

Moving Together Toward an Uncertain Future: US-European Counterterrorism Vision, Responses & Cooperation Post-9/11

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Introduction

The lead-up to the Iraq War, and its conduct, highlighted significant differences in transatlantic perspectives, capabilities, and methods. While terrorism has generally been America's central fixation since 9/11 (until the recent economic recession), Europe sees terrorism as only one of several important threats today, with proliferation of weapons of mass destruction (WMD), failed states, regional conflicts, and organized crime among the other top tier threats.² The US possesses a comparative advantage in intelligence gathering and kinetic strike capability. Its military strength has enabled the US to favor this method as its main tool in waging its "global war on terrorism" (GWOT), now referred to by the Obama administration as "Overseas Contingency Operations."³ On the other hand, Europe's tendency toward the employment of troops for nation-building and peacekeeping missions is in line with its strengths and preferences. European countries also favor an extensive consensus building period of diplomatic maneuvering to establish a widely accepted multilateral response to threats. America under the Bush administration, however, insisted

¹ The views expressed herein are those of the author and do not reflect the official policy or position of the United States Military Academy, the Department of the Army, or the Department of Defense.

² *European Security Strategy*, 12 December 2003, p. 3-4.

³ Scott Wilson and Al Kamen, "Global War on Terror is Given New Name," *Washington Post*, March 25, 2009, available at <<http://www.washingtonpost.com/wpdyn/content/article/2009/03/24/AR2009032402818.html>>

on remaining unconstrained even if key allies did not accept its position on important matters, such as the use of force against Iraq.⁴

These divergent “strategic cultures”⁵ led some pundits to herald the coming death of the transatlantic alliance.⁶ Since the Iraq invasion however, the US and Europe have continued to partner effectively in Afghanistan. This apparent contradiction could lead one to question the overall prospects of transatlantic counterterrorism cooperation in the post-Iraq world. Yet the outcome is not really in doubt. Beyond the short-term outlook in Afghanistan, the long-term forecast is positive despite US-European differences over the Iraq War and the urgency of and methodology for fighting terrorism. The projection is favourable because Europe and America fundamentally share a common threat and common interests. They also share many values, a history of successfully working together against threats, both in the Cold War and during the first Gulf War (1990/1). So, both the past and the present indicate that the transatlantic partnership will weather its challenges, contrary to those who focus on short-term challenges.

During the eight (+) years since 9/11 however, transatlantic tension levels were often high and details were less clear as to what the immediate and mid-term future held. Many times when America and Europe experienced successes, they came largely at the tactical and operational levels. The main sticking point between administrations on either side of the Atlantic has involved differing perspectives on the strategic considerations that elude easy measurement. Should terrorists acts be viewed through a criminal lens or be seen as an act of war? What does this difference portend for a government’s counterterrorism policies and the status afforded to captured terrorists? What role, if any, should enhanced interrogation, electronic surveillance, financial tracking and seizures,⁷ torture, renditions, and secret detention facilities play? Should countries utilise preemptive or preventive wars to safeguard their citizens? What level of threshold is necessary to determine the immediacy of a threat? What priority should governments give counterterrorism in the context of their foreign policy endeavours? What roles do non-military instruments of power and states’ values play in counterterrorism efforts? Is there a trade-off between security and liberty? How can governments balance human rights with security considerations?

⁴ Lawrence F. Kaplan and William Kristol, *The War Over Iraq: Saddam’s Tyranny and America’s Mission*, p. 92.

⁵ Heinz Gartner and Ian M. Cuthbertson, *European Security and Transatlantic Relations After 9/11 and the Iraq War*, p. 183-185.

⁶ Elizabeth Pond, *Friendly Fire: The Near-Death of the Transatlantic Alliance*.

⁷ Former Director of the CIA, Porter Goss, mentioned these three items as the most important tools in America’s counterterrorism arsenal in a speech in Sanibel, Florida in February 3, 2010.

These are some of the key questions at the heart of the differences between the counterterrorism approaches taken by America and Europe during the Bush administration. President Obama has closed a portion of that gap, primarily in the area of rhetoric, values, and utilising civilian courts to try terrorists, yet some differences remain. Throughout the remainder of this paper I explore aspects of these questions while looking at the general approaches taken by administrations on each side of the Atlantic. I start by establishing a common definition of terrorism and examining why American labels for their counterterrorism endeavours are flawed. This is an important starting point as it affects how governments define success and what their constituents expect. After outlining why counterterrorism is so important to the US today, I look at differences in American and European perspectives and changes that both sides have implemented in their bids to hunt terrorists and protect their citizens. Next I highlight counterterrorism success stories, joint efforts, and provide policy relevant recommendations for further improvement. Finally, I conclude with reflections on future prospects for transatlantic counterterrorism cooperation and success.

Definitions

Various scholars and politicians view terrorism (and counterterrorism) differently. Some see it as specific to non-state actors, while others see states as capable of committing terrorism against their citizens. Critics of that view argue that states may commit *acts* of terrorism, but that a definition of *terrorism* should apply only to non-state actors. As most view terrorism in this light, I adhere to this perspective and will use the following definition for terrorism as the basis for my references to it throughout this paper. Terrorism involves violence or the threat of violence by non-state actors against non-combatants to influence a wider target audience to accomplish a politically motivated objective.⁸ Counterterrorism involves the broad spectrum of operations designed to combat the actions of groups committing acts for this purpose and in this manner. A comprehensive counterterrorism effort should include intelligence operations, law enforcement actions, freezing of the financial assets of terrorist organisations, a robust messaging campaign, surgical military operations, and coordination with allies on every front.⁹

⁸ This definition was the one utilized by Professor Stuart Gottlieb of Yale University in his *Terrorism and Counterterrorism* course, Spring 2007.

⁹ Professor Stuart Gottlieb of Yale University was the first person I heard articulate these counterterrorism facets. He did so while I was a student in his *Terrorism and Counterterrorism* course, Spring 2007.

The Importance of the Slogan

Counterterrorism rhetoric is significant because it defines the mission; it shapes American and international perspectives about the tasks at hand, and is meant to be a reflection of US values. It impacts how the world views the US and whether other countries support American endeavours in the ‘war,’ and to what extent. Finally, it becomes the ultimate measure of success.

Former President Bush’s response to the terrorist attacks on 9/11 was the “global war on terrorism (GWOT).” The choice of terminology is understandable but problematic.¹⁰ It is understandable because there are terrorists around the world and because the tremendous psychological effect of 9/11 drove the US to respond on a massive scale. It is problematic because terrorism is a tactic and it is impossible to defeat a tactic. Additionally, by calling it a ‘war,’ the US overemphasised military aspects¹¹ and confers combatant status on the terrorists it is fighting.¹² The Bush administration realised that the slogan carried some bad connotations and officially changed it to “the global struggle against violent extremism.”¹³ The second Bush slogan indicated that the struggle was against an amorphous idea, rather than a concrete group of people. Thus, to win it, the US would presumably have to eradicate violent extremism – also an impossible task.¹⁴ The Obama administration’s new slogan refers to the Iraq and Afghanistan wars as “Overseas Contingency Operations.”¹⁵ This term avoids some of Bush’s pitfalls, but indicates that the problem is located abroad. This connotation is problematic at a time when the US is experiencing a rise in the number and qualitative nature of home grown terrorist incidents, or those otherwise involving American citizens. Incidents like the Najibullah Zazi NYC subway plot,¹⁶ the Major Nidal Malik Hassan shooting at Fort Hood, the

¹⁰ LTC Reid Sawyer, “*Hot Coffee-Hot Topics Talk on Terrorism and Evaluating the Effectiveness of America’s Counterterrorism Efforts Since 9/11*,” Yale University, Fall 2007.

¹¹ Fred Kaplan, “*Say G-WOT? Terror Attacks, Taliban Resurgence, Suicide Bombs—Obviously, It’s Time to Change the Slogan*,” July 26, 2005.

¹² Tom Parker, Iranian Humans Rights Documentation Center Executive Director, during a dinner talk to Studies in Grand Strategy students, February 20, 2008.

¹³ Fred Kaplan, “*Say G-WOT? Terror Attacks, Taliban Resurgence, Suicide Bombs—Obviously, It’s Time to Change the Slogan*,” July 26, 2005. Despite the change in the slogan, GWOT remained the slogan most commonly used during the remainder of the Bush administration, and in some circles, even to the current day.

¹⁴ Josh Bradley, Robert Berschinski, John Frick, and I discussed this topic at various times during the Spring of 2007.

¹⁵ Scott Wilson and Al Kamen, “Global War on Terror is Given New Name,” *Washington Post*, March 25, 2009, available at <<http://www.washingtonpost.com/wp-dyn/content/article/2009/03/24/AR2009032402818.html>>.

¹⁶ *Associated Press*, “Police Interrogate Colo. Man in Suspected NYC Subway Plot,” September 18, 2009, available at <http://www.lawofficer.com/news-and-articles/news/2009/09/police_interrogate_colo_man_in_suspected_nyc_subway_plot.html>.

David Headley Mumbai case,¹⁷ and the first two Americans to become suicide bombers,¹⁸ albeit overseas,¹⁹ demonstrate the growing domestic terrorism problem in the US. Additionally, it is improper for Obama to refer to the ongoing operations in Iraq and Afghanistan as “contingencies” when he inherited them in full swing. So, with its self imposed label of what it is undertaking, the US has set itself up for failure, improperly identifying both the problem and its solution. A better slogan would be “the struggle against radical extremists and their ideology” with the added caveat that, although the struggle is likely a permanent one, we should measure success by continual improvement in key areas. A couple of the key areas are cooperation between countries and nations’ defences against terrorists. Another involves progress in crippling the leadership, financial backing, sanctuary, and ultimately the ideological support for terrorist activity. Significant and steady improvement in each of these areas will tip the balance in this struggle in favour of the more progressive societies and away from extremists.

The Significance of Terrorism for the US Today

The magnitude and nature of the attacks on September 11th rocked American perceptions on several levels. America was attacked on its own soil, from within its own borders, and the result was that more people died than in any other single terrorist attack in history – even more than died in the infamous attacks on Pearl Harbour on December 7, 1941.²⁰ Americans’ sense of invulnerability vanished as they realised that their relatively isolated geographic location was no longer enough to protect them. What if terrorists obtained WMD and the means to deliver them? Surely 9/11 would pale in comparison. The number of casualties might not be confined to the thousands; millions of Americans might die in a single attack. This was simply unacceptable to the American psyche.

So, just as Congress declared war immediately after Pearl Harbour, so too did it authorise the President to use military force against those responsible for perpetrating the attacks on 9/11.²¹ Once again the struggle would be global;

¹⁷ “US Man David Headley Denies Mumbai Plot Charge,” *BBC*, January 28, 2010, available at <http://news.bbc.co.uk/2/hi/south_asia/8484450.stm>.

¹⁸ Michael B. Farrell, “A US Pipeline for Jihad in Somali?,” *The Christian Science Monitor*, December 30, 2009, available at <<http://www.csmonitor.com/USA/Society/2009/1230/A-US-pipeline-for-jihad-in-Somalia>>.

¹⁹ Two Americans from the Somali Diaspora outside Minneapolis traveled to Somali to conduct “martyrdom operations” (be suicide bombers). At least 20 more have gone to fight in the Somali jihad.

²⁰ Hal Lindsey, “Pearl Harbour vs. 9-11: The Key Difference,” January 16, 2003, available at <http://www.wnd.com/news/article.asp?ARTICLE_ID=30512>, (accessed April 6, 2008).

²¹ Richard F. Grimmet, “CRS Report to Congress: Authorization For Use Of Military Force in Response to the 9/11 Attacks (P.L. 107-40): Legislative History,” January 16, 2007, available at <<http://www.fas.org/sgp/crs/natsec/RS22357.pdf>>, (accessed April 6, 2008).

only this time the war would be longer and the perpetrator was not a state actor – nor would it be the only target.²² Bush painted the parameters of this war in black and white terms: either “you are either with us or against us.”²³ Al Qaeda and the Taliban regime in Afghanistan, which provided the former sanctuary, were the immediate targets. States that harboured terrorist groups or assisted them in any way were next.²⁴

Many in the US have said that 9/11 changed everything.²⁵ Because of the aforementioned affects, it changed US foreign policy priorities, elevating counterterrorism and putting America on the offensive. It also resulted in the most significant reorganising of the US government since the 1947 National Security Act.²⁶

European vs. US Perspectives

The debate over the use of force in Iraq was the first occasion in the post-9/11 world where sharp differences between American and European perspectives were seen clearly. Although European countries differed in their views, several major players were reluctant to use force in Iraq to enforce UNSC resolutions and to eliminate the perceived threats of WMD. While some Central and Eastern European countries were eager to support the US, in return for financial assistance and support for their bids to join NATO, France and Germany led the resistance to Bush’s push for war.²⁷ Even the British wanted a second UNSC resolution explicitly authorising the use of military force.²⁸

While Bush refused external constraints on America’s ultimate decision on Iraq, Europe saw the UN as the final authority. This was consistent with their historical and cultural experiences. In practical terms, comparatively weak mili-

²² America’s active involvement in WWII was less than five years, measured from the US Declaration of War on December 8, 1941, until Japan’s formal surrender aboard the USS Missouri on September 2, 1945, ending World War II. As of September 11, 2009, the US had already been engaged in the “Global War on Terrorism” for eight years.

²³ President George W. Bush, “You are either with us or against us,” *Joint News Conference with French President Jacques Chirac*, November 6, 2001, available at <<http://archives.cnn.com/2001/US/11/06/gen.attack.on.terror/>>, (accessed April 6, 2008).

²⁴ President George W. Bush, “Address to the Nation,” September 11, 2001, and “Address to a Joint Session of Congress and the American People,” September 20, 2001, available respectively at <<http://www.whitehouse.gov/news/releases/2001/09/20010911-16.html>> and <<http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>>, (accessed April 6, 2008). President Bush repeated this theme numerous times over a long period, but these citations indicate that it was part of his thinking from the beginning.

²⁵ Garrick Utley, “Did 9/11 Change Everything?,” September 6, 2002, available at <<http://edition.cnn.com/2002/US/09/06/ar911.changed.america/>>, (accessed April 6, 2008).

²⁶ US Department of State, “National Security Act of 1947,” available at <<http://www.state.gov/r/pa/ho/time/cwr/17603.htm>>, (accessed April 6, 2008).

²⁷ Rick Fawn and Raymond Hinnebusch, *The Iraq War: Causes and Consequences*, p. 49–70.

²⁸ Ibid, p. 37–48.

tary strength meant that European nations could not invade Iraq by themselves. Europe's belief in the effectiveness of international institutions and a desire to constrain the US, establish a multi-polar world, and increase the legitimacy of American foreign policy actions led to greater reliance on and elevation of the UN as the ultimate decision making body.²⁹

While the US played a key role in founding the UN, its relative military strength and the urgency of the post-9/11 environment persuaded Bush that he must take preemptive action to safeguard America. Hence he insisted on his chosen path, with or without a second resolution, and with or without the support of major, traditional allies. An ad hoc "coalition of the willing"³⁰ replaced the standing alliances formed in NATO over fifty years.³¹

Additionally, the US under Bush viewed terrorism as an act of war, while Europeans tend to view it as a crime.³² Europe has a more protracted history of terrorism on its soil than the US does, though on a smaller scale than 9/11. This is especially true of Britain's battle against the Irish Republican Army (IRA) and Spain's struggle against Basque separatists, though Germany has faced terrorist attacks through the Red Army Fraction and Italy from the Red Brigades. Additionally, the timing of recent terrorist attacks in Europe (the 2004 Madrid train bombings and the 2005 London public transportation bombings) reinforces European perspectives on terrorism. Because these two events occurred after the invasion of Iraq, Europeans accurately interpreted them in that light. The Spanish thought they were bombed because of their military involvement in Iraq. The bombings were timed to occur just before Spanish elections to influence voters as they headed to election sites. The Spanish got the message and elected the opposition candidate. The new Prime Minister, Jose Luis Rodriguez Zapatero, quickly followed through on his promise to remove all Spanish troops from Iraq. Other European countries followed his lead. Hungary, Iceland, Portugal, the Netherlands, Norway, Italy, Slovakia, and Lithuania all redeployed their troops between 2004 and 2007 due to the length and unpopularity of the war, domestic politics, and to safe-guard against being targeted by terrorists.

²⁹ Professor Jolyon Howorth, in his *Europe, the US, and the Iraq War* course, Spring 2008.

³⁰ John King, "Bush: Join 'coalition of the willing,'" November 20, 2002, available at <<http://edition.cnn.com/2002/WORLD/europe/11/20/prague.bush.nato/>>, (accessed April 6, 2008).

³¹ Wyn Rees, *Transatlantic Counter-terrorism Cooperation: The New Imperative*, p. 28-52.

³² Professor Stuart Gottlieb demonstrated in his *Terrorism and Counterterrorism* course that President Clinton viewed terrorism as a crime. He further explained how that perspective led to less extensive, more reactive responses that emphasized law enforcement and the judicial process. This is a view that Europe has shared, though since 9/11 they have become more proactive in their attempts to prevent terrorist attacks. Bush's view of terrorism as a war against the US translates into a greater focus on a response in military force. Discussions related to this topic have also arisen during Professor Jolyon Howorth's *Europe, the US, and the Iraq Crisis* course.

The British did not respond in the same fashion, thanks largely to (then) Prime Minister Blair's ardent support for Bush and the Iraq War. However, in 2007 even the British gradually began to turn over control of the southern areas of Iraq they controlled, mainly in Basra, to Iraqi troops. The British plan was to withdraw their troops from Iraq and focus their attention to Afghanistan. The British explained this plan by indicating that the low level of violence in their areas of responsibility and the competency level of the Iraqi Army units there warranted this move. On the other hand, increased violence in Afghanistan against Al Qaeda and Taliban fighters necessitated greater focus and bore clear relevance to global counterterrorism efforts. An enemy resurgence in Basra in 2008 led the (then) British Defence Secretary Des Browne to postpone the proposed drawdown until the situation stabilised.³³ Nevertheless, the gradual European transition out of Iraq reflects their perspective that America controls Iraq and that actions there are peripherally related to counterterrorism.

US Counterterrorism Changes, Post-9/11

The US and the EU each took a number of key actions, post-9/11, designed to increase their effectiveness in counterterrorism actions. Most US actions were structural or military in nature. Bush established the Department of Homeland Security (DHS)³⁴ and reorganised twenty-two federal agencies under it.³⁵ Congress created the Transportation Security Agency (TSA) with the Aviation and Transportation Security Act to stiffen security procedures at American airports and for other modes of transportation.³⁶ In April 2002, Bush announced the creation of Northern Command (NORTHCOM) to assist the DHS, TSA, and FBI in protecting the homeland. While the American military had established Regional Combatant Commands (RCC) for other areas of the world, prior to 9/11, it did not have a unified command in charge of military related homeland defence and civil support operations in North America.³⁷

Congress and Bush together appointed the bipartisan 9/11 Commission to evaluate US preparedness for, and response to, the terrorist attacks of 9/11, and

³³ *Sky News*, "Brit Troop Withdrawal From Iraq Delayed," April 1, 2008, available at <<http://news.sky.com/skynews/article/0,,91211-1311359,00.html>>, (accessed April 6, 2008).

³⁴ President George W. Bush, "Address to a Joint Session of Congress and the American People," September 20, 2001, available at <<http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>>, (accessed April 6, 2008).

³⁵ Office of Management and Budget: The Executive Office of the President, "Department of Homeland Security," available at <<http://www.whitehouse.gov/omb/budget/fy2005/homeland.html>>, (accessed April 6, 2008).

³⁶ "TSA: Our History," available at <<http://www.tsa.gov/research/tribute/history.shtm>>, (accessed April 6, 2008).

³⁷ US NORTHCOM, available at <http://www.northcom.mil/About/history_education/history.html>, (accessed April 6, 2008).

to recommend steps that could help America “guard against future attacks.”³⁸ Bush followed one of its major recommendations and created the Director of National Intelligence (DNI).³⁹ This came as part of the Intelligence Reform and Terrorism Prevention Act and folded all other US intelligence agencies under one centralised organisation, the Office of the DNI. Its mandate was to bring the intelligence agencies together, facilitate crosstalk, and speed-up intelligence sharing, eliminating the intense rivalries between them.⁴⁰ Congress passed the Patriot Act to update the Foreign Intelligence Surveillance Act (FISA)⁴¹ and strengthen America’s ability to combat terrorism through technical means and greater legal freedom. The Patriot Act eliminated the wall that prevented intelligence sharing between officials oriented on criminal investigations and those geared toward intelligence operations.⁴² This modification eliminated one of the primary US failures that allowed Al Qaeda to successfully carry out the terrorist attacks on September 11th.

In addition to organisational changes, the US also invaded Afghanistan and Iraq to depose the Taliban and Hussein regimes. Together these changes demonstrated America’s commitment to addressing terrorism as a foreign policy and domestic priority. They also illustrate the US focus on structural change and military operations, but sparse attention paid to winning the long fight against terrorism, which involves preventing the spread of radical Islamic ideology.⁴³

European Counterterrorism Changes Before and After 9/11

Prior to 9/11, Europe saw a need to strengthen its capacity for counterterrorism, other policing activities, and investigations. It sought to accomplish this through greater coordination. The ratification of the 1993 Treaty on European Union set the foundation for such lateral cooperation. The renaming of its third pillar from Justice and Home Affairs to Police and Judicial Cooperation in Criminal Matters (PJCC) demonstrated the importance the EU placed on police

³⁸ National Commission on Terrorist Attacks Upon the United States website, available at <<http://www.9-11commission.gov/>>, (accessed April 6, 2008).

³⁹ *The 9/11 Commission Report*, July 20, 2004, p. 411-415, available at <<http://govinfo.library.unt.edu/911/report/911Report.pdf>>, (accessed April 6, 2008).

⁴⁰ Ibid, and Office of the Director of National Intelligence website, available at <<http://www.dni.gov/>>, (accessed April 6, 2008).

⁴¹ Elizabeth B. Bazan, “CRS Report for Congress: The Foreign Intelligence Surveillance Act: An Overview of the Statutory Framework and Recent Judicial Decisions,” p. CRS-1, available at <<http://www.fas.org/irp/crs/RL30465.pdf>>, (accessed April 6, 2008).

⁴² Professor Stuart Gottlieb, during his *Terrorism and Counterterrorism* course at Yale University, Spring 2007.

⁴³ *The 9/11 Commission Report*, July 20, 2004, p. 374-382, available at <<http://govinfo.library.unt.edu/911/report/911Report.pdf>>, (accessed April 6, 2008).

and judicial cooperation, under which terrorism and other criminal matters were organised.

The EU gave these concerns additional emphasis with the 1995 creation of the European Police Office (Europol) “to improve the effectiveness of policing authorities in member states and strengthen cooperation between them.”⁴⁴ Europol was to strengthen European states by encouraging cooperation on the exchange of information, analysis of intelligence, investigatory capacity, and computerising data. Its area of emphasis includes the prevention and combating of terrorism, drug trafficking, nuclear and radioactive material, money laundering, and other serious crimes.⁴⁵

The post-9/11 creation of the European Arrest Warrant (EAW) and Eurojust in 2002 added even more focus on coordination. The EU took these two measures in recognition of the increased importance and complexity of coordination in light of an increased international terrorism threat and the projected expansion of the EU. The EAW replaced the national extradition systems between European states, speeding extradition “by requiring national judicial authorities to recognise, with a minimum of formalities, requests made by the judicial authority of another member state for the arrest and surrender of a person.”⁴⁶ The aim of Eurojust is to increase authorities’ abilities to investigate and prosecute serious cross-border crime.⁴⁷ To ensure the aim is met, the EU established a system for reviewing these mechanisms to evaluate their effectiveness in facilitating their desired ends. Finally, the EU developed the European Security Strategy (ESS) in December 2003 to parallel the US National Security Strategy (NSS)⁴⁸ and outline its shared strategic security goals.

The EU took these measures to increase cooperation among its member states and with the US as it relates to counterterrorism. There is however an important difference between increased coordination and enhanced capabilities. Yet, it is likely that the former will lead to the latter. Increased, more rapid coordination enables greater maximisation of laws and disrupts terrorist organisations. It facilitates governments’ ability to find terrorist leaders and remove them from society before they complete planning for, and/or conduct, a terrorist act. Better information-sharing also helps officials ensure convictions of terrorists and speeds-up investigations; freeing government personnel to move onto other tasks.

⁴⁴ Heinz Gartner and Ian M. Cuthbertson, *European Security and Transatlantic Relations After 9/11 and The Iraq War*, p. 95.

⁴⁵ Ibid, p. 95.

⁴⁶ Ibid, p. 96.

⁴⁷ Ibid, p. 96.

⁴⁸ Ibid, p. 96.

Post-9/11 Successes

Since initiating changes, the US and European countries experienced some significant counterterrorism successes; some the result of unilateral efforts while others are due to joint endeavours. Their efforts have yielded fruit in terms of killing and capturing terrorists, freezing their financial accounts, destroying terrorist training camps in Afghanistan, and preventing several major terrorist attacks. For instance, the US Federal Bureau of Investigation (FBI) disrupted a sleeper cell of Muslim radicals who trained at Al Qaeda training camps in Afghanistan after 9/11, and US officials captured individuals plotting a terrorist attack on Fort Dix, NJ. Military operations have killed or captured many of Al Qaeda's top lieutenants, such as Khalid Sheik Mohammed, the mastermind of the 9/11 attacks, and Abu Musab al-Zarqawi, the former leader of Al Qaeda in Iraq, responsible for escalating the violence in that country following the American-led invasion. More recently, US officials arrested four men connected to the Newburgh Plot⁴⁹ as well as David Headley for his reconnaissance role in the November 2008 Mumbai attacks conducted by Lashkar-e-Toiba (LeT) operatives. Finally, in what some have described as the most serious threat to the American homeland since 9/11, law enforcement officials interdicted Zazi,⁵⁰ who was in his final preparation for carrying out an attack against New York City subways.

European states have also experienced counterterrorism successes since 9/11. A few of the more notable successes involved British and German police efforts. British officials arrested a handful of individuals suspected in the subway and bus bombings of July 7, 2005 and the Glasgow Airport attack.⁵¹ Meanwhile, in what is known as the Sauerland Plot, Germans arrested "three Islamic militants suspected of planning large-scale terrorist attacks against several sites frequented by Americans,"⁵² including the Ramstein Air Force Base, one of the largest US overseas military bases.

⁴⁹ Doyle Murphy, "4 Newburgh Men Arrested in Plot to Shoot Down Military Planes, Bomb Synagogue," *Times Herald Record Online*, May 21, 2009, available at <<http://www.recordonline.com/apps/pbcs.dll/article?AID=/20090521/NEWS/905210342>>. The Newburgh Plot involved a plan to shoot down an aircraft at Stewart Airfield in Newburgh, New York and a plot to bomb a Jewish Center in New York City.

⁵⁰ *Associated Press*, "Police Interrogate Colo. Man in Suspected NYC Subway Plot," September 18, 2009, available at <http://www.lawofficer.com/news-and-articles/news/2009/09/police_interrogate_colo_man_in_suspected_nyc_subway_plot.html>.

⁵¹ *CBS/AP*, "Police Chase Glasgow Attack Suspects," July 1, 2007.

⁵² Mark Landler and Nicholas Kulish, "Police Arrest 3 in German Terror Plot," September 5, 2007.

Joint Counterterrorism Efforts, Post-9/11

While the Iraq War has been the largest point of transatlantic contention since September 11th, counterterrorism operations in Afghanistan constitute the major area of cooperation. As a result of a fragile yet undeniable success in Iraq, a new American President,⁵³ and a renewed emphasis on the *right war*, transatlantic cooperation has once again become more visible. Disagreements over America's decision to use force against Hussein – that reversed some of the post-9/11 support it had enjoyed – has faded into the background. Although domestic politics ensures that some tension remains, the friction is certainly less palpable now than it was only a few years ago.

Recent developments in Afghanistan are one clear indicator of the trajectory of transatlantic counterterrorism cooperation. Following Obama's December 2009 announcement regarding a troop surge of 30,000 in Afghanistan, NATO allies have pledged additional troops as well. Together the total comes close to the 40,000 for which GEN McChrystal initially asked.

An earlier, yet related example of the resiliency of the transatlantic partnership is evidenced by the outcome of Germany's September 2009 parliamentary elections. Going into the elections there was concern that the Germans, many of whom are discontent with their involvement in Afghanistan, would elect more liberal candidates, leading to a coalition government that would decide to announce a timeline for redeployment of all Bundeswehr troops. The former Foreign Minister and Social Democratic Party (SPD) leader, Frank-Walter Steinmeier, who ran against Angela Merkel, had already declared his intention to do just that if elected chancellor.⁵⁴

This result would have presented strategic challenges to NATO's efforts in Afghanistan. It would have meant a loss of the third largest contingent of troops, numbering nearly 4500, and stretch American and NATO forces thin as they attempted to cover this new area with an already limited number of troops. In addition to the loss of manpower, it would signal a fracturing of the coalition at a critical juncture in the campaign. That signal may have further emboldened the Taliban (among other enemy combatants), complicating American and Afghani efforts to negotiate with moderate Taliban elements. German withdrawal would have likely sent shock waves through other members of the coalition,

⁵³ President Obama is widely thought to project an entirely different, fresh, and humble demeanor (than George W. Bush). This may have contributed to his selection as the 2009 Nobel Peace Prize recipient. One of the reasons cited for his selection was his contribution to a "new climate in international politics." *CNN*, "Praise and Skepticism Greet Obama's Nobel Peace Prize," October 9, 2009, available at <<http://edition.cnn.com/2009/WORLD/europe/10/09/obama.nobel.international.reaction/>>.

⁵⁴ Patrick Donahue, "German SPD Anoints Gabriel Leader After Election Loss," *Bloomberg.com*, November 13, 2009, available at <http://www.bloomberg.com/apps/news?pid=20601100&sid=ar_zbF3MAePE&refer=germany>.

particularly Britain, the second largest troop contributor after the US, which also faces persistent domestic opposition to involvement in Afghanistan.

German redeployment would have left a significant security gap along Afghanistan's Northern front – an area that, until summer 2009, had been relatively quiet. During July and August 2009, Taliban and Uzbek groups [members of the terrorist groups Islamic Movement of Uzbekistan (IMU) and the Islamic Jihad Union (IJU)] made a strategic decision to open a third front against the coalition, in addition to the enemy's Southern and Eastern operations. This move indicated the Taliban's relative strength, that they had fighters to spare, and could afford to move people from their traditional stronghold in the South. It also demonstrated that they understood the political ramifications at stake by applying pressure on the Germans. The German elections have come and gone however, and the conservative government led by Merkel remains in power and committed to the Afghan mission, even moving to bolster their troop levels by another twenty percent.⁵⁵ Hence, the transatlantic partnership survived another test, one of the most significant ones under the Obama presidency.⁵⁶

On the prevention side, joint counterterrorism efforts between the US and European authorities thwarted a 2006 terrorist plan to use liquid explosives to explode transatlantic airliners en route from the UK to the US; an attack that could have caused more deaths than 9/11.⁵⁷ As for joint agreements, they signed a Passenger Name Record (PNR) sharing agreement in July 2007 after more than three years of negotiations.⁵⁸ The European Commission, concerned about protecting the freedom of its citizens, was reluctant to allow airlines leaving Europe to share data with American officials. The US wanted passenger data in advance to facilitate its ability to pre-screen individuals entering the US. This was in response to tightening security and combating terrorism following the 9/11 terrorist attacks. The European Commission and the US initially reached a deal in May 2004 that was to last three and a half years, despite reservations from the European Parliament.⁵⁹ The agreement was overturned by a European Court of Justice ruling in May 2006.⁶⁰ The 2007 agreement demonstrates

⁵⁵ *Deutsche Welle*, "Germany Approves Troop Increase for Afghanistan," *Afghanistan Conflict Monitor*, February 2010, available at <<http://www.afghanconflictmonitor.org/germany/>>

⁵⁶ Much of the information in the preceding four paragraphs draws on research and writing I did as part of a team from West Point's Combating Terrorism Center that deployed to Afghanistan during July and August 2009. While there we took a strategic look at the militant landscape, as influenced by external actors. That research resulted in briefs we gave to elements of the US Army, GEN McChrystal, and Ambassador Eikenberry.

⁵⁷ US and Asian authorities also foiled a terrorist plan to conduct a similar attack on multiple airliners flying from the Philippines across the Pacific to the US in 1995.

⁵⁸ European Union, Delegation of the European Commission to the USA, "EU-US Passenger Name Record (PNR) Agreement Approved," July 23 2007.

⁵⁹ *DHS Fact Sheet*, "US-EU Passenger Name Record Agreement Signed," May 28, 2004.

⁶⁰ John Ward Anderson and Keith L. Alexander, "Court Voids US-Europe Passenger Agreement," May 31, 2006.

perseverance by both the EU and US to reach a lasting deal and also indicates that compromise and future security cooperation on counterterrorism efforts is possible over the long term, despite differences. However, the Christmas Day 2009 underwear bomber, Umar Farouk Abdulmutallab, demonstrated that there remains substantial room for improvement in airport security procedures, America's No Fly Lists, and international cooperation.⁶¹

Recommendations

Beyond tactical and operational victories, to win the long term fight will require a comprehensive and united global effort. It requires using all elements of national strength to decapitate terrorist organisations⁶² and drain their finances, but also to undermine their passive support base⁶³ and win the war of values.⁶⁴ The EU and the US are the most plausible leaders of such a holistic effort. Between them, the technical resources they command, the experience they have, and their power projection capabilities makes them well suited for the mission. But more than this, it is their values which have been fundamental in past cooperation and past victories, and it will be those same values which will underpin success in the long fight against international terrorism.

Prior to the Obama presidency, the set of shared values in counterterrorism efforts had not been as robust as needed for lasting success. European-US differences over what constitutes torture and the extent of citizens' civil liberties

⁶¹ BBC, "Profile: Umar Farouk Abdulmutallab," January 7, 2010, available at <<http://news.bbc.co.uk/2/hi/americas/8431530.stm>>.

⁶² Dr. Leonard Weinberg and Dr. Arie Perliger, "How Terrorist Groups End," *CTC Sentinel*, February 2010, Vol. 3, Iss. 2. In their piece, Weinberg and Perliger draw on the works of terrorism expert Audrey Cronin and show that the capture or killing of group leadership is the manner by which most terrorist groups meet their demise. This method leads to the end of 30.6% of terrorist groups as opposed to the second greatest factor, repression by authorities (21.9%), and the third greatest factor, group abandoning terrorism in favour of non-violent tactics (12.5%). Despite the success that Cronin, Weinberg, and Perliger's data indicates decapitation strategies have usually enjoyed against terrorist groups, the wars in Iraq and Afghanistan have shown that simply killing Al Qaeda's leaders, or that of other terrorist groups, does not inevitably lead to the rapid demise of the group. My analysis of this discrepancy is that in some cases and especially those where the leadership structure is hierarchical, the decapitation strategy can be very effective. However, in cases like Al Qaeda where the group's organization is more decentralized, decapitation efforts may not be as effective. Such efforts may still disrupt the group's activities and attack planning temporarily, but are insufficient to overcome unfavourable perception of the strikes among local populations. This poor perception is due to favourable views of the terrorist group, bad views of the government, and occasional collateral damage caused by government strikes. Together these factors serve as a recruitment tool and regeneration mechanism for decentralized groups that often outpaces governments' abilities to decapitate their leadership.

⁶³ Professor Stuart Gottlieb in lecture during his *Terrorism and Counterterrorism* class at Yale University, Spring 2007.

⁶⁴ Prime Minister Tony Blair, "A Battle for Global Values," *Foreign Affairs*, January / February 2007, Volume 86, Number 1, p. 79-90.

were two indicators in this realm. Additionally, the failure to reach a compromise on the inclusion of US military members as subject to the International Criminal Court (ICC), while understandable from the American perspective, undermined that organisation's legitimacy, as well as that of the US.

Under Obama the US is seeking to take a more multilateral approach. This means regarding the EU and its members as partners, not as *Old Europe*, whose opinions may be disregarded.⁶⁵ In part, toward this end, America should encourage its citizens, from an early age, to develop a less US-centric perspective and to study cultures and learn foreign languages. Especially important are Middle Eastern and Asian languages; as these are spoken in regions where military operations are currently underway, and where future phases of the war against Islamic extremists are likely to be waged. Even if the US were able to stay out of overseas endeavours and not *need* such linguistic and cultural expertise, the understanding such study would promote throughout the government and its citizenry would likely result in better foreign policy decision-making.

The US also needs to develop a robust force capable of complimenting the military toward the successful execution of nation building efforts. The spectrum of these activities includes a wide range of activities spanning peace and conflict, including intelligence operations, humanitarian assistance, law enforcement and criminal investigation, economic reconstruction, diplomatic partnerships, and institution building. Most of these are outside the scope of the military's skill set and unrealistic to expect it to perform well, especially in environments where all these activities may be needed on any given day. A force composed largely of civilians – diplomats, aid workers, construction and other contractors, economists, Foreign Service officers, lawyers, and business leaders – along with police personnel and specialised military units, would be better suited to accomplish the task of winning the peace after traditional military elements win the major battles. This stabilisation force would have to be deployable in the same way that the military is. Professor Thomas Barnett from Harvard University has mentioned a similar idea to this type of stabilisation force. Former Secretary of State Condoleezza Rice recognised this need as well when she changed a State Department policy to enable forced deployments of Foreign Service officers to combat zones. Despite this change and a civilian “surge” of approximately one thousand personnel to Afghanistan, it is not enough to be decisive – either in terms of numbers or with regard to the variety of expertise needed. Whether America fights future wars for reasons related to democracy promotion or not, it would still benefit from a stabilisation force of this nature that could promote US interests abroad and assist other states' economic and political transitions to ones marked by freedom, good governance, the rule of law, and human rights.

⁶⁵ Secretary Donald Rumsfeld, “Outrage at ‘old Europe’ remarks,” January 23, 2003, available at <<http://news.bbc.co.uk/2/hi/europe/2687403.stm>>, (accessed April 7, 2008).

Strategic communications is a third area where America is particularly weak. Terrorist groups like Al Qaeda are adept at getting their message out in a timely fashion and in segmenting the message to different audiences. The US gets bogged down in political correctness and in bureaucratic processes required for obtaining approval of messages. The US (and its allies) need to be first with the truth. This applies to the battlefield and elsewhere. When not first, the US cedes the information war to the enemy, allowing propagandic versions of the story to be accepted as truth by the pertinent audience. Once this has happened, it does not matter what the US says. Whoever is first is believed; the others are discarded. Likewise, the US need not be afraid to hold up the mirror to terrorist groups, shining the light on their brutal acts and the inconsistency between their words and deeds.⁶⁶ One example of where American military and governmental officials could exploit this is when there are discrepancies between the Taliban code of conduct and their actions.⁶⁷ They are either inconsistent, the Taliban leadership cannot control their people, or it is not the Taliban conducting certain operations. In any case, they are weaker, less unified, and less legitimate than the US and local Afghans think.

For Europe's part, they need to publicly support the US when they agree with American policies. Doing so will often be less politically expedient in the short-term for them domestically, but will prove beneficial in the medium- to long-terms. Publicly insulting America undercuts US legitimacy, reducing its ability to lead international counterterrorism efforts. This results in less than optimal global counterterrorism coordination and technology sharing. It also means some countries will be less prepared to fight terrorism than they would be with strong American leadership. This will hurt Europe in the long run as the *first line* of its defence faces threats from individuals or terrorist groups that other countries could have resolved.⁶⁸

As transatlantic partners, Americans and Europeans should utilise existing international and security organisations versus ad hoc coalitions of the willing because they will be more successful in the long run.⁶⁹ This is because they are better organised, share similar values on a wide variety of issues, have established, agreed upon rules for various contingencies, and are more enduring. The US should also fully support the European Rapid Reaction Force because it is in America's interest to have a more globally engaged Europe, able and willing to shoulder increased responsibility for all security matters. Increased European

⁶⁶ This is an idea I first heard LTC Reid Sawyer espouse during the summer of 2009. He is the Director of the Combating Terrorism Center at the United States Military Academy at West Point.

⁶⁷ Ibid.

⁶⁸ *European Security Strategy*, 12 December 2003, p. 6.

⁶⁹ Steve Schifferes, "US names 'coalition of the willing,'" March 18, 2003, available at <<http://news.bbc.co.uk/2/hi/americas/2862343.stm>>, (accessed April 7, 2008).

capacity can result in increased European partnership with America and more lasting success in the global struggle against terrorists and their ideology.

Conclusion

Despite some US and European successes, the heavily one sided approach of the US (toward the use of military force) and (perceived) dubious ethics of counterterrorism policies under Bush was a fundamental factor endangering the long-term legitimacy of global counterterrorism efforts. The resulting differences between the EU and US during the Bush administration were the second most important weakness. Obama's ascension to the White House appears to have changed European perspectives of US counterterrorism intentions and actions. Obama facilitated this change, in part, through a more humble demeanour, engaging European countries as equal and valued partners, and ordering the withdrawal of American military units from Iraq.⁷⁰

This struggle extends beyond Iraq and Afghanistan, however. It is one in which the West and the world must exhibit integrity and the moral superiority of the counterterrorist cause. To be successful, governments must do this at global and local levels.⁷¹ Sir David Omand, former British security and intelligence coordinator, affirmed this when he indicated a need to redefine national security to include a set of ethical guidelines that governments should follow to be effective in foreign policy and counterterrorism endeavours.⁷² This is important because it will facilitate governments' ability to eliminate the causes of terrorist grievances, win the passive support base away from terrorists, and better balance governmental powers and civil liberties,⁷³ thereby experiencing greater counterterrorism success in the fight of our generation.

This coincides with Obama's strategy for combating terrorism and offering a counter-narrative than that offered by Al Qaeda and other terrorist groups. Specifically, Obama has moved to end enhanced interrogation practices and secret detention centres, to close Guantanamo Bay, to try terrorist in American civilian courts, and to provide a timeline for America to commence redeployment from Afghanistan – demonstrating that it is not a permanent occupation force. While each of these actions has tactical and operational implications, some of which are negative, Obama's bet is that together they will have a stra-

⁷⁰ The withdrawal of the American military from Iraq is something that would have occurred regardless of the Presidential administration, but because of the timing and his consistent stance of the Iraq War, historians will credit President Obama for ordering and accomplishing it.

⁷¹ RAND, "US Counterterrorism Strategy Must Address Ideological and Political Factors at the Global and Local Levels."

⁷² Sir David Omand, "Redefining National Security: Six Points of Departure," February 21, 2008.

⁷³ Professor Stuart Gottlieb talked about this in lecture during his *Terrorism and Counterterrorism* course at Yale University, Spring 2007.

tegitally positive effect in shaping American policy, communicating its values to the rest of the world, and reducing the traction available for terrorist groups to draw upon in the fight for the uncommitted.⁷⁴

Time and historians will pass final judgment, but Obama's moves will certainly reduce some of the unfavourable and unintended consequences⁷⁵ of past American counterterrorism policies and actions. The key will be to ensure the country maintains adequate pressure through a proactive stance in the pursuit of terrorists at home and abroad, despite the value-based actions that some claim will only make America less safe.⁷⁶ In the midst of the debate over what America's counterterrorism policies should entail, however, let no one forget that the US will not *win* the war alone. If the war against Islamic extremists is to be relegated to a manageable level on a permanent basis, it will be through consistent efforts on the part of national and religious leaders the world over, many of whom America cannot influence directly. Hence, Obama's gamble is a good one, given the increased military presence in Afghanistan and dramatic increase of drone strikes in Pakistan.⁷⁷ The balance of these actions may not result in a stable, democratic, and transparent government in Afghanistan, however, they should maintain pressure on key terrorist groups, reduce their sanctuary, and restore traditional American values – factors important for sustained transatlantic cooperation and the long term strategic success of global counterterrorism endeavours.

⁷⁴ Ambassador-at-Large, Daniel Benjamin, pointed out these factors and this intention when I questioned him about what concrete steps the Obama administration is taking to counter the terrorist narrative. The setting was a speech he gave at the International Peace Institute (IPI) at the UN Plaza, March 1, 2010.

⁷⁵ Martha Crenshaw uses the term "unintended consequences" in her edited volume, *Terrorism in Context*.

⁷⁶ Former Vice President Dick Cheney has made this claim on TV talk shows during the fall of 2009.

⁷⁷ Peter Bergen and Katherine Tiedemann, "Pakistan Drone War Takes A Toll on Militants—and Civilians," *CNN*, October 29, 2009, <<http://edition.cnn.com/2009/OPINION/10/29/bergen.drone.war/>>. The American military's use of drones to strike terrorists and Taliban targets in Pakistan has dramatically increased during President Obama's tenure compared to the levels of attacks during the Bush presidency.

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