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Constructing crises, (In)securitising terror: the punctuated evolution of EU counter-terror strategy

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The European Union's (EU) counter-terrorism strategy has been particularly dynamic, developing as a result of 'crises' and subsequent post-crisis narrations. The events of 11 September 2001, and the Madrid and London bombings have proved to provide moments of punctuation from which policy evolution and institutionalisation has followed. As a result of such crises, the EU has increasingly regarded terrorism as a direct challenge to the Union's role as a security actor and sought to institutionalise a diverse range of security governance technologies across its multiple pillars. Such an approach is noticeable for its qualitative difference compared to EU strategy pursued throughout the end of the twentieth century, and demonstrates an increased willingness for the EU to assert its role in the world. Yet, what is highly noticeable from the EU strategy and the proliferation of security governance technologies is the manner in which the EU has securitised 'terrorism' in the pursuit of internal, external and normative objectives. As a consequence, the EU has inflated the threat posed by terrorism, and increasingly attempted to 'Europeanise' its response. Evident in such a strategy however, is the manner in which counter-terrorism practices can generate greater insecurity inside and outside of the Union.

Keywords: European Union; terrorism; counter-terrorism; securitisation; insecurity; politicisation; punctuated evolution; crisis; narrative; de-structuring; genealogy; constructivist institutionalism; September 11; Madrid bombings; London bombings

The development of the European Union's (EU) counter-terrorism strategy has been particularly dynamic and diverse, arising as a response to crises and evolving over time. This pattern of punctuated evolution was most noticeable after the events of 11 September 2001, when the EU increasingly began to frame terrorism as a direct challenge to the Union's role as a security actor. In response to this, the EU has institutionalised a diverse range of security governance technologies and began to shape a path that is qualitatively different to that it pursued throughout the late twentieth century. Yet, what is highly noticeable from the EU strategy and the proliferation of security governance technologies is the manner in which the EU has securitised 'terrorism' in the pursuit of internal, external and normative objectives. With the increased willingness of the EU to assert its role in the world, it has constructed an official narrative that inflates the threat posed by terrorism, and attempts to 'Europeanise' its response. The EU's strategy should, however, be

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welcomed with caution, due to the creeping insurrection of counter-terrorism, legislation and security governance practices, which risk generating greater insecurity both inside and outside the Union.

To elucidate this argument, the theoretical tenets set out in this volume by Christou *et al.* (2010, this volume) are particularly fecund. The approach they outline is dynamic and flexible, allowing space for theoretical innovations produced by constructivist institutionalists to be introduced to the areas of security studies and European security governance (see Hay 2006, Hassan 2009). This is highly evident in Christou *et al.*'s encouragement to adopt an approach that is sensitive to conceptions of continuity and change regarding discourse, institutionalisation and practices as they pertain to the construction of 'security'. Such dynamics are clearly expressed with their concern for 'how and where "new" security issues emerge; how and indeed, if, they become securitised; [and] the impact that securitisation moves have on policy projection and governance'. Similarly, their emphasis on both the 'temporal and governmentality dimension' can add greatly to questions of 'how and why the EU "does" security'. It is the intention of this article to produce a theoretically driven but empirically rich case study, of the evolution of the EU's counter-terrorism strategy, by applying such a methodology. Consequently, it is shown that such an approach can prove highly fruitful for revealing how and when the EU securitised 'terrorism' and the implications this has had more widely on the development of insecurity practices. A focus on such practises demonstrates how 'doing' internal and external security has increasingly amalgamated, and as a result a new form of 'governmentality' has emerged, in which the focus has shifted for securing the state, to securing populations.

To undertake this task, a genealogy of the European approach to counter-terrorism is provided. It begins by briefly outlining the strategically selective context of the 1970s, and how EU policy slowly evolved throughout the late twentieth century. This provides a contextual background for making the argument that, whilst dealing with terrorism is not a new phenomenon for Member States, since the events of 11 September 2001 the EU has become increasingly concerned with constructing and institutionalising a broader counter-terrorism policy. This is a pattern of action that would continue after the Madrid (2004) and London bombings (2005). What this genealogical approach demonstrates is that the EU utilises terrorist attacks to construct 'crises', and narrates these moments of punctuation in a highly specific manner to justify its response. That is to say, by applying the process-tracing discourse analysis method it is demonstrated that strategically selective actors in the EU narrated the events of 11 September 2001, Madrid and London in such a way as to legitimise the securitisation of 'terrorism', and pursue a much wider set of policy actions than the events themselves would have suggested.

Terror before the 'crises'

It was not until the 1970s that the issue of terrorism was first considered at the European level, as high profile cases, such as those at the September 1972 Olympic Games in Munich, began to capture the attention of both European public opinion and the Commission (Bicchi 2003, p. 13). Indeed, this led to Europe establishing the so-called TREVI framework, in 1975, which was a loose intergovernmental cooperation framework, lacking a clear legal basis, permanent institutional structures, legal powers, budget, regular procedures or coordinated objectives (see

Monar 2001, p. 267–268). Yet, TREVI was regarded as relatively successful in that it facilitated ‘information exchange and occasional cross-border coordination of measures’, and as a result of the *Maastricht Treaty*, in 1993 it was ‘incorporated into the EU as part of the provision on Justice and Home Affairs (JHA) cooperation in the context of the new third pillar, Title VI of the TEU’ (Monar 2008, p. 209; also see Hoffman 1999, pp. 71–72, Joffe 2008, p. 152).

The 1970s saw further European attempts to coordinate a policy towards terrorism, such as those that followed in 1977. As the Council of Europe increasingly endeavoured to harmonise law across Europe, it initiated the *European Convention on the Suppression of Terrorism*. This Convention sort to challenge the long-standing 1957 *Council of Europe Convention on Extradition*, and in particular Articles 3.1 and 3.2 pertaining to extradition not be granted for political offences (Council of Europe 1957). Until 1977 the working principle held by European democracies was that terrorism was predominantly a political crime, and therefore extradition should not be guaranteed. However, the *European Convention on the Suppression of Terrorism* was ‘the first step towards abandoning this principle in regards to terrorist crimes’ (Wilkinson 2005a, p. 89). In effect, the new convention was supposed to compel signatory members to extradite or at least bring those suspected of terrorist offences before their own judicial authorities (Wilkinson 2005a, p. 89). This, it was hoped, would create ‘greater unity’ and ‘ensure that the perpetrators of such acts do not escape prosecution and punishment’ (Council of Europe 1977). Yet notably, the Convention’s focus was on ‘suppression’ of terrorism, and not ‘prevention’ or addressing so-called ‘root causes’ of terrorism. The Convention was a multilateral extradition treaty based on the parties’ belief that ‘extradition is a particularly effective measure for achieving [prosecution and punishment]’ (Petersen 1992, p. 779). Nevertheless, the Convention’s effectiveness has been widely called into question, as

If you look at the caveats you could drive a tank through them. . . a country could decide to regard a particular event as a political crime even though other countries in the Council of Europe regarded it as an obvious and deliberate attempt to use terror as a weapon. That was a faltering step. (Wilkinson 2005a, p. 93)

The importance of the *European Convention on the Suppression of Terrorism* was that for more than 24 years, with all Member States as signatories, this would be the sole common denominator for Europe in the field of terrorism (see Dumitriu 2004, p. 587). What followed the Convention were incremental changes. For example, the 1992 Maastricht Treaty provided the legal basis for action at the EU level, stating in Article K.1 that

Member States shall regard the following areas as matters of common interest. . . 9. *police cooperation for the purposes of preventing and combating terrorism*, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol). (European Union 1992)

Evidently, the establishment of Europol built on the TREVI framework, along with a series of other incremental EU efforts throughout the 1990s. As such, the 1996 *EU Convention on Extradition*, although not specifically dealing with terrorism, did

oblige Member States to abandon political exemption as grounds for refusing extradition (Dumitriu 2004, p. 587, Wilkinson 2005a, p. 89). In 1998 the European Judicial Network (EJN) was established, with the purpose of creating a 'network of national contact points for the facilitation of judicial cooperation in criminal matters', which increased the speed of judicial requests from one Member State to another (EJN 2010). Similarly, the 2000 *EU convention on Mutual Assistance in Criminal Matters*, although not directly targeted at terrorism, sort to 'improve the speed and efficiency of judicial cooperation' and laid down the 'conditions under which mutual assistance is granted' and to which the 'requested Member State must comply' (Europa 2005). This was followed by the 2000 *EU Mutual Legal Assistance Convention*, which established financial intelligence units (FIUs) and 'obliges Member States of the EU to provide information on banking transactions, bank accounts and the monitoring of banking transactions' (Wilkinson 2005b, p. 30).

Herein, the genealogical importance of the Maastricht Treaty in facilitating the increasing links between internal and external security cannot be understated, as it lent constitutional status to JHA as Pillar III of the EU, and as James Sperling notes:

The Member States accepted the need for a partial abnegation of sovereign prerogatives in internal security affairs that had been uncontestedly national, particularly with respect to penal law and judicial process. (2007, p. 122)

This growing acceptance, and with it the increasing elision of internal and external security policies, was compounded with the adoption of the 1997 Treaty of Amsterdam. The Treaty not only committed members to constructing an area of 'freedom, security and justice', but also laid the foundations for the EU to adopt common strategies instruments, and therefore expand the role of the EU in realising such a vision. Consequently:

While the JHA has been the primary nexus of EU and Member State efforts, there has been a gradual elision of external and internal security policies, particularly the nascent linkage of Pillars III and II [Common Foreign and Security Policy] (CFSP) and [European Security and Defence Policy] (ESDP). (Sperling 2007, p. 122)

Indeed, throughout the 1990s this emerging dynamic was strengthened by the 1998 *Vienna Action Plan* and the 1999 *Tampere Milestones*, which increasingly defined the EU's role in aiding joint action, demarcating 'its role as an autonomous security actor, and legitimis[ing] its partial displacement of the state' (Sperling 2007, p.122). Thus, whilst the Vienna Action Plan was 'the first step towards conformity with the Amsterdam Treaty provisions', the Tampere Milestones 'marked a second major step towards deepening police and judicial cooperation' (Sperling 2007, p. 122). The subsequent result was that the EU had begun to catalogue its internal security objectives, with a particular emphasis on border control and organised crime.

The underlying rationale for joint EU efforts in the area of organised crime became highly evident in the 2000 New Millennium strategy. The EU argued that organised crime across the Union was increasing because criminal groups had 'managed to infiltrate all sections of society' and were 'taking advantage of the free movement of capital, goods, persons and services within the European Union and exploiting differences in the legal systems of the Member States' (Europa 2000). Such

groups' indifference to national borders inside the EU, and their increasing capacity to penetrate societies outside EU territory, led the EU to attempt to increase joint action whilst also attempting to create more effective control of the EU external border. Thus, whilst criminal acts associated with organised crime were being increasingly securitised by the EU, under the auspices that such activity was a threat to 'the social and business structure of European Society', the issues of border control and external relations were increasingly articulated with such securitisation moves (see Sperling 2007, p. 122).

The importance of such securitising moves is all the more evident retrospectively. The emphasis on joint action and the conflation of internal and external security, against agents that 'threatened European society' would later come to define the character of the EU's post-September 11 counter-terrorism policy. That is to say, that after the 11 September 2001, strategically selective agents within the EU began to rationalise their approach by linking organised crime, terrorism and the proliferation of weapons of mass destruction, 'as well as the critical nexus between terrorism and the laundering of illicit proceeds from transnational crime to finance terrorism' (Sperling 2007, p. 122). Within such a context, the accumulation of European conventions, and their institutionalisation, starting in the early 1970s and evolving through the 1990s to the turn of the twenty-first century, is highly informative of Europe's approach to terrorism, organised crime, and the EU's policies on border control and external relations more widely. This goes some way towards developing an understanding of why the EU's slow incremental evolution of a policy towards terrorism was largely couched in legalistic terms, and predominantly dealt with by what is now known as the third pillar. Nevertheless, in spite of the growing pressures to harmonise policy across Member States, it was clear that the intergovernmental method proved problematic and faced considerable resistance. This is unsurprising given that traditionally, as part of the Westphalian order, states have had the protection of their populations at the core of their *raison d'être*. Institutionalising policies that require coordination between intelligence agencies, law enforcement agencies, and judiciaries can be perceived as a weakening of the very instruments that many states believe are fundamental to their own national security. Viewed through such a prism, the coordination of a policy towards terrorism can be seen as a direct challenge to national sovereignty, which European States have traditionally been reluctant to relinquish (see Keukeleire and MacNaughtan 2008, p. 236). Yet, with the events of 11 September 2001, and their construction as a 'crisis', the pace and direction of the EU's policy construction and institutional development towards terrorism was radically altered.

11 September 2001: framing the 'crisis', securitising terrorism

The events of 11 September 2001 have come to represent a 'crisis' moment not only for the USA, but also for the EU. As the EU's closest ally proved to be more vulnerable than most had ever imagined, shock reverberated throughout European governments. Before the dust had settled, EU Member States began declaring their solidarity with the USA, with the British Prime Minister, Tony Blair, declaring that

This mass terrorism is the new evil in our world today. It is perpetrated by fanatics who are utterly indifferent to the sanctity of human life, and we, the democracies of this world, are going to have to come together and fight it together.

This was followed by the German chancellor, Gerhard Schroeder, asserting that 'My government condemns these terrorist attacks to the utmost. I want to express... my unqualified solidarity to you and the American people'; Spanish prime minister Jose Maria Aznar announced that, 'We, who know well the insanity of terrorism, manifest our support and solidarity... to all the citizens of the United States'; Dutch prime minister Wim Kok confirming that 'The bitter observation that this is apparently a terrorist attack obliges us to combat each form of terrorism—both nationally and internationally—with all force'; and the Belgian prime minister, representing the EU presidency, proclaimed that, 'On behalf of the European union, they condemn in the strongest possible terms this type of cowardly attack on innocent civilians' (Guardian 2001). These were strong expressions of solidarity, which within less than 24 hours were supported by EU members of the North Atlantic Treaty Organization (NATO) invoking Article 5, the collective defence clause of the Washington Treaty, for the first time in the organisation's history (NATO 2009).

Such acts of solidarity were certainly acknowledged by the USA (see Bush 2001). Yet, the USA decided that the military action it aspired to would not be carried out within the full NATO framework, but rather, as Secretary of Defense Donald Rumsfeld asserted 'the mission needs to define the coalition, and we ought not to think that a coalition should define the mission' (Gordon and Shapiro 2004, p. 61). The decision to proceed on an 'ad hoc' basis reflected the Bush administration's desire to form 'coalitions of the willing'. This was not only a clear reflection of the administration's unilateral persuasion, but reflected the lessons learned throughout the 1990s in Bosnia and Kosovo (see Haass 1999, pp. 2–4, Perle 2003).

With the events of 11 September 2001, however, the EU was keen to (re)construct the transatlantic security community and demonstrate its effusive support NATO and the 'West'. Which for a while at least appeared to bring the EU and the USA closer together (see Gordon and Shapiro 2004, p. 59). In doing so the EU not only showed sympathy with the USA at this time of 'crisis', but discursively articulated itself 'into' the very crisis. As such, on 14 September 2001, the EU declared a day of mourning, Heads of State and Government, the President of the European Parliament and Commission, and the High Representative for CFSP jointly asserted that

This assault on humanity struck at the heart of a close friend, a country with which the European Union is striving to build a better world. But these terrible terrorist attacks were *also directed against us all, against open, democratic, multicultural and tolerant societies...* Our citizens will not be intimidated. Our societies will continue to function undeterred. (emphasis added European Union 2001)

These were words articulated repeatedly throughout EU institutions, as for example, on 21 September 2001, the European Council sort to reify the notion that 'These attacks are an assault on *our* open, democratic, tolerant and multicultural societies' (emphasis added European Council 2001a). Similarly, as Nicole Fontaine, the President of the European Parliament, declared, 'We have all felt personally affected, perceiving the events as an assault on *our* values of freedom and the right to life' (European Council 2001b).

Framing the attacks within this context is particularly notable for a wide variety of reasons. The first, is that it clearly sought to generate solidarity with the USA in its 'war on terrorism', albeit, with the EU distinction that this was a '*fight against terrorism*'. It was hoped that such action would push the USA towards a UN mandate, whilst reducing the degree to which the USA would push for a wide ranging set of military targets, such as 'Iraq, Libya and Sudan' (Den Boer and Monar 2002, p. 12). As such, it reflected the EU preference for multilateralism and a desire to curtail the use of unilateral American preponderance.

A second and perhaps more important element of this framing was however, that it indicated the manner in which the EU constructed the events as a much wider crisis than the events themselves suggested. It certainly was not evident that these were an attack on European [*our*] societies, democratic values or tolerance. The attacks occurred within the USA, using domestic flights, to attack American symbols of power. Moreover, they were committed by 19 individuals that had taken residency in the USA, but whose nationalities were Egyptian, Saudi Arabian, Lebanese and Emirati (see 9/11 Commission 2004). Furthermore, whilst it was the case that various elements of *planning* the attacks took place in Europe, in particular Germany and Spain, this is clearly not the same as 'assaulting' or committing terrorist acts '*against*' Europe. It was clear that the EU was accepting that the threat was global and wanted to demonstrate solidarity, yet it did not have to view the attacks as an 'attack on Europe' to do this; these are two separate notions that the EU had articulated together. Such a framing in essence narrated the borders of the EU into the USA itself, as the narrative clearly obfuscated notions of inside and outside, favouring boundaries based on amorphous 'values' rather than geography.

By framing the September 11 attacks as an 'attack against' Europe, the EU had emplotted itself within, and sort to (re)construct a very particular narrative and its place within it. Not only was it evoking the notion of a 'security community', but also it was constructing a 'crisis' for the EU and narrating a sense of danger and uncertainty that it would lead in redressing. As Nicole Fontaine argued:

[T]he European Union is not immune from danger. It too has pockets of terrorism within its borders and could at any time be the target of this kind of large-scale attack. (European Council 2001b)

Further still, as the Commission declared:

The events of 11 September are redefining the foreign policy landscape and presenting the Union with new challenges. . . Recent events have added a new 'security' dimension to the European Union's international perspective. *The Union should take the lead. It must. . . try to develop instruments which will extend effective co-operation between police and judicial authorities to the international level. Such a development will help in the fight against terrorism both inside the Union and in the rest of the world. (European Commission 2001)*

Simply put, the espoused EU narrative wrote out the external location of the attacks, although not their external origins, and in doing so shifted the focalisation of the narrative internally; centring the EU as a result. The EU was treating these events as a wider challenge to its role as a security actor, and constructing a crisis to legitimise future decisive interventions it wanted to take for the pursuit of greater objectives; a

grand strategy to create 'a global system offering security, prosperity and improved prospects for investment and development' (European Commission 2001).

This constructed dimension of 'crisis' is all the more obvious if one turns to the etymology of the term, which was used in drama and medicine, to denote 'moments when the intensification of processes requires some resolution' (Sztompka 1994, p. 34). This etymology is reflected in Habermas' medical analogy used in his seminal work *Legitimation Crisis*. The thrust of the analogy asserts that a crisis is 'the phase of illness in which it is decided whether or not the organism's self-healing powers are sufficient for recovery' (Hay 1996, p. 86). The significance of such a definition is, as Habermas argues, that 'the crisis cannot be separated from the viewpoint of the one who is undergoing it...to conceive of a process as a crisis is tacitly to give it a normative meaning' (1975, p. 1). Thus, to term a situation a 'crisis' is to interpret and make a judgement about that situation. As Colin Hay argues:

[I]f we trace the etymology of the term, we find that this fusion of subjective perceptions and objective considerations is in fact crucial to the origins of the term. 'Crisis'... literally 'to decide' – is a moment of decisive intervention, a moment of rupture and a moment of transformation. (1996, p. 87; also see Bell 1971, Brecher *et al.* 1988)

In this context the events of 11 September 2001, can be understood to have generated a moment of punctuation in political time, but this punctuation served as a catalyst for alteration and development of a particular discourse that would come to underpin policy development and subsequent institutional change. Within this context, it is possible to consider a 'crisis' as a moment of punctuated evolution (the *form* of political change), which requires interpreting before it is possible to move forward (providing the *content* and *shaping the path* of political change; see Hay 2002, pp. 135–167). Part of the process of constructing a crisis is therefore explaining the failure of previous policy by narrating its causes and establishing a model for crisis resolution; narratives embed and sediment these representations (see Hassan 2009). This dynamic of social being is clearly illustrated in Christou *et al.*'s methodological paper, 'words matter; policy after all, is developed, understood and communicated through language'. Moreover, the manner in which narratives become the means of representing the meaning of a 'crisis', is fundamental to the study of discourse in an institutional context, as narratives provide the reasons for action whilst simultaneously encoding 'power, domination, ideology and cooperation'. The critical importance of narratives is that they are by necessity distorted representations of events serving a social function, rather than simply mirroring 'reality'; thus deploying a narrative is not a neutral discursive act. Consequently, whilst punctuated evolution describes the form of change, the content and directionality of change is derived from and tied to 'inter-' and 'post-crisis narratives'.

If understood in this way, the EU framing of the attacks as a 'crisis' for the EU garners much more attention as a strategic move made by strategically selective political actors. Blurring the boundaries between the 'external' and the 'internal', and constructing a shared sense of existential threat, legitimised the notion that the EU needed to take extraordinary steps and extreme action. To paraphrase Robert Cox, discursive moves are 'always *for* someone and *for* some purpose' (1981, p. 128). Herein, 'terrorism' was securitised by the EU.

The implications of this were made clear in the joint declaration on 14 September 2001, in which it was asserted that

We call on all countries to redouble their efforts in the fight against terrorism. This is essential for security of our citizens and the stability of our societies... These tragic events oblige us to take urgent decisions on how the European Union should respond to these challenges. (emphasis added, European Union 2001)

Such a statement was symptomatic of the EU constructing an 'essential obligation' which in turn, moved 'terrorism' from a peripheral problem, which it had been since the 1970s, to a central one. In doing so, the EU strategically constructed the notion that it is an authoritative actor that must confront the existential threat to its ascribed referent objects at an accelerated pace; this was not a time for politics as usual. This was certainly reflected in the conclusions drawn by the EU, in which it was asserted that

The European Union *must commit* itself tirelessly to... *sustained and global* action against terrorism... *make every effort to strengthen our intelligence efforts* against terrorism... [and] will *accelerate* the implementation of a genuine European judicial area, which will entail, among other things, the creation of a European warrant for arrest and extradition... and the mutual recognition of legal decisions and verdicts. (emphasis added, European Union 2001)

The EU articulated multiple objectives in its securitising move and sought to construct particular technologies in its efforts to strengthen EU security governance. There were the external objectives in the form of sustaining 'global' action against terrorism and increasing cooperation with the USA. Yet, the securitising move was also predominantly being used to reinforce the need for further rapid development of internal technologies; both interrelational and integrational. This was reflected as early as 17 September 2001, when at a meeting of the *Chefs de Cabinet* it was decided that the European Arrest Warrant (EAW) and the framework decision on terrorism would hastily be put forward as the central focus of the EU counter-terrorism response. Along with Commissioners Vittorino and Patten's document entitled *Increasing the Capacity of the EU to Fight International Terrorism*, which fused these two proposals with several others, they formed the basis of the *EU Action Plan on combating terrorism* (Bossong 2008, p. 34). The importance of this Action Plan is that it has provided the basis for a subsequent Action Plan, but was forged out of a 'relatively chaotic process of hectic agenda-setting and policy entrepreneurship' (Bossong 2008, p. 34), which culminated in the *Extraordinary European Council* meeting on 21 September 2001 detailing around 200 measures 'across a wide range of policy areas from infrastructure protection in the event of an attack to money laundering legislation' (European Council 2001b, Keukeleire and MacNaughtan 2008, p. 236–237). That this should be the case, is of little surprise because as Den Boer and Monar argue, September 11 was regarded as the 'first truly 'cross-pillar' test of the Union's role as a security actor, involving not only the second and third pillars, but even the first in so far as the fight was also against the financing of terrorism' (2002, p. 11).

Given such a context, the EU framing of terrorism as an existential threat to the Union was used as a method to legitimise the sustained evolution of its counter-terrorism policy. In October 2001 the European Commission proposed that Member States should freeze the funds of 27 organisations and individuals suspected of

financing 'terrorist activities' (European Commission 2006b). This was closely followed by the Commission setting up a group of 'scientific experts in the battle against biological and chemical terrorism' on 12 December 2001 (European Commission 2006b). However, the acme of the EU's post-September 11 so-called 'achievements' was that by 27 December 2001, the EU had constructed a common definition of terrorism and issued a common list of terrorist organisations. Indeed, as Argomaniz has noted, this was 'a remarkable advance considering that only six of the 15 member states possessed anti-terrorist legislation before September 2001...[yet] the EU became the first international actor to settle on a common definition of terrorism' (2009, p. 155). The pace of the EU's response to 11 September 2001 was rapid, and as one EU diplomat is quoted as saying, 'compared to the usual speed with which ministers move on these things, this is the speed of light'. This was, as Commissioner Vitorino declared, a 'giant leap forward', but has left the EU open to allegations that it used the attacks on the US as a 'window of opportunity' (Den Boer 2006, p. 83, 90). That is to say that by constructing a crisis for the Union, the EU was able to use a securitising move to legitimate the fast adoption of extraordinary measures and technologies of security governance. This original move was therefore path-shaping for all that followed, and as the European Commission has proudly declared, throughout 2002 the 'pace of activities accelerated' (European Commission 2006b). In effect, measures and plans that had been produced prior to 11 September 2001, which would have faced a much higher degree of scrutiny in 'normal' times, were rapidly adopted and 'dumped' onto the statute books.

Notably, this accelerated pace produced two key framework decisions adopted by the Council of Ministers on 13 June 2002. The first was the *EU Framework Decision on the Arrest Warrant and the Surrender Procedures between Member States* (European Council 2002a). This obligated all Member States to introduce legislation bringing the EAW into force by 1 January 2004, and sought to create faster and simpler procedures (see European Commission 2005). The second was the *EU Framework Decision on Combating Terrorism* (European Council 2002b). This defined a common concept of terrorist offences and required Member States to include these in their respective legal systems. Moreover, 'minimum maximum penalties' for such offences were set, with the objective of 'prevent[ing] terrorists being able to find refuge in a more lenient European Member State' (European Commission 2006b). Notably, however, this Framework Decision had a set deadline of 31 December 2003, which was not met and proved to be symptomatic of measures adopted by the EU slowing down throughout the 2003 period. Indeed, as Den Boer has noted, 'two and a half years later, many of those measures [from the Extraordinary Council meeting on 21 September 2001] had not yet been implemented by the member states' (2006, p. 94). Herein, as the immediate crisis began to fade, securitisation gave way to politicisation and exceptional measures began to be resisted as 'normal' EU politics took hold. This pattern of punctuated evolution, as security logics moved from 'immediate crisis-securitisation' to 'evolutionary-politicisation', is one that prove all the more evident in light of the bombings in Madrid and London and their aftermath.

The 'Europeanisation' of 'crises': the Madrid and London bombings

The events of 11 March 2004 proved to be another moment of punctuated evolution for the EU's approach to counter-terrorism. With the bombing of four commuter

trains in Madrid, the EU began to accelerate the institutionalisation of a much wider variety of counter-terrorism measures. In part this could be seen as unsurprising; a Member State had been the target of the largest terrorist attack in Europe since the 'Lockerbie Bombing' in 1988. Yet, the EU's framing of the attacks is of critical importance. The initial response to the attacks cast them as apolitical. Indeed, as the President of the Commission declared:

It [the Madrid Bombings] is *not a political act*, it is *not an act of revolt or rebellion*. It is a vicious attack against unarmed, defenceless people, an aberrant and revolting act that only the *perverted minds of terrorists* could have hatched. It is *violence for its own sake, gratuitous and pointless violence* that leads nowhere, and the whole international community is – and will continue to be – mobilised against this inhuman, intolerable phenomenon until it is completely eradicated. (Prodi 2004)

The reason for the attacks was firmly rooted in the identity of the attackers, as 'perverted minds' perpetrating 'violence for its own sake'. In such a context, the manner in which Spain was supporting the USA led war in Iraq was written out of the narrative. As indeed was the implication that the attacks were more than likely aimed at affecting the outcome of the Spanish general election (see Jordan and Horsburg 2008). If this is taken into account, it is difficult to see the attacks as anything but political action; albeit undertaken through extremely violent, destructive and vulgar means. Moreover, where a modicum of the political dimension was acknowledged, the framing of the events was cast in similar terms to that of 11 September 2001. Thus, as the European Parliament President Cox asserted:

A general election is due in Spain on Sunday. *The attack is a declaration of war on democracy*. Let Sunday give the answer that Spanish democracy is strong, that it is determined to oppose terrorism by all means available to it. (Cox 2004)

The notion that the attacks were 'declaration of war on democracy' framed the events in a much wider context than the attacks of the terrorist may well have suggested. The implication of this, along with many other statements from EU officials, was that the 'threat is seen to be directed mainly towards so-called "Western values"'. It is the very foundation of society that is under attack' (Nilsson 2006, p. 81). This was certainly perpetuated by the President of the European Council, who argued that:

The threat of terrorism is a *threat to our security, our democracies, and our way of life* in the *European Union*, and we will do everything in our power to protect our people from this threat. (emphasis added, Ahern 2004)

Such statements shifted the focalisation exclusively from Spain, and cast the attacks as a much wider attack on Europe and European Security. In undertaking this securitising move, the EU sought to 'Europeanise' the threat and foregrounded itself as a legitimate actor in its fight against terrorism (see Nilsson 2006, p. 81). The importance of such a move was highly evident in the EU's *Declaration on Solidarity against Terrorism* adopted as part of the 25 March 2004 *Declaration on Combating Terrorism*. This solidarity clause declared that Member States will 'act jointly... if one of them is the victim of a terrorist attack', but went on to assert that Member States should also 'mobilise all instruments at their disposal, including military resources'

(European Council 2004). Such a declaration is a highly symbolic act seeking to reinforce the importance of the EU in Member States collective security (European Council 2004).

Similarly, the attempt to Europeanise the terrorist threat was evident in multiple new counter-terrorism measures put forward by the EU. The *Declaration on Combating Terrorism* not only urged that all the measures put forward after 11 September 2001 be adopted as a matter of urgency, but called for 'new measures focused on reinforcing operational collaboration and intelligence exchange at the state level, but importantly, also between national authorities and European bodies such as Europol and Eurojust' (Argomaniz 2009, p. 158). Similarly the 2001 Plan of Action against Terrorism was supplemented with around 175 measures (see European Commission 2006b).

As the EU embarked on policy expansion, it increasingly argued for greater coordination, management and regulatory technologies across multiple levels. As such the Madrid bombings led to a vast expansion in the area of European security governance under the auspices of counter-terrorism. The epitome of this has been the creation of a *Counter-terrorism Coordinator*, whose main role is:

to co-ordinate the work of the Council of the EU in combating terrorism, to maintain an overview of all the instruments at the Union's disposal, to closely monitor the implementation of the EU Action Plan on Combating Terrorism, and to secure the visibility of the Union's policies in the fight against terrorism. (European Commission 2006a)

That a year and a half after the Madrid bombings, on 7 July 2005, there were successful terrorist attacks in London only served to accelerate the EU's efforts to increase the dominance of coordination, management and regulation technologies. This predominantly came in the form of the Council deciding 'to speed up ongoing work' (Nilsson 2006, p. 75). Thus, 'the UK presidency piled up the pressure on the discussion of individual measures such as the European Evidence Warrant and Communications Data Retention legislation' (Argomaniz 2009, p. 160). Moreover, by December 2005 the JHA Council had adopted the *EU Counter-Terrorism Strategy* to take the 2004 Action Plan into the 'next phase' (European Commission 2006c). The strategy sort to simplify what was by now a wide plethora of initiatives for Member States to institutionalise, under the auspices of four key pillars defined by the EU as 'Prevent, Protect, Pursue and Respond' (European Commission 2006c).

Notably, these four pillars cover a wide range of areas, which demonstrate a continued pattern of punctuating 'crisis' followed by the rapid policy evolution and institutionalisation. After the London bombings, this was no different, with the EU counter-terrorism strategy setting out multiple 'internal' measures, with a particular focus on 'radicalisation and recruitment' of 'home-grown' terrorist threats. Moreover, the evolutionary nature of policy development was particularly evident in the reflexive manner in which the EU sort to develop 'a non-emotive lexicon' for discussing its counter-terrorism policy, and engaging with civil society and faith groups within EU borders (European Council 2005, p. 8). Policy evolution was also highly evident the EU counter-terrorism strategy's declarations of the 'Union's role in the world'. The strategy was not simply to respond to 'crises', but rather adopt a forward leaning 'responsibility' towards establishing 'global security and building

a safer world'. Notably, through the promotion of 'moral goods' such as 'good governance, democracy, education and economic prosperity' abroad (European Council 2005, p. 7, 9).

The evolution of EU counter-terrorism strategy has in effect demonstrated that the EU has been particularly well attuned at utilising moments of punctuation to sediment institutional logics to meet much wider policy objectives than the terrorist attacks themselves would suggest. The securitisation of terrorism has not only allowed the EU to construct a greater role within the Union, but at its borders and beyond. It is through this securitisation process that the EU has increasingly argued that hundreds of new measures are necessary, such as the 'Visa Information System', the 'second generation Schengen Information System', technology to 'capture and exchange passenger data', increased 'transport security' and the need for a European Borders Agency (Frontex) to have increasing 'controls and surveillance' (European Council 2005, p. 10). The effect of this however has not only been to securitise, but also generate insecurity, which is written out of the official EU post-crisis counter-terrorism narrative. This dimension of EU security logics and security governance has continued to be pervasive even as the 'immediate crisis-securitisation' of Madrid and London gave way to 'evolutionary-politicisation' throughout 2006–10, as it is a product of the narrative constructed by strategically selective actors within the EU.

Sedimented security logics: de-structuring the EU narrative

The genealogical account of EU counter-terrorism policy, elucidated above, details the extraordinary transformations that have taken place in the aftermath of attacks on New York, Madrid and London. Evident in such an account is the manner in which the EU has narrated itself into these crises and increasingly 'Europeanised' counter-terrorism. As a direct consequence of this, institutional development and policy evolution has taken place, in which the technologies of EU security governance have been greatly advanced and come to rely upon broader assumptions and security logics. As such, EU security governance pertaining to counter-terrorism has come to rely upon a highly particular post-crisis narrative. This narrative not only seeks to legitimate EU counter-terrorism policy, but defines particular representations of the past, present and future whilst simultaneously seeking to construct a role for the EU. This narrative is highly questionable and can itself generate greater insecurity.

Evident in the official EU narrative is the inflation of the terrorist threat. Indeed, the Union and many of its Member States have narrated terrorism in such a manner as to represent it as an unprecedented, ubiquitous and existential threat to the Union itself. As the *EU Counter-Terrorism Strategy* declares:

Terrorism is a *threat to all States and to all peoples*. It poses a *serious threat to our security*, to the values of our democratic societies and to the rights and freedoms of our citizens. (European Council 2005, p. 6)

Accordingly, terrorism has been framed as an unprecedented danger to 'security', 'democracy', 'our way of life', 'our societies', 'Europe', 'the very foundations of world peace' and the 'international system'. Herein, many sources from within Europe have increasingly come to see 'Islamic terrorism' as the 'greatest' or 'biggest'

threat to European Member States (see DW 2008, Swissinfo 2008, Europol 2009, p. 7). This, as the 2003 European Security Strategy declares, is part of 'The most recent wave of terrorism... linked to violent religious extremism' (European Union 2003, p. 3). Or, as the *EU Counter-Terrorism Strategy* asserts 'Al Qaeda and the groups it inspires... represents the main threat to the Union as a whole' (European Council 2005, p. 7). Notably, as Richard Jackson illustrates:

[T]he Al Qaeda 'network' or 'organisation' is considered to be the primary Islamist terrorist threat and is mentioned in virtually every EU counterterrorism document. Al Qaeda appears to be a ubiquitous presence in virtually every terrorist attack on Western interests and is thought to have tens of thousands of members and sympathizers around the globe. (2007 p. 236)

EU representations of this threat are particularly interesting. There is a tendency to construct the terrorist threat by writing out political motives. Instead, the identity of the attackers, represented as 'evil', 'fanatical', 'indifferent', 'monstrous', 'barbaric', 'insane' and 'cowardly', is provided as the motives behind the attacks in the official discourse. This discursive move, of 'Othering' those behind the attacks, is particularly salient. Not only does it allow the EU to reconstruct itself as a normative actor, mobilising universally good categories to reconstruct its identity objectives, but it provides a fundamental part of a larger plot construction. Given the nature of the attackers is to blame, and not their political reasons for action, it is possible to elevate the threat they pose and construct a false choice between the utopia offered by further EU integration and the safety this can provide, compared to the dystopia caused by uncertainty and groups willingness 'to use unlimited violence to cause massive casualties' (European Union 2003, p. 3). Such a narrative creates a sense of being on the brink of disaster and legitimates unprecedented urgent action, which has been the leitmotif of the EU's post-crisis policy. The epitome of this EU narrated dystopia is offered in the form of the:

[M]ost frightening scenario... in which terrorist groups acquire weapons of mass destruction. In this event, a small group would be able to inflict damage on a scale previously possible only for states and armies. (European Union 2003, p. 4)

This is represented as a 'new' form of terrorism, which is 'changing and evolving', and consequently demands a '*permanent* high level of vigilance and alertness within the intelligence and law enforcement community' (Europol 2006, p. 1). Such permanency is said to reflect a temporal shift in an ever increasing globalised world, where 'Europe faces new threats which are more diverse, less visible and less predictable' (European Union 2003, p. 3). This represents the grandest of the EU insecurityisation moves, and highlights a central paradox in the EU's narrative. By linking the 'new' threat of terrorism with globalisation, the EU is attempting to elevate itself as a legitimate security provider, a collective shield, for member states against such a perceived threat. Yet in that very linking, and subsequent institutionalisation, the EU is an agent for the very globalisation process it has deemed to 'cause' and 'enhance' the threat (see European Council 2005, p. 8). As such, the EU's official narrative presents its securitising moves as legitimate, yet cloaks the extent to which the narrative itself provides an account of 'security' and '*insecurity*' growing together, in what Didier Bigo has termed a 'self-sustaining dynamic' (2008, p. 124). This is all the more

paradoxical given that the EU position is that this so-called 'wave of violent radical extremism' is said to be the product of complex causes; 'pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies' (European Union 2003, p. 3). Such a position clearly obfuscates the distinction between '*causes of action*' and '*reasons for action*'; where the former implies that action is epiphenomenal and the latter seeks to maintain a sense of intentionality behind agency (see Ruggie 1998, p. 22).

Yet, fundamentally the effect of the EU's securitising move is to create 'suspect states' and 'suspect communities' that require the technologies of security governance to both police and reform them. Part of the EU's 'comprehensive response', is to be targeted at 'North Africa, the Middle East and South East Asia' in a bid to 'promote good governance and democracy...in order to address the motivational and structural factors underpinning radicalisation' (European Council 2005, p. 6–7). This normative and managerial discourse masks what Tully has termed Europe's perceived 'imperial right', in which European states legitimate the pursuit of civilising missions of non-Western states through coercive impositions (2008 pp. 210–211). This normative 'democratisation' agenda, masks the extent to which the EU promotes liberalisation and a 'capitalistic type of governance that reflects its own experience and its own interests', more than a genuine attempt to engage with the peoples of these regions (Pace *et al.* 2009, p. 4). Moreover, the EU's connection between authoritarianism and radicalisation is highly simplistic at best, writing out the democratic milieu from which the London bombers, who were British and Jamaican nationals raised within the UK, arose. However, the utility of the EU narrating the connection between authoritarianism and terrorism is that it constructs a bifurcated boundary between Europe and the non-Western threatening Other, and legitimates the establishment of security 'doers' at Europe's edge and beyond.

The exemplifying practices that such a framing can legitimise have been well documented in Nick Vaughan-Williams (2008) analysis of Frontex. Not only does 'borderwork' occur on the geographical borders of Europe, but can occur hundreds of miles away. This was clearly demonstrated in Operation HERA II, when Member States mobilised patrol boats off the West Coast of Africa and deployed surveillance planes deep into Africa territories from August to December 2006 to stop African emigration into Europe. The notion that the EU has the ability to prevent its borders being breached 'at source' clearly demonstrates an imperialistic move, where territorial logics have been replaced with the EU targeting and policing specific groups. Such a strategy not only reflects Europe's willingness to deter the movement of the Other, but a will to power through managing and governing the Other. As Balibar has noted, 'borders are no longer at the border' (1998 p. 217), but the implications of this are that through EU technologies of security governance, rule is no longer with the indigenous rulers, as the EU assumes responsibility for security management services beyond its geographical space and attempts to govern the 'outside' when deemed necessary.

Notably, the securitisation generated by technologies of EU security governance have not been limited to the EU's 'external' affairs. There has been a further insidious collapse between the internal/external distinction in EU–US relations, where for example Europol shares both 'strategic' and 'personal' information of EU citizens with the USA. Evidently, the post-September 11 narration which defined borders by 'values' and not geographical locale has had consequences for European

citizens. In a similar vein, the EU and the USA have signed two treaties on extradition and mutual legal assistance, whilst also attempting to establish permanent agreements on the exchange of passenger name record (PNR) data and the sharing of EU citizen's banking details (see Archick 2006). Further still, as the technologies of EU security governance have proliferated in the 'post-crisis' evolutionary stage, the EU has increasingly narrated the need for an internal security architecture, which has placed EU citizens 'within' Europe, centre stage. The *European Counter-Terrorism Strategy* details multiple provisions to 'prevent' people from turning to terrorism inside EU borders. This is done through the notion that 'mainstream opinion' can 'prevail over those of extremism by engaging with civil society and faith groups', and EU policy places a particular emphasis on preventing recruitment in 'for example prisons [and] places of religious training or worship'. The EU's emphasis is clearly placed on surveillance and management, in which to 'spot such [terrorist] behaviour' the EU suggests 'community policing' and 'monitoring travel to conflict zones', whilst 'imped[ing] terrorist recruitment through the internet' (European Council 2005, p. 8–9).

The implications of establishing this architecture of security governance are clearly evident within the UK and the manner in which it has pursued its *Prevent* strategy. The prevailing narrative is that the 'Muslim community' should do more to 'delegitimize' and *prevent* the emergence of terrorism from 'their' (imagined) community (see Pantazis and Pemberton 2009). Such a discourse not only promotes divisions within the imagined community, but mirrors the manner in which the EU has increasingly sort to link citizenship to counter-terrorism, creating suspect communities within its borders. Indeed, as the EU has declared, 'the battle against terrorism requires the *mobilisation of all citizens* to guarantee freedom and security for all' (in Vaughan-Williams 2008, p. 70). In effect the securitising dynamics of European security governance have not only produced a transnational level of security 'doers' but within Member States has produced professionals and 'non-professional' citizens of insecurity by legitimising practices of increased surveillance, control and punishment. As such, the EU approach to security clearly has winners and losers, as it institutionalises the technologies of security governance inside and outside the Union.

Consequently, it is clear that whilst the Union proposes the creation of new technologies for the protection and assurance of its citizens, it is also securitising some of those very citizens (see European Council 2005, p. 10). This has led to some analysts questioning the utility of the EU's anti-terror architecture, noting that 'these security measures will increase insecurity and fears while aiming at establishing a transnational system that profiles and monitors everyone' (Carrera *et al.* 2004). Indeed, as Carrera *et al.* explain:

Technology is not the cause and is even less the solution to violence. The belief of a large part of the public as well as management experts that they will find technical solutions to counter political violence through general and specific surveillance of people on the move is an especially dangerous illusion.

Yet this is an illusion that the EU has increasingly promoted and institutionalised. In this regard, whilst the EU has adopted an alternative approach to the USA, in labelling terrorism a 'criminal' issue, this approach is a double-edged sword. The EU

has overwhelmingly attempted to make its security architecture span across its multiple pillars, and in particular has securitised the legislative JHA pillar. This is certainly preferable to the US's often 'extra-legal' approach and violations of well established international legal norms; the EU's approach is clearly less violent in a militaristic sense. Yet this is not to say that the ad hoc criminalisation approach is not without significant drawbacks. Once insecurity practices have been institutionalised, and placed onto the statute, it is more difficult to remove such practices. This clearly runs the risk of turning a state of exception, into the norm where such practices become a *permanent* feature of European security governance. In effect post-crisis narratives are insidiously shaping what the EU would regard as a 'permanent' path, where citizens have to justify their actions to higher state powers, rather than state powers justifying their actions to citizens. As such what this article shows is that in the area of counter-terrorism, EU security governance is obfuscating boundaries and generating dangerous dynamics with security winners and insecurity losers both inside and outside the Union.

Conclusion

Producing a genealogy of EU counter-terrorism policy is highly revealing. Of crucial importance to the genealogical account presented, is the manner in which 11 September 2001 marked a moment of punctuation in political time, and the EU used this opportunity to sediment highly problematic assumptions in its official narrative. Yet the significance of such punctuating moments and their post-crisis response has been that they form the paradigm from which subsequent policy has evolved. Consequently, as strategically selective actors within the EU constructed a 'crisis' for the Union itself, and deployed a narrative to legitimate a period of rapid policy development, the EU has moved 'terrorism' from the realm of a peripheral issue to being at the core of its security agenda and security governance. This has become a conspicuous pattern, evident in the aftermath of the terrorist attacks in Madrid and London. As such, whilst 'immediate crisis-securitisation' has been seen to give way to 'evolutionary-politicisation', the problem with this pattern of policymaking is that the moment of punctuation shapes the path of future policy by allowing strategically selective actors to lay discursive tracks. That is to say that each moment of punctuation casts a shadow on the evolution of policy, which is highly problematic if the post-crisis narrative deployed is itself simplistic and highly reactive.

The EU's post-crisis narrative has been largely based around simplistic bifurcated identities cast in a moral and often teleological plot, and the EU has often sort to delegitimise terrorist acts by virtue of constructing the causes of events in apolitical terms. This is deeply problematic as it writes out the political reasons for action and deprives EU policy of hermeneutic considerations, which may well offer up alternative practices to those that generate insecurity inside and outside the Union. That is to say, instead of masking terrorist action in epiphenomenal 'causes' the EU would be better served by engaging with the narrative espoused by terrorist organisations, and recognising their inherently political nature. This may well necessitate that the EU modify its behaviour and seek to restrict its sense of imperial right. However, it could also lead to an approach that directly challenges violent groups', who recruit through a narrative of perceived injustices committed by the 'West'. This may well also allow the EU to illegitimate these terrorist organisations

violent will to power by de-structuring their espoused narrative. This would be a welcomed alternative to a highly problematic EU official narrative that currently presents a false choice between a future of utopia or dystopia by inflating the threat of terrorism, and radically obfuscating representations of inside and outside.

The problem with the EU's current approach is that it is clear that in the name of 'counter-terrorism', the EU has moved from a largely legalistic approach throughout the end of the twentieth century, to a twenty-first century post-crisis policy of securitising 'terrorism' and proliferating insecurity technologies of security governance. The rapid and poorly scrutinised nature of this institutionalised policy evolution is cause for great concern. Indeed, they often leave the impression that the various crisis-securitising moves taken by the EU's strategically selective actors are often undertaken with broader external, internal/interrelational and identity objectives in mind. As such, it is not clear that the resultant policy necessarily fits with the strategically selective context facing the EU. Seeking to legitimate the EU as a security actor has led to securitisation moves which, upon reflection, risk generating more insecurity than the institutionalisation of 'security' governance technologies implies. Herein, the rapid institutionalisation of technologies of security governance may well be doing more harm than good, inside and outside of the Union.

Yet, in spite of this, the rapid institutionalisation of technologies of EU security governance has been a dominant feature of the twenty-first century, and a plethora of new security 'doers' has been created. This is a situation that has been codified by the Lisbon Treaty, which bears all the hallmarks of previous securitising moves and their evolutionary progression; strengthened the role of Europol, providing provisions for the EU to support third countries in combating terrorism and seeking to create legal powers for the EU to act on the international level through the creation of a 'legal personality' (see Kaunert 2010). As such, the importance of the theoretical tenets set out by Christou *et al.*, is that they reveal a need for greater scrutiny of this institutionalisation and the manner in which 'security' governance is done by the EU not just since September 11 but well into the contemporary context. By reflexively focusing on how the EU actually does security', there can be depth of theoretical understanding added to Security Governance literature, but also a more critical project created that allows space to question the rapid development and nature of EU counter-terrorism policy.

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