

Similar Threats, Similar Approaches: Improving Transatlantic Counterterrorism Ties

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Brief Analysis

Note: This PolicyWatch is based on the author's recent op-ed in Financial Times Deutschland. [Read \(http://www.washingtoninstitute.org/templateC06.php?CID=1096\)](http://www.washingtoninstitute.org/templateC06.php?CID=1096) the original op-ed (in German).

With U.S. government assistance, three "homegrown" terrorist suspects were arrested in Germany several weeks ago. Despite this success story, transatlantic counterterrorism ties have been seriously tested over the past three months: prosecutors in Munich called for the extradition of CIA agents allegedly involved in abducting a German citizen; an Italian trial began against twenty-six CIA employees charged in absentia with kidnapping an imam in Milan; and Britain released a report accusing the United States of ignoring its concerns regarding terrorist "renditions."

These latest developments have undoubtedly reinforced perceptions on both sides of the Atlantic that U.S. and European counterterrorism efforts have been at odds since the September 11 attacks. Unfortunately, significant commonalities have been lost amid the heated rhetoric, both in terms of approach and problems encountered. Shifting these perceptions is critical for future counterterrorism efforts and should be a priority for U.S. and European policymakers.

Similar Threats, Similar Approaches

The United States and Europe are now facing similar terrorist threats. Before September 11, al-Qaeda focused exclusively on the United States, which Osama bin Laden considered "the head of the snake." Although American targets remain a high priority for al-Qaeda, the 2004 Madrid attacks, the 2005 London attacks, and the recently thwarted plots in Germany, England, and Scotland have demonstrated that America is no longer alone on the list.

In many areas, the United States and Europe have used similar counterterrorism approaches. For example, several European countries have followed the U.S. lead in transforming the roles of prosecutors and law enforcement agencies to deal primarily with terrorism prevention instead of post-attack investigation.

This preventive strategy has revolved around an increasingly aggressive law enforcement approach. In 2006 alone, for example, European authorities arrested a total of 260 terrorist suspects. Most of these individuals were charged not with plotting attacks, but with a variety of other terrorism-related offenses such as financing, recruiting, and facilitation.

The scale of the September 11 attacks and the potential lethality of future attacks have influenced this change in strategy. For example, in early 2003, Nicolas Sarkozy, then France's interior minister, explained law enforcement's early intervention in a case involving a possible chemical attack by stating, "When you are dealing with suspects like this, it is better to arrest them before, not after." A German prosecutor put it more bluntly during her closing arguments in an early 2005 terrorism trial: "We cannot wait until attacks have been carried out and the dead are lying on the street."

Post-September 11 legal changes have facilitated law enforcement's proactive posture. Just as the United States passed the USA PATRIOT Act soon after the attacks, a number of European countries have passed their own comprehensive counterterrorism legislation. For example, Britain adopted the Anti-terrorism, Crime, and Security Act in 2001, the Prevention of Terrorism Act in 2005, and the Terrorism Act in 2006. Germany, Italy, France, and the Netherlands have also made major legislative changes, increasing the counterterrorism authority of prosecutors and law enforcement agencies.

Difficulties in Prosecuting Suspected Terrorists

The United States and Europe are also facing similar problems. In terms of prosecuting suspected terrorists, for example, acquittals, overturned convictions, and dropped charges have overshadowed the successes. Prosecutions are hindered by the same factors on both sides of the Atlantic: the difficulties associated with using intelligence information, the pressure to disrupt plots at early stages, and the need for extensive international cooperation.

Moreover, rhetoric has damaged transatlantic relations and affected collaboration on critical counterterrorism matters. As Michael Scheuer, former chief of the CIA unit tasked with hunting bin Laden, noted, "Friction between Europe and [the] United States is something that certainly benefits Osama bin Laden." Al-Qaeda can exploit fractured ties between the United States and Europe because of their interdependent security interests. Recent events demonstrate that terrorists based in Europe remain interested in attacking both U.S. and European targets. For example, according to a recent European Union report, the suspects involved in the foiled August 2006 plot to bomb flights from the United Kingdom to the United States were allegedly intending to "strike a target that would hit both the UK and the United States at the same time." Indeed, the September 11 attacks are an enduring reminder that terrorists living and operating freely in Europe -- like the so-called "Hamburg cell" members -- can pose a serious threat to the United States.

How to Build Stronger Ties

Despite transatlantic friction, Washington and its European allies must overcome the perception that their counterterrorism efforts are at odds. With new leadership in Britain, Germany, and France, there is an opportunity to set a different tone -- one emphasizing shared counterterrorism approaches and mutual difficulties.

Focusing on the commonalities might show American and European audiences that the two sides are not as far apart as is publicly portrayed. Americans would be reassured to know that various European countries have made major counterterrorism improvements. Europeans might also be surprised to learn about the full extent of the nonmilitary aspects of U.S. counterterrorism efforts.

To demonstrate their commitment to strategic collaboration, the United States and Europe should establish a joint commission to review their counterterrorism successes and failures, beginning with the law enforcement arena. They should review individual cases as well as overarching strategies and legal standards. Although a "one size fits all" solution is not possible, the commission could focus on finding areas where common solutions can be developed. The more similar strategies the United States and Europe adopt, the more effectively they will work together -- both on individual cases and more broadly. Whatever form it takes, an increased focus on commonalities will make it far easier for officials in Washington and abroad to collaborate on the most important and sensitive

counterterrorism issue: protecting those on both sides of the Atlantic.

Michael Jacobson, a senior fellow with The Washington Institute's Stein Program on Terrorism, Intelligence, and Policy, is author of the 2006 Institute monograph [The West at War: U.S. and European Counterterrorism Efforts, Post-September 11](http://www.washingtoninstitute.org/templateC04.php?CID=237) (<http://www.washingtoninstitute.org/templateC04.php?CID=237>) and former senior advisor in the Treasury Department's Office of Terrorism and Financial Intelligence. ❖

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