In a commemorative speech, then-UN Secretary-General Kofi Annan noted that “we must all acknowledge our responsibility for not having done more to prevent or stop the genocide”, and that “[p]erhaps more than any others, those questions have dominated my thoughts, since I became Secretary-General. If there is one legacy I would most wish to leave to my successors, it is an Organization both better equipped to prevent genocide, and able to act decisively to stop it when prevention fails.” (Annan 2004)

Yugoslavia

In Yugoslavia, the UN was present through the United Nations Protection Force (UNPROFOR), originally intended to keep the peace in the four minority Serb enclaves in Croatia, the Krajina and East and West Slavonia. During the siege of Srebrenica, the Security Council designated it a so-called UN Safe Area on 6 May 1993, along with areas centered on Bihać, Goražde, Tuzla and Žepa. Yet, the UN did little to keep those areas safe: while Security Council resolution 844 (1993) authorized an additional 5600 infantry and 2000 support personnel to the troop strength of UNPROFOR, those reinforcements most of the time came in late, ill-equipped for the task or fell well short of the numbers and capabilities required

for the tasks (Chandler 2007). "Other contingents, despite being trained, equipped and fully capable, had their deployments restricted by their governments to specific assignments rather than conforming to the operational priorities of the UN Mission's Force Commander." (ibid, 101) "Despite the significant international presence, the eventual end to the armed conflict was achieved only with military muscle to back tough diplomacy. But the muscle was provided by NATO – not the United Nations mission itself." (ibid, 103)

Chandler 2007 and many others summarized the reason for this failure of the UN in Yugoslavia as follows: in the beginning of the war, the United States had no interest in the Balkans area. As James Baker, the US Secretary of State at the time, put it: "The US doesn't have a dog in this fight!" At the same time, some of the European states involved – in agreement with the US – considered Yugoslavia to be their "backyard" and opposed US interference. Thus, there was an international consensus that the war in Yugoslavia was a purely European problem.

As with Rwanda, the Kofi Annan reflected on this failure:

"To ensure that we have fully learned the lessons of the tragic history detailed in this report, I wish to encourage Member States to engage in a process of reflection and analysis. [...] The aim of this process would be to clarify and improve the capacity of the United Nations to respond to various forms of conflict. I have in mind addressing such as [...] the inadequacy of symbolic deterrence in the face of a systematic campaign of violence; the pervasive ambivalence within United Nations regarding the role of force in the pursuit of peace [...] and a range of doctrinal and institutional issues that go to the very heart of the United Nations' ability to keep the peace and help protect civilian populations from armed conflict. The Secretariat is ready to join in such a process." (UN GA A/54/549) Those words, while relating to the ability of the UN to respond effectively to cases of civil war and political violence, can also be related to the ability and willingness to respond effectively to inter- and transnational terrorism.

Darfur

Finally, the ongoing genocide in Darfur should be mentioned. In their report “Darfur, Sudan: The Responsibility to Protect” of 30 March 2005, Members of the British Parliament found clear words: “The UN Security Council has failed to fulfil its responsibility to protect the people of Darfur, and to maintain international peace and security. Driven by national interests, the Security Council has been divided, weak and ineffective. There should be a referral of Darfur to the International Criminal Court, targeted sanctions and an extension of the arms embargo to cover the Government of the Sudan.” This, again, can be connected to the issue of terrorism. The killings in Darfur seem to be conducted by the Janjaweed militias, apparently as “sub-contractors” of the Sudanese government and thus seem to be a case of state-sponsored terrorism within that same country. On Douglas Farah’s counter-terrorism blog website, he underlines the link of those militia to international terrorism: “A recent international intelligence document says there are credible reports that a cadre of about 15 Al-Qaeda operatives in Sudan is providing training to troops under the control of Janjaweed leader Musa Hilal.” (Farah 2006)

The United Nations, Afghanistan, and September 11

Already years before the attacks of September 11, 2001, and the subsequent U.S. intervention in Afghanistan, the country had been a recruiting and training center for Al-Qaeda. The attacks of September 11, 2001, and the worldwide surge of international terrorism were only a logical consequence of the international neglect of the situation in Afghanistan. “Governments blamed the UN for inaction but, at the end of the day, the UN is only as good as its members make it or want it to be. Long before 9/11, before the threat reached a transnational level, the international community, through the auspices of the United Nations, had been playing a modest role against terrorism.” (Chandler 2007, 121) The UN General Assembly passed several non-binding resolutions urging states to adopt measures against international terrorism, as well as resolutions directly against the Taliban and even sanctions. These latter resolutions called for an end of violence in Afghanistan and against the provision of a safe haven for Osama bin Laden – and were of course ignored by the de-facto rulers in Kabul. The

sanctions were introduced in 1999 and tightened in 2000. Furthermore, a panel of experts was tasked to recommend a mechanism by which the sanctions could be effectively monitored. While the panel was given 60 days to fulfill its task and report to the Security Council, it took three months until a final compromise regarding its composition was found and it could come together (Chandler 2007).

Pursuant to resolution 1363 (2001), the Security Council established an Analytical Support and Sanctions Monitoring Group to monitor the sanctions against “Al-Qaida and the Taliban and associated individuals and entities” (Resolution 1363, 2001). This Analytical and Monitoring Team had a more restricted mandate than the original Monitoring Group of which the mandate was terminated in January 2004 after a series of reports “that had criticized member countries for not living up to their counter-terrorism commitments and obligations” (Comras 2010).

Summary: Impact on the UN’s role in counter-terrorism

As we have seen in those above-mentioned instances, the United Nations failed at several occasions to remain truthful to the spirit in which it was enacted in San Francisco of the year 1945. It was thus a reasonable step that political actors would either regroup in other multilateral platforms, such as NATO, OSCE and a successively politically integrated European Union, or increasingly act not only outside of the UN system, but outside of multilateralism altogether. The crises the United Nations endured after 1989 were not only of a purely operational nature, but were rooted in fundamental problems of a multilateral organization with the claim of global inclusiveness.

Terrorism as a new global issue

This chapter looks at how terrorism, which has always been a political reality, has evolved in recent years from a purely national matter to a new global issue.

The 90s and September 11th, 2001, as a pivotal event

In its recent history, Europe had to deal with terrorism repeatedly, be it the Irish Republican Army (IRA) in the UK, Euskadi Ta Askatasuna (ETA) in Spain and France, several generations of the Rote Armee Fraktion (RAF) in Germany or others. Yet, European countries dealt with those threats solely on a national basis. Cooperation was rather informal, an example being TREVI, an intergovernmental network of European public officials from the national ministries of the interior and justice which evolved into the justice and home affairs pillar of the post-Maastricht EU). TREVI was founded in 1976 as a consequence of the 1972 massacre at the Olympic games in Munich committed by the BSO (von Hippel, 2004).

Unlike terrorists of the 1970s and 1980s, who followed somewhat specific and defined political goals and aimed at pushing the governments to a particular political end by using violence (Armitage 2007), radical Islamist terror groups such as Al-Qaeda use violence for the sake of violence, glorify death and fight “Western” values⁶ as a whole.

Figure 2 illustrates the qualitative change in terrorism. In the 1970s, the number of fatalities in terrorist attacks increased with the number of terrorist incidents. The historical high in the number of fatalities was reached in 1986 and the number terrorist attacks peaked in 1988, which coincides with the outbreak of the first intifada. What can be observed in the most recent years (particularly 2001), is the increase in the fatalities to incidents ratio. Terrorist attacks have clearly become more large-scale, most probably a result of the advent of the

⁶ Western values is used in here to designate values that stand in the tradition of the French and American revolutions, that is, freedom, democracy, human rights and the pursuit of happiness. I acknowledge that this term is problematic for several reasons – yet, this is not the place to discuss them.

suicide attack. It also reflects the ideology of modern Jihadism: terrorist attacks do not follow a specific goal, but intend to kill as many people as possible.

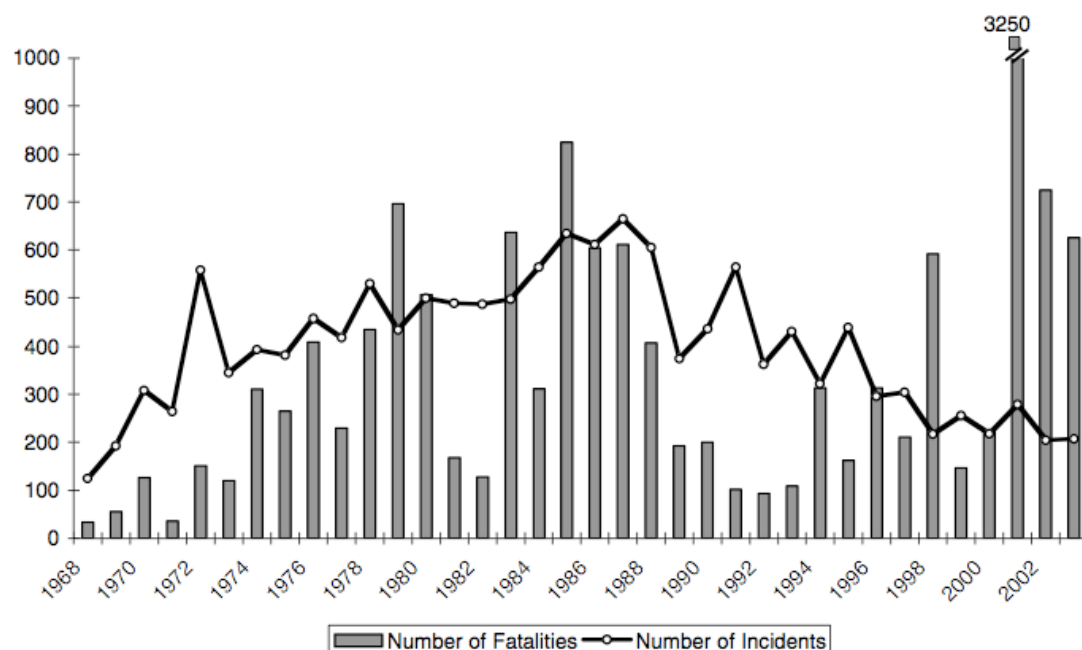


Figure 2: International terrorism, 1968–2003, number of incidents and number of fatalities. Source: Frey et al 2007

Globalization and technological advances in the 1990s made communications and transportations easier. Small groups can more easily organize themselves around the globe. This is particularly true for Europe, where the creation of the Single Market during the late 1980s and early 1990s introduced the concept of free movement of goods, people, services and capital – with all its advantages and disadvantages – and a strengthening of Europe’s external borders. The end of the Cold War and the subsequent reorganization of Europe have lead to an increased international cooperation. At the same time, geopolitical events like the collapse of the Soviet Union and Yugoslavia disrupted societies and created ungoverned areas and failed states⁷, where it became easy

⁷ Some research shows that the role of failed states might be overestimated. For instance, an empirical study conducted by Newman (2007) comes to the conclusion that actually terrorist groups emerge in and operate from within countries which have a strong, stable state and a

for terrorist and organized criminal groups (those two often being linked) to operate (ibid.).

As Phillips (2010) boldly states: “On September 11, 2001, history resumed” after Francis Fukuyama famously declared the “end of history” in 1989 (Fukuyama 1989). Fukuyama was wrong indeed, America had not defeated the last remaining totalitarian adversary in 1989 with the collapse of the Pact of Warsaw and subsequently of the Soviet Union. Open societies based on the pillars of parliamentary democracy and free market capitalism did eventually not celebrate their irrevocable global triumph in that year (Phillips 2010).

As September 11th showed, terrorism has become a transnational phenomenon, Al-Qaeda a global network.

Recently, Al-Qaeda has even been compared to a franchise system, where local groups take the name and ideology of Al-Qaeda, yet operate independently from the group around Osama bin Laden.⁸ The terms used to designate this new form of terrorism are numerous: “It is frequently called ‘catastrophic’, while others refer to it as ‘post-modern’, ‘strategic’ or ‘new style’ terrorism” (Neuhold 2006). Neuhold himself actually suggests the use of the word “total terrorism” in analogy to the total war that was declared by Nazi Germany because it abandons and ignores all protective limits and restrictions imposed by international law in order to force the enemy into unconditional surrender.

Figure 3 on the following page summarizes how terrorism has changed.

variety of systems of government. Even though there are terrorist groups in failed states, state failure is not a necessary condition.

⁸ For instance, in December 2007, the Internet search engine Google finds about 189,000 pages that contain the words Al-Qaeda and franchise. By January 2012, this number rose to 3.2 million.

Terrorist environment	Activity profile				
	Target selection	Casualty rates	Organizational profile	Tactical/Weapons selection	Typical motives
The “old” terrorism	Surgical and symbolic	Low and selective	Hierarchical and identifiable	Conventional and low to medium yield	Leftist and ethnocentric
New Terrorism	Indiscriminate and symbolic	High and indiscriminate	Cellular	Unconventional and high yield	Sectarian

Figure 3: Supplanting the old with the new. Source: Martin (2008)

A new threat to the United States

De Jonge Oudraat (2003) identifies five trends during the 1990s that attracted U.S. and Security Council attention to the problem of terrorism:

1. The United States has increasingly become a target of terrorist attacks. The share of U.S. targets increased from 20 percent of total attacks in 1993-1995 to almost 50 percent in 2000.
2. Those attacks yielded a higher number of casualties. The number of casualties per attack quadrupled in the latter half of the 1990s.
3. Terrorist groups increasingly operate as a part of a worldwide network. Al-Qaeda has proven to be able to conduct attacks in several countries (the bombing of U.S. embassies in East Africa in 1998 being a good example for that) and to recruit much higher numbers of trained fighters (4,000-5,000 as quoted in Jonge Oudraat) than e.g. Palestinian terrorist organizations, the IRA or ETA.
4. The likelihood that terrorists acquire and use chemical, biological or nuclear weapons (as it happened in the 1995 sarin nerve gas attack in the Tokyo subway) has increased. Efforts to prevent states from developing weapons of mass destruction thus became necessary.
5. The issue of states supporting and sponsoring terrorism has become a concern for the United States.

The response of the United Nations

The main UN counterterrorism policy instruments in the 1990s were mainly economic sanctions against state sponsors of terrorism. It imposed sanctions on Libya in 1992 for its involvement in the UTA and Pan Am bombings over Niger and Scotland, respectively, which seems to have been successful in pushing the Libyan government to cooperate in the prosecution of the individuals that committed those plots. In April 1996 it imposed sanctions on Sudan after an attempt to assassinate Egyptian President Hosni Mubarak leading to Sudan's expelling of some members of terrorist groups. In October 1999, the United Nations imposed sanctions on Afghanistan's Taliban regime, which – especially due to the country's and the regime's isolation – had no noticeable effect.

While there were some success thanks to those sanctions, it has to be noted that the effects of the sanctions were marginal and that the goals, namely to stop worldwide terrorist activities, were not reached. Yet, the sanctions regimes “helped to change at least the declared attitudes – what they [the states, PCH] say if not what they do – of states toward terrorist groups, particularly the attitudes of state sponsors of terrorism.” (ibid., p. 167) Terrorist activities are since then increasingly seen as “threats to international peace and security,”⁹ thus paving the way for stronger responses to global terrorism after September 11. This is also confirmed by the U.S. Department of State, which noted the continuation of a slow trend away from state sponsorship of terrorism. Yet, this also led to a restructuring of terrorist groups, particularly Al-Qaeda: lacking state support and in order to become more autonomous, they had to diversify their organizational structures and their funding sources (ibid.).

Immediate reactions after the attacks of September 11, 2001

9/11, almost broadcast live on television, was an event that in some way or the other affected the whole world. The responses to it were numerous. The United States and its partners within NATO and the OAS immediately defined the attacks in their press releases as acts of war. This declaration brought into play

⁹ This expression is used in various UN resolutions, e.g. UN Security Council resolution 1368 of September 12, 2001.

both branches of the law of war, the *ius ad bellum* regulating the recourse of war and the *ius in bello* regulating the conduct of war (see Schrijver 2004 for a review of the legal challenges of September 11 to International Law).

The Security Council's reaction to the attacks of September 11 was quick and unanimous. Within one day, it passed resolution 1368 and two weeks afterwards resolution 1373, which forced all member states to "take far-reaching domestic legislative and execute actions designed to prevent and suppress future terrorist activities." (de Jonge Quadraat, 2003) Key elements of those two resolutions are the legitimization of military action against terrorism and the globalization of the ban on terrorism (ibid.). As Chandler 2007 interpret it, the fact that the Security Council called for the full implementation of the relevant antiterrorist conventions and resolutions is "a clear indicator, if one was needed, of the fact that a significant number of states had done little or nothing to meet their obligations in this regard. When considering how long many of the conventions had been in existence this was a poor indictment of international response and political will" (Chandler 2007, 126).

The sheer magnitude of the attacks led to reactions not only from the UN, but also from many bodies and institutions. Among the regional organizations were of course also the Europeans.

Reactions in Europe

At its meeting on 21 September 2001, the European Council adopted a "Plan of Action to Combat Terrorism," containing measures intended to speed up and improve the European Union's collective ability to combat terrorism. The measures outlined therein included:

- Extradition based on a European Arrest Warrant
- Establishment of a Counter-Terrorism Task Force within Europol
- Improving commonality in judicial systems (Eurojust)

As Chandler (2007) criticizes, those measures were not given priority and the collective will of the Union was only re-energized after Jihadist terrorism had finally reached European soil in the morning of 11 March 2004 in Madrid.

Reactions of the U.S.

The U.S., represented by Ambassador John Negroponte in the Security Council, was satisfied with the UN's response. Negroponte called the UN "a unique partner in troubled times," (quoted in: UNA-USA, 2007¹⁰) stated that its response "alone indicates the value of the UN to U.S. foreign policy and global security" and that the U.S. has received "an extraordinary level of solidarity, support, and cooperation at the UN." Resolution 1373 was considered the UN's "single most powerful response" (all quotes: *ibid.*).

William B. Wood, then Principal Deputy Assistant Secretary of State for International Organization Affairs noted that one way the foreign policy goals of winning the war on terrorism and protecting American citizens could be achieved was "through our [the U.S. government's] continued active participation in and support for the United Nations and other international organizations." (*ibid.*) He agreed with Negroponte when he said that "[r]esolution 1373 has been the framework for unprecedented international consultation and coordination against terrorism." (*ibid.*)

The United States welcomed the resolutions for it gave legal grounds to use military force to combat terrorism. While it has used it on three occasions in the past (against Libya after the bombing of "La Boule" nightclub in Berlin in 1986, against Iraq in 1993 after its attempt to assassinate former US President George H.W. Bush and the emir of Kuwait and against Afghanistan and Sudan in 1998 after the bombings of two US embassies in East Africa), it was now endowed with a legal basis. Similarly, Russia saw them as a legitimization of the use of force against Chechen terrorists (also on Georgian territory) and China made use of it in its fight against terrorist groups in Xinjiang (*ibid.*).

¹⁰ Quoted in: UNA-USA: "Negroponte Discusses Post-9/11 UN Agenda During House Appropriations Subcommittee Hearing, March 26, 2002, www.unausa.org, accessed on December 5, 2007

UN instruments against terrorism

Terrorism, international law and the UN

The international law governing terrorism is too extensive to be covered here in its entirety. As terrorism is by (most) definition(s) an act conducted by a non-state actor, the relevant aspect of international law deals with the legal reactions to terrorist acts. This can refer to the variety of peaceful responses, but can also refer to the use of force. Several treaties regulate the peaceful responses (see next section). Legally speaking, there is an inherent conflict between the responding state actor and Article 2(3) of the United Nations Charter, which states that “all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” Additionally, the use of armed force is also covered by customary international law, which has the characteristic of being more ambiguous than treaties. Yet, customary international law applies also to states that did not ratify or accede to the relevant treaties and does so not only on a strictly reciprocal basis.

The 1949 Fourth Geneva Convention and the two Additional Geneva Protocols of 1977 include provisions on protecting civilians and prohibiting terrorist attacks. Apart from the specific conventions against terrorism brokered among the United Nations member states (see next section), there are a number of bi- and multilateral treaties that – while not directly geared towards terrorism – facilitate anti-terrorism, particularly relating to extradition and co-operation between judiciaries. They can, for instance, be helpful in assuring the extradition of persons who committed terrorist acts and took shelter in the territory of the other party to a bilateral treaty. An example of such an agreement would be the EU Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the Surrender Procedures Between the Member States, which specifically includes terrorism among the offences for which the member states are allowed to issue a European arrest warrant (Article 2(1)).

As it is the case in international law just so often, enforcement and compliance play a key role. While international basically obliges states to take

measures against terrorists within their territory, there is no way of actually enforcing this rule. On the other hand, according to customary international law it is acceptable to apply peaceful and proportionate countermeasures (for instance, international trade law allows the imposition of countervailing duties as a countermeasure against the breach of tariff or subsidy rules).

Nevertheless, an important tool to establish legal peaceful responses is the United Nations Security Council. It can decide or recommend adopting sanctions or countermeasures that are directed at states that assist terrorists, or who are directly or indirectly taking part in terrorist activities. An example are the sanctions imposed by the Security Council against the Libyan government after it failed to assume responsibility for blowing up Pan Am flight 103 over the Scottish town of Lockerbie. The Security Council can also establish committees monitoring those sanctions (as it did after the Lockerbie attack and – to be discussed in further detail below – after the 9/11 attacks).

In the late 1990s there seems to have been a paradigm shift in the formulation of Security Council Resolutions: Resolutions 1267(1999), 1333(2000), 1390(2002) and 1445(2003) were not directed at states, but at non-state actors such as the Taliban and Al-Qaeda.

As for the use of force, article 51 of the UN Charter states that “nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.” The legal problem with this provision is that the term “armed attack” is sometimes debatable. More specifically, it is sometimes difficult to distinguish an armed attack from a “normal” crime. Article 51 is furthermore not specific as to who conducted the armed attack. In other words: can one state retaliate against a terrorist group operating in another state (see for instance the case of Hezbollah’s attack against Israel and Israel’s subsequent intervention in Lebanon in 2006, which is subject of an on-going legal debate)? In fact, the article itself does not refer to any state involvement at all.

Unfortunately, the whole discussion on the legality of self-defense against non-state actors cannot be re-iterated here. What is important though, and this closes the ark from legal science to political science, is that in the aftermath of 9/11 and judging by the general reactions of states, there seems to have been a

consensus that some kind of self-defense against Al-Qaeda is warranted. More specifically, this has also been expressed in the preambles to Security Council Resolutions 1368 (2001) and 1373 (2001).

Conventions and treaties against terrorism

The United Nations has adopted 14 conventions against terrorism since 1963, a 15th international treaty (a comprehensive convention on terrorism) currently being under negotiation by the Member States¹¹. Additionally, it amended one convention (the 1980 Convention on the Physical Protection of Nuclear Material) and passed three protocols (one amendment to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, one to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and the 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft)¹².

¹¹ These thirteen legal instruments are: (i) 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft (Aircraft Convention); (ii) 1970 Convention for the Suppression of Unlawful Seizure of Aircraft (Unlawful Seizure Convention); (iii) 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Civil Aviation Convention); (iv) 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (Diplomatic Agents Convention); (v) 1979 International Convention against the Taking of Hostages (Hostages Convention); (vi) 1980 Convention on the Physical Protection of Nuclear Material (Nuclear Materials Convention); (vii) 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Airport Protocol); (viii) 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Maritime Convention); (ix) 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Fixed Platform Protocol); (x) 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection (Plastic Explosives Convention); (xi) 1997 International Convention for the Suppression of Terrorist Bombings (Terrorist Bombing Convention); (xii) 1999 International Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention); (xiii) 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention); and (xiv) 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (New Civil Aviation Convention).

¹² <http://www.un.org/terrorism/instruments.shtml>, as of 10 January 2008

Note also that there are regional conventions against terrorism, such as the SAARC Regional Convention on Suppression of Terrorism of 1988.

The accepted definition of terrorism

General Assembly Resolution 49/60 notes that „criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.“¹³

The International Convention for the Suppression of the Financing of Terrorism includes the first invariable definition of terrorism in an international legal treaty (Weigend 2006). UN Security Council Resolution 1373 from 28 September 2001 develops the prohibition of terrorism. Security Council Resolution 1566 of October 8th, 2004, calls upon all states to curb terrorism no matter what the cause or motivation. It is important to note that these resolutions do not provide for any exceptions for so-called freedom fighters or “people’s legitimate struggle[s] for freedom or independence” (Weigend 2006).

¹³ GA Resolution 49/60 from 9 December 1994

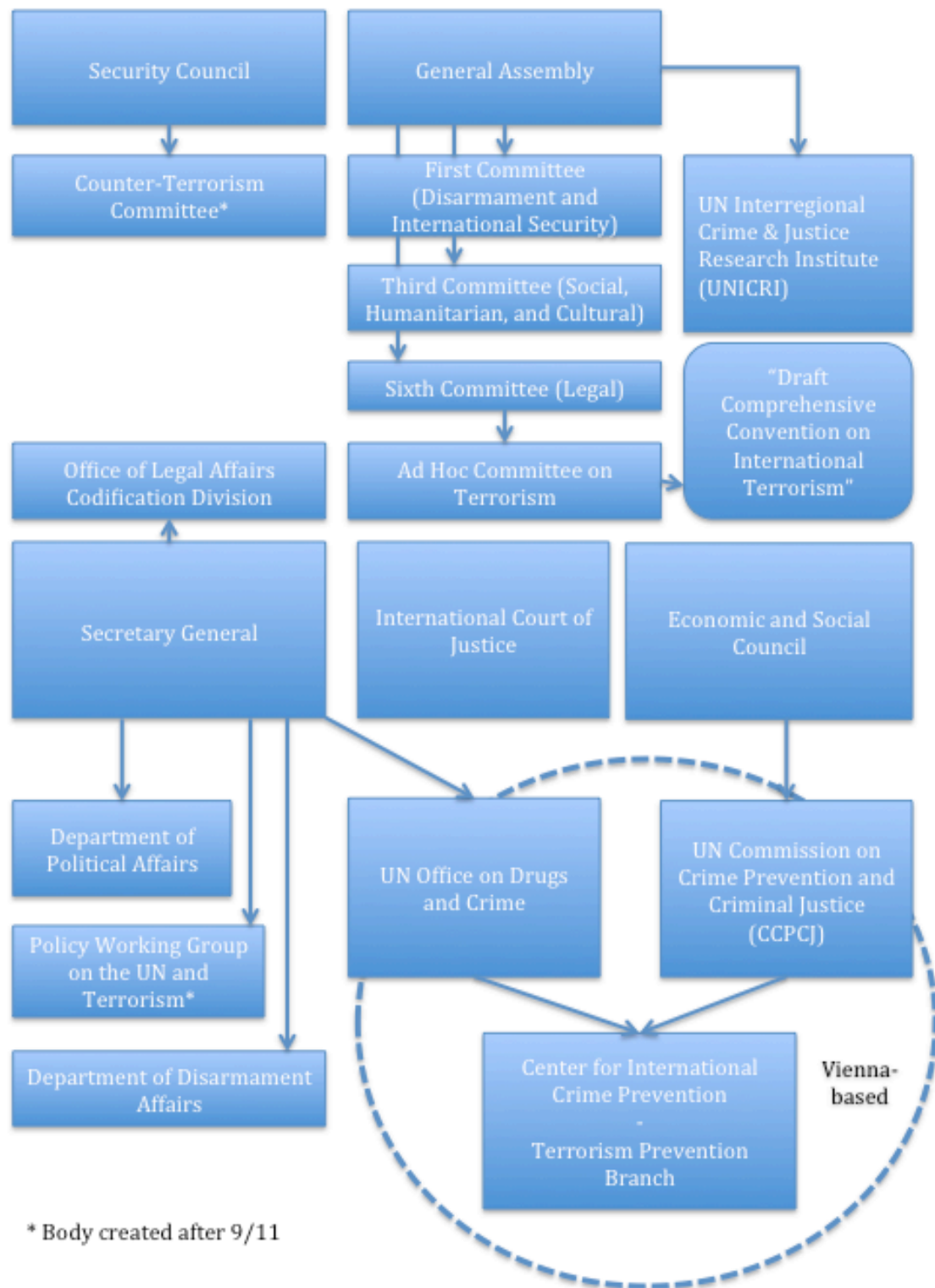


Figure 4: Counter-terrorism at the United Nations. Source: Tardy (2004)

The UN Global Counter-Terrorism Strategy

Kofi Annan's broad plan for dissuading and combating terrorism focused on what he believed to be the root causes of terrorism: poverty, repression, and the world's dispossessed (Comras 2010).

This is expressed in the UN Global Counter-Terrorism Strategy, which was adopted by the member states on September 8, 2006. By form, it is a short resolution with an annexed plan of action¹⁴, aimed at enhancing national, regional and international effort to counter terrorism. It is the first time in history that the UN passes such a common strategic approach. It builds upon Kofi Annan's 2006 report entitled "Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy." The Action Plan elaborates on measures to

- Address the conditions conducive to the spread of terrorism
- Prevent and combat terrorism
- Build states' capacity to prevent and combat terrorism and to strengthen the role of the UN in this field
- Ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

The UN as a victim of terrorism

Repeatedly, UN missions and personnel in the field have become a target of terrorism. On 19 August 2003, terrorists believed to be associated with Al-Qaeda bombed the Canal Hotel in Baghdad, which served as headquarters to the United Nations' mission to Iraq. 22 staff died, including the Special Representative of the UN Secretary-General in Iraq, Sergio de Mello. Due to this tragic deterioration of the security environment, making it impossible for a UN mission to operate effectively, it had no other choice than to withdraw from Iraq (Chandler 2007).

On 18 December 2007, the UN complex in Algiers was bombed, killing 17 UN staff members.

UN institutions dealing with terrorism

Within the framework of the United Nations, there are several entities dealing with the topic terrorism. An important cornerstone of the UN's anti-terrorism activities is Security Council Resolution 1373 adopted on September 28th, 2001.

¹⁴ A total of nine pages.

The measures that it calls its member states to take include steps to:

- “Criminalize the financing of terrorism
- Freeze without delay any funds related to persons involved in acts of terrorism
- Deny all forms of financial support for terrorist groups
- Suppress the provision of safe haven, sustenance or support for terrorists
- Share information with other governments on any groups practicing or planning terrorist acts
- Cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of those involved in such acts; and
- Criminalize active and passive assistance for terrorism in domestic law and bring violators to justice.

The resolution also calls on States to become parties, as soon as possible, to the relevant international counter-terrorism legal instruments.” (CTC website, quoting SCR 1373).

The CTC and the CTED conduct (consensual) country visits to monitor the progress of the implementation of Security Council Resolution 1373, it provides technical assistance therein, compiles country reports, identifies so-called “best practices”, and organizes special meetings to deepen ties between various organizations.

Resolution 1624 (2005) calls on UN member states to prohibit by law the incitement to commit acts of terrorism, to prevent such conduct and deny safe haven to anyone "with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of such conduct" (ibid.).

CTC/CTED/1540 committee

The Counter-Terrorism Committee (CTC) was established in the immediate aftermath of 9/11 through Security Council Resolutions 1373 (2001) and 1624 (2005). It is currently chaired by Hardeep Singh Puri, Ambassador and Permanent Representative of India. The committee is assisted by the Counter-Terrorism Committee Executive Directorate (CTED), “which carries out the

policy decisions of the Committee, conducts expert assessments of each Member State and facilitates counter-terrorism technical assistance to countries” (CTC website).

UN Office on Drugs and Crime (UNODC)

Basics

The United Nations Office on Drugs and Crime (UNODC) was established in 1997 by the merger of the UN Drug Control Programme (UNDCP) and the Centre for International Crime Prevention (CICP).

The work program of UNODC is organized in three pillars:

- “Field-based technical cooperation projects to enhance the capacity of Member States to counteract illicit drugs, crime and terrorism
- Research and analytical work to increase knowledge and understanding of drugs and crime issues and expand the evidence-base for policy and operational decisions
- Normative work to assist States in the ratification and implementation of the international treaties, the development of domestic legislation on drugs, crime and terrorism, and the provision of secretariat and substantive services to the treaty-based and governing bodies” (UNODC 2008¹⁵)

Its budget for 2006-2007 was \$283 million, which is less than one percent of the total UN budget. Almost 90 percent of this budget comes from voluntary contributions. Funding has seen a sharp rise in the last years (e.g. +25% percent in 2006).

About 63 percent of all voluntary contributions come from a so-called major donor group. This group consists – among others – of the US (\$11mn), 13 EU countries (total of 42mn) and the European Commission (\$16mn).

¹⁵ www.unodc.org, as of 9 January 2008

UNODC and terrorism

UNODC has identified several ways how the UN Global Counter-Terrorism Strategy relates to it (TPB 2009):

- The strategy encourages the office to enhance its technical assistance endeavors and encourages UN member states to recourse to the technical assistance delivered by UNODC.
- It encourages UNODC to facilitate the provision of assistance to strengthen counter-terrorism mechanisms.
- It encourages UNODC to enhance cooperation with member states to assist in their full compliance with international norms and obligations to combat money-laundering and the financing of terrorism.

The Terrorism Prevention Branch (TPB)

In 2002, the General Assembly approved a comprehensive program of activities for the Terrorism Prevention Branch (TPB). It focuses on the provision of assistance to the Member States, upon request, in the legal and related aspects of counter-terrorism, especially for ratifying and implementing the conventions and protocols against terrorism and for increasing the capacity of the national criminal justice systems to apply the provisions of those instruments in compliance with the principle of the rule of law. Additionally, the program of work of the TPB entails the provision of substantive input on related counter-terrorism issues to intergovernmental bodies, especially the General Assembly (GA), the Economic and Social Council (ECOSOC), the Commission on Crime Prevention and Criminal Justice (CCPCJ) and the UN congresses on crime prevention and criminal justice. It also provides specialized input on relevant counter-terrorism issues for initiatives of the UN Secretariat and coordinates its activities with other entities and organizations. Since 2002, the GA, ECOSOC and CCPCJ have reiterated the mandate of the TPB in providing technical assistance to counter terrorism (TPB 2009).

UN GA resolution 61/40 requested the Terrorism Prevention Branch to continue its efforts to enhance the capabilities of the UN in the prevention of terrorism. The UN Global Counter-Terrorism Strategy and Security Council

Resolution 1373 of 2001 acknowledged the TPB's role in assisting states in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building (TPB 2011). This mandate is reasserted by resolutions 61/41, 61/40, 61/181, 60/175 and 60/177.

The objective of the technical assistance activities of the Terrorism Prevention Branch is to strengthen the legal regime against terrorism.

In response to the mandates contained in the United Nations Global Counter-Terrorism Strategy, UNODC and its Terrorism Prevention Branch seek to (TPB 2009, 2011):

- Reinforce the on-going work to assist countries with the ratification and implementation of the universal counter-terrorism instruments, especially through increased support to national criminal justice systems for related capacity-building and specialized training;
- Develop new initiatives to promote counter-terrorism legal cooperation, especially at the regional and sub-regional levels, as well as good practices, legal research and academic training;
- Integrate pertinent counter-terrorism aspects in other relevant substantive areas of UNODC work;
- Draw on and build upon UNODC's overall expertise in crime prevention and drug control;
- Utilize UNODC's field level capacities as an effective conduit to transmit and foster counter-terrorism expertise to countries.

At the regional/field level, the TPB seeks to reinforce the legal regime against terrorism by (TPB 2009):

- Assisting countries to achieve full ratification and implementation of all the universal legal instruments against terrorism
- Strengthening national expertise/capacity to develop/apply domestic legislation that conform to universal legal instruments against terrorism
- Strengthening the capacity of national criminal justice systems to implement the universal legal instruments against terrorism in full

conformity with the principles of the rule of law and training criminal justice officials, judges and prosecutors.

- Strengthening international, regional and sub-regional cooperation in criminal matters relating to terrorism, especially extradition and mutual legal assistance.

The Terrorism Prevention Branch's impact

Several indicators are used to evaluate the Terrorism Prevention Branch's success: the number of ratifications following assistance from the TPB, the number of states having received assistance in the implementation, the number of legislative amendments or new laws adopted by the member states, the number of officials trained and briefed, the number and quality of technical assistance tools (e.g. model laws), written and verbal comments by member states on the work of the TPB and the speed of program implementation as reflected in the level of expenditure (TPB 2009).

The technical assistance activities had – in the Terrorism Prevention Branch's view – a noticeable impact: Since 2002, there have been about 467 ratifications with technical assistance by the Terrorism Prevention Branch, the number of countries having ratified the twelve first universal instruments increased from 26 to 85 between January 2003 and December 2006 and to 102 by the end of 2008. Around 62 countries have new or revised counter-terrorism legislation in different stages of adoption. Approximately 7,700 criminal justice officials have been trained in some one hundred countries (TPB 2009).

Criticism and conclusions

Neuhold (2006) points out that the effectiveness of the international response suffers from three main weaknesses: fragmentation, reactivity, and incompleteness. While there are thirteen international treaties dealing with terrorism, there is still no comprehensive convention as the negotiations therefore have been deadlocked for several years. Legal treaties tend to only react to new kinds of terrorism and lack goals of long-term prevention of terrorism. The participation in those anti-terrorism measures is not universal

and struggles with the different concepts of terrorism prevalent in countries around the world. The crucial point is that in order to be truly effective, *all* countries would have to participate (including what Bush called the “rogue states”). Additionally, there are the so-called “failed states”, which might be willing to join the anti-terrorism measures but are not able to. Finally, there are states that are officially willing to combat terrorism and also theoretically able to, but for various reasons in practice turn a “blind eye” on it (Saudi Arabia and Pakistan would be the typical examples, but even the United States’ inaction against the IRA on its territory in the 1970s and 1980s could be mentioned).

The EU as a global actor, terrorism and the UN

This section reviews how the European Union as an institution is currently in an on-going process of increasingly becoming a consolidated actor in international relations. While this process is gradual, it is at the same time characterized by some landmark events and milestones, such as the adoption of the treaty of Lisbon.

Disparities in the terrorist threat between EU member states

First of all, even though this thesis generally reviews strategies at the EU level, it needs to be reminded that the European Union consists of 27 member states with different experiences with terrorism. Bakker (2006) notes the differences in terrorist threat perceptions in Europe. As he points out, eleven member states have very limited experience with terrorism on their territory. Those are especially the ten new member states, of which Slovenia, Lithuania, the Czech Republic, Hungary and Latvia were never confronted with fatalities due to terrorism in the period 1968 to 2005. Similarly, Portugal, Ireland, Denmark, Luxemburg and Finland experienced no or few terrorist incidents and fatalities. The problem is mainly concentrated in six countries: United Kingdom (868 incidents, 438 fatalities), Spain (1,282/286), France (1,089/185), Greece (623/149), Germany (486/99), and Italy (421/87). These six countries account for 90 per cent of incidents and 89.2 per cent of fatalities. Thus, terrorism is not a pan-European phenomenon.

What matters for policy-making though is whether terrorism is a perceived threat. After September 11, 2001, 86 per cent of Europeans said that they feared terrorism, an increase by 12 percentage points as compared to one year earlier. In 2002, though, that number had reached the pre-9/11 level again. The attack in Madrid on March 11th, 2004, changed the public perception. It showed that “9/11” can also happen in Europe. Additionally, there were instances of so-called homegrown terrorism in the period immediately afterwards: the assassinations of Theo van Gogh in the Netherlands in November 2004 and the bombings in London in July 2005. Still, Bakker’s finding after

analyzing Eurobarometer polls is that also the threat perception is not pan-European. Generally, unemployment and the economic situation produced more fear than terrorism. In terms of threat perception, only Denmark and the Netherlands saw an important increase (the threat perception was already high in the UK and Spain before the above-mentioned attacks). The principal explanation for the differences in threat perception is the fact that some countries have recent experience with terrorism and others do not. The presence of sizeable Muslim communities is also factor as well as a country's active participation in the U.S.-led war against terrorism (ibid.).

These differences might explain why it was so difficult for the United Kingdom and Spain to put the fight against terrorism on the top of the agenda in Brussels and why many measures were adopted so slowly.

Multilateral cooperation within Europe

As already mentioned earlier, first steps to cooperate in terrorism matters date back to the 1970s. TREVI brought together police officials to informally compare methods used to fight the IRA, the Brigade Rosse, or the Baader-Meinhof gang (or RAF). Police cooperation formally became a pillar of the European Union with the adoption of the Maastricht Treaty of 1992. Yet, this cooperation originally mainly focused on transnational organized crime and less on international terrorism. Immediately after 9/11, the EU emergency Council meeting agreed upon an EU Action Plan to Combat Terrorism. This action plan contained over 200 measures and was revised and updated by the Plan of Action on Combating Terrorism of 15 June 2004, that is, three months after the Madrid bombings (Nilsson 2006).

9/11 brought more change: EU governments agreed on creating an EU Arrest Warrant, on a common definition of terrorism, a common list of terrorist groups, and on drafting rules for joint operations between national police forces. Furthermore, the EU police agency Europol saw its budget increase and a new Counter-Terrorism Task Force consisting of national police officers was set up. Eurojust was created in order to facilitate judicial cooperation in cross-border investigations. Gijs de Vries was appointed as the EU's Counter-Terrorism Coordinator (shortly after the Madrid bombings).

Additionally, the member states' governments signed a solidarity clause, in which they pledge to help any fellow EU country that became a victim of a terrorist attack (Keohane 2006). In 2003, the European Security Strategy was agreed upon and in 2005 the European Counter-Terrorism strategy. Those two policy papers will be discussed in the sections further below.

Nilsson (2006) claims that after 9/11 and the Madrid bombings, the EU has become "a major player in international cooperation against terrorism both at a global and at a European level" (ibid., p. 81). Its strategy though is that, even though no country is free from terrorism, "it remains wrong to turn the fight against it into a 'war'" (ibid.).

The treaty of Lisbon

After a lengthy negotiation process, the treaty of Lisbon was signed by the EU member states on 13 December 2007 and after some setbacks (such as the initial rejection by the Irish electorate in 2008) entered into force on 1 December 2009. Apart from a major revamping of the EU institutions, moving from required unanimity to a so-called double majority voting system in several policy areas in the Council of Ministers, and e.g. the incorporation of the fundamental rights charter, it brought a couple of changes in regard to the Union's foreign policy. The principal change is the creation of the office of a High Representative of the Union for Foreign Affairs and Security Policy. The British Labour politician Catherine Ashton was appointed in 2009 with this position and will remain there through 2014.

According to the official narrative adopted by EU information outlets, the results of the Lisbon treaty will be that:

- "A new High Representative for the Union in Foreign Affairs and Security Policy, also Vice-President of the Commission, will increase the impact, the coherence and the visibility of the EU's external action.
- A new European External Action Service will provide back up and support to the High Representative.
- A single legal personality for the Union will strengthen the Union's negotiating power, making it more effective on the world stage and a more visible partner for third countries and international organizations.

- Progress in European Security and Defense Policy will preserve special decision-making arrangements but also pave the way towards reinforced cooperation amongst a smaller group of Member States.” (Lisbon Treaty¹⁶)

At an earlier stage, when motivating the topic of this thesis, I brought up the question whether the European Union is a relevant actor in counter-terrorism matters. This might be debatable among political scientists, but Article 222 of the TFEU gives a clear legal answer to this by including the so-called solidarity clause:

“Article 222

- 1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilize all the instruments at its disposal, including the military resources made available by the Member States, to:*
 - (a)*
 - prevent the terrorist threat in the territory of the Member States;
 - protect democratic institutions and the civilian population from any terrorist attack;
 - assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;
 - (b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.*
- 2. Should a Member State be the object of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.*
- 3. The arrangements for the implementation by the Union of the solidarity clause shall be defined by a decision adopted by the Council acting on a joint proposal by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy. The Council shall act in accordance with Article 31(1) of the Treaty on European Union where this decision has defense implications. The European Parliament shall be informed. For the purposes of this paragraph and without prejudice to Article 240, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defense policy and by the Committee referred to in Article 71; the two committees shall, if necessary, submit joint opinions.*
- 4. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.” (TFEU, Article 222)*

¹⁶ http://europa.eu/lisbon_treaty/glance/index_en.htm

The European Security Strategy

The European Security Strategy abandons the scenario of a large-scale aggression against an EU member state by an enemy country. Instead, it identifies five threats, which are all “more diverse, less visible and less predictable” than the scenario of a full-scale war:

- Terrorism. The ESS sees the increasingly global scope of terrorism and its foundations in religious extremism. At the same time, it addresses what it is often called the “root causes”, which it considers to be “pressures of modernization, cultural, social and political crises, and the alienation of young people living in foreign societies” (ESS 2003, p. 3). Al-Qaeda is specifically named as an organization having had logistical bases uncovered in the UK, Italy, Germany, Spain, and Belgium.
- Proliferation of Weapons of Mass Destruction. WMDs are seen as “potentially the greatest threat to our security” (ibid.). Dangers explicitly mentioned are a possible WMD arms race in the Middle East (there is no reference to specific countries or regimes) and the acquisition of WMDs by terrorist groups (again, the threat is described in very general terms).
- Regional conflicts. Several regional conflicts that might have an “impact on European interests directly or indirectly” (ibid., p. 4), with the Middle East conflict being the one closest to Europe (i.e., potential conflicts on the Balkans are not mentioned, which is surprising given that the ESS was adopted only a few years after the Kosovo war). It is also pointed out that such regional conflicts can lead to extremism, terrorism and state failure and fuel the demand for WMDs.
- State failure. In this event, state institutions collapse. The examples given in the ESS are Somalia, Liberia and Afghanistan under the Taliban. It is considered a problem because it can lead to regional instability, undermines global governance and can be associated with organized crime and terrorism.
- Organized crime. The ESS sees Europe as the prime target for organized crime and notes the important external dimension. It also briefly evokes the possible links to terrorism.

The combination of these threats (“terrorism committed to maximum violence, the availability of weapons of mass destruction, organized crime, the weakening of the state system and the privatization of force”, by the way a wording reminiscent of Kaldor’s and Münkler’s) is considered a “very radical threat” (ibid., p. 5).

After identifying the threats, the ESS sets out three strategic objectives:

- Addressing the threats. Here, the ESS reiterates the various steps it has already taken, such as the European Arrest Warrant, its policies against proliferation of WMDs (i.e., within the IAEA), or its involvement on the Balkans.
- Building security in the EU’s neighborhood. This section highlights the problem that EU-enlargement brought the Union closer to areas of conflict. The EU’s task therefore, so the ESS, is to promote good governance in the countries surrounding the EU, that is, countries in Eastern European and around the Mediterranean. The “achievements” (ibid., p. 8) on the Balkans shall be consolidated. But the important problem to tackle – the ESS calls it a “strategic priority” – is the Arab/Israeli conflict, which (quite problematically¹⁷) is seen as the key to deal with other problems in the Middle East. The EU’s support of the two-state solution is again emphasized.
- An international order based on effective multilateralism. Finally, the ESS emphasizes the EU’s commitment to International Law and that the fundamental framework for international relations is the UN charter. Therefore, the UN shall be strengthened and equipped to fulfill its responsibilities and act effectively. The transatlantic relationship and its importance to the international system is underlined¹⁸ and NATO seen as

¹⁷ It is very doubtful whether solving the Arab/Israeli conflict really solves all hostilities and problems in the Middle East.

¹⁸ In the policy recommendations sections it repeats this point: „The transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can be a formidable force for good in the world. Our aim should be an effective and balanced partnership with the USA. This is an additional reason for the EU to build up further its capabilities and increase its coherence.” (ibid., p. 13). It also stresses the importance of closer relations with Russia.

an important expression of this relationship. Other international organizations mentioned are the WTO, the OSCE, the ICC and the regional groupings ASEAN, MERCOSUR, and African Union. In the end, it is also stated that some countries “placed themselves outside the bounds of international society (ibid., p. 10). Those states are warned that there is a “price to be paid, including in their relationship with the European Union” (ibid.). The possibility of military interventions is not addressed.

From this analysis, it derives several policy implications. Those policy implications do also include aspects of defense and military activities. It advocates a balance between military, diplomacy and civilian resources. Again, the importance of the UN is stressed:

“The EU should support the United Nations as it responds to threats to international peace and security. The EU is committed to reinforcing its cooperation with the UN to assist countries emerging from conflicts, and to enhancing its support for the UN in short-term crisis management situations” (ibid., p. 11).

The conclusion repeats the importance of multilateralism:

“An active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer, safer and more united world” (ibid., p. 14).

The EU Counter-Terrorism Strategy

The ECTS was adopted in December 2005 (after the Madrid and London attacks). Its structure follows strongly the “4 Ps” of the United Kingdom’s national counter-terrorism strategy (prevention, pursuit, protection, preparedness). The European version covers four strands of work or pillars, which fit under the over-arching strategic commitment “to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice” (ECTS, 2005). The introduction puts the ECTS in the context of the ESS and emphasizes the importance of international cooperation, specifically the United Nations, the United States, and other regional or international organizations. The cooperation with states in North Africa, the Middle East and South East Asia is deemed important in order to address the “roots” of current international terrorism.

- Prevent terrorist activities. The prevention of radicalization (which in turn can lead to terrorism) is considered a task of the member states. The EU sees its role in facilitating the knowledge exchange between member states. The prevention pillar aims, among others, at reducing incitement and recruitment and at promoting good governance, democracy, etc. through assistance programs. It also calls for the development of a “non-emotive lexicon for discussing the issues” (ECTS, p. 8).
- Protect citizens and infrastructure. This refers to European border control instruments like the Schengen Information System, the Visa Information System, and the European Borders Agency (FRONTEX). It also expresses the wish to assess the vulnerability of European cross-border infrastructure to terrorist attacks.
- Pursue terrorists. Here, member states pledge to also take the security of the Union as a whole into account when preserving national security. The exchange of law enforcement information is crucial to this point (e.g. the European Evidence Warrant). It is also noted that much of the terrorist threat originates outside the Union. It thus attempts to bolster the international consensus through the United Nations and other international organizations, to engage in dialogue with key partners and include counter-terrorism clauses in agreements. A UN Comprehensive Convention Against Terrorism is an important goal. The Union will furthermore give assistance to priority countries in order to support them in introducing and implementing mechanisms against terrorism, in coordination with other donors (read: the U.S.).
- Respond to terrorist attacks. Measures for civil protection and managing the consequences of terrorist attacks fall into this category. The EU tries to coordinate its disaster response with related work in international organizations, particularly the UN.

The European Union also has to justify why it should take any action at all and not leave the issue solely to the member states or other international organizations. The strategy paper claims that the EU can add value through four ways, which all cross-contribute to what shall be referred to herein as the “4 Ps” (though technically three Ps and one R):

- Strengthening national capabilities. This first point refers to the exchange of “best practices” and knowledge, which includes the improved collection and analysis of information and intelligence.
- Facilitating European cooperation. This aims at establishing mechanisms that facilitate coordination between national police and judicial authorities and includes the possibility of legislation where necessary.
- Developing collective capability. This point tries to strengthen the Union’s ability to produce counter-terrorism policy and includes more specifically EU agencies like Europol, Eurojust, Frontex, the Monitoring and Information Center and the SitCen.
- Promoting international partnership. This one is particularly important for this thesis. The strategy paper makes a point of endorsing cooperation with the United Nations, other international organizations and “key third countries” (ECTS 2005, p. 4).

Another point that the paper stress repeatedly is the respect for human rights and democracy. In what seems to be a response to the criticism that the United States often faces in its war on terror, the “strategy commitment” (which is reiterated several times) is not just to combat terrorism globally, but doing so “while respecting human rights”.

The organizational chart on page 5 of the document notes that the EU “should pursue its goals in a democratic and accountable way. Political oversight of the Strategy and regular follow-up will be essential” (ECTS 2005, p. 5). The political oversight is conducted by the European Council, which shall meet “once per presidency to ensure inter-institutional governance” (ibid.). Furthermore, COREPER is monitoring the progress on the Strategy, while the Counter-Terrorism Coordinator and the Commission follow-up regularly and update thereon.

As mandated, there is a report on the implementation of the European Security Strategy, drafted under the responsibilities of EU High Representative Javier Solana and approved by the European Council on December 11th/12th, 2008 (that is, five years after the adoption of the strategy). The report, while acknowledging the challenges ahead, is mostly positive in its review and in its

wording remains very close (at some points even identical) to the original strategy.

In February 2010, an Internal Security Strategy (ISS) for the European Union (“Towards a European Security Model”) was adopted by the presidency¹⁹. The novelty of the ISS is the introduction of the so-called European Security Model. Due to the inward orientation of the ISS, it aims more at cohesion and streamlining in policies among European member states and therefore does not relate to the UN or international organizations.

Implementation of the EU’s Counter-Terrorism Strategy

The breadth of the ECTS’ approach brings along issues of implementation. Keohane (2006) cites an EU official who explained the problem: “It seems that if we are to truly tackle terrorism, then we need to solve all the world’s problems” (Keohane 2006, p. 64). Not only are the EU action plan and the strategy plan too unwieldy to work with, but they also lack prioritization. Even though the EU put counter-terrorism on the European agenda, the actual powers to combat terrorism stay significantly in the hands of the member states. Much of the cross-border cooperation still takes place bilaterally. A reason for this is that national intelligence services are reluctant to cede sensitive information to a wider audience for fear of compromising operations and sources. Therefore, the European equivalents of American federal or EU member states’ law enforcement agencies are generally weaker than their counterparts (e.g. Europol cannot oblige national police forces to cooperate and has by far not the same powers as the FBI). There is now an EU Counter-Terrorism Coordinator, but he has few competences, a small budget and cannot propose EU legislation. He cannot even call meetings of national justice or foreign ministers to set a

¹⁹ This strategy paper is a result of a mandate given by the Stockholm program („An open and secure Europe serving and protecting the citizens”): “*An internal security strategy should be developed in order to further improve security in the Union and thus protect the lives and safety of European citizens and tackle organized crime, terrorism and other threats. The strategy should be aimed at strengthening cooperation in law enforcement, border management, civil protection, disaster management as well as criminal judicial cooperation in order to make Europe more secure. Moreover, the European Union needs to base its work on solidarity between Member States and make full use of Article 222 TFEU.*” (see e.g. Official Journal C115 of May 4th, 2010, p. 1)

counter-terrorism agenda. Thus, he can barely coordinate, but only make the case for coordination. More disconcerting is Keohane's account of a senior EU official who claimed that "only ten of the 25 governments take his role seriously and listen to what he says" (ibid., p. 65).

The main weaknesses that Keohane (2006) sees in the EU approach are the slow speed of implementation, the high degree of institutional complexity, and the emphasis on internal law enforcement, which attributes little importance to the matter in its relations with third countries (counter-terrorism in the EU is led by the interior ministers, not the foreign ministers).

A noteworthy point is also that the European governments' long-term policies towards the Middle East might need to be re-thought. While Europe has been very critical of the U.S. intervention in Iraq and the idea of thereby spreading democratic values, those critics tended to overlook American non-military efforts in the region. For instance, the U.S. spent \$300 million on its Middle East partnership initiative between 2002 and 2006 to support economic, political, and education reform efforts in the region²⁰ (ibid.).

Summary of the European response to terrorism

Monar (2006) tries to answer the question whether there is indeed a European response to terrorism. The term "European", as it used in the title of this thesis, can refer to many things. It can refer to the individual European states, to the Council of Europe as the broadest and oldest organization of European countries, or (and this is how it has been used here) in the sense of the strategy of the European Union and its member states. This was done because of the reality of European political, legal and institutional integration and cooperation. The answer (along the lines of Monar 2006) is ambivalent. The EU succeeded in formulation a European response by developing the Action Plan, the European Security Strategy and the European Counter-Terrorism Strategy. It has considerably intensified and institutionalized the cooperation between member states. Yet, political divisions significantly slowed down this process. The EU has

²⁰ One could also note the aid given by the U.S. to Egypt, which is contingent on the latter's respecting the peace treaty with Israel.

consistently tried to maintain a balance between unity and diversity, which renders the operations of EU institutions difficult at times. The EU anti-terrorism system is rather cooperative and coordinated than integrated (ibid.).

The European Union at the United Nations

The European Union has increasingly become an actor even at United Nations level. It is represented through several ways: the 27 Member States, the Council of the EU, the Presidency and the European Commission. According to official EU information, those differently bodies meet regularly to coordinate their positions.

“Coordination now encompasses the six main committees of the General Assembly and its subordinate bodies, including ECOSOC and its subsidiary functional commissions. More than 1,000 internal EU coordination meetings are conducted each year in both New York and Geneva. EU Member States work together with the Council and the Commission to prepare and finalize EU statements, and the Member State holding the Presidency presents the EU position to the General Assembly, whether in negotiations or debates, in the form of a Presidency statement. The European Community, represented by the European Commission, can also take the floor as a permanent observer at the General Assembly. In cases involving trade, agriculture, and fisheries, the European Commission negotiates and makes statements at the UN on behalf of the EU and can also do so in other cases involving predominantly European Community competences.” (Europa-EU-UN.org, 2008²¹)

The support of the European Commission to the United Nations was established through the Commission’s Communication of 2001 on “Building an effective partnership with the UN” and reinforced by a Communication of 2003 with the title “EU-UN relations: the choice of multilateralism.”

Wouters et al. (2006) argue that coordination between the European Union and the United Nations has gained new impetus because of the expansion of the common ground of the two organizations, foremost due to the development of the European Common Foreign and Security Policy (CFSP). The European Union (as well as the United Nations) not only covers trade and

²¹ http://www.europa-eu-un.org/articles/articleslist_s30_en.htm, as of 10 January 2008

development only, but also the promotion of human rights, crisis management and of course the fight against terrorism.

The European Security Strategy thus coins a new credo, the credo of “effective multilateralism”, and declares “strengthening the United Nations, equipping it to fulfill its responsibilities and to act effectively, [...] a European priority.” (ESS, 2003, p. 9) This has generally been well responded to by the United Nations. As Wouters et al. put it, “[t]he strengthened emphasis from the EU side on supporting the UN stems not only from an altruistic desire to further UN goals, but also from the EU Member States’ joint ambition to establish the European Union as a ‘global actor’ in the international sphere.” (Wouters 2006, 2)

This approach is also continued in the European Counter-Terrorism Strategy, which, in its introduction, specifically refers to the UN and to international cooperation:

“Acting through and in conjunction with the United Nations and other international or regional organizations, the EU will work to build the international consensus and promote international standards for countering terrorism. The EU will promote efforts in the UN to develop a global strategy for combating terrorism. Continuing to make counter-terrorism a high priority in dialogue with key partner countries, including the USA, will also be a core part of the European approach” (ECTS 2005, p. 7).

Rosand et al (2008) note the importance that the EU has given to the UN strategy paper: “With respect to the UN Strategy, the EU has been one of its strongest proponents, seeking to find ways to reinforce both the Task Force and implementation more generally” (ibid., p. 14). They note that the EU counterterrorism committee (COTER) “regularly includes strategy implementation efforts and ways in which the EU can advance them on the agenda of its monthly meeting in Brussels and invites relevant UN bodies (e.g., CTED and UNODC) to attend” (ibid., p. 14). Furthermore, several member states provided voluntary contributions to the Task Force to support its work, and in 2007 the European Commission suggested that the EU adopt a number of measures to implement both the UN Strategy and the EU strategy. Additionally, the Secretariat of the Council of the EU, in cooperation with the European

Commission, produced a matrix of the EU's activities and how they relate to the UN Strategy (ibid).

The American strategy against terrorism and how it involves the UN

Multilateralism

In many cases, the U.S. involved allies and IOs when going for war. This can be explained in several ways. Tierney (2010) for instance sees multilateralism as an insurance policy against loss for the U.S. Through a combination of simple bargaining, complex bargaining, and political cover, the presence of allies and international organizations in a U.S. coalition can contribute to compensate against making concessions to, negotiating with and accepting compromise with its adversaries. This view suggests that multilateralism, in a certain way, is the price that has to be paid as an insurance premium in case the war effort fails. This strategy still “pays off” even though there are no more conflicts between great powers. The example of the Vietnam War shows that even such an asymmetric war can be very costly. The examples of the war in Iraq and Afghanistan should be added here.

The Clinton administration followed a doctrine of “assertive multilateralism.” This approach was challenged when George W. Bush came into office: his administration rejected the Kyoto protocol on greenhouse gases, the ABM treaty, the International Criminal Court (Luck 2004).

The “Bush doctrine”

The various foreign policy principles of the United States Government during the Bush presidency are sometimes referred to as the Bush doctrine. While the term might oversimplify or be problematic in certain aspects, it can nevertheless be used as an approach to U.S. foreign policy. The foremost issue with this term’s usage in a scientific context is its lack of a clear and concise definition. The term is very much coined by journalism, its substance partly defined by think tanks close to the US Government, as for example the Project for the New American Century (PNAC), of which many signatories of its founding Statement of Principles later took leading positions in the Bush Administration (Statement of

Principles, 1997²²). Another well of inspiration have been books like Natan Sharansky and Ron Dermer's "The Case for Democracy" (Dickerson, 2005²³).

Several elements might be identified as core components of the so-called Bush doctrine:

1. Holding those who harbor terrorists accountable for terrorism (e.g. Weisman 2002²⁴). This was especially of importance in the immediate aftermath of September 11 and the subsequent overthrow of the Taliban regime in Afghanistan: After the attacks, President Bush stated that "we will make no distinction between the terrorists who committed these acts and those who harbor them." (Bush, 11.9.2001²⁵)
2. The policy of preemption or preventive wars, which meant deposing regimes of other countries should there is reason to believe that they might become a threat to the U.S. or its citizens, even if this threat is not immediately immanent. This goes hand-in-hand with the policy of supporting democracy and democratic movements (the "Freedom agenda") around the world and especially the Middle East in order to deal with terrorism at its root as well as the willingness to pursue U.S. (military) interests in a unilateral way (e.g. Allen 2007²⁶, Page 2003²⁷).

Page (2003) argues that that this Bush doctrine is a "dramatic change from the policy of containment, adopted by President Truman in 1947." It is also a change from post-Cold War doctrines such as the Powell doctrine (especially in regard to the existence of an exit-strategy, DuBrin²⁸) or the Clinton doctrine.

²² Abrams et al: "Statement of Principles", <http://newamericancentury.org/statementofprinciples.htm>, June 3, 1997, accessed September 16, 2008

²³ Dickerson, John F.: "What the President Reads", in: Time Magazine, January 10, 2005

²⁴ Weisman, Steven R.: "Editorial Observer; President Bush and the Middle East Axis of Ambiguity", in: The New York Times, April 13, 2002

²⁵ Bush, George W.: "Statement by the President in His Address to the Nation", September 11, 2001

²⁶ Allen, Mike: "Edwards Rejects the 'War on Terror'", in: Time Magazine, May 2, 2007

²⁷ Page, Susan, "War may realign world and define a presidency", in: USA Today, March 17, 2003

²⁸ DuBrin, Doug: "The Powell Doctrine. Background, Application and Critical Analysis", <http://www.pbs.org/newshour/extra/teachers/lessonplans/iraq/powelldoctrine.html>, no date, accessed September 16, 2008

The National Security Strategy (2002 and 2006)

A cornerstone policy paper of the Bush Administration gives a more concise outline of the Bush doctrine: the National Security Strategy of 2002 (for the first term) and 2006 (for the second term). This strategy has been updated by the Obama administration in 2010. Additionally, there is the 2006 National Strategy for Combating Terrorism.

The NSS addresses the “rise of terrorism fueled by an aggressive ideology of hatred and murder.” (Bush 2006)²⁹ Its answer to that is to “fight and win the war on terror” and to “promote freedom as an alternative to tyranny and despair.”

To do so, every tool “in our arsenal” (Bush 2002, p. 1) ought to be made use of: military power, better homeland defenses, law enforcement, intelligence, and cutting off terrorist financing.

The 2002 NSS is split in eight sections with strategic goals:

- Champion aspirations for human dignity
- Strengthen alliances to defeat global terrorism and work to prevent attacks against the U.S. and its friends
- Work with others to defuse regional conflicts
- Prevent U.S. enemies from threatening it, its allies, and its friends with weapons of mass destruction
- Ignite a new era of global economic growth through free markets and free trade
- Expand the circle of development by opening societies and building the infrastructure of democracy
- Develop agendas for cooperative action with the other main centers of global powers
- Transform America’s national security institutions to meet the challenges and opportunities of the twenty-first century

The 2006 NSS maintains those eight goals and adds a ninth one:

- Engage the opportunities and confront the challenges of globalization

²⁹ Bush, George W., Preface to the National Security Strategy, March 16, 2006

The National Strategy for Combating Terrorism (2003 and 2006)

During the Bush administration, the White House released two NSCTs. The two strategies differ mainly in that the more recent one sets slightly different priorities for the strategic elements. It puts further emphasis on democratization as a method of counter-terrorism and on safe harbors provided by failed and rogue states. On the other hand, there is less emphasis on the use of economic and political tools to strengthen countries susceptible to the spread of terrorist influence (see e.g. Perl 2007).

The 2006 NSCT assesses successes and challenges in the war on terror, describes the terrorist enemy, lays out a strategic vision for the war on terror, describes a strategy for winning the war on terror and discusses institutionalizing the strategy for long-term success. The long-term approach is to “advance effective democracy” (NSCT 2006), while the four short-term priorities of action are (i) preventing attacks by terrorist networks, (ii) denying WMDs to rogue states and terrorist allies who seek to use them, (iii) denying terrorists the support and sanctuary of rogue states, (iv) denying terrorists control of any nation they would use as a base and launching pad for terror.

The Bush administration and the United Nations

President Bush summarized the challenge of the United Nations and the issues that the United States Government at the time had with the organization in a speech given to the UN General Assembly at its meeting in December 2002. The speech was held during the period in which President Bush was working on forging a trans-Atlantic US-led coalition for an intervention in Iraq and was also trying to garner a broad support worldwide:

“All the world now faces a test, and the United Nations a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant? [...] We cannot stand by and do nothing while dangers gather. We must stand up for our security, and for the permanent rights and the hopes of mankind. By heritage and by choice, the United States of

America will make that stand. And, delegates to the United Nations, you have the power to make that stand, as well” (Bush, 9/12/2002³⁰).

Luck (2004) comes to the conclusion that the mix of unilateral and multilateral elements in U.S. counter-terrorism policies suggests a way more calibrated and nuanced response than often described by the simplistic critiques of U.S. policy. Despite ideological predispositions, it seems that perceptions of the nature and extent of the threat and the range and effectiveness of the different policy options available guided the U.S. government’s policy decisions. In fact, the Bush administration acted no more unilaterally than previous (and following) administrations. Remember for instance that Clinton’s missile strikes against Al-Qaeda in Afghanistan and an alleged chemical weapons factory in Sudan in retaliation for the bombings of American embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, were launched without a UN mandate, while Bush immediately sought authorization for self-defense from the Security Council after 9/11 and also unsuccessfully sought approval of the war in Iraq.

Just as much were other countries skeptical to entrust their defense against terrorism to the UN or other multilateral institutions. Acting multilaterally was done by the Bush administration out of pragmatic needs to forge a broad international coalition against terrorism and thus a result of rationality, not political preference. The reason why multilateralism was not used more than it has been, were its political and structural weaknesses in the field of counterterrorism (ibid.). Luck sees five factors that weigh in in the choice of government policy:

- The disparity in military capabilities between the U.S. and the rest of the world.
- Differences in both policy preferences and public attitudes on counter-terrorism and the use of force.
- The degree of use of multilateralism or unilateralism by other countries when dealing with terrorism.

³⁰ Bush, George W.: “President’s Remarks at the United Nations General Assembly”, September 12, 2002

- The role given to the UN and multilateral institutions by governmental and non-governmental counterterrorism experts³¹.
- The institutional challenges posed by the struggle against terrorism to the UN and IOs in general.

The paradigm shift under the Obama administration

When Senator Barack Obama was running for presidency in 2008, his platform ran on an agenda that was summarized by the (slightly vague) keywords “hope” and “change.” The wars in Iraq and Afghanistan, as well as unresolved issues like the Guantanamo Bay detention facilities, which the Bush administration used to incarcerate “enemy combatants,” that is, people accused of fighting the United States (through means of terrorism or guerilla tactics) not as members of a regular army and therefore not subject to the Geneva convention (see also page 32 on the application of the Geneva convention to enemy combatants), were crucial topics of discussion and disagreement during the electoral campaign (for a review of the security versus freedom debate, see e.g. Haarscher 2006).

Obama declares himself a fan of Christian realist Reinhold Niebuhr (“I love him. He’s one of my favorite philosophers.”). When asked what he took away from him, he answered: “I take away the compelling idea that there’s serious evil in the world, and hardship and pain. And we should be humble and modest in our belief we can eliminate those things. But we shouldn’t use that as an excuse for cynicism and inaction. I take away ... the sense we have to make these efforts knowing they are hard, and not swinging from naïve idealism to bitter realism” (both quotes: Brooks 2007).

While less prominent than the “Bush doctrine,” there were also attempts to formulate an “Obama doctrine.” E. J. Donne, for instance, sees it as “a form of realism unafraid to deploy American power but mindful that its use must be tempered by practical limits and a dose of self-awareness.”

³¹ For instance, Martha Crenshaw notes that „a quick non-definitive review of post-1995 content of the major journal in the field, Terrorism and Political Violence, reveals no articles dealing specifically with the UN or with the general subject of international cooperation“ (Crenshaw, quoted in Luck 2004, p. 79).

From this, it was just a natural consequence, that the White House, now under the Obama administration, would issue its new, post-Bush National Security Strategy in 2010. Susan Rice, who was appointed U.S. Ambassador to the United Nations only a couple of days after Obama took office in January 2009, called it “a rather dramatic departure from the most recent prior national security strategy” (Rice, quoted in: Sanger and Baker 2010),

The new National Security Strategy eliminated all references to “Islamic radicalism” and instead spoke of terrorism in more general terms (“violent extremism” – a term that purposely also encompasses what is called homegrown terrorism). In fact, countering terrorism is “only one element of our strategic environment and cannot define America’s engagement with the world.” It indeed includes references to climate change as a possible security threat as well as America’s dependence on fossil fuels. More specifically, it emphasizes the primacy of diplomacy over military actions: “Our long-term security will not come from our ability to instill fear in other peoples, but through our capacity to speak to their hopes.” The Bush doctrine introduced the concept of pre-emptive strikes, but Obama’s revision softened this principle. Even though it does not rule out first-strikes, it sees it rather as a last resort: “While the use of force is sometimes necessary, we will exhaust other options before war whenever we can, and carefully weigh the costs and risks of action against the costs and risks of inaction. When force is necessary, we will continue to do so in a way that reflects our values and strengthens our legitimacy, and we will seek broad international support, working with such institutions as NATO and the U.N. Security Council.” Whether or not the U.S. will seek permission before such an act is also softened as opposed to the Bush NSS: “the United States must reserve the right to act unilaterally if necessary to defend our nation and our interests, yet we will also seek to adhere to standards that govern the use of force.”

The spreading of freedom and democracy (the so-called Freedom Agenda) was a top priority in the 2002 and 2006 National Security Strategies. In the 2010 NSS it is less so, even though the Obama administration promises to “welcom[e] all peaceful democratic movements” and to “support the development of institutions within fragile democracies” (all quotations in this section: National Security Strategy 2010, unless specified otherwise).

Anthony Cordesman emphasizes the pro-multilateralism aspect of the strategy paper: "It gives foreign aid and partnership with other states as much emphasis as military security. It stresses that the U.S. is part of a multi-polar world, rather its leader, emphasizes engagement with allies, sees the UN a key fact in international affairs, and sees improving relations with Russia and China as priorities, rather than rivalry and confrontation" (Cordesman, quoted in MacAskill 2010).

In reality, though, it could be argued that there is also much continuity to the Bush era. Obama's plan to close Guantanamo is unfulfilled as of the time of writing. While Obama did end the war in Iraq, the one in Afghanistan is still ongoing. Pakistan repeatedly complains about the use of American drones on its territory without its consent, though one breach of Pakistan's sovereignty led to what is probably the biggest success of the Obama administration, namely the killing of Al-Qaeda leader Osama bin Laden in Abbottabad, Pakistan, on May 2nd, 2011.

The globalization of trans-Atlantic cooperation – conclusions and outlook

A couple of conclusions can be drawn from the various observations in this thesis.

Pivotal events on both sides of the Atlantic

As some authors of the reviewed literature would argue (e.g. Chandler 2007), there is a lag in counter-terrorist activities between the United States and Europe. While 11 September 2001 was the pivotal moment for counter-terrorism to top the political agenda, the European Union seems to have reacted in a decisive manner, that is, with measures going beyond addresses of solidarity and commemoration of the victims, only after the bombings in Madrid 2004 and London 2005.

Anti-terrorism at the United Nations

Victor Comras, who spent his career in the U.S. State Department and who was recruited as a member on the Al-Qaeda and Taliban Sanctions Committee charged with observing the steps taken by countries in order to comply with the UN sanctions against Al-Qaeda and the Taliban concluded that the United Nations “has been hesitant, slow to act, and less than effective” (Comras 2010) when it comes to terrorism.

As of writing, the UN system has yet to come up with a clear and unambiguous definition of terrorism. Ten years after September 11, 2001, which gave momentum to anti-terrorism at the UN (in fact, UN efforts to curtail terrorism date back to 1998, when the Security Council started passing sanctions against Al-Qaeda and the Taliban), a comprehensive counter-terrorism convention is still not in sight.

An important conclusion is that that UN can only be as effective as its member states allow it to be. Yet, the “cumbersome workings of its Secretariat and numerous organs make it difficult for the organization to effectively carry out its given mandates” (ibid.).

The literature on the United Nations' anti-terrorism work has to be criticized for one reason each, depending on whether it is "pro-UN" or "anti-UN". The defenders of the UN tend to look too much at the proclaimed goals, its statements, its resolutions and its reports, but ignore the actual (often meager) results achieved. The critics of the UN on the other hand sometimes wrongly blame the UN institutions and their employees for something that is not their fault, but rather the responsibility of the member states failing to give them the proper mandate and failing to deliver their part.

Comras (2010) claims that it is precisely the role given to the UN by Western democracies, their flawed diplomacy, that led to the UN's anti-terrorism record to rather be a failure: By lacking to demonstrate political resolve, these countries allowed the non-aligned to maintain control over the handling of terrorism. These non-aligned used terrorism as a tool to focus attention on other problems in the world (poverty, repression, what is perceived as Western neocolonialism, etc.). Simply focusing on what is believed to be the "root causes" fails to eliminate the threat posed by terrorism.

It is difficult to measure what the exact impact on the UN's work is. In this regard, the title of this thesis might have promised too much. The reason for this is the lack of a counter-factual: We do not know how many terrorist could have been thwarted or not if anti-terrorism strategies around the world had been different.

What remains in the end is the structural problem of an organization that was created to resolve disputes between states and is now challenged to cope with a problem between states and diffuse, trans-national non-state actors, which may or may not be supported or harbored by states. In a conflict between various states and terrorists who are willing to use extreme violence, it would be naïve to entirely rule out the use of force. Yet, the UN system, despite all commitments of support from its member states, has for various reasons not been endowed with the capabilities to contribute effectively against terrorism.

The United States, anti-terrorism and the UN

The United States has a difficult relation with the UN. Challenged by terrorism, it felt that the collective security institutions were insufficient to tackle this challenge. It therefore had to act unilaterally, proclaiming the need for pre-

emptive strikes and “regime change”, especially in order to prevent the spreading of weapons of mass destruction to “rogue states” and terrorists (all quotes: National Security Strategy 2002). It also followed what Bush called the “Freedom Agenda,” which aimed at spreading democracy in the Middle East but – quite ironically – contributed to anti-democratic, terrorist groups such as Hamas winning elections and consolidating their power. The so-called “Arab Spring” of 2011 might uncover some of the flaws of the Freedom Agenda. Contrary to Bush’s belief that people will always chose the path of freedom when they can (Bush 2010), the Arab Spring rather led to a rise of Islamist, anti-liberal movements by democratic means.

Europe, anti-terrorism and the UN

The sentiment in continental Europe was more critical about the U.S.’ unilateralism. The European Union and many European countries preferred staying within the UN’s collective security system and did not want to set any precedents jeopardizing this system.

Differences in approaches between Europe and the United States

Different authors on different ends of the political spectrum (and Atlantic) evaluate American and European approaches against terrorism differently. Neuhold (2006), for instance, sees four aspects in which the European response to terrorism differs from that developed in the United States or other places in the world. First, Europe’s immediate reaction to terrorist attacks is more muted. This is explained by a stronger sense of vulnerability in Europe, which is a result of the long history of major wars and numerous terrorist attacks in many European countries. Terrorism on American soil is still a novelty. Secondly, the European anti-terrorism vocabulary is “softer.” While the Bush administration spoke of forces of evil and the global war on terrorism (which included terrorists and state-harbors of terrorism), the European vocabulary on this issue does not include the word “war”, but rather terms like “fight” or “struggle”. Thirdly, Europe focuses more on non-military measures and the so-called roots of terrorism³². Yet, specific measures in the areas of development cooperation and

³² What the roots of terrorism are is debatable. For instance, will reducing poverty really help against terrorists who accuse the West of materialism, hedonism, and decadence?

the promotion of human rights and democracy do not show up in a comprehensive European anti-terrorism strategy. The U.S. on the other hand attributes a higher role to armed forces. Fourthly, European countries and the United States, but not many other countries in the world, have adopted anti-terrorist measures in institutional, multilateral frameworks, such as at the level of the CSCE/OSCE, the Council of Europe, NATO, and others. The EU's response, according to Neuhold, "has been characterized by an emphasis on lengthy action plans and institutions" (p. 40) containing hundreds of measures but leaving their implementation to be desired.

Convergence between U.S. and EU counterterrorism strategies

Armitage, 2007, identifies seven areas, in which U.S. and EU perspectives on counterterrorism tend to converge:

- "the scope of the terrorist threat;
- the illegitimacy of terrorism as a form of political behavior; vulnerabilities caused by globalization;
- the need not only to disrupt but also to dismantle terrorist organizations over the longer term;
- a role for the United Nations and international partners;
- the importance of conflict resolution, governance, and democracy;
- the importance of resolving the Israeli/Palestinian conflict." (Armitage 2007)³³

Den Boer (2006) summarizes the various views on the differences between the EU and the U.S. In Europe there is a view that it is not enough to go after terrorists, prevent their financial flows and that it would be wrong to put too much emphasis on coercion and force. There is rather a need to address the "root causes" of terrorism by non-violent means. But in fact, there are similarities in the approaches: "both the American and European methods mix judicial, police, diplomatic and military means with a long-term political approach to tackling terrorism" (Keohane, quoted in: Den Boer 2006, p. 109). Both sides believe in

³³ Armitage Jr, David T.: "The European Union: Measuring Counterterrorism Cooperation", in: Strategic Forum, No. 229, November 2007, Institute for National Strategic Studies of the National Defense University

intensive trans-Atlantic counter-terrorism cooperation (which can be seen with e.g. the agreements on sharing airline passenger data, etc.). Also, the US DHS has an attaché at the U.S. mission to the EU in Brussels (Den Boer 2006).

Most importantly for this thesis, both sides attribute – at least in theory, but to a certain extent also in practice – an important role to the UN.

EU-U.S. relations

On the third anniversary of the Madrid bombings, EU Counter-Terrorism Coordinator Gijs de Vries held a speech that summarized a lot of the EU's positions: he urged those countries who haven't implemented the 16 instruments to do so, stressed the need to cooperate with moderate Muslims and to counter the terrorists' ideology, an ideology – as he says – rejected by the large majority of Muslims. At the same time, he also referred to the American concept of winning the battle for hearts and minds. Yet, he introduces this concept in his speech not to criticize Jihadism, but rather to criticize governments who do not practice what they preach, thereby more or less overtly referring to the United States (e.g. by mentioning "detention without trial", an obvious allusion to the US detention camps in Guantanamo Bay) (De Vries 2007)³⁴. He finally calls for "a vision of a more just and equitable world and [calls to] act accordingly, at home and abroad" (ibid.) – as if terrorism and especially the bombings in Madrid were a mere result of injustice and inequity.

There are conflicting views between the U.S. and Europe. Nevertheless, the cooperation between the European Union and the United States is the closest within the international system in the field of terrorism. After all they share values and threats. This has been addressed both in the National Security Strategy and in the European Counter-Terrorism Strategy. The core of this relationship is not the UN, but NATO. Trans-Atlantic cooperation has been increasing since the end of the Cold War and the U.S. "was increasingly willing to choose multilateral responses to law enforcement and judicial problems" (Rees 2006, p. 115). Counter-crime activities were readily adapted to counter-terrorism. As a result, the U.S. and the EU brought to fruition the UN Convention

³⁴ De Vries, Gijs: "Europe's Fight Against Terrorism", March 2007, http://www.project-syndicate.org/print_commentary/vries1/English

Against Transnational Organized Crime. What can be observed (see e.g. Rees 2006) is a globalization of transatlantic cooperation. Islamic terrorism made it clear to both sides of the Atlantic that the security of the homelands is dependent on other states creating a hostile environment for terrorism.

And what about the rest of the world?

The global war on terrorism led to some changes in international relations. Up until to the 1990s, the U.S. and Europe considered Russia and China as archrivals. Yet, with transnational terrorism arising, new partnerships had to be built. Especially immediately after 9/11, there was a “rapprochement.” For Russia, this was due to major attacks by Chechen separatists in Moscow (2002) and Beslan (2004), while the Chinese government felt that cooperation with the U.S. will help it economic and geopolitical ascent and therefore did not invest much effort into thwarting the coalition’s plans in Iraq (Phillips 2010). This rapprochement did not last for long though as Russia and China became wary of the expansion of Western influence in Central and South Asia (ibid.).

A new threat: Iran

Despite some successes against international terrorism, many generations after us will probably still have to fear becoming victim of an attack. Loosely organized groups of militants will continue to operate on a worldwide basis. And they will also find support from regimes with sympathies to their cause. The big threat of the coming years will, without any doubt, come from the so-called “Islamic Republic of Iran”. There are serious and widespread allegations that the Mullah regime is working on a nuclear bomb.

Since Iran also has links to and actively supports terrorist groups like Hezbollah in Lebanon or Hamas in the Palestinian territories (see e.g. Martin 2008), there is not only the fear that Iran might itself use nuclear weapons against Israel, but foremost that it might pass on nuclear technology and maybe even the final product to its terrorist allies. The United Nations system (in this particular case: the International Atomic Energy Agency) appears to be in the same stalemate that it was in so often in the 1990s and at the beginning of the 21st century.

Negotiations on sanctions against the Iranian regime seem to have reached a stalemate. There are major discrepancies in views between the United States on one side, European countries on another, and Russia and China on yet another.

The new administration of President Obama appears to be following a course more oriented around dialogue and multilateralism than President Bush's did. His so-called speech to "the Muslim world" might be one indicator for this change; the fact that his administration accepted the results of the 2009 Iranian presidential vote, despite protests inside and outside of Iran, another.

Some self-criticism

As a final thought, the limitations of this paper should be pointed out. While the core of the topic, namely the role given to an international organization that is only as powerful as its members allow it to be, is relevant and interesting, it is not feasible to cover it in its entirety.

Due to several restrictions, this thesis put its focus on strategy papers. The analysis of the actual political processes is missing though. As such, it would have been necessary, for instance, to conduct interviews with key diplomats and politicians. Unfortunately, this was not possible and would have excessively inflated the scope of this paper.

In fact, it might have been wise to separate the analysis into three independent papers (one each for the U.S., the EU and the UN). The breadth of the topic would also require a broader theoretical part, which not only looks at the new wars and terrorism, but also at the political theory of and the actual political processes within international organizations. But, as a former professor of mine used to say: "One should keep the good topics for the PhD dissertation."

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- <http://eur-lex.europa.eu/en/index.htm> - Access to the European Union law

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German abstract – Deutschsprachige Zusammenfassung

Die vorliegende Diplomarbeit gibt einen Überblick über die Rolle, die die Vereinten Nationen in den Anti-Terrorismus-Strategien und -Politiken der USA und der EU einnehmen. Die Arbeit weist zwei theoretische Ausgangspunkte auf. Der erste befasst sich mit den Veränderungen der Kriegsführung in den vergangenen Jahrzehnten. Zur Erläuterung wird die Literatur zu den sogenannten Neuen Kriegen (mit Schwerpunkt auf den Werken von Mary Kaldor und Herfried Münkler) zusammengefasst und diskutiert. Der zweite widmet sich Andrew Guzmans neoinstitutionalistischer Theorie des Völkerrechts und der Internationalen Organisationen. Des Weiteren wird diskutiert, wie es im letzten Jahrzehnt um den Multilateralismus im Allgemeinen und die Vereinten Nationen im Speziellen bestellt war. Hierbei wird vor allem auf Macht und Ohnmacht der UNO in Konflikten wie Ruanda, Darfur und dem damaligen Jugoslawien eingegangen und die damit einhergehenden Konsequenzen für die Rolle der UNO im Kampf gegen den Terrorismus. Der elfte September 2001 hat Terrorismus letztlich endgültig als globale Gefahr etabliert und Reaktion in der gesamten internationalen Gemeinschaft hervorgerufen. Die UNO hat mittels mehrerer institutioneller Schritte auf die veränderte Gefahrenlage reagiert. Allerdings sind die Entwicklungen innerhalb der UNO gezeichnet von Uneinigkeit in der Definition von Terrorismus und in den Vorstellungen von den institutionellen Rahmenbedingungen für einen Kampf gegen Terrorismus auf UN-Ebene.

Die Europäische Union hat in den letzten zehn, zwanzig Jahren weitere Einigungsschritte vollzogen. Sie strebt damit eine Rolle als eigenständiger internationaler Akteur an und ist als solcher auch innerhalb des UN-Systems engagiert. Ihre Anti-Terror-Strategie befindet sich eindeutig im Einklang mit den Ansätzen der UNO.

Die Vereinigten Staaten haben tendenziell ein schwieriges Verhältnis zur Terrorbekämpfung auf UN-Ebene. Generell herrscht in den USA das Gefühl vor, dass die Institutionen ungeeignet seien, um mit der Herausforderung durch den internationalen Terrorismus umzugehen. Anders als in Europa gab es vor allem während der Bush-Präsidentschaft das Paradigma des Regime Change (die

sogenannte Freedom Agenda) und der präemptiven Militäreinsätze. Nichtsdestotrotz nimmt der Multilateralismus eine wichtige Rolle in der amerikanischen Strategie ein, wenngleich vielleicht weniger aus ideologischer Überzeugung und mehr aus pragmatischen, vernünftigen Überlegungen heraus.

Abschließend wird eine Konvergenz der Anti-Terrorismus-Strategien festgestellt. Beide Seiten erkennen das Ausmaß der terroristischen Bedrohung, die Wichtigkeit der Vereinten Nationen und anderer internationaler Partner und die Bedeutung der Lösung von regionalen Konflikten, insbesondere des Nahostkonflikts. Insgesamt wird die transatlantische Kooperation „globalisiert“, d.h. auf internationale Organisationen ausgeweitet. Allerdings bleiben die strukturellen Probleme eines Systems, das geschaffen wurde, um zwischenstaatliche Konflikte zu lösen, aber Schwierigkeiten damit hat, Konflikte zwischen Staaten und nicht-staatlichen Akteuren wie terroristischen Gruppen zu lösen, bestehen.

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- Training course on Regulatory Impact Assessment in Bruges, held by the College of Europe and Jacobs and Associates (10/2009)

- Participation in the Banking Summer College organized by the Management Academy at the Vienna University of Economics and Business Administration (Summer 2008)
- Participation in the Altenmarkt Seminar in American Studies on invitation by the Fulbright Commission (Spring 2006)
- Study trip to Bosnia-Herzegovina during a research seminar on the war in Yugoslavia (Spring 2006)
- Study trip to the UN Headquarters in New York, to the International Monetary Fund and to the World Bank in Washington, DC (Spring 2004)
- Study trip to the European Parliament in Brussels, to UNESCO in Paris, France, and to the International Court of Justice in The Hague, Netherlands (Fall 2003)

Spoken languages

English, French, German, Italian; basic knowledge of Spanish, Portuguese and Dutch