

The EU as a counter-terrorism actor abroad: finding opportunities, overcoming constraints

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The EPC's Programme on Europe in the World

Building EU foreign policy over the past twenty years has been one of the most challenging and difficult aspects of the process of integration and, despite the innovations introduced by the Lisbon Treaty, is still far from meeting the expectations of European citizens and of the rest of the world. At the same time, the EU's role in international politics is challenged politically and economically. The rise of new powers, an increasingly fluid system for global governance, the growing internationalisation of domestic politics and policies, all put the EU under the spotlight to deliver.

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Foreword

By Alyson J.K. Bailes

Since 10 September 2001 the level of public attention paid to counter-terrorism has risen and fallen dramatically, not always in proportion to the level of actual terrorist damage, let alone the true importance of the issue. Since 2008 in particular, the topic has tended to be eclipsed by fresh global traumas like economic collapse, and also shunted towards the back burner by those embarrassed about the failure of some earlier recipes for tackling it. Yet it can never be in Europeans' interest to play down this challenge too far, given the centuries-old exposure of our own societies to such threats, both at home and in regions of vital interest abroad.

The present issue paper, produced by a team at the Stockholm Institute of International Affairs, looks at the aspect of EU policy perhaps least likely to hit the headlines – until and unless something goes wrong. The subject is the handling of counter-terrorism in the ensemble of EU external relations and assistance *vis-à-vis* five countries of recognised importance for European interests: Algeria, Morocco, Yemen, Pakistan, and Indonesia.

The analysis in the paper confirms that terrorism is a real, and more than just internal, challenge for each of these states. It is also intertwined with other failings of governance and development, in a way that seems to demand exactly the multi-dimensional, values-conscious approach that the EU has tried to make its own. Yet levels of EU assistance and advice directly geared to this topic in each of the five states are surprisingly low. Their effectiveness is further undermined by the all-too-familiar litany of incoherence among different organs' inputs, lack of insight into local conditions, stronger roles played by individual EU and non-EU states, and – it must be said – a certain timidity in face of the most sensitive cases.

The authors convincingly pin down all the proximate reasons for these failings and make sensible recommendations for improvement, none of which would conflict with present policy guidelines or require completely new instruments. Pragmatically, they suggest that if certain external donors have money and influence and are acceptable to the locals, the EU would do better to recognise them as 'lead nations' than try to undercut them. It is indeed intriguing to note that while ex-colonies are often assumed to prefer peace interventions by someone not waving the former mother country's flag, post-imperial connections still loom large in other areas of security – to which one could often add armaments cooperation.

The report also uncovers issues that are harder to remedy because they go to the core of ambiguities in the EU's external personality. Competence battles have made it hazardous for the Commission to apply most of its financial instruments to such 'hard' security purposes as fighting terrorism. Yet pushing the issue into the niche of Stability Funding or Common Foreign and Security Policy itself cuts it off both from the largest money bags, and from the 'whole government' approach (including, for example, rule of law and tackling related economic abuses) that the Union should logically be sharing with its partners.

In the enlargement zone of greater Europe, pre-accession sharing of the EU's own practices may offer an alternative solution. For the more distant and weaker countries that are more likely to generate extremists with Europe in their sights, this study yet again exposes the Union as a partner that usually knows what it wants, but is rarely prepared to work out how to get it.

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Executive summary

The European Union considers itself a key part of the global fight against terrorism, but does such a claim stand up to scrutiny? How can existing counter-terrorism efforts be improved and new initiatives undertaken more effectively in a post-Lisbon institutional environment? This issue paper answers these questions and sets out recommendations for the future.

This study provides an overview of the EU's counter-terrorism resources and instruments and of recent developments in the use of these assets in five key countries: Algeria, Morocco, Yemen, Pakistan and Indonesia, in order to identify instances of success and failure, and to pinpoint opportunities for mobilising assistance more effectively in the future. For each case, it provides a situation assessment; examines the targeted technical assistance provided by the EU in the following sectors: anti-corruption, governance and rule of law, judicial capacity-building, police and law enforcement, and border management; and discusses the challenges facing EU assistance in the country.

Viewed in comparison, the five case studies reveal common problems in how the EU prioritises, mobilises and delivers assistance to third countries. Those problems can be grouped into four categories: the receptiveness of third countries, the willingness of EU Member States to cooperate, the coordination of EU institutions and delegations, and the coherence of the international community.

Recommendations

Based on the case study findings, this issue paper offers a number of recommendations for improving EU external counter-terrorism initiatives and increasing policy coherence at national, European and international levels. Our recommendations include:

For national governments: Consider the priorities of other EU partners when setting international counter-terrorism assistance in national capitals. Develop shared metrics for evaluating 'success' in third countries. Allow EU institutions to play a stronger analytical role in identifying international gaps and overlaps in national counter-terrorism assistance policies.

For EU institutions: Improve analytical capacity for monitoring national counter-terrorism policies in Europe. Facilitate the sharing of 'best practice' amongst governments. Clarify the role of the High Representative/Vice President in external counter-terrorism activities. Ensure the newly-designated EU delegations have sufficient capacity for pursuing counter-terrorism goals. Sharpen the tasks of the Council's COTER (Council Working Party on the International Aspects of Terrorism) Committee. Reduce programme pipelines.

For cooperation with the international community: Prioritise coordination efforts with strong regional players in the world. Work closely with assistance target countries to improve 'absorption capacity' as a pre-requisite for effective programmes. Revive attention on UN Resolution 1373, the global framework for counter-terrorism, by working closely with the UN's Committee on Counter-Terrorism (and its executive directorate, CTED).

I. Introduction

The European Union's 'fight against global terrorism' is approaching its tenth year. The 11 September 2001 attacks in the United States launched a strong show of solidarity and a raft of European-wide initiatives, while the 11 March 2004 attacks in Madrid and 7 July 2005 bombings in London added a critical sense of urgency. Since those traumatic events, global counter-terrorism has remained an EU priority even in the absence of a subsequent terrorist attack on European territory.

The EU considers itself a key player in countering terrorism, with a broad number of relevant activities and instruments crossing the internal-external divide of EU competences. On the internal side, efforts include border cooperation, improved information sharing, critical infrastructure protection, and common arrangements for pursuit and prosecution. On the external side, initiatives encompass enhanced cooperation with international bodies, stemming the flow of terrorist financing, strengthening international intelligence sharing, and working with third countries to dismantle terrorist infrastructures through capacity-building to raise local competence.

It is hoped that close cooperation with third countries and international organisations, such as the United Nations, will help limit terrorist attacks overseas and reduce terrorist strikes within Europe. All of the initiatives are consistent with the 2005 European Union Counter-Terrorism Strategy, which sets clear goals:

"Much of the terrorist threat to Europe originates outside the EU. [The Counter-Terrorism Strategy] must therefore also have a global dimension. The EU will work to reinforce the international consensus through the United Nations and other international bodies and through dialogue and agreements (which include counter-terrorism clauses) with key partners [...] Assistance will be provided to priority countries to help them introduce and implement the necessary mechanisms to disrupt terrorism, in coordination with the work of other donors."

This issue paper takes stock of EU efforts to support and cooperate with third countries in which terrorist activity is believed to thrive. Almost a decade after 11 September 2001, the EU still positions itself as a leading global actor against terrorism.

The time is right, especially with growing post-Lisbon Treaty expectations of a more coherent EU foreign policy, to ask how the EU is pursuing its objectives and whether these are being met effectively. This issue paper takes a step in that direction: it examines the assistance instruments at the EU's disposal and evaluates how they are being used in five target countries. The goal is to learn from successes, identify failures, and offer suggestions for improved EU relations with third states in the fight against terrorism.

The paper focuses on EU assistance delivered during the period 2001-09, in particular on the technical assistance provided in the areas of anti-corruption, governance and rule of law, judicial capacity building, police and law enforcement, and border management.¹

The analysis is based on information gleaned from interviews, document analysis and secondary sources detailing EU experience with five specific countries: Algeria, Morocco, Yemen, Pakistan, and Indonesia. This selection was based on two criteria: countries prioritised by the EU, and their geographical proximity to the EU (some in its 'neighbourhood', some more remote).

Priority and proximity make Algeria and Morocco² particularly important to examine because of the threat posed by North African-based terrorist groups such as *al-Qaeda in the Islamic Maghreb* (AQIM). Likewise, Indonesia and Pakistan have also been faced with a serious terrorist threat from domestic groups operating both nationally and with an international reach. Moreover, in 2003 both Indonesia and Pakistan were identified by the European Commission as priority countries for technical assistance in order to support the implementation of the United Nations Security Council Resolution 1373, making a review of

the policies undertaken towards these countries all the more urgent³. Finally, Yemen was selected because of the imminent risk of the country turning into a failed state and offering a safe haven for terrorists.

This issue paper begins by describing the EU's counter-terrorism resources and instruments (Chapter Two). It then moves on to the five case studies, which examine the instruments being used by the EU to provide technical assistance in the areas of governance, judicial capacity/rule of law, police and law enforcement, border control, and corruption (Chapter Three). Following this, it turns to common findings drawn from the case studies (Chapter Four) and makes recommendations targeted at EU Member States, EU institutions, and the EU's cooperation with international organisations (Chapter Five).

It should be noted that the research presented in this issue paper is part of a broader project on the EU's role in counter-terrorism abroad, a topic which will undergo additional research to further flesh out implications for the future of global security.

II. The EU and counter-terrorism assistance

Most observers agree that addressing terrorism in third countries is a formidable task, requiring a wide number of priorities and accompanying policies. Disagreement surfaces, however, over what those priorities should be and which policies are most useful for addressing them. This uncertainty, bordering on confusion, explains why the EU identifies long lists of European-level competences relevant to fighting terrorism.

There are two possible frameworks in which to situate the range of EU policy activities. The first is the UN framework on terrorism, which calls on all UN members to take specific actions against terrorism. The second is the EU's own Counter-Terrorism Strategy, which was designed to draw together various EU initiatives into a single framework (and is carried out in compliance with relevant UN Security Council resolutions). These two frameworks constitute the basis for the EU's external counter-terrorism assistance to third countries. This chapter sets out the two frameworks before outlining the technical assistance instruments the EU has at its disposal.

United Nations' Counter-Terrorism Framework

In the aftermath of 11 September 2001 the UN Security Council adopted several resolutions pertaining to terrorism, including Resolutions 1267, 1368, 1373 and 1566.⁴

Primary among these is Resolution 1373, which calls on UN member states to take non-military cooperative measures to strengthen their legal and institutional abilities to undertake counter-terrorist activities nationally, regionally and internationally.⁵ Priority areas include preventing the financing of terrorist acts, improving the exchange of information between governments on issues that relate to terrorist groups and their activities, preventing the movement of terrorists by effective border controls and denial of safe havens, strengthening bilateral and multilateral cooperation to prevent and suppress terrorist attacks, and addressing the threat from transnational organised crime, money-laundering, illegal arms-trafficking, and the illegal movement of nuclear, chemical and biological materials.

Resolution 1373 also creates a subsidiary body, the Counter-Terrorism Committee (CTC), charged with assessing states' capacities to implement Resolution 1373 and ensuring that potential donors have access to sufficient information to provide timely and sustainable counter-terrorism capacity-building activities. The EU, through its Counter-Terrorism Coordinator (CTC), is cooperating with the CTC Executive Directorate (CTED) and with other UN agencies such as the United Nations Office on Drugs and Crime (UNODC), to deliver technical assistance to third states.

European Union's Counter-Terrorism Strategy

In December 2005, the Council of the European Union adopted the European Union Counter-Terrorism Strategy.⁶ Acknowledging that the terrorist threat requires both internal and external responses, the strategy outlines four pillars on which to focus counter-terrorism cooperation both within the European Union and internationally:

- 1) 'Prevent' refers to the task of preventing people from turning to terrorism in Europe and other parts of the world, by addressing the conditions that could encourage its development.
- 2) 'Protect' refers to the mission of protecting citizens and infrastructure, reducing Europe's vulnerability to attacks.
- 3) 'Pursue' concerns impeding the planning, travel, communications, and funding of terrorist acts and bringing perpetrators to justice.
- 4) The final pillar: 'respond' focuses on how to manage and minimise the consequences of terrorist attacks, should they occur. Although the strategy notes that providing an emergency response is primarily the

responsibility of the countries affected by an attack, it also highlights the need for the European Union to be able to respond collectively and show solidarity in the event of an extreme emergency.

EU counter-terrorism external assistance instruments

The EU's Counter-Terrorism Strategy provides for external assistance to counter-terrorism cooperation in a wide range of issues such as justice, human rights, law enforcement, education, media, radicalisation, transport and energy security, and socio-economic and development issues. The means used in these cases include such instruments and activities as development aid, European Security and Defence Policy (ESDP) missions, political dialogue, counter-terrorism clauses, and sanctions.

As part of the Counter-Terrorism Strategy, and to support third countries' efforts to implement Resolution 1373, the European Union, through the Commission, also offers external assistance in the form of 'targeted technical assistance', defined by the European Court of Auditors as 'experts contracted for the transfer of know-how and skills and the creation and strengthening of institutions'.⁷ This technical assistance focuses on institutional and capacity-building across the board (for instance, judicial capacity-building, police and law enforcement work, border-management capacities).⁸

Such assistance is usually premised on two principles, oft-repeated in EU texts related to counter-terrorism. Those principles hold that: (a) assistance should build on existing cooperation and assistance, and be characterised by a collaborative approach with recipient countries, and (b) assistance should focus on areas in which the EU has a comparative advantage, both geographically (for instance, the European Neighbourhood) and thematically.

The main EU instruments for funding technical assistance are: (i) the Instrument for Stability (IfS), (ii) the European Neighbourhood and Partnership Instrument (ENPI), (iii) the European Instrument for Democracy and Human Rights (EIDHR) and (iv) the Development Cooperation Instrument (DCI). While these instruments encompass almost the entire scope of the EU's so-called 'financial toolkit' including development, poverty reduction and education, this issue paper focuses on counter-terrorism-related activities, but will also touch on counter-terrorism-related technical assistance activities that do not directly fall under one of these three instruments.

Instrument for Stability (IfS)

The Instrument for Stability (IfS) replaced the Rapid Reaction Mechanism in the new thematic budget line of 2007-13, and its overall budget currently amounts to €2.06 billion. The IfS consists of two components. First, a short-term 'crisis response and preparedness' component, providing rapid and flexible funding to prevent conflict, support post-conflict political stabilisation and carry out early recovery after natural disasters. Through this response, the Commission seeks to preserve, establish or re-establish essential conditions in order to provide development assistance programmes.

The second component has a more long-term orientation and is intended for use in more stable contexts. It assists in capacity-building to address specific threats, both global and trans-regional, which might affect a third country's security or stability in a negative way. It can also be used to strengthen the capacity of other international organisations or state and non-state actors in conflict prevention and post-conflict peace building. Through the long-term component, assistance is geared towards nuclear safety and non-proliferation, combating major threats to public health, and strengthening the capacity of law-enforcement, judicial, and civil authorities in their fight against terrorism and organised crime.

IfS is important from a counter-terrorism point of view because one of its explicit objectives in funding activities in third countries is to "support measures concerning the development and strengthening of counter-terrorism legislation, the implementation and practice of financial law, of customs law and of immigration law, and the development of international procedures for law enforcement."⁹

European Neighbourhood Partnership Instrument (ENPI)

The European Neighbourhood Partnership Instrument (ENPI)¹⁰ is the financial instrument of the European Neighbourhood Policy (ENP), the EU policy toward neighbouring countries in the areas of governance, rule of law, development and security. Operational since 2007, the ENPI replaced the Commission cooperation programmes TACIS (funding for the former Soviet Union) and MEDA (funding for Mediterranean countries). The budget for 2007-13 is approximately €12 billion and most of its funds (around 90%) are directed toward bilateral technical assistance activities in the countries concerned and toward regional cooperation.

There is only one direct reference to terrorism in the regulation establishing the ENPI, namely Article 2.2 (r), stipulating that “Community assistance shall be used to support measures within the following areas of cooperation: supporting reform and strengthening capacity in the field of justice and home affairs...[and] the fight against, and prevention of...terrorism and organised crime, including its financing, money laundering and tax fraud.”

European Instrument for Democracy and Human Rights (EIDHR)

The European Instrument for Democracy and Human Rights (EIDHR) was established in 2007 as an instrument to promote democracy and human rights worldwide through assistance for development, economic, financial and technical cooperation with third countries. This instrument does not fall under a particular policy but fulfils the aims of international human rights’ conventions and the seven EU guidelines on human rights.¹¹

The EIDHR is seen as a tool for spreading these values, partly in the fight against terrorism. In the EIDHR strategy paper of 2007-10, democracy and human rights for counter-terrorism are viewed “as integral to the process of poverty reduction, alleviation of inequality and achievement of the Millennium Development Goals, as well as vital tools for conflict prevention and resolution, and are indispensable for *combating terrorism*” (emphasis added).¹²

Development Cooperation Instrument (DCI)

The Development Cooperation Instrument (DCI) was initiated in 2007 with a budget allocation of about €2.2 billion. It is divided into three components, all aimed at providing aid to developing countries in areas such as poverty eradication, education and health, governance, democracy, human rights and institutional reform, assistance in post-crisis situations and fragile states, food security, and migration and asylum issues.¹³ Some of the thematic programmes are explicitly related to counter-terrorism, such as the migration and asylum programme.

III. Lessons from the past: EU counter-terrorism assistance in five countries

This section examines EU assistance to five countries to identify successes, failures, and opportunities for improvement. For each country, we first discuss the terrorist threat it faces before systematically assessing the EU's instruments of technical assistance in the area of counter-terrorism and summarising the key challenges associated with providing assistance.¹⁴

Algeria

Situation assessment

With its history of political instability, Algeria's present-day problems stem partly from corruption and weak governance and partly from the presence of terrorist groups such as AQIM.

In the early 1990s, the country's first multi-party parliamentary elections were cancelled by the Algerian military when it became clear that the *Islamic Salvation Front* (FIS) was set to win a significant majority. In the decade following this decision, Algeria was plagued by continuing violence perpetrated by Islamist militants and government-backed militias. In 1999, in an effort to restore civil order, the newly-elected President Abdelaziz Bouteflika granted partial amnesty to combatants who renounced violence. While a few thousand militants surrendered as a result of this move, groups such as the *Armed Islamic Group* (GIA) and the *Salafist Group for Preaching and Combat* (GSPC) continued launching strikes against the government, although with less intensity than before.

National reconciliation remains fragile, as illustrated by the fact that emergency laws imposed in the early 1990s by the army after its intervention still remain in force today, justified as being part of the government's anti-terrorism policies. Finally, while past elections have been criticised by the opposition as fraudulent, the re-election of President Bouteflika was declared fair by the Organisation for Security and Cooperation in Europe (OSCE).

While the political situation in Algeria has become more stable over time, corruption and money laundering have grown.¹⁵ The Algerian government has refused to put into practice an international monitoring mechanism to review the implementation of the UN Convention against Corruption, thus raising doubts over its commitment to fighting this problem.¹⁶ In addition, World Bank governance figures indicate that Algeria is in need of considerable improvement in this field.¹⁷

While the cancelled elections in the early 1990s could be said to have triggered events that led extremist groups to challenge the government by use of force, the roots of extremism in Algeria run much deeper than this. The Algerian government has suggested that a band of returning Algerian veterans from the Afghan-Soviet war played an important role in establishing the *Armed Islamic Group* (GIA) from which GSPC (which subsequently adopted the name *al-Qaeda in the Islamic Maghreb*) was to emerge. While there are no exact numbers about the size of AQIM, estimates in 2006 suggest that by that time the GSPC had 800 members.¹⁸

Over the past eight years, AQIM has expanded outside Algeria into neighbouring countries such as Libya, Mali, Mauretania and Niger. As a result, the number of recorded terrorist incidents in Algeria has climbed from 20 in 2001 to a staggering 185 in 2009.¹⁹ Besides targeting Algerian government interests, AQIM has also targeted foreign citizens and companies in the Maghreb region and threatened France in response to the veil controversy.

Noting that "there has been little indication that radicalised Islamists seek to travel from Europe to join AQIM as part of the wider *jihād* against the West", Europol's *Terrorism Situation and Trends Report for 2008* concludes that "as indicated by the 2007 arrests in France, there is evidence to suggest that radicalised individuals may offer to act on behalf of AQIM to attack European targets."²⁰ To restrict AQIM's ability to

move across the borders to Algeria's neighbouring countries, Algerian authorities have recently launched a new military strategy, which includes significantly increasing the presence of troops along its southern border, and Algerian security forces have also launched a counter-offensive campaign targeting AQIM.

EU assistance

The Commission's Country Strategy Paper for Algeria during the period 2007-13 states that the European Union's main priorities include political reforms in the areas of democracy and human rights, the rule of law and good governance, as well as encouraging reform of the justice system and the fight against organised crime, money laundering and terrorism, all while upholding human rights.

Judiciary and rule of law reform

EU assistance to Algeria is mainly provided through ENPI.²¹ In 2007, the Commission's contributed €17 million to the Algerian government to help revise legislation, enhance human resources, and modernise the prison system.²² Of this, approximately €6.2 million was used for technical assistance in justice reform.²³ In addition to efforts to reform the Algerian justice system, the Commission and EU Member States have also supported the African Centre for the Study and Research of Terrorism (ACSRT).²⁴ Established by the African Union in 2004, and located in Algiers, ACSRT serves as the AU's technical arm on counter-terrorism-related issues and is responsible for evaluating the terrorist threat in Africa and for promoting intra-African cooperation against terrorism.

Between 2000 and 2006 the Commission funded 26 projects in Algeria under EIDHR.²⁵ Of these, only a handful may be described as being relevant to counter-terrorism. One project aims to support government reform of the penal and penitentiary system through human and material support to the prison authorities. Another strives to achieve better accessibility to justice for vulnerable groups such as the victims of serious human rights' violations and the families of victims of terrorism and forced disappearances. A third aims to raise human rights' awareness among the victims of terrorism, students and human rights' defenders.

The final project strives to promote human rights inside Algerian civil society through training seminars and meetings involving judges, lawyers, and NGOs.²⁶ In addition to the projects mentioned above, on its website the Commission's delegation to Algeria mentions projects aimed at rehabilitating zones affected by terrorism, as well as those that support the Algerian judicial system and the Algerian police.

Police and law enforcement reform

With the CEPOL Euromed Police II Project, the EU aims to improve international cooperation on issues such as terrorism and organised crime, human trafficking and international police cooperation.²⁷ Algeria is listed as one of the recipient countries of this programme, but it has so far reportedly been reluctant to fully participate.

Border control

Given Algeria's situation as a transit country to the European Union, management of migratory flows is a major area of EU concern. In 2005, the Commission adopted a programme to support the Algerian border police, but this has run into trouble as Algerian authorities have been reluctant to install transit centres on their territory to deal with immigrants who have been expelled from Europe. Algerian and EU authorities have still to resolve this issue.²⁸ Also in the area of border management, the EU has provided Algeria with technical assistance toward maritime and airport security.²⁹

Challenges facing EU assistance

In light of the fact that Algeria is a Commission 'priority country', the above-mentioned projects seem rather modest. According to Commission staff in Brussels there are no concrete counter-terrorism projects currently

in the pipeline, allegedly because of the Algerian authorities' preference for bilateral cooperation with specific EU Member States, especially France, Spain and Italy, rather than with the Commission. EU support to ACSRT may also be impeded by Algerian opposition to France's insistence on including Morocco as a partner in the programmes.

This seems to demonstrate that the external dimension of Justice and Home Affairs (JHA) is shaped by competition amongst Member States attempting to 'instrumentalise' the EU level to pursue their own interests.

While the decision not to move forward with the Police II project was Algeria's alone, conflicting views sometimes exist inside the Commission on how to best deal with the Algerian authorities. At times the Directorate-General for External Relations (DG Relex) and the Directorate-General for Justice, Freedom and Security (DG JLS) have disagreed on how to move forward with Algeria. For example, DG Relex favoured a 'package deal' on migration with Algeria, that included a readmission agreement in parallel with 'some kind of' substantial visa-facilitation measures, which DG JLS opposed. The proposal was later dropped.³⁰

In terms of the power relationship between different units within the Commission when dealing with external policies, it has been suggested that the Directorate-General for Development (DG Dev) was the most powerful DG when dealing with African countries in the past. This is mainly for historical reasons, when the Commission had significant competence to manage development cooperation. The different opinions between DG JLS and DG Relex relating to the management of migration flows with Algeria, and the fact that the approach proposed by DG Relex was rejected by DG JLS, indicates that DG JLS carries more influence and political weight than DG Relex on migration issues.³¹

Morocco

Situation assessment

Morocco faces a multitude of problems, including widespread corruption and lack of rule of law, human rights' abuses, and domestic terrorism with international links. One of its most serious problems is corruption. Transparency International ranks Morocco 76th out of 180 countries in its *Corruption Perceptions Index for 2007*,³² and World Bank governance figures show that while the country does fairly well in comparison with others examined in this paper, there is still room for much improvement.³³

Another major problem has been torture and forced disappearances, although as part of the reform process initiated by King Mohammed VI, efforts have been made to address past abuses by the authorities. In 2004, an Equity and Reconciliation Committee was created, tasked with investigating cases of torture and disappearances, compensating and rehabilitating victims, and promoting reconciliation. This initiative marked an important step forward, especially since addressing past grievances may limit the appeal of terrorists who seek to exploit feelings of injustice as a means to gain support for their own cause.

The fact that Morocco is both a base, and a target, of terrorism illustrates the need to focus counter-terrorism efforts in the country. The Moroccan Islamic Combatant Group (*Groupe Islamique Combattant Marocain* – GICM), an offshoot of the *Shabiba Islamiya* organisation, is suspected of being responsible for the May 2003 Casablanca suicide bombings which killed 45 people and injured another 100. It may also have played a role in the Madrid transport bombings in 2004. In 2007, Morocco was yet again reminded of the Islamist terrorist threat when multiple explosions followed on the suicide bombing of an Internet café in Casablanca.

As a direct response to the Casablanca attacks in 2003, Moroccan authorities, working with US, UN, and EU support, arrested hundreds of suspected Islamists. Another effort was started in 2006, resulting in the arrests of hundreds more, bringing the total number (as of September 2008) to more than 1,000 people.³⁴ According to the US State Department's 2008 'Country Reports on Terrorism', Morocco's counter-terrorism strategy is comprehensive and builds on "popular rejection of terrorism, emphasises neutralising existing terrorist cells through traditional law enforcement and pre-emptive security measures, and has prevented terrorist recruitment through comprehensive counter-radicalisation polices".

Since the Casablanca bombings in 2003, the Moroccan authorities have focused on hampering radicalisation among Moroccan extremists as well as addressing socio-economic factors believed to foster extremism. In 2007, the government passed a comprehensive anti money-laundering bill, enabling it to freeze suspicious accounts and prosecute terrorist-related financial crimes. It has also taken measures to improve conditions inside the country's prisons.³⁵

EU assistance

The Commission notes, in its Country Strategy Paper for Morocco for 2007-13, that despite worthy progress, Morocco still needs to improve its record on democracy, respect for human rights, good governance, and consolidation of the rule of law. The paper states that it is essential that the authorities work to "disseminate [a] genuine culture of respect for human rights."³⁶ However, even though the EU identifies Morocco as a priority, this is not reflected in counter-terrorism assistance activities in the country, which remain rather limited.

Judiciary and rule of law reform

The European Neighbourhood and Partnership Instrument (ENPI), which has national, regional, cross-border and thematic components, is the main EU financial instrument used in Morocco.³⁷ Two more instruments are available; the European Instrument for Democracy and Human Rights (EIDHR) and the Development Cooperation Instrument (DCI).³⁸

However, while the ENPI supports counter-terrorism projects it has never been used for such measures in countries covered by the European Neighbourhood Partnership.³⁹ Thirty activities were funded under the EIDHR in Morocco during 2000-06,⁴⁰ But of these, only a few could be assessed as relevant to counter-terrorism:⁴¹ one addresses human rights' issues by offering rehabilitation to victims of torture, while another focuses on reforms of the judiciary.

Anti-corruption

Progress in improving the 'rule of law' and 'control of corruption' has been slow. In its 2004 Country Report for Morocco, the Commission lists corruption as "one of the main causes of the country's backwardness",⁴² which may be interpreted as suggesting that fighting corruption *should* be a main priority in EU-Moroccan cooperation. The Country Strategy Paper for Morocco for the years 2007-13 states that while reforms against corruption are ongoing or in the pipeline, they are inadequate to meet the scale of the problems.⁴³

Border control

The Country Strategy Paper also notes that the issue of illegal migration "is one of the principal sources of concern" in the relations between Morocco and the EU Member States.⁴⁴ Since the strengthening of border controls is one focus of UN Resolution 1373 (see article 2(g)), it is reasonable to assume that European technical assistance will be channelled to address this problem. Morocco currently cooperates closely with Spain on border control issues, for example by exchanging information and organising joint patrols.⁴⁵ According to one staff member within the Commission, there are currently no concrete counter-terrorism projects in the Commission project portfolio for Morocco. The only one mentioned is a border-management project conducted in cooperation with the Moroccan Ministry of Interior. However, the counter-terrorism connection here is very limited.⁴⁶

Challenges facing EU assistance

The EU's role in the field of counter-terrorism in Morocco is limited by the country's strong preference for bilateral cooperation. Both France and Spain maintain strong ties to Morocco, especially in the areas of counter-terrorism and border protection where they also have strong national interests. Following the 2004 terrorist attacks in Madrid, Spanish-Moroccan counter-terrorism cooperation intensified. Among

other activities, the Spanish Interior Ministry raised the idea of establishing a permanent mixed group of experts in the fight against terrorism. EU cooperation with Morocco appears to be dependent on (and constrained by) bilateral cooperation for the foreseeable future.

Yemen

Situation assessment

The situation in Yemen looks increasingly grave with deteriorating security in combination with extreme poverty, a weak central government and human rights' abuses. One of the poorest countries in the world, Yemen faces a multitude of challenges, including high population growth, slow economic development, declining oil resources, depleted water resources, poor standards of health and education, widespread poverty and a worsening internal security situation.⁴⁷

World Bank global governance figures show that Yemen is in need of serious improvements in the areas of government effectiveness, rule of law, political stability and actions to control corruption.⁴⁸ Smuggling of weapons and people is another serious problem, as the country is flooded with small arms: estimates in 2003 by the Ministry of Interior suggested that there may be some 60 million weapons in the country.⁴⁹

A further problem in Yemen is the lack of border control. The 2007-13 Commission Strategy Paper for Yemen notes that the country's long sea coast and porous land border, along with the authorities' limited capacity, contribute to problems such as trafficking and smuggling of refugees, terrorists, arms, goods, and money, especially from Saudi Arabia, but also across the Red Sea from Somalia. The paper implies that these activities fuel terrorism and instability in the country.⁵⁰

In addition to the challenges mentioned above, increasing politicisation of tribal conflicts and polarisation of the north-south divide have resulted in a deteriorating security situation, adding to the existing social tensions. The armed clashes in the north and crackdowns on social and political unrest in the south have eroded the previous advances made in strengthening rule of law, setting out rights in the constitution, and bolstering the penal and criminal procedure codes. There have been reports of hundreds of arbitrary arrests and several dozen enforced disappearances,⁵¹ and harassment by the security forces is making reconciliation between the north and south more difficult.⁵²

The al-Qaeda offshoot: *al-Qaeda in the Arabian Peninsula* (AQAP) has also exploited the deteriorating security situation and the weak central government,⁵³ and has significantly escalated its activities. AQAP is said to be responsible for numerous terrorist incidents in Yemen, including an attack against the US embassy in Sana'a in September 2008. The group also claimed responsibility for the foiled plot to detonate an explosive device on board a transatlantic flight on 25 December 2009.

The presence of terrorist organisations in Yemen is not a recent phenomenon, however. In the bombing of the USS Cole in the Port of Aden in 2000, which killed 17 American sailors and injured another 39,⁵⁴ 11 of the 16 perpetrators were Yemeni citizens. Of these, five were locals and six lived abroad, suggesting that the attack was not a local initiative.⁵⁵ Furthermore, as in Algeria and Morocco, it has been suggested that veterans returning from the Afghan war against the Soviet Union have contributed to the radicalisation of Yemeni youth through establishing two Islamist groups: the *Aden Abyan Islamic Army* (AAIA) and the *Islamic Jihad Movement* (IJM).⁵⁶

EU assistance

European Union policies towards Yemen are primarily guided by the objectives of the Development Cooperation Instrument (DCI), the Instrument for Stability (IfS) and the European Instrument for Democracy and Human Rights (EIDHR) as well as other thematic programmes. Although the EU strives to improve stability, security and good governance in Yemen by directing development to these areas, the Country Strategy Paper for 2007-13 does not specify how this should be done in practice.⁵⁷

Since it began in 1978, total Commission development assistance to Yemen has amounted to €220 million of which €136 million or 60% has been granted since 1996, with the level of the resources directed towards improving human rights and democracy being rather low.

While there are presently few Commission-funded counter-terrorism projects in place in Yemen, the conclusions adopted by the Council on 27 October 2009 state that “the EU will consider stepping up its comprehensive assistance toward Yemen, especially on security-related matters including in the field of counter-terrorism.”⁵⁸ In addition, the November 2009 EU Counter-Terrorism Strategy Discussion Paper lists Yemen as a priority country for developing and implementing technical assistance programmes.⁵⁹ Together with the Counter-Terrorist Coordinator, a Troika from the Commission’s Terrorism Working Group (COTER) visited Yemen during 2009 to see how work under the IfS can be taken forward.⁶⁰ It remains to be seen which policy areas might be included in such programmes.

Governance and rule of law reform

The Country Strategy Paper for 2007-13 points out that good governance, democracy, and respect for human rights are priority areas for EU cooperation with Yemen.⁶¹ So far only a fraction of the EU’s total assistance to Yemen has been focused on human rights and democracy. Moreover, Yemen has not been identified as a priority country to benefit from support of the EIDHR.⁶² The Commission has only funded *one* project under the EIDHR in Yemen, although this could be described as relevant to counter-terrorism in that it is directed towards training the internal security forces.⁶³

Border control

The Strategy Paper 2007-13 for Yemen suggests that the Commission might consider supporting measures to increase border security, especially since the Yemeni government has expressed a strong interest in receiving assistance in this sector. It further notes that the “training of police forces and coastguard, which is at present undergoing an important upgrade for border control, could be a priority for a possible Commission initiative, together with the training of customs officials.”⁶⁴ The Council has echoed this message, saying that “the EU will consider stepping up its comprehensive assistance towards Yemen, especially on security-related matters including in the fields of counter-terrorism, territorial and border control.”⁶⁵

Some activities aimed at countering piracy are already underway, for example, the EU Atalanta Mission in the Gulf of Aden. The Commission is also working with experts on a project of critical maritime routes under the IfS, which includes the Gulf of Aden,⁶⁶ and several EU Member States already have bilateral assistance programmes to support the Yemeni police and coast guards.

Challenges facing EU assistance

The limited nature of Commission activity in Yemen makes it difficult to assess its effectiveness. Previous research suggests that the government’s enthusiasm for IMF/World Bank assistance quickly faded when it became clear that members of the leadership’s own interests and privileges were threatened by reform.⁶⁷ The IMF/World Bank requirements for focusing on the fight against corruption and improving transparency in government were only implemented half-heartedly (if at all) and by 2001 the reform programme had collapsed altogether.⁶⁸ Yemen had one of the largest World Bank project portfolios, but one of the worst performance records.⁶⁹

At an international conference on Yemen held in London on 27 January 2010, Yemen pledged, however, that it would implement broad political and economic reforms in exchange for a package of long-term development and security assistance. During this conference, US Secretary of State Hillary Clinton made it clear that economic assistance should be an international priority in Yemen. At the same time, there is concern that the US strategy in Yemen has been too focused on security, neglecting the importance of development and human rights.⁷⁰

With its long experience in development and human rights' assistance, it remains to be seen whether the EU could play a bigger role in Yemen in these areas as a complement, or an alternative, to the US approach. Following threats against foreign embassies in Sana'a in January 2010, the USA and the UK jointly funded a counter-terrorism police unit in the country.

Pakistan

Situation assessment

As well as confronting a combination of severe challenges, ranging from widespread corruption to human rights' abuses to a weak central government, Pakistan also faces a serious terrorist threat from groups such as al-Qaeda and the Taliban. Transparency International ranked Pakistan 134th out of 180 countries in its *2008 Corruption Perceptions Index*.⁷¹ In 2002, Pakistan adopted a National Anti-Corruption Strategy, but according to Freedom House, this only focuses on politicians, civil servants, and businesses, turning a blind eye to military and security personnel.⁷² World Bank global governance figures confirm that Pakistan's political stability and functionality as a state is alarmingly low.⁷³

Pakistan's human rights' record is not encouraging either, with arbitrary arrests and 'enforced disappearances' reported under former President Pervez Musharraf's rule.⁷⁴ While it is impossible to know the exact number of disappearances, Pakistan's Interior Ministry has estimated 1,100. There are also reports that the police routinely engage in crime, excessive force and torture, extort money from prisoners and their families, and even commit extrajudicial killings. Conditions in correctional facilities are also extremely poor.⁷⁵

Progress on establishing an official human rights' commission to investigate suspected cases of abuse and redress grievances has so far been slow. Finally, Pakistan's intelligence agency (ISI) has been accused of aiding terrorist groups operating in the disputed Kashmir region and using them as proxies to launch attacks on neighbouring India.⁷⁶ As the ISI acts independently, and the government cannot be sure of its support and cooperation, this adds to the difficulty of addressing the country's internal and external problems.

The Pakistani security situation has deteriorated in recent years with terrorist attacks taking place on a regular basis. Increasing militancy in the regions bordering Afghanistan indicates that the central government is unable to exercise control over the entire country.

While the situation is particularly unstable in the North-West Frontier Province (NWFP), the Federally Administered Tribal Areas (FATA) and Baluchistan, confrontations between Islamist militants and the Pakistani authorities in other parts of the country show that the deteriorating security situation is not limited to the border regions. This was evidenced by the 2007 military campaign against militants at Islamabad's Red Mosque, along with a string of recent bombings in major cities,⁷⁷ one of the most spectacular being the bombing of the Marriott Hotel in Islamabad in September 2008 in which 54 people were killed.

As a response to the terrorist threat, the military has stepped up counter-terrorism operations in the northern regions along the Afghan border, which at times have resulted in large-scale civilian displacements, extrajudicial executions, house demolitions and arbitrary detentions. Despite its military campaigns, the government has been unable to reassert its control of the northern areas which have also been the scene of serious human rights' violations committed by both the military and Taliban groups.

In addition to these problems, there are growing concerns about radicalisation, including of EU nationals travelling to Pakistan to receive terrorist training in camps in remote regions. The 9/11 Commission Report describes Pakistan's religious schools, or madrasas, as "incubators of violent extremism".⁷⁸ However, the fact that many of the perpetrators behind some of the most spectacular attacks in the West in recent years have been highly educated and never attended madrasas suggests that the radicalisation process occurred elsewhere.

EU assistance

Given all these considerations, it is perhaps not surprising that Pakistan has emerged as a key focus for the European Union. EU cooperation with Pakistan is guided by the 3rd General Cooperation Agreement which entered into force in 2004. Since 1976, when cooperation started, the Commission has spent more than €500 million on various projects and programmes in the country.⁷⁹ This has mainly been channelled through the Development Cooperation Instrument (DCI) and the European Instrument for Democracy and Human Rights (EIDHR).⁸⁰

Under the framework of the DCI, the Commission has earmarked €398 million for Pakistan for the period 2007-13.⁸¹ On 19 April 2009, the Commission adopted a new three-year €225 million programme under the IfS to fight terrorism and support capacity-building in key third countries, including Pakistan.⁸² According to the counter-terrorism coordinator's 26 November 2009 Update on the EU Action Plan on Combating Terrorism, there are several concrete counter-terrorism assistance projects currently in development under the IfS.⁸³

Police and law enforcement reform

During the first-ever EU-Pakistan Summit, held in Brussels on 17 June 2009, the EU re-affirmed its commitment to cooperate with Pakistan in the fight against terrorism, both within the UN framework and bilaterally. Such cooperation would entail a long-term strategy focusing on improving civilian law-enforcement structures, in particular by offering support to Pakistan's police forces.

Rule of law reform and border control

During the same meeting, the EU also pledged to cooperate with Pakistan on the rule of law. A review of Commission-funded activities⁸⁴ under the EIDHR 2000-06, reveals that out of 30 projects in Pakistan, only three can be considered as having counter-terrorism relevance: 'Capacity-building and social rehabilitation of victims of torture in NWFP', 'Rehabilitation programme for victims of torture', and 'Provincial level capacity-building of relevant stakeholders on counter-trafficking'.

These aim to rehabilitate victims of torture and prevent the use of torture. One of them also aims to prevent human trafficking in the border region of the North-West FATA Province, and although the project description makes no reference to terrorism, it could be seen as supporting the implementation of one of the measures called for under UN Security Council Resolution 1373: the prevention of illegal migration, which could allow terrorists to move across borders.

Human rights' violations are an important factor to consider when analysing the appeal of terrorism, and these projects may be seen as relevant to counter-terrorism since they help to prevent torture and to address past grievances. It is also somewhat surprising that for a country that is a priority for the EU in terms of counter-terrorism, only three projects out of the 26 funded under the EIDHR can be considered relevant to counter-terrorism.

Challenges facing EU assistance

The website of the Commission's delegation in Islamabad reveals that the Commission plans to launch an anti money-laundering project in Pakistan. It has not yet done so, a delay for which the Commission blames the Pakistani authorities, claiming that without the necessary legislation in place this project simply cannot materialise.⁸⁵ However, it has also been suggested by officials interviewed for this paper that the delegation in Islamabad has become more reluctant to undertake counter-terrorism projects unless they are clearly guided by the Instrument for Stability (IfS). The previous anti money-laundering project was planned under another instrument, the Development Cooperation Instrument (DCI).

This reluctance to use certain instruments in Pakistan may result from the European Court of Justice's annulment of the Commission's decision to fund a border-management project in the Philippines in 2004.

This followed a complaint from the European Parliament that in deciding to fund this Philippines' project, the Commission had exceeded its powers and that the Regulation on which the decision was based could not be interpreted as allowing this type of project to go ahead. In its ruling, the Court agreed with the Parliament and the Commission's decision was subsequently annulled.⁸⁶

As a result of this decision the Commission delegation in Pakistan has been reluctant to get involved in counter-terrorism issues,⁸⁷ The legal uncertainties introduced by the decision may also explain why the Country Strategy Papers contain limited information about terrorism: all references to the fight against terrorism and the implementation of the UN Security Council Resolution 1373 were deleted from these papers following the Court ruling. Additionally, in the list of projects for 2007 and 2008, the anti money-laundering project (mentioned above) was labelled as part of the "fight against terrorism", while in the 2009 list, the reference to the "fight against terrorism" has been left out.

Another reason for the EU's limited technical assistance to Pakistan has been the hesitancy of some EU Member States to promote EU-wide security cooperation with Pakistan. Some have strong bilateral ties with Pakistan: the UK in particular is already actively undertaking efforts to curb terrorism in Pakistan, supporting the country's security forces with counter-insurgency training, and training Pakistani police and intelligence actors on counter-terrorism.

Indonesia

Situation assessment

Since the fall of the Suharto regime at the end of the 1990s, Indonesia has worked hard to transform itself from a dictatorship into a state guided by democratic principles. Although it has come a long way, witnessing the peaceful transition of power through democratic elections, much still needs to be done. Like many states experiencing political transition, Indonesia suffers from widespread corruption. Transparency International ranks it 126th out of 180 countries.⁸⁸ Although corruption remains a serious problem, World Bank governance indicators suggest that Indonesia is developing in the right direction.⁸⁹

Still, there are other, more troubling, reports. According to a 2008 survey by the Political and Economic Risk Consultancy (PERC), Indonesia had the worst judicial system in Asia. Furthermore, Freedom House, citing findings by Transparency International, notes that more bribes are being paid within the judiciary than in any other government sector, including the police force.⁹⁰

In its July 2008 report, the United Nations Committee against Torture expressed concerns about:

"ongoing, credible and consistent allegations...of routine and widespread use of torture and ill-treatment of suspects in police custody...ongoing, credible and consistent allegations...of routine and disproportionate use of force and widespread torture and other cruel, inhumane and degrading treatment or punishment by members of the security and police forces...especially in Papua, Aceh and in other provinces where there have been armed conflicts."⁹¹

The report states that Indonesia lacks an effective independent monitoring mechanism on the situation of detainees. Furthermore, although Indonesian authorities have taken significant steps to halt the radicalisation of inmates, problems associated with prison overcrowding remain.⁹² A clear illustration of the need to improve correctional treatment is shown by the fact that the Bali bombers managed to recruit a prison warden to the *jihadi* cause,⁹³ and were even able to use a laptop and a mobile phone inside the prison.⁹⁴

The main terrorist group in Indonesia is the *Jemaah Islamiyah* (JI). Formally established in 1993, the JI is perhaps best known for the 2002 Bali bombings which killed more than 200 people, mainly Western tourists. Estimates by the International Crisis Group in 2007 suggested that at that time JI had more than 900 members spread across Indonesia.⁹⁵

The organisation relies heavily on the loyalty of family members and is extremely difficult to penetrate. According to the Singapore newspaper, the *Straits Times*, Indonesian intelligence agents have discovered a complex web of more than 100 marriages involving family members of key JI leaders, members and their operatives across the region.⁹⁶ In addition, “more than 30 marriages were woven through 10 attacks”.⁹⁷ Although the security threat is not yet under control, Indonesian security authorities have had considerable success in tracking down violent extremists, including the JI, thanks to its strong and effective counter-terrorism police force.

EU assistance

The Commission’s cooperation with Indonesia has primarily been focused on education, economic development, good governance, and law enforcement. Counter-terrorism-relevant activities in the country have so far been limited to law enforcement reform.

Police and law enforcement reform

The 2007-13 Country Strategy Paper for Indonesia notes that Commission counter-terrorism support will primarily be realised through supporting anti money-laundering activities and offering assistance to the Jakarta Centre of Law Enforcement Co-operation (JCLEC). The JCLEC successfully concluded its first National Counter Terrorism Investigations’ Management Course, which was sponsored by the Commission and the United Kingdom, in 2006. Participants included 25 senior Indonesian national police officers involved in counter-terrorism policing throughout Indonesia .⁹⁸

Several states are also supporting JCLEC on a bilateral level. For instance, France and the United Kingdom, together with Australia and the United States, have offered capacity-building support for JCLEC initiatives on correctional treatment.⁹⁹ Additionally, the Indonesia Strategy Paper for 2007-13 also mentions that “Indonesia can be expected to benefit from activities funded under the Instrument for Stability...in the security area (e.g. counter-terrorism), the area of governance and of law enforcement.”¹⁰⁰

Challenges facing EU assistance

The EU’s limited cooperation with Indonesia can be explained by the Commission’s lack of experience and means in this field,¹⁰¹ as well as by the fact that the Commission has lowered funding related to security issues in Indonesia in recent years. A further problem is the Indonesian government’s failure to properly manage donor coordination, as the weakness in coordinating funds and programmes has slowed down cooperation. According to one official, far-reaching changes are required within the administration before the reform process will gather pace.¹⁰²

The inefficiency of the Indonesian administration can be traced to a lack of education among those employed within the government, and to the existence of corruption. Salary levels remain low and jobs within the administration are not viewed as prestigious. This problem stems from the fact that only 30% of the budget for Indonesian police and the military comes from the government, while the remaining funds have to be raised from alternative sources – which, in turn, fuels corruption further. The elite and the best-educated are therefore not interested in joining the government administration.¹⁰³

Indonesia and the existence of JI illustrate the ambiguous role of education in accounting for terrorism. While there are some 14,000 madrasas in Indonesia, only 30 of these are believed to be linked to violent extremists such as JI.¹⁰⁴ Even when it has been determined in which madrasas extremists have been recruited, the complex network structure of JI makes it difficult to influence group members, so efforts to close down a madrasa will most likely have limited effects.

IV. Key challenges

The case studies reveal common problems in how the EU prioritises, mobilises and delivers assistance to third countries. Those problems can be grouped roughly into four categories: the receptiveness of third countries, the willingness of EU Member States to cooperate, the coordination of EU institutions and delegations, and the coherence of the international community.

The receptiveness of third countries

Effective cooperation between the EU and third countries depends largely on the latter's willingness and ability to cooperate, as political considerations (on both sides) often lead to symbolic gestures rather than concrete moves towards cooperation.

Of the five countries surveyed, both Algeria and Yemen demonstrate that they simply lack the willingness and/or the necessary wherewithal to undertake reforms and implement projects proposed by the Commission in support of UN Security Council Resolution 1373. Morocco and Pakistan show similar reluctance to working effectively with the Commission, instead favouring bilateral cooperation with individual EU Member States.

By the same token, much depends on the Commission's relationship with third countries on the ground. In some of the countries examined, the Commission has an office, but local relationships are not well developed or are undermined by competing relationships. In addition, the heavy presence of the USA in some countries (particularly Pakistan and Yemen) undermines matters, while in others, EU Member States themselves undermine Commission initiatives.

Another finding is the hesitancy of some leaders in third countries to implement reforms that may threaten their own interests and privileges. This is a historical and universal problem, but rears its head in the case of EU counter-terrorism efforts too. Anti-corruption and judicial reform initiatives can suffer in the face of vested interests.

The willingness of EU Member States to cooperate

Third countries retain a basic preference for bilateral cooperation with individual European members, as opposed to having EU-wide cooperation facilitated by the Commission. This is especially true in Algeria and Morocco, which because of historical ties and a tradition of intelligence cooperation, maintain close ties to France and Spain, respectively. Pakistan's close cooperation with the United Kingdom in the field of counter-terrorism has also been frequently noted.

It is easy to predict that in cases where EU Member States possess strong strategic interests of their own, they may bypass the EU by pursuing relations at a bilateral level, or alternatively, they may seek to 'instrumentalise' EU initiatives to benefit national interests. However, without the support of key Member States the EU will have difficulties designing and implementing a common approach to third countries. Individual Member State actions frequently impede EU assistance, as illustrated by the French demand to include Morocco in the African Centre for the Study and Research of Terrorism (ACSRT) programme (though Morocco is not a member of the African Union), which caused Algeria to protest. There are also examples of cases when the Commission and EU Member States both supported the same programme, such as the ACSRT and the Jakarta Centre of Law Enforcement Co-operation (JCLEC). While this in itself may not be a problem, it brings up the issue of how well the Commission's assistance activities are coordinated with those of EU Member States.

The Commission's aid packages in Algeria and Morocco were the first to be designed in close cooperation with Member States, via the Council Working Group on Counter-Terrorism (COTER) 'International Aspects'. At present, COTER also coordinates the delivery of technical assistance provided by the Commission and EU Member States to Indonesia.

There is a network of national counter-terrorism experts to train security forces in third countries, but such programmes have suffered both from a lack of coordination and a lack of trainers to be sent abroad. In the wake of the Lisbon Treaty's ratification, structural reform is underway in the Council and its working groups, and discussion is also ongoing as to how to enhance COTER's coordinating capacity.

Coordination of EU institutions and delegations

The case studies point to the importance of internal dynamics within the Commission, as well as its relations with other European Union institutions. The smooth operation of several programmes was obstructed by the internal face-off between DG JLS and DG Relex. The question of which department should lead on migration issues in Algeria (which DG JLS 'won') is a prime example of the difficulties of ensuring Commission coherence.

The Lisbon Treaty will restart many of these turf-battles following administrative reorganisation. DG JLS, which until recently answered to two separate Commissioners, has now been divided into two – possibly weakening the influence of the new DG for Home Affairs within the Commission. DG Relex will be similarly weakened when the External Action Service begins to function autonomously, since much of its expertise and authority will be transferred out of DG Relex. The prospects for Commission coherence are covered in the final section of this paper.

Another finding is the reluctance of Commission delegations to carry out counter-terrorism projects unless they are clearly guided by the Instrument for Stability (IfS). It seems that the controversy surrounding the Philippine border-management project and the dispute with the European Parliament on this issue has led to a cautious hesitation by the Commission to undertake projects, despite their authority to do so with other legal instruments.

The anti money-laundering project in Pakistan is one example of a project planned under the Development Cooperation Instrument (DCI) but never carried out. Another example is the European Neighbourhood Policy, which has a counter-terrorism component but which has never been used to promote counter-terrorism initiatives. While it is true that the establishment of the IfS has improved the Commission's work in the field of counter-terrorism, it still seems unfortunate that units within the Commission are hesitating to undertake legitimate and much-needed projects.

The capacity of Commission delegations also appears problematic. Two respondents suggested that the lack of projects undertaken by the Commission reflected its own lack of experience and means in the field of counter-terrorism.¹⁰⁵ This raises important questions about the Commission's ability to assist third countries, as from this perspective, it is not so much the receiving countries' unwillingness or inability to make use of assistance, as the constraints within the Commission itself.

A final finding is the increased 'securitisation' of the EU's external activities, especially in the Mediterranean region. EU activities in the areas of strengthening judiciaries, police forces and other law-enforcement capabilities have intensified in recent years. Yet the promotion of democracy and the rule of law appear in many cases to have received insufficient attention, despite the fact that these issues are often considered critical as a part of a long-term terrorism-prevention strategy. One reason for this might be Resolution 1373's narrow focus on law enforcement and other security issues to the detriment of broader policy questions.

Coherence of the international community

Finally, the relationship between the EU and other international institutions can best be described as 'hit-or-miss'. Since 2002, the EU has prioritised cooperation with the UN and has taken significant steps towards implementing UN Security Council Resolution 1373.

The EU recently extended cooperation with the Counter-Terrorism Executive Directorate (CTED) as a part of the global counter-terrorism outreach component of the Instrument for Stability. To work through the UN

framework, COTER coordinates UN member states' efforts to introduce new UN instruments and to strengthen existing UN instruments. In its dialogue with third countries the EU promotes compliance with relevant UN resolutions, universal ratification and implementation of all Conventions and Protocols, and full implementation of the UN Global Counter-Terrorism Strategy. However, of the cases studied in this paper, only in Algeria and Morocco did EU experts join UN teams on counter-terrorism fact-finding missions.¹⁰⁶

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V. The path ahead

This issue paper has focused on the EU's capacity to provide technical assistance to third countries in the area of counter-terrorism. Based on the findings above, we recommend the following measures for improving EU external counter-terrorism initiatives and for increasing policy coherence at national, European, and international levels.

Recommendations for EU governments

- **Involve other EU partners in the setting of national counter-terrorism assistance policies.** Many European governments formulate their counter-terrorism policies in isolation from those of other governments. Improved 'upstream' information-sharing amongst governments would help to end fragmentation and overlapping policies.
- **Develop shared metrics for evaluating the success of national assistance programmes.** Although money is being spent at national levels, few countries can confidently evaluate whether this is being spent wisely. Sharing means for evaluating the success of assistance programmes, by building on 'best practices' found in various EU Member States, would increase the accountability of both national programme administrators and recipient countries.
- **Consider a stronger 'analytical' role for the EU in identifying gaps and overlaps in national policies.** Some national governments are reluctant to allow the EU to influence national priority setting. But this reluctance is counter-productive. Analysis by EU officials (either the Commission, or the Council General Secretariat) may not be unbiased, but it can provide a useful analytical picture of the national and EU policy landscape.
- **Create a standing 'assessment team' for verifying needs in the field.** Missions to EU-targeted countries tend to be poorly-organised and fragmented between national delegates, EU representatives, and international organisation officials. The facts extracted from these missions tend to be spotty, at best. A national capitals-based, operational network of counter-terrorism experts could help bridge differences between institutions and provide a more balanced assessment.

Recommendations for EU institutions

- **Improve analytical capacity for monitoring national counter-terrorism policies in Europe.** A clear value-added of the EU is its ability to take a 'bird's eye' view of national policies. When national agendas shift, or gaps and overlaps in counter-terrorism aims become apparent, the EU can alert Member States to problems and encourage a comprehensive European approach.
- **Improve analytical capacity for assessing counter-terrorism needs abroad.** The EU can identify emerging needs in foreign countries and thus alert Member States of growing problems and rationalise Europe's currently fragmented initiatives.
- **Clarify the role of the High Representative/Vice President in external counter-terrorism activities.** On balance, the new HR/VP role should improve the EU's coherence in international affairs. But the Commission's services will reserve their own rights and responsibilities, especially in counter-terrorism activities. Attention must be given to the HR/VP's role in counter-terrorism and a *modus operandi* drawn up between the new External Action Service and Commission.
- **Sharpen the tasks of COTER (Council Working Party on the international aspects of terrorism).** Not all Member States use COTER as well as they could, and its role and tasks should be clarified and its coordinating role strengthened. Member States should be encouraged to use COTER as a main source of information gathering, agenda-setting, and point of contact with the Commission. Diplomats could be joined by terrorism experts in COTER to leverage the political and technical elements of external counter-terrorism.
- **Improve the capacity of EU delegations.** EU delegations (previously Commission delegations) are currently understaffed and poorly equipped to oversee counter-terrorism initiatives. The new External Action Service must provide a boost to delegations' staffing and resources, specifically in the areas of security and counter-terrorism (including protecting the delegations themselves). In countries where the EU is heavily involved in counter-terrorism assistance, new offices should be considered.

- **Reduce programme ‘pipelines’.** Too much time elapses between counter-terrorism initiatives and the release of funding. A clear specification of instruments available for counter-terrorism funding should be made, and if necessary, all initiatives guided by the Instrument for Stability (IfS). Protocols for the External Action Service (see above) to use the IfS should be drawn up immediately.
- **Leverage EU Member States’ historical ties and bilateral relations with third countries.** There are contradictions and inefficiencies in the mix of EU and national initiatives for certain third countries. The Commission could explore making one national government the ‘lead state’ on a particular issue towards a single country, to leverage the EU’s voice and improve transparency and accountability. The Commission might also consider channelling EU assistance through individual Member States’ bilateral programmes with third countries, to enhance compliance.

Recommendations for improved EU cooperation with the international community

- **Improve coordination with ‘regional players’ such as the USA or Australia.** European counter-terrorism initiatives are not well synchronised with those of other countries focused on a specific region. The EU and the USA could operate under a single framework of objectives in the wider Middle East, for instance, while the EU and Australia might do the same in South-east Asia.
- **Prioritise partnerships in the international community to improve ‘absorption capacity’ in third countries.** Many of the problems facing the EU’s role in counter-terrorism abroad stem from third countries’ inability, and lack of capacity to receive and deploy aid. Working with the international community, a focus should be placed on improving these countries’ general absorption capacity as a pre-requisite to effective counter-terrorism assistance.
- **Work with the UN Counter Terrorism Committee to revive attention to UN Resolution 1373.** Attention to UN Resolution 1373 is flagging in several countries prioritised by the EU. A combined push by the EU and the UN Counter Terrorism Committee (and its executive directorate, CTED) to refocus attention on Resolution 1373 as a mandate and an organising principle for assistance would help revive attention on counter-terrorism issues. UN and EU joint fact-finding missions could also build coherence in the international community.
- **Support regional counter-terrorism centres.** Regional centres such as ACSRT and JCLEC show promise as a way to increase regional communication and create reliable partners in counter-terrorism. The EU should support these centres in two ways: first, by increasing funding for operations and initiatives; and second, by enhancing cooperation between Europol and regional centres.

The time is ripe to implement these practical reforms. The institutional environment of EU external policy-making is currently in flux, thus opening a window to make meaningful changes before new EU roles are defined and new policies put in place. Moreover, the upcoming ten-year anniversary of the 11 September 2001 attacks affords an opportunity to take stock of the EU’s effectiveness in specifically fighting terrorism, and in general playing a more constructive role on the world stage.

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Endnotes

1. Our criteria for determining whether a specific EU technical assistance programme should be considered counter-terrorism relevant takes into consideration programmes related to terrorism, both directly and indirectly, including judicial and law enforcement capacity-building as well as corruption and organised crime activities. Excluded from the scope of this study are programmes aimed at poverty reduction and education since these programmes, although important as a part of a comprehensive approach, are too broad for a paper of this size.
2. Both Algeria and Morocco have been identified as priority countries in need of technical assistance.
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Pakistan was once again identified as a priority country on which the EU should focus its support efforts, in a report by the counter-terrorism coordinator submitted to the Council. 14 May 2009, Document Number: 9717/09.
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