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The EU and U.S. Strategies against Terrorism and Proliferation of WMD: A Comparative Study

By Anna I. Zakharchenko



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The EU and U.S. Strategies against Terrorism and Proliferation of WMD: A Comparative Study

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Foreword

This paper is intended to give a comparative analysis of the strategies of U.S. and EU towards two major global security threats – terrorism and the proliferation of WMD. These threats, and especially their coupling, represent the gravest danger for world security in the beginning of the 21st century.

With the U.S. and EU being two of the most powerful actors in terms of economic weight, population, political and humanitarian influence, it is especially important to analyze their security strategies and see to what extent they converge/diverge and what future developments could await in the future.

The task of the paper is to analyze the respective documents of the EU and U.S. and official speeches and statements from 2001 to 2006, to compare strategy and tactics (“words and actions”), and to compare the views of two sides and analyze the changes that have taken place in that timeframe. As comparison between EU and U.S. strategies cannot be approached from the state-actor point of view, the approach is policy- rather than actor-centric.

While acknowledging that the matter in hand is enormous, the paper strives to take a comprehensive look at the differences and commonalities in the EU and U.S. approach in dealing with terrorism and proliferation as well as show that they [differences and commonalities] stem from the overall approach of EU and U.S. to global security and their own role in the world affairs. Many factors were omitted from the analysis to make it “crisp and clear” and the influence of such factors is subject for further studies.

A. Z.

1. EU and U.S. Strategic Outlook on the World

- Comparing the strategies
- Threats to global security and approaches to dealing with them
- Use of force and prevention vs. pre-emption
- Unilateralism vs. multilateralism
- View of the world and own role in it
- Preliminary conclusions

In order to analyze the respective strategies of EU and U.S. against terrorism and WMD, it is important to look at the overall security strategies of the EU and U.S., which define their approach to global security.

- Comparing the strategies

It is not completely correct to compare the two strategies, which would be a comparison between “apples and oranges”. Even though the documents are completely different (not only in contents but also in structure and size - 15 pages for ESS, 35 pages for NSS-02 and 54 for NSS-06), the ESS more a description of how the EU views the world and its place in it, while the NSS is a complete [national] security outline, one can still single out the distinctive EU and U.S. approaches to international relations.

The problem as to what extent the EU can present itself, and act as a single entity in matters of security, reveals itself in full when the Union’s policy is compared with that of the U.S. In matters of foreign and security policy the EU is not an actor who speaks with “one voice” - cooperation in the CFSP and ESDP areas has an intergovernmental character and the states retain full authority over foreign and defense policy¹.

However, by adopting strategies against terrorism and the spread of WMD at the end of 2005, the EU took a second, significant step [based on] the European security strategy of 2003, towards formulating its approach to dealing with global security threats. Those strategies explain the way the EU interprets its policy as a single actor on the world stage. It cannot be compared with the policy of a state in terms of decision-making and taking actions. Yet, it is a framework for the Union’s strategic posture in the world, which set principles for its action.

When comparing the strategies of the EU and U.S. one cannot leave out another strategy that unites them – the strategic concept of NATO. Yet it is inappropriate to form the three strategies into a triangle of comprehensive assessment, not all EU members are NATO members and vice versa, NATO being a collective defense organization, the U.S. being a state, and the EU being neither, rather an actor *sui generis*.

With the new NSS adopted in March 2006, one has to compare two national security strategies; that of the Bush administration with [that of an] European strategy. The NSS-2006 is an update, with difference in accents and details. The strategies of 2002 and 2006 will mostly be looked at as one document in this paper.

¹ For discussion of the EU foreign policy and the Union’s role in world affairs see, for example, *International Relations and the European Union*, Christopher Hill and Michael Smith, Oxford University Press, 2005; *The European Union as a Global Actor*, Charlotte Bretherton and John Vogler, Routledge, London, 2006.

It is worth noting that there have been no high-level strategic discussions between the EU and U.S. on the nature of modern security threats and the way to deal with them.² The EU-U.S. summit declarations usually state the willingness of both sides to cooperate in the realm of global security but offer no insight of common/different views.

- Threats to global security and approaches to dealing with them

The key threats according to the ESS are terrorism, proliferation of WMD, regional conflicts, state failure and organized crime. The EU points out the wide spectrum of challenges in the security environment, from the problem of good governance, poverty and disease to energy security.

The NSS agenda points out terrorism, regional conflicts, WMD proliferation, and promoting effective democracies and effective trade as main threats and challenges.

The U.S. sees rogue states as one of the biggest threats while the EU is more concerned about failing states, i.e. those that are impoverished, badly governed and present a threat to regional stability. Organized crime does not appear in the NSS as a threat at all while the EU points out links between crime and state failure and terrorism, conflict and crime.

The EU and U.S. share the view that terrorism coupled with WMD represents the greatest threat to global security and that the problems of “global insecurity” (failed states, unfair trade, etc.) can aggravate it, with the U.S. placing greater emphasis on “rogue states”.

The EU and U.S. leaders agree on the threats posing the greatest challenges to their societies and on their order of priority but not always on the methods and tactics employed to deal with those threats.

As Assistant State Secretary Daniel Fried pointed out, “European and American views on global challenges and the appropriate strategic approach to them in a post-9/11 world are increasingly in harmony, though we may sometimes differ on tactics”³. U.S. officials thus do not see a strategic divergence between the EU and the U.S. and believe that the American and European interests are “nearly identical” when it comes to dealing with the global threats⁴.

The EU points out common interests, values and objectives and the fact that EU and U.S. strategies in dealing with global security threats reinforce each other (which already means that they are different), in spite of the Europeans “bringing somewhat different approaches to the table and using a different language” than the U.S.⁵

² See, for example, Fraser Cameron, *The EU and U.S.: Friends or Rivals*, Australian National University, National Europe Center Paper No. 126, March 2004, p. 7.

³ *The U.S.-European Relationship: Opportunities and Challenges*, Testimony of Daniel Fried, Assistant Secretary of State for European Affairs, before the House of Representatives, Committee on International Relations, Subcommittee on Europe and Emerging Threats, March 8, 2006 (http://www.house.gov/international_relations/109/fri030806.pdf).

⁴ *A Renewed Partnership for Global Engagement*, R. Nicholas Burns, Under Secretary for Political Affairs, remarks at the European Institute Annual Gala Dinner, Mayflower Hotel, Washington DC, December 15, 2005 (<http://usa.usembassy.de/etexts/docs/burns121505e.htm>).

⁵ EU’s High Representative for the Common Foreign and Security Policy, Javier Solana, Interview with Euractiv, *EU Needs Stronger Partners*, March 7, 2006 (<http://www.euractiv.com/en/security/solana-eu-needs-strong-partners/article-153168>).

The interests and goals of EU and U.S. are thus “in essence”, as EU Commission President Barroso put it, the same.⁶ However, the ways to achieve the goals and to promote the interests differ.

Both strategies offer a complex view of the global security and a complex approach to counteracting the threats. The EU approach includes economic incentives, using diplomatic and political power, civilian crisis management, humanitarian aid, i.e. the accent is on “soft power” tools versus the American “hard power” approach, with the NSS emphasizing military power, defense and intelligence in order to confront modern threats. At the same time, force, as an absolute last resort, is not excluded from possible EU policy instruments. The NSS also points out the need to foster global economic growth, strengthen alliances, and promote development. The emphasis on force in the U.S. security documents is straightforward and not subtle. Rather, the U.S. emphasizes using all means of national power.

The controversial essay by American analyst Robert Kagan, who pointed out that Americans “are from Mars” and will choose military options, the Europeans are “from Venus” and would rather engage in dialogue and use indirect influence⁷, is thus corroborated only in part.

There is a wide gulf in the intensity of threat perception in the strategies – while the EU thinks that the combination of terrorism, proliferation, organized crime “could” present a radical threat, the U.S. is waging a “global war”⁸ against it.

The main difference between the threat perceptions lies in the fact that while for the U.S. the main threats come from the outside and the goal is to defend the homeland and “our way of life.” The EU sees the threats more as emerging from within, including the European society and its neighboring countries, having a goal of engagement in order to counteract those threats, and focuses more on dealing with problems presenting a threat to the whole of humanity and participating in building a better world because Europe itself “has never been more prosperous, secure or free”⁹.

The NSS can be compared to the ESS in its humanitarian dimension, speaking about the need to help people worldwide, championing aspirations for human dignity, calling on all states to work together to confront global security threats. However, the tactics employed to follow the strategic objectives almost obliterate the highly humane goals. The 2006 security strategy features more “conservative” slogans – that although military effort plays an important role, “peace and stability will last only if follow-on efforts to restore order and to rebuild are successful”, “the United States will not resort to force in all cases to preempt emerging threats”, taking action against the proliferation of WMD “need not involve military force” and although the strategy

⁶ “More than ever, Europe needs the United States and the United States needs Europe.” says European Commission President Barroso during a visit of U.S. Secretary of State Rice in Brussels, February 9, 2005 (<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/05/159&format=HTML&aged=0&language=EN&guiLanguage=en>).

⁷ See Robert Kagan, *Power and Weakness*, Policy Review, June 2002 (<http://www.policyreview.org/JUN02/kagan.html>).

⁸ *A Secure Europe in a Better World*, European Security Strategy, December 12, 2003 (<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>), emphasis added; National Security Strategy, September 2002.

⁹ ESS-2003.

reiterates the need to dissuade any military competitor to the U.S.¹⁰, it does not, like the NSS-2002, point out that “it’s time to reaffirm the essential role of American military strength”¹¹.

- Use of force and prevention vs. pre-emption

The strategic culture of the Europeans is one of “law, norms and peaceful settlement of disputes”¹² which is far-flung from the American messianic and forceful attitude towards the rest of the world. The EU, on the other hand, is not satisfied with its own strategic culture and calls in the ESS for fostering one that would include “early, rapid, and when necessary, robust intervention”¹³.

The actual military muscles of the EU have been growing – the battle groups concept, civil-military operating cell, European Defense Agency – all point out that the EU is getting its own military dimension. The question remains as to how willing the EU will be to use it.

The use of military force and the conditions of its use have long been an issue in transatlantic relations. Use of force, according to the EU, can only be legitimized by the UN Security Council. The European Security Strategy states that the EU strives to develop a legal-based international order where the UN has the main responsibility for maintaining peace and security. The importance of supporting the credibility of a multilateral system comes into conflict with the need for rapid responses to crises. The European parliament has since debated whether the EU could resort to use of force without a UN mandate¹⁴.

The EU is ready to act preventively - with the nature of new threats “the first line of defense will be abroad” - “before signs of proliferation are detected, countries around us deteriorate, and humanitarian crises emerge”¹⁵. The fact that the EU avoids strong statements on force/pre-emptive measures and clear definitions of its own position is characteristic of EU policy style, the ESS being crafted with “creative ambiguity”¹⁶.

Turning to the definitions of pre-emption and prevention, the meanings of which have changed in recent years¹⁷, the concepts, as defined by the NSS-2002, essentially mean forestalling action, one which has not yet taken place (pre-emption) and acting against an imminent attack (prevention). The EU adds another dimension to it with preventive engagement, meant to prevent state failure, conflicts and emergence of threats “with full spectrum of crisis management and

¹⁰ NSS-2006.

¹¹ NSS-2002.

¹² See Nicole Gnesotto, “EU, U.S.: visions of the world, visions of the other” in Shift or Rift - Assessing U.S.-EU relations after Iraq, edited by G. Lindstrom, Institute for Strategic Studies, 2003 (www.isseu.org/chaillot/bk2003.pdf).

¹³ ESS-2003.

¹⁴ European Parliament, *MEP's debate the use of force in international relations*, Public Hearing, Committee on Foreign Affairs, February 24, 2006 (http://www.europarl.europa.eu/news/expert/infopress_page/031-5495-054-02-08-903-20060220IPR05419-23-02-2006-2006-false/default_en.htm).

¹⁵ ESS-2003.

¹⁶ Claudia Major and Henning Riecke, *Europe's Little Blue Book*, “Internationale Politik” - Transatlantic Issue, Summer 2006, p. 48.

¹⁷ During the Cold War, “pre-emption” was taking action against a state about to launch an attack, “prevention” – against an enemy which might harbor such thoughts or be of risk in the future. See John Lewis Gaddis, *Grand Strategy in the Second Term*, Foreign Affairs, January/February 2005.

conflict prevention instruments”¹⁸. The U.S. is ready, if necessary, to act preemptively, i.e. before an attack and before the time and place of it are clear.

Pre-emption in that case is not an option for the Union - the EU WMD strategy states that when political and diplomatic measures have failed, “coercive measures under Chapter 8 of the UN Charter and international law could be envisioned”, with the UN Security Council playing a central role¹⁹. This can be considered prevention, i.e. acting against an imminent and visible threat, since measures to stop it will have already been taken.

Keeping in mind the complex machinery of the EU and its decision-making processes as well as the need for a consensus between the member states, coercion is a far-fetched option for the Union. The way, however, that the EU puts down its attitude towards the countries violating international norms – that “there is a price to be paid including in their relations with the European Union”²⁰ is remarkable for its toughness. The notion that other states need to comply with certain requirements in their relations with EU (and among others, those are counterterrorism and proliferation clauses) is already a “coercive” enough element for the Union.

- Unilateralism vs. multilateralism

Both strategies note that today’s global threats cannot be dealt with by any state alone and yet while the EU sees no other way than international cooperation, the U.S. is willing to act unilaterally when it’s needed. Moreover, even when enlisting support, the U.S. in its policy would rather rely on “coalitions of the willing” than on a UN resolution.

The EU emphasizes multilateralism as the main point of its foreign policy, because its “security and prosperity depend on an effective multilateral system”²¹

The U.S. policy is guided by “American internationalism”²² and the will to act alone and preemptively if necessary, although trying to enlist international support if possible. Disdain for multilateralism was especially apparent in the first term of the Bush administration. Multilateralism is rather a “parallel” strategy for the U.S. – that is, the U.S. follows the line of international institutions but only as far as it suits its interests, a “cherry-picking” strategy – creating “coalitions of the willing” with those countries that agree with U.S. views. In exercising its leadership, the U.S. “will respect the values, judgment and interests of our friends and partners” but “will be prepared to act apart when our interests and unique responsibilities require”²³.

The wording of the American strategy has changed. The NSS-2006 states that the U.S. “will not hesitate to act alone” in a more gentle manner resembling that of the national security strategies of the Clinton era. “We must be prepared to act alone if necessary while recognizing that there is little of lasting consequence that we can accomplish in the world without the sustained

¹⁸ ESS-2003.

¹⁹ *The EU Strategy against the Proliferation of WMD*, December 10, 2003 (Chapter 8 of the UN Charter already states that no regional agency will take action without the Security Council authorization).

²⁰ ESS-2003.

²¹ ESS-2003.

²² A foreign policy “guided by such fundamental principles as peace, prosperity and freedom”, the need to promote them and the “will to lead when we feel strongly about something”. See *American Internationalism*, U.S. Foreign Policy Agenda, Electronic Journal of the U.S. Department of State, Volume 8, No. 1, August 2003 (<http://usinfo.state.gov/journals/itps/0803/ijpe/ijpe0803.pdf>).

²³ NSS-2002.

cooperation of our allies and partners.”²⁴ No doubt that this part of the strategy is aimed at the international audience yet the simple fact of acknowledging it signals changes in the strategic thinking.

- View of the world and own role in it

Taking a closer look at the strategies, one can see the difference between the EU believing it only has to assume global responsibility and the U.S. pointing out its dominant role in the global security. In many ways, the strategic outlook of EU and U.S. has remained as Frances G. Burwell and Ivo H. Daalder described it in 1999 – the U.S. looks at things from a global point of view while Europeans – from a regional viewpoint. The U.S. prefers to act unilaterally, the Europeans – through international fora, the U.S. opt for military solutions while the Europeans would rather choose the political and economical methods of problem solving²⁵.

The ESS is careful about the limits for EU’s involvement in the world and although stating that the Union is already operating far beyond its borders, it is clear that the main interests lie in the nearest vicinity of the EU, including the Balkans, Russia, the CIS, the Middle East, as well as fostering cooperation with the Mediterranean countries and its traditional close ties with Africa. Further proof that the Union is more interested in several particular world regions rather than engaging in the whole world, can be found in other EU documents²⁶. The scope for EU global action is limited. Projecting its force across the whole spectrum and on a global level--which for the U.S. is a matter of course--is not the Union’s strategic aim.

The Union measures itself, its role in the world and its response to the current environment “against” the U.S. Part of the Union’s strategy in the international relations is a response to the conduct of the U.S. in the international arena.

The U.S. strategy clearly points out the American role in the world as that of the dominant actor setting the world’s political and security agenda: “the U.S. government will work to advance the human dignity in word and deed”, “we will harness the tools of economic assistance, development aid, trade and good governance”, “we will advance freedom”, on the whole – “the United States will lead and calls on other nations to join us [...]”²⁷. The U.S. has the “responsibility to lead” other nations.

The international community according to the NSS consists of “great powers competing in peace”. The place of the United States in this community is one of “unprecedented and unequalled strength and influence”. The main goal of the U.S. policy is to uphold this supreme position for as long as possible by “building and maintaining defenses beyond challenge”, “dissuading future military competition”, and limiting rivalries among great powers²⁸.

The European Union assesses the position of the U.S. in less glorified terms – it acknowledges that the U.S. has a “dominant position as a military actor” at the same time not mentioning its

²⁴ NSS-06, see also *National Security Strategy for a Global Age*, December 2000; *A National Security Strategy of Engagement and Enlargement*, February 1996.

²⁵ See *The United States and Europe in the Global Arena*, Frances G. Burwell and Ivo H. Daalder (Editors), London, Macmillan Press, 1999, p. 289.

²⁶ See, for example: *General Affairs Report 2005*, Chapter V, Europe as a global partner (www.europa.eu.int/abc/doc/off/rg/en/2005/rg105.htm), *EU General Report 2004*, Chapter XVIII, External relations – general, Common foreign and security policy (<http://europa.eu/generalreport/en/2004/pt0534.htm>).

²⁷ NSS-2006.

²⁸ NSS-2002.

influence in other areas. The NSS, however, does not mention the evolving role of the Union and the resulting consequences for the transatlantic security relationship. The EU is mentioned in the NSS-2006 in several instances – an “applause” for having included Hamas in its terrorist list, as an entity enhancing its peace building and reconstructing capabilities and as a partner of NATO with whom it is developing closer ties²⁹.

The security environment of the post-Cold War world, according to the NSS, has “undergone a profound transformation”, moving from confrontation to cooperation but at the same time new deadly challenges have emerged, with a battle against a new totalitarian ideology taking place³⁰. The ESS notes that the post-Cold war environment is one of “increasingly open borders in which the external and internal aspects of security are indissolubly linked”.

The ESS states that “Europe should be ready to share in the responsibility for global security”³¹. The words used in the strategy – if, should and the future tense allow to make a conclusion that the EU is only beginning to emerge as a global actor. The responsibility is rather “falling” on the Union because of its “sheer size and weight”.

European analyst C. de Jonge Oudraat argues that the EU and U.S. do not have differing worldviews but “different cost-benefit calculations”³² concerning involvement in world affairs. In any case, the approach to the security threats and to the world affairs is different.

The U.S. generally makes the impression it sees the world in black and white terms (quoting from President Bush, “fight against evil”, “either you’re with us or with them [terrorists]”³³) while the EU has a more sophisticated approach, seeing the world in all hues. This also creates for misunderstandings [among partners when] dealing with the global security threats.

- Preliminary conclusions

The U.S. has put pressure on the European Union to accept the priority of terrorism and WMD in its external relations and make them primary aspects of cooperation. This was done mostly by “persuasion” which is the foremost strategy employed by the U.S. towards its allies³⁴. In many aspects the EU is just a follower, bending to the U.S. pressure or accepting its agenda-setting. However, there is also space for a separate EU role with its long-term “soft” influence. The EU is able to set its own agenda in areas where the Union has specific capabilities, like human rights, and to defend its position and differences in approach also in front of the U.S.

²⁹ NSS-2006.

³⁰ NSS-2002.

³¹ ESS-2003.

³² Chantal de Jonge Oudraat, *The Future of U.S.-European Relations*, in Wars on Terrorism and Iraq : Human Rights, Unilateralism, and U.S. Foreign Policy, edited by Thomas G. Weiss, Margaret E. Crahan and John Goering, Routledge, New York and London, 2004, p. 177.

³³ *Address to a Joint Session of Congress and the American People*, President George W. Bush, September 20, 2001. (<http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>)

³⁴ See “Defining U.S. Foreign Policy in a Post-Post-Cold War World”, Richard N. Haass, Director Policy Planning Staff. The 2002 Arthur Ross Lecture, Remarks to Foreign Policy Association, New York. April 22, 2002. (<http://www.state.gov/p/us/rm/18900.htm>)

Cooperation on counterterrorism and WMD proliferation has become since September 11 the cornerstone of the transatlantic relations despite the disagreements over Iraq, with especially positive results in counterterrorism, law enforcement and intelligence-sharing areas³⁵.

The analysis of the EU and U.S. strategies allows one to conclude that while the EU voices readiness to use force when necessary, the U.S. has realized the importance of international support in dealing with national and global security threats. While the U.S. strategy has “softened” and diplomatic solutions are given the priority (U.S. policy under the second Bush administration is “on a different trajectory”)³⁶, the EU is trying to “harden” its strategy, stating the will to use all instruments in its policy, including military ones.

The differences in approaches still remain because the commonality of values and interests is not easy to translate into a commonality of approach. Yet officials on both sides on the Atlantic believe it will not hinder practical cooperation.

³⁵ See “Issue of Secret Camps Strains U.S.-EU Relations”, Brian Knowlton, International Herald Tribune, November 29, 2005.

³⁶ *The End of the Bush Revolution*, Philip Gordon in Foreign Affairs, July/August 2006, p. 75.

2. Comparison of EU and U.S. Strategy in Fighting Terrorism

- *What kind of threat?*
- *Terrorism as U.S. priority*
- *EU and terrorism*
- *Practical cooperation between the EU and U.S.*
- *Definition of terrorism and perception differences*
- *Grass roots and “war of ideas”*
- *Human rights and civil liberties*

- *What kind of threat?*

It seems that for the U.S., most global security developments are connected with terrorism. Since the terror attacks of 9/11 “fighting and winning the war on terrorism” has become the number one priority for the U.S. which Secretary of State Powell (2001-2005) pointed out as being “natural”³⁷.

Nothing has changed in that respect. In 2006, when an updated version of the National Security Strategy was published, President Bush described it in the foreword as a wartime strategy. The most immediate challenge still remains “defeating terrorists who would destroy the United States and our way of life”³⁸. The U.S. remains “at war” and cannot fully grasp why “some Europeans are reluctant to use the term “war” to refer to our common confrontation with global terrorism”³⁹.

It is hard for the Europeans to agree with such an attitude, which they see as simplistic. As French Foreign Minister Hubert Vedrine said in 2002, “For George W. Bush all the world’s problems come down to terrorism”⁴⁰.

For Europe, 9/11 has not been an event to shake the foundations of their worldview. Large-scale terrorist attacks have until recently not been an imminent threat for Europe and have not been a danger to be expected on its own soil in spite of the vast experience with “domestic” terrorism.

The terror attacks in Madrid in 2004 and London in 2005 have been turning points for the EU to realize it must lay out its own policy towards “new” terrorism. But the realization that the EU must formulate its own foreign and security policy principles on which all member states should agree came much earlier, during the Iraq crisis of 2003, which threatened to undermine the whole CFSP concept. The foundations of EU policy towards global threats were laid out in the European Security Strategy.

Although the terror attacks on European soil moved terrorism to top of the list on the EU policy agenda (especially since the London bombings coincided with the UK presidency of the EU), they haven’t drastically changed the assessment of terrorism as a threat to Europe. From the American point of view, “Despite the attacks in London, Madrid, and Turkey, many view the threat of catastrophic terrorism, possibly including weapons of mass destruction, as rather

³⁷ A *Strategy of Partnerships*, Colin Powell in Foreign Affairs, January/February 2004, p. 25.

³⁸ *Press Briefing on the National Security Strategy* by Dr. Jack D. Crouch, Deputy National Security Advisor, White House, March 16, 2006 (<http://www.whitehouse.gov/news/releases/2006/03/20060316-15.html>).

³⁹ William Pope, Acting Coordinator for Counterterrorism at the State Department, New Defense Agenda Conference on “*Towards an EU Strategy for Collective Security*”, Brussels, February 3, 2005 (<http://www.useu.be/Terrorism/EUResponse/Feb0305PopeCTIssues.html>).

⁴⁰ Quoted from Steven Erlanger, *Germany Joins Europe’s Cry that the U.S. won’t Consult*, The New York Times, February 13, 2002.

abstract and, in any event, aimed more at America's homeland and overseas interests than at Europe's”,⁴¹.

- Terrorism as U.S. priority

The most significant characteristic of the U.S. approach to terrorism is that the nexus between terrorism, WMD and “rogue states” is considered to be the greatest threat to national and global security. This link has been the focus of U.S. policy since 9/11.

The priority of the U.S. agenda in 2006 is still terrorism, but the approach has been modified. Although the National Strategy for combating terrorism (2003) mentioned the importance of dealing with the root causes, the main attention was devoted to protecting the American homeland. By the middle of 2006, the U.S. approach also included the “battle of ideas”, that is outreach to moderate Muslims, promoting freedom, democracy, fighting poverty and unstable conditions in countries in which societies are prone to accept the terrorist ideology. And while all this had been a part of the National Security Strategy of 2002, at that time it had been minor focus unnoticed (the war on terror was described by the U.S. leadership as a war for the rights of human kind and a “war of ideas” from the very start), overshadowed by preemption, whereas in 2005-2006 support for freedom and democracy and fighting against tyranny has been widely promoted in official speeches and statements.

“The advance of freedom and human dignity is the long-term solution to the transnational terrorism of today”, proclaims NSS-2006. According to the strategy, democracy provides “a counter” to all factors in defeating terrorism⁴².

The U.S. strategy to combat terrorism consists of four pillars – (1) defeat terrorists and their organizations, (2) deny sponsorship, support and sanctuary to terrorists, (3) diminish the underlying conditions, and (4) defend U.S. citizens and interests at home and abroad⁴³. The U.S. will use all “elements of national power” to combat this threat, but emphasizes “aggressive action”. The U.S. “will lead the fight” against terrorism for it has the “unique ability to build partnerships and project power”⁴⁴.

Military operations comprise a large part of U.S. international strategy – operations in Iraq, Afghanistan, Djibouti and Philippines are all considered to be anti-terrorism operations⁴⁵. One must however underline that the emphasis on force in the document is (-s are) more subtle than described by many commentators. The U.S. notes that it will use all elements of national and international power and cannot “triumph solely or even primarily through military might”⁴⁶.

NSS-2006 highlights that the U.S. is devoting more attention to international support – only “effective multinational efforts” can solve the global security problems⁴⁷ - and to methods other than use of force.

⁴¹ *Four Strategic Challenges to Transatlantic Security Relations*, remarks by Leo Michel, Senior Research Fellow, Institute for National Strategic Studies, Milan, June 6, 2006 (http://milan.usconsulate.gov/news/NE_ENG_0606_06_ISPI_Michel.htm).

⁴² NSS-2006.

⁴³ *U.S. National Strategy to Combat Terrorism*, February 2003.

⁴⁴ *U.S. National Strategy to Combat Terrorism*, February 2003.

⁴⁵ See *Terrorism and National Security: Issues and Trends*, CRS Brief for Congress, updated March 9, 2006 (www.fas.org/sgp/crs/terror/IB10119.pdf).

⁴⁶ *U.S. National Strategy to Combat Terrorism*, February 2003.

⁴⁷ Preface by President George W. Bush. *National Security Strategy*, March 2006.

Military solutions still play an important role - in February 2006, the U.S. Department of Defense issued the National Military Strategic Plan for the war on terrorism describing the significant role of the U.S. military in achieving the overall strategic objectives in the “global war on terror”.

To give a balanced analysis of the U.S. strategy one must point out that the U.S. also attaches significance to “soft power” tools, which are actually named first in the list – “diplomatic, economic, law enforcement, financial, information, intelligence, and military”⁴⁸ instruments will all be used to defeat terrorism.

- EU and terrorism

The EU had reacted to 9/11, setting in motion a series of actions connected with closer cooperation between the member states in criminal matters, including an EU-wide arrest warrant, transport safety etc., for “the Union must have common instruments to tackle terrorism”⁴⁹. This was the start of the EU anti-terrorism policy (although the Union had counterterrorism measures even before 2001 which were included in the judicial and home affairs cooperation) which has, to date, brought such results as a European-wide arrest warrant; appointment of a counterterrorism coordinator, Gils de Vries; reinforcement of intelligence cooperation, concrete steps in fulfilling the action plan against terrorism (heightened airport security etc.)

The declaration on combating terrorism (2004), counterterrorism strategy (2005), conceptual framework on the ESDP dimension on the fight against terrorism, anti-radicalization strategy (2005), EU action plan on combating terrorism (2004) taken together form EU’s counterterrorism policy. The separation of EU antiterrorism strategy into a counter-terror strategy and an anti-radicalization strategy points out the importance attached by the EU to the ideological aspect of dealing with terrorism.

EU counterterrorism strategy consists of four pillars – prevent, protect, pursue and respond, and includes first of all “soft power” tools (information, intelligence and int. sharing, collective policy responses, legal and police instruments, and international cooperation). “Hard measures” for the EU include, for example, “prohibition of satellite broadcasts inciting terrorism”⁵⁰. The role of civil agencies like Europol and Eurojust is strongly emphasized.

Terrorism is a threat that Europe has struggled with long before 9/11, and it has for most of the time come from domestic sources, which explains why the EU sees terrorism as a problem to be dealt with by law enforcement means and not by military ones. As to the external dimension, the EU works on encouraging international efforts to combat terrorism, including the signing and ratification of international conventions and cooperation with other countries in pursuing terrorists, freezing their finances etc.

The EU, although having supported the U.S. action in Afghanistan, did not approve the mainly military response to 9/11. Already in October 2001 the EU, expects measures to freeze terrorist funding and heighten transport safety, undertake (or emphasize) political dialogue, humanitarian

⁴⁸ U.S. National Strategy to Combat Terrorism, February 2003.

⁴⁹ Europe must have Common Instruments to Tackle Terrorism, Brussels, September 19, 2001 (<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/01/1284&format=HTML&aged=0&language=en&guiLanguage=en>).

⁵⁰ Communication from the Commission to the European Parliament and Council, concerning “Terrorism Recruitment: Addressing the Factors Contributing to Violent Radicalization”, September 21, 2005 (http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0313en01.pdf).

and development assistance as measures needed to combat terrorism⁵¹. According to the Europeans, the campaign against terrorism should have first included “diplomatic measures, sanctions and intelligence cooperation”⁵². Large-scale use of force is less (or much less) suited to counteract terrorism, according to the European point of view. It is considered to be a “blunt” instrument, the Europeans attaching more importance to long-term strategies encompassing judicial work, counterintelligence and conflict prevention⁵³.

The EU approach to terrorism, although defined as a challenge for the Union as a whole, remains subject to the intergovernmental character of EU security cooperation. The EU counterterrorism strategy notes that member states have the lead role in preventing radicalization and providing the emergency response to a terrorist attack and primary responsibility for combating terrorism. The Union, however, should also have the capability to “respond in solidarity to an extreme emergency which might overwhelm the resources of a single member state”⁵⁴. A solidarity clause requiring member states to offer assistance in case of a terrorist attack or a disaster was introduced in the 2004 Draft Constitutional Treaty of the EU⁵⁵.

With the national authorities playing the central role in almost all aspects of counterterrorism, it is difficult to envision the role of the Union as a whole, since the states are not responsible to, or controlled by, EU authorities. There is also a general consensus between member states that the EU should not establish a common (“federal”) body along the lines of the FBI or the CIA, and that the EU’s role should be a supporting and coordinating one⁵⁶. The member states often do not adopt the necessary measures foreseen by EU programs fast enough and procrastinate when introducing them into national laws⁵⁷.

The obstacles within the Union to laying out a real, common policy towards terrorism are closely connected with the difficulties in forging both the ESDP and CFSP. That is another reason for greater attention to judicial and police cooperation than security and defense matters in combating terrorism. The level of threat perception is also different in the member states, and if one of them feels more affected by an event, this does not necessarily translate into actions or decisions on the European level.\

- Practical cooperation between the EU and U.S.

The volume of EU-U.S. practical cooperation in counterterrorism is impressive and includes agreements on container security, extradition and mutual legal assistance; EU joining the PSI, cooperation on freezing terrorist assets, cooperation on cyber terrorism and legal frameworks;

⁵¹ Action by the European Union Following the Attacks on September 11, Brussels, October 15, 2001 (<http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/01/327&format=HTML&aged=0&language=EN&guiLanguage=en>).

⁵² NATO after September 11, Philip H. Gordon, Survival, Volume 43, No. 4, Winter 2001/2002, p. 94.

⁵³ See Contending Cultures of Counterterrorism: Transatlantic Divergence or Convergence?, Wyn Rees and Richard J. Aldrich in International Affairs, Volume 81, Issue 5, 2005, P. 905-923.

⁵⁴ The European Union Counter-terrorism Strategy, Brussels, November 30, 2005.

⁵⁵ EU Constitutional Draft Treaty, Part II, Title IV, Chapter II, Article I-42. The treaty is put on hold until 2008 while the ratification process in the member states is still going on.

⁵⁶ See The European Union and the Fight against Terrorism, presentation by Gijs de Vries, EU Counter-terrorism Coordinator, at the seminar of the Center for European Reform, Brussels, January 19, 2006.

⁵⁷ See, for example: Vice President Franco Frattini, European Commissioner for Justice, Freedom and Security, “A year after London attacks”, July 6, 2006 (<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/06/440&format=HTML&aged=0&language=EN&guiLanguage=en>).

negotiations on signing an agreement between Eurojust and the U.S., establishment of high level dialogue on border security, and facilitation of information exchange.

Such success in the development of practical counterterrorism cooperation compelled President Bush to underline in 2006 that the U.S.-EU relationship “transcends the war on terror”⁵⁸. Counterterrorism cooperation in a way lets Europe back into the limelight of the American policy since partnership with the EU in that field is seen as “an essential component of U.S. national security policy”⁵⁹.

There are, however, disagreements in the practical field: an example is the European Court in 2006 ruling the transfer of air passenger data to U.S. illegal⁶⁰. The EU does not want to, as analysts point out, to cooperate in fighting terrorism “unconditionally on U.S. terms”⁶¹.

Practical cooperation between the U.S. and the EU is hindered by the fact that the main authority and responsibility belongs to the national states, which are reluctant to share information even between themselves, and the lack of enforcement capabilities of EU bodies such as Europol and Eurojust⁶².

- Definition of terrorism and perception differences

There are differences in how the U.S. and the EU define terrorism (keeping in mind the fact that there is no single generally accepted definition of terrorism as of yet). Although both sides deem terrorism a criminal offence⁶³, for the EU, terrorists are criminals and the U.S. sees them as enemy combatants (which explains facilities like Guantanamo, and denial of courts and lawyers for the terrorists). Criminal law, in the U.S. view, is not enough to pursue and capture terrorists, and the law of armed conflict is used instead⁶⁴.

The U.S. Supreme Court, however, ruled that while the President has the authority to hold a U.S. citizen as an alleged enemy combatant (i.e. terrorist), foreign citizens have the right to turn to U.S. courts⁶⁵. With the overall changes in U.S. foreign policy in the second Bush administration, there has been a softening of the position on international legal instruments. In 2006, the

⁵⁸ U.S.-EU Partnership Transcends War on Terror, Bush Says, Washington File, May 8, 2006 (<http://usinfo.state.gov/is/Archive/2006/May/08-509939.html>).

⁵⁹ U.S. Ambassador to the EU C. Boyden Gray addresses East West Institute Security Conference, February 21, 2006 (http://www.useu.be/Terrorism/EUResponse/Feb2106_Gray_East_West.html).

⁶⁰ European Court Judgment, May 30, 2006 ([http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Rechercher\\$docrequire=alldocs&numaff=C-318/04&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100](http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Rechercher$docrequire=alldocs&numaff=C-318/04&datefs=&datefe=&nomusuel=&domaine=&mots=&resmax=100)).

⁶¹ The EU's Response to the Threat of Terrorism: The EU-U.S. Joint Actions, Center for European Reform Briefing Note, October 2005 (www.cer.org.uk/pdf/briefing_terrorism_11oct05.pdf).

⁶² U.S.-EU Cooperation against Terrorism, Kristin Archick, CRS Report for Congress, January 24, 2006 (<http://www.fas.org/sgp/crs/terror/RS22030.pdf>).

⁶³ The EU law definition of terrorism is broader in description but essentially has the same elements as the U.S. definition – that terrorist acts are a criminal offence, intended to affect the conduct of a government (or an international organization, the U.S. law does not mention the latter) and to intimidate/harm civilian population. See Federal Criminal Code, Title 18, Part 1, Chapter 113B (http://caselaw.lp.findlaw.com/casecode/uscodes/18/parts/i/chapters/113b/sections/section_2331.html). Definition of a terrorist act on the European level, Justice and Criminal Affairs (http://ec.europa.eu/justice_home/fsj/criminal/terrorism/fsj_criminal_terrorism_en.htm).

⁶⁴ See *Combatants or Criminals? How Washington Should Handle Terrorists*, Ruth Wedgwood and Kenneth Roth in Foreign Affairs, May/June 2004.

⁶⁵ Court: *Terror Suspects can Challenge Detention*, MSNBC News Report, June 28, 2004 (<http://www.msnbc.msn.com/id/5316401>).

administration acknowledged that the Geneva conventions on war prisoners would also apply to Al-Qaeda detainees⁶⁶; before they applied only to Taliban fighters but even then without granting them a prisoner of war status⁶⁷.

American analyst J. Shapiro argues, the Americans and Europeans perceive the threat of terrorism differently: the EU has a large Muslim population whereas the U.S. has not, and Europe has experienced series of smaller terrorist attacks throughout its history while the U.S. focuses on one large-scale attack. The approach is different in that the U.S. has “an elimination and Europe a management approach to terrorism”⁶⁸.

Another difference is the U.S. perception of terrorism as a mostly external threat (from this the concept of defending the homeland) and the EU perception of it as both an external and internal threat. That has to do with terrorist groups that have long been operating in the countries of the Union (IRA, Red Army Faction etc.), and the disclosure of terrorists operating cells which had planned the 9/11 attacks and the danger of new Islamist ideology taking hold in the Muslim communities across the EU (“this phenomenon is also a part of our own society”⁶⁹, states the ESS). The U.S. has only begun to turn its attention to “homegrown” terrorists⁷⁰.

The EU makes a distinction between different kinds of terrorism and not only between the newly emerged phenomenon of global terrorism and its networks versus “traditional” political terrorism⁷¹, but also between political, separatist and Islamist terrorism. The EU links the current super-terrorism to religious fundamentalism and notes its anti-Western political ambitions⁷², at the same time pointing to “old” problems, which create the breeding conditions for it. The U.S. focuses on the ideology of the new terrorism, which is a “perversion of a proud religion”⁷³.

The EU makes exclusions for groups/people close to terrorists, such as people “fighting for freedom” (separatists in Chechnya) or social structures (Hezbollah, from the European point of view).

That has been the reason for arguments between the EU and the U.S. when putting together lists of terrorist. The fact that the EU finally, after extensive U.S. pleas, included Hamas in its list of terrorist groups, was even mentioned in the U.S. National Security Strategy of 2006.

The EU however, had not included Hezbollah, a Lebanese extremist group, in its terrorist list, only the external wing of the party. Groups in society encouraging/performing terror acts are also not on the EU’s list. The EU tends not to call such groups outright terrorist: another difference is that they are, in the EU’s view, extremists or radicals;⁷⁴ the U.S. describes terrorists as

⁶⁶ Bush takes a step back on detainees, Scott Shane, The New York Times, July 12, 2006 (<http://www.iht.com/articles/2006/07/12/america/web.0712detain.php>).

⁶⁷ Treatment of “Battlefield Detainees” in the War on Terrorism, CRS Report for Congress, updated March 27, 2006 (www.fpc.state.gov/organization/66440.pdf).

⁶⁸ Where You Stand Depends on Where You Get Hit: U.S. and European Counterterrorism Strategies, Jeremy Shapiro, Brookings Institution, November 9, 2005 (www.web.mit.edu/SSP/seminars/wed_archives_05fall/Shapiro.htm).

⁶⁹ ESS-2003.

⁷⁰ Statement for the Record, Senate Foreign Relations Committee, John Scott Redd, Director U.S. National Counterterrorism Center, June 13, 2006 (http://www.nctc.gov/press_room/speeches/20060613.html).

⁷¹ As can also be seen in the ESS-2003.

⁷² See Facing Terrorism: European Perspectives and Strategies, Gustav Lindstrom and Burkard Schmitt, EU Institute for Security Studies, Paris, May 7, 2004 (<http://www.iss-eu.org/activ/content/rep04-06.pdf>).

⁷³ NSS-2006.

⁷⁴ See, for example: The EU’s relations with Iran (<http://europa.eu/scadplus/leg/en/lvb/r16004.htm>).

“enemies” whereas the EU refrains from using such terms in its documents. The EU and the U.S. also have different views on the states (allegedly) sponsoring terrorism (the dilemma “rogue” vs. “failing” states) and do not agree on the degree to which the Israeli-Palestinian conflict fuels terrorism.

- Grass roots and “war of ideas”

Addressing the sources of terrorism and extremist ideology is a key issue for the Union and has been pursued since the beginning of EU counterterrorism policy. For the EU it is mandatory that antiterrorist strategies address the conditions, which foster terrorism and its ideology.

The U.S. is addressing this concern as well, devoting much attention to it and reinforcing it as the main aspect of dealing with terrorism, including the attempt in 2005 to rename the “global war against terrorism” into “global struggle against violent extremism”. Seen by commentators as another cover for the same policy, it was rejected by Defense Secretary Donald Rumsfeld who explained that the global war against terrorism is still going on but is just described differently⁷⁵. The chair of the U.S. Joint Chiefs of Staff, Richard B. Myers, noted that the term “war” focuses the attention on military solutions, which was the reason for the change in language, as the solutions are “more diplomatic, economic and political than military”⁷⁶. The official language has, however, since then returned to using the term “global war on terror”⁷⁷.

The definition of the roots of terrorism for the U.S. amount to tyranny and despotic systems which is the reason for “poverty, instability, corruption and suffering”⁷⁸, which means that bringing freedom to autocratic societies would help to “weed out” terrorists. The Bush administration “has been reluctant to address the long-term, diffuse causes of terrorism”⁷⁹, and although pointing out in the NSS that poverty does not automatically make people into terrorists, the U.S. believes that the main reason for [people] turning to terrorism is the denial of political freedom.

It seems that the Union’s understanding of the breeding conditions for terrorism is deeper. As Gils de Vries, EU Counterterrorism Coordinator, points out, there are no automatic links between poverty and terrorism or social/political developments and the decision to embrace terrorism but “in situations of military conflict, civil strife, lawlessness, bad governance, and human rights violations, terrorists find it easier to hide, to train and to prepare their attacks”⁸⁰. Eradicating the

⁷⁵ Secretary of Defense Donald Rumsfeld Radio Interview with Matt Gerson, August 22, 2005 (<http://www.defenselink.mil/transcripts/2005/tr20050822-secdef3742.html>).

⁷⁶ Quoted from The New York Times, *Washington Recasts Terror War as ‘Struggle’*, Eric Schmitt and Thom Shanker, July 27, 2005 (<http://www.nytimes.com/2005/07/26/news/terror.php>).

⁷⁷ President Bush and Defense Secretary Rumsfeld continue to use the term “global war on terror” in their speeches and interviews. However, the State Department widely uses the term “global struggle/fight against violent extremism”. The rebranding is part of the U.S. public communication/relations endeavor although “make no mistake, we are at war” (President Bush Discusses Second Term Accomplishments and Priorities, August 3, 2005 [<http://www.whitehouse.gov/news/releases/2005/08/20050803.html>]).

⁷⁸ NSS-2006.

⁷⁹ *EU and U.S. Threat Perceptions after 9/11*, Susan E. Penksa in European Security and Transatlantic Relations after 9/11 and the Iraq War, edited by Heinz Gärtner and Ian M. Cuthbertson, Palgrave Macmillan, 2005, p. 26.

⁸⁰ Interview with Gils de Vries, EU Counter-terrorism Coordinator, NATO Review, Issue 3, 2005 (<http://www.nato.int/docu/review/2005/issue3/english/interview.html>). See also Human rights and terrorism, address by Gils de Vries, Strassler Family Center for Holocaust and Genocide Studies, Clark University, October 17, 2004 (www.ue.eu.int/uedocs/cmsUpload/ClarkUniversityOctober17.2004.pdf).

conditions where terrorists can breed will thus not mean eliminating the possibility of terrorist attacks.

The recipe for action to express the underlying conditions in the U.S. strategy to combat terrorism is to “enlist the international community to focus its resources and efforts on the areas most at risk”⁸¹. This is one of the four goals in the counter-terror strategy that the U.S. explicitly expects to reach with the help of its allies and mostly “with the hands” of its allies since “the U.S. has neither resources nor expertise to be in every place in the world”. The main task is to strengthen weak states and win the “war of ideas”⁸². This section of the strategy is smaller and less detailed than the other pillars of it.

The U.S. has been addressing the roots of terrorism and the conditions, which bring people to extremist ideology “in action”, and has started humanitarian and development programs in countries whose citizens are especially vulnerable to terrorism⁸³.

According to Defense Secretary Donald Rumsfeld “America is losing the “war of ideas” [...] more must be done to reduce the lure of extremist ideology”⁸⁴. U.S. strategy in countering ideological support for terrorists consists of two objectives: delegitimization of terrorism and support for moderate Muslims⁸⁵.

For the U.S. this “battle” is more about reaching out to other regions, for EU it is more about the Muslim community already living in Europe. Social insecurity, difficulty of social integration, and tensions with local citizens create a serious challenge for the European governments, and until now, there has not been significant success.

- Human rights and civil liberties

The EU does not want to compromise privacy and civil liberties in return for heightened security. For the U.S., it is more important to keep the homeland secure than to respect the rights of its citizens⁸⁶. The Union’s policy is that there should be a line between freedom of expression and other liberties and acts amounting to terrorism; the European parliament in 2001 had specifically requested that counterterrorism laws in the EU “would prevent minor offences or political activism (including legitimate public and trade union protests) being classified as terrorist acts”⁸⁷. Moreover, counterterrorism policy for EU is “about preserving our most fundamental and cherished human rights”⁸⁸. The strategic goal is to “combat terrorism globally while

⁸¹ *U.S. National Strategy to Combat Terrorism*, February 2003.

⁸² Ibid.

⁸³ See Carlos H. Honde, *U.S. Fights Terror on the Humanitarian Front*, International Herald Tribune, July 5, 2006 (<http://www.iht.com/articles/2006/07/05/news/jolo.php>).

⁸⁴ Quoted from Donald Rumsfeld: *U.S. Losing War of Ideas*, March 27, 2006. CBS News Report (<http://www.cbsnews.com/stories/2006/03/27/terror/main1442811.shtml>).

⁸⁵ Douglas J. Feith, Undersecretary for Defense, *U.S. Strategy for the War on Terrorism*, Speech at the University of Chicago, April 14, 2004 (<http://www.defenselink.mil/speeches/2004/sp20040414-0261.html>).

⁸⁶ The Homeland Security Act (2002) gives the government large rights to monitor citizens and their activities in order to protect the state from terrorist attacks and the U.S.A Patriot Act (2001) extends the powers of law enforcement agencies. See Harry Henderson, *Terrorist Challenge to America*, Facts on File Pubs, New York, 2003.

⁸⁷ *European Parliament Summary - Fighting Terrorism without Sacrificing Civil Liberties*, March 4, 2005 (http://europa-eu-un.org/articles/en/article_4430_en.htm).

⁸⁸ Declaration by President of the European Commission, José Manuel Barroso, One Year after Terrorist Attacks in Madrid, Brussels, March 11, 2005 (<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/05/286&format=HTML&aged=0&language=en&guiLanguage=en>).

respecting human rights”⁸⁹. The need to respect fundamental freedoms and human rights has been voiced by the EU numerous times and is a key theme for the external aspect of counterterrorism⁹⁰. The balance between safety and values and rights has to be weighed very carefully because for the EU the fight against terrorism “is a struggle over values”⁹¹ – and although the U.S. sees it the same way (“we are ultimately fighting for our values”)⁹², the conclusions are different.

Joint declarations cover this gap – both sides declare themselves committed “to combating global terrorism in full respect of human rights, fundamental freedoms and the rule of law, and to addressing the underlying conditions that terrorists seize to recruit and exploit to their advantage”⁹³. At the U.S.-EU summit in 2006, the Bush administration went further to accommodate the European concerns, agreeing to include in the declaration the assurance that “measures taken to combat terrorism comply fully with our international obligations, including human rights law, refugee law and international humanitarian law”⁹⁴.

The EU continues to criticize the U.S. policies violating human rights and the U.S. use of the death penalty, cases of torture (i.e. Abu-Ghraib) and “extraordinary renditions” (extrajudicial transfer of prisoners to other governments and secret prisons; some reportedly in Europe).

Moreover, lip service paid by the U.S. in the declarations to the importance of human rights in combating terrorism does not reflect its actions. Analysts describe this approach as a “rhetorical embrace of human rights”, pointing out that the Bush administration refuses to be bound by human rights standards in its counterterrorism policy and treatment of terrorism suspects⁹⁵.

Recognizing the need to stand shoulder to shoulder against terrorism (commitment to work together on this global challenge as laid down in the EU-U.S. summit declaration of 2004)⁹⁶ and putting the words into action in practical cooperation does not mean that the EU and U.S. agree on the methods to be employed and or an identical approach to dealing with terrorism.

⁸⁹ The European Union Counter-terrorism Strategy, Brussels, November 30, 2005 (<http://register.consilium.europa.eu/pdf/en/05/st14/st14469-re04.en05.pdf>).

⁹⁰ Implementation of the Action Plan to Combat Terrorism, EU Report, November 29, 2005 (<http://www.libertysecurity.org/IMG/pdf/eu-terr-measures-six-months-May-2006.pdf>).

⁹¹ European Commission, EU in the World, Peace, Security and Stability, Geographical Themes: *Blocking the Road to Terrorism* (http://ec.europa.eu/world/peace/geographical_themes/terrorism/index_en.htm).

⁹² NSS-2002.

⁹³ EU-U.S. declaration on enhancing cooperation in the field of non proliferation and the fight against terrorism, Washington, June 20, 2005 (<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/05/160&format=HTML&aged=0&language=EN&guiLanguage=en>).

⁹⁴ U.S.-EU Summit Declaration: Promoting Peace, Human Rights and Democracy Worldwide (<http://www.whitehouse.gov/news/releases/2006/06/20060621-2.html>).

⁹⁵ Kenneth Roth, *The Fight against Terrorism*, in Wars on Terrorism and Iraq: Human Rights, Unilateralism and U.S. Foreign Policy, edited by Thomas G. Weiss, Margaret E. Crahan and John Goering, Routledge, New York and London, 2004, p. 113-114.

⁹⁶ U.S.-EU Declaration on Combating Terrorism, U.S.-EU Summit, Dublin, Ireland, June 26, 2004 (www.whitehouse.gov/news/releases/2004/06/20040626-5.html).

3. The EU and U.S. Strategy against Proliferation of Weapons of Mass Destruction

- EU approach
- U.S. approach
- What is common?
- What is different?

- EU Approach

The EU issued its strategy against the proliferation of WMD together with the ESS in December 2003. A comprehensive strategy towards WMD therefore, had been promulgated before a counterterrorism strategy.

The main focus of the EU WMD strategy is preventive engagement, accentuating the need for international consensus, multilateral approach and international cooperation, with “acting before a crisis occurs”⁹⁷. The strategy explicitly states that “political solutions should be found to the problems which lead the countries to seek WMD”⁹⁸. The EU, as mentioned before, does not exclude the use of coercive options and is ready to use all instruments at its disposal, noting that the first line of defense is formed by political and diplomatic preventive measures and resort to competent international organizations⁹⁹.

The EU strategy incorporates an action plan, which is updated by a progress report every six months. The action plan consists of reinforcing multilateral efforts, promoting a stable regional and international environment, cooperating with the U.S. and other key partners, developing necessary structures within the Union¹⁰⁰. In 2003, the EU also appointed a personal representative of the EU High representative for Common Foreign and Security Policy, Javier Solana, in the sphere of combating WMD proliferation, Annalisa Giannella.

The EU approach to WMD proliferation is most developed topic on the Union’s security agenda. It is developed in the sense of actions taken in practice (assistance in destroying small arms in the Ukraine, support for IAEA, taking up common Union positions concerning WMD-related treaties etc.)¹⁰¹, but is not upheld by as many speeches and statements as the anti-terrorism policy and is less “visible”.

The EU strategy has a distinct regional focus - The Mediterranean and the Middle East - although it also engages the Union in dialogue with India and Pakistan¹⁰². The EU emphasizes the need for “addressing problems of regional instability and insecurity” which is often the major argument for a country’s attempt to acquire WMD for its own protection. To that end, the EU

⁹⁷ See keynote address by Annalisa Giannella, EU Personal Representative for Non-proliferation of WMD, Carnegie International Non-proliferation Conference, Washington D.C., November 7, 2005 (www.carnegieendowment.org/static/nnp/2005conference/presentations/Giannella-Keynote.pdf).

⁹⁸ EU Strategy against Proliferation of WMD, Brussels, December 10, 2003 (<http://ue.eu.int/uedocs/cmsUpload/st15708.en03.pdf>).

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ See Documents on *Fight against the Proliferation of WMD*, The Council of the European Union (http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=718&lang=EN&mode=g).

¹⁰² List of Priorities for a Coherent Implementation of the WMD Strategy, Council of the European Union, December 3, 2004 (<http://www.casa.susx.ac.uk/Units/spru/hsp/2004-1203%20WMD%20Strategy%20Progress%20Report.pdf>).

will “foster regional security arrangements and regional arms control and disarmament processes”¹⁰³.

On the whole, it looks as if the proliferation problem is meant to be addressed by the EU at the Union level – the main role of the member states, in comparison to their Role in counterterrorism policy, is not mentioned anywhere. Moreover, the real role of the Union in counter-proliferation is quite strong. The EU plays an important role in strengthening the current export control regime, includes non-proliferation clauses in its agreements with third countries, is a partner to the G8 Global partnership against proliferation, and is committed to supporting specific programs aimed at counter-proliferation¹⁰⁴. During the 2005 NPT conference, the EU was largely able to unify the positions of 25 member states and even present European proposals¹⁰⁵.

The EU policy towards possible proliferators also foresees using force as the last step, currently other measures of a coercive nature are considered “hard”. For example, in case of non-compliance with the non-proliferation clause included in EU agreements with third countries (mandatory when concluding a new agreement and renewing an old one; should be included after negotiations in existing agreements in case of “specific concerns”), the first step is “intensive consultations”, with “suspension of the agreement remaining the last resort”¹⁰⁶.

Analysts doubt that the soft EU approach will bring any results; EU declarations or “reminders” to join the NPT addressed to India and Pakistan can be counterproductive and the EU’s promotion of the Middle East nuclear-free zone “has no chance of succeeding”¹⁰⁷.

The main test case and the main field for EU efforts to combat proliferation has been Iran. Successes and failures can be noted along the way yet this case has shown the distinct EU approach to the problem - the EU strategy of “critical (positive, constructive, comprehensive) engagement” which focuses on “rewarding” the countries for “good behavior” and/or drawing back when certain conditions are not fulfilled. It has also been used in North Korea, where the EU for geopolitical reasons does not play a significant role.

The EU lifted its arms embargo on Libya in 2004 after the country announced its disarmament decision and pursues a strategy of engagement with it as well as with Syria¹⁰⁸. The EU believes in “cajoling” reforms in Syria while the U.S. favors a more hard-line approach to the country in connection with its weapons of mass destruction¹⁰⁹.

¹⁰³ *EU Strategy against Proliferation of WMD*, Brussels, December 10, 2003.

¹⁰⁴ *The Non-proliferation of Weapons of Mass Destruction*, Report submitted on the behalf of the Political Committee, J. Veenendaal, Netherlands, Assembly of Western European Union, The Interparliamentary European Defense and Security Assembly, 52nd Session (www.assembly-weu.org/en/documents/sessions_ordinaires/rpt/2006/1938.pdf).

¹⁰⁵ *The EU’s Emerging Role in Nuclear Non-proliferation Policy*, Trends and Prospects in Context of the 2005 NPT Review Conference, German Foreign Policy in Dialogue, Newsletter Number 17, October 25, 2005.

¹⁰⁶ *EU Policy as Regards the Non-proliferation Element in the EU’s Relationships with Third Countries*, Council of the European Union, November 19, 2003 (<http://ue.eu.int/uedocs/cmsUpload/st14997.en03.pdf>).

¹⁰⁷ *Europe and Nuclear Proliferation: Fighting Proliferation - European Perspectives*, Bruno Tertrais, Chaillot Paper No. 66, edited by Gustav Lindstrom and Burkard Schmitt, December 2003, p. 55.

¹⁰⁸ *EU Deepens Ties with Libya, Syria*; in Arms Control Today, November 2004 (http://www.armscontrol.org/act/2004_11/EU.Libya.Syria.asp).

¹⁰⁹ *Suspicious Sanctions*, The Guardian, May 17, 2004 (<http://www.guardian.co.uk/elsewhere/journalist/story/0,,1218751,00.html>).

- U.S. approach

Countering the spread of WMD is an integral part of the U.S. strategy to fight terrorism. The U.S. National Strategy to combat weapons of mass destruction, issued in December 2002, rests on three pillars – counter-proliferation, strengthened non-proliferation, and consequence management to respond to WMD use with the main goal not to permit anyone to threaten the U.S. with “the world’s most destructive weapons”¹¹⁰.

Besides acknowledging the need to create an international environment which would facilitate counter-proliferation and listing political, intelligence and other instruments needed to combat WMD, the U.S. accents the use of force, “reserving the right to respond with overwhelming force – including through resort to all our options – to the use of WMD against the U.S., our forces abroad, our friends and allies”¹¹¹. The U.S. strategy is proactive and aimed at counteracting the threat before it fully forms. The main danger is terrorists getting possession of WMD, either on their own or with the help of “rogue states”. Traditional measures like diplomacy, arms control, multilateral treaties and export controls should be “enhanced” in order to prevent terrorists from acquiring WMD. The tactical posture consists of deterrence (“a strong declaratory policy and effective military forces”) and of such tools as “effective intelligence, surveillance, interdiction, and domestic law enforcement capabilities”¹¹². The first steps in countering proliferation would be non-military.

The U.S. counter-proliferation strategy is a “forward” one and when transferring that into action, the U.S. will “use diplomacy regularly, economic pressure when it will make a difference, active law enforcement when appropriate, and military force when we must”¹¹³.

For the EU, the existing non-proliferation regimes and verification mechanisms are mostly enough and the main goal is to strengthen them and/or pursue enforcement of remaining agreements, the U.S. strives to develop new mechanisms, such as the Proliferation Security Initiative, for “it is unlikely that the existing multilateral frameworks and non-proliferation tools retain much utility”¹¹⁴. The EU does not exclude “development of new regimes, as appropriate”¹¹⁵, but is not too excited about such developments.

The U.S. does not think the current regimes useful, they being, from a rough point of view, “cumbersome treaty-based bureaucracies” and opt for new initiatives, which are “entirely operational”¹¹⁶.

The hard-line stance put forward by the National Security Advisor Condoleezza Rice (2000-2004) even before the presidential elections – that if “rogue states” “do acquire WMD, their

¹¹⁰ *National Strategy to Combat Weapons of Mass Destruction*, December 2002 (<http://www.defenselink.mil/pdf/NMS-CWMD2006.pdf>).

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ *The Bush Administration’s Forward Strategy for Non-proliferation*, John R. Bolton, Undersecretary for Arms Control and International Security, Address to the American Enterprise Institute, Washington D.C., June 24, 2004 (www.state.gov/t/us/rm/33907.htm).

¹¹⁴ *Remarks at Chemical and Biological Arms Control Institute Tenth Anniversary Symposium*, Senator Richard G. Lugar, November 19, 2003.

¹¹⁵ *EU-U.S. Joint Statement on WMD*, U.S.-EU Summit, Washington D.C., June 25, 2003 (<http://www.acronym.org.uk/docs/0306/doc18.htm>).

¹¹⁶ *The Bush Administration’s Forward Strategy for Non-proliferation*, John R. Bolton, Undersecretary for Arms Control and International Security, Address to the American Enterprise Institute, Washington D.C., June 24, 2004 (www.state.gov/t/us/rm/33907.htm).

weapons will be unusable because any attempt to use them will bring national obliteration”¹¹⁷ – was first hardened up to using force against possible acquisition of WMD. Iraq had been a case of the double threat of terrorism/WMD from the U.S. point of view and although there were initial fears that the U.S. would use a strategy of regime change/force coercion against Iran, North Korea or Libya, Condoleezza Rice in 2003 remarked that “we will never want to solve the problem of counter-proliferation the way we had done it in Iraq”¹¹⁸.

After the Iraq invasion, U.S. counter-proliferation strategy visibly softened. The Libya case was resolved diplomatically in close cooperation with the UK. Moreover, Vice-President Dick Cheney pointed out that for countries which give up WMD, a “way to better relations with the U.S. is open”, even to “friendship and support”¹¹⁹.

- What is common?

Both EU and U.S. agree that proliferation of WMD is a serious and global threat, especially in combination with terrorism. In 2003, the EU and the U.S. had agreed, “to use all means available to avert WMD proliferation and the calamities that would follow”¹²⁰, all means including strengthening the international regimes, conducting inspections, ensuring compliance and also “other measures in accordance with international law”. Their possible coercive character is not mentioned, leaving both a way out for EU and a way in for the U.S. The EU agrees with the U.S. in principle with the danger of proliferation and the need to stop it, but prefers long-term engagement, with force being the last resort.

The EU-U.S. joint program on the non-proliferation, adopted at the EU-U.S. summit in Washington in 2005, addresses only the general framework of existing non-proliferation regimes. Its aims are to build global support for nonproliferation, reinforce the NPT and IAEA, establish a dialogue on compliance and verification, advance the PSI and the global partnership initiative, and enhance nuclear and radioactive security¹²¹.

The program is the highest common denominator for the U.S. and EU to agree upon and does not list either concerns or differences between the two sides. The fact sheet issued at the occasion of the 2006 EU-U.S. summit shows that the cooperation includes the same objectives as three years ago and does not offer any new insights¹²².

The EU notes that in terms of WMD cooperation with the U.S., more coordination of messages and informing each other of initiatives and new steps is needed which would also enhance the EU’s preventive engagement¹²³.

¹¹⁷ *Promoting the National Interest*, Dr. Condoleezza Rice, Foreign Affairs, January/February 2000, p. 52.

¹¹⁸ Remarks by Dr. Condoleezza Rice at The International Institute for Strategic Studies, London, June 26, 2003 (<http://www.state.gov/p/eur/rls/rm/2003/21989.htm>).

¹¹⁹ Remarks by Vice-President Dick Cheney to the Los Angeles World Affairs Council, California, January 15, 2004 (<http://www.whitehouse.gov/news/releases/2004/01/20040114-7.html>).

¹²⁰ EU-U.S. Joint Statement on WMD, U.S.-EU Summit, Washington D.C., June 25, 2003 (<http://www.acronym.org.uk/docs/0306/doc18.htm>).

¹²¹ EU-U.S. Joint Program of Work on the Non-proliferation of Weapons of Mass Destruction, Washington D.C., June 20, 2005.

¹²² Fact Sheet: 2006 U.S.-EU Summit, The White House, Office of Press Secretary, June 21, 2006 (<http://www.state.gov/p/eur/rls/fs/68151.htm>).

¹²³ Keynote Address by Annalisa Giannella, EU Personal Representative for Non-proliferation of WMD, Carnegie International Non-proliferation Conference, Washington D.C., November 7, 2005 (www.carnegieendowment.org/static/nnp/2005conference/presentations/Giannella-Keynote.pdf).

- What is different?

The U.S. strategy does not mention regional instability as reason for the states to strive for WMD and does not have any instruments, which would allow addressing this aspect of non-proliferation while for the EU the regional element is the most important one in its strategy.

The EU strategy is more about effective non-proliferation (the word counter-proliferation is not mentioned in the EU WMD strategy of 2003) whereas counter-proliferation is the main aspect of the U.S. Strategy to combat the WMD of 2002. The difference between these two terms lies in the coercive element of counter-proliferation (essentially using all options, including force, to counteract possible acquisition, possession and use of WMD by states, terrorists and/or their organizations) while non-proliferation is more about upholding existing treaties and diplomatic approaches.

The EU approach has been greatly influenced by American policy; moreover, as European analysts note, EU policies “end up being caught in the middle between the wish to build transatlantic bridges and efforts to develop its own profile, which emphasizes multilateral approaches”¹²⁴.

The EU criticizes U.S. counter proliferation policy and opposes the American “reluctance to strengthen the Biological Weapons Convention and to ratify the CTBT, passive acquiescence to Indian and Pakistani nuclear weapon capabilities and its weak support for international organizations such as the UN and global norms in general”¹²⁵. Solana’s personal representative for non-proliferation Annalisa Giannella also cites other differences, such as inability to agree on common language on disarmament issues and disagreements on the NPT¹²⁶.

Another controversial issue in EU-U.S. relations is the China arms embargo. The EU had wanted to lift it and had concluded negotiations on that subject with China but had to step back on its promise after strong pressure from the U.S. The U.S. opposes lifting sanctions on China on the grounds that exporting sensitive technologies to China could destabilize the situation in the region and is not “warranted by the progress in the area of human rights”¹²⁷ (the embargo had been imposed after the 1989 Tiananmen Square massacre).

¹²⁴ *Testing Time for Europe’s Non-proliferation Strategy*, Oliver Meier and Gerrard Quille, Arms Control Today, May 2005 (http://www.armscontrol.org/act/2005_05/Oliver_Quille.asp).

¹²⁵ *WMD Proliferation and Transatlantic Relations: Is a Joint Western Strategy Possible?*, Peter. van Ham, Netherlands Institute of International Relations Publication, April 2004, p. 21 (http://www.clingendael.nl/publications/2004/20040400_cli_ess_vanham.pdf).

¹²⁷ *Testimony before the House Armed Services Committee and the House International Relations Committee*, Peter Lichtenbaum, Acting Undersecretary for Industry and Security, U.S. Department of Commerce, April 14, 2005 (http://www.bis.doc.gov/News/2005/PeterTmony4_14_05.htm).

4. Case Study: Iran as a Show Case for the U.S. and EU Approaches to Dealing with Proliferation of WMD?

- *The problem*
 - *U.S. approach*
 - *EU approach*
 - *What the EU and the U.S. are doing together in resolving Iran's problem*
 - *Show case?*
- *The problem*

Iran is suspected of conducting a uranium enrichment program in order to produce nuclear weapons. Iran claims that its program is intended exclusively for peaceful purposes. The country disclosed its secret programs in 2002-2003 when it admitted to having construction plans for two enrichment facilities and a heavy water plant. Under the NPT, like other non-nuclear states party to it, Iran is not allowed to develop, possess or use nuclear technologies, which enable it to produce nuclear weapons.¹²⁸ According to the Nuclear Threat Initiative assessment, “all Iran's research activities in the recent past undoubtedly contribute to the future development of a complete nuclear fuel cycle, which in turn would enable Iran to weaponize without relying on outside assistance”.¹²⁹ One must note that the IAEA has not yet been able to verify whether Iran is in possession of a uranium technology or not.¹³⁰

In addition to the nuclear problem, Iran is notorious for its violations of human rights, unacceptable policy in the Middle East conflict (“Israel should be wiped off the map.”¹³¹), and support of terrorist groups. The Islamic Revolution in 1979 caused the country's isolation in the beginning of the 80's; Iran began engaging with the West only in the 90's.

- *U.S. approach*

The NSS-2006 states that the U.S. “may face no greater challenge from a single country than from Iran”¹³². The U.S. is concerned not only with its nuclear program but also with its “support for terrorism and hostility to democracy in principle”¹³³. Iran is a part of the infamous “axis of evil”, a list of rogue states especially dangerous for the U.S. described in the 2002 State of the Union address¹³⁴.

The U.S. approach towards Iran, although rhetorically harsh, has not yet included the use of force. American instruments of influence are limited, there is, for example, no trade on which

¹²⁸ *Nuclear Proliferation Treaty*, 1968 (<http://www.fas.org/nuke/control/npt/text/npt2.htm>).

¹²⁹ *Country Overview: Iran – Nuclear Overview*, Nuclear Threat Initiative Research Library (http://www.nti.org/e_research/profiles/Iran/1819.html).

¹³⁰ *Implementation of the NPT [Non Proliferation Treaty] Safeguards Agreement in the Islamic Republic of Iran*, Resolution adopted on 4 February 2006 (<http://pircenter.org/data/resources/06-02-04IAEAresolution.pdf>).

¹³¹ President of Iran Mahmoud Ahmadinejad, quoted from The Washington Post: *Iran's President Sparks Fears of New Isolation*, November 5, 2005 (http://www.washingtonpost.com/wp-dyn/content/article/2005/11/04/AR2005110401731_pf.html).

¹³² *National Security Strategy*, March 2006.

¹³³ *U.S. and Europe: Advancing the Freedom Agenda Together*, Daniel Fried, Assistant Secretary for European and Eurasian Affairs, Address to the Baltimore Council on Foreign Affairs, Baltimore, Maryland, January 18, 2006 (<http://usa.usembassy.de/etexts/docs/fried011806e.htm>).

¹³⁴ See *President delivers State of the Union address*, January 29, 2002 (<http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>).

sanctions could be imposed. But lack of trade is the result of structures, I believe. There have also been no direct negotiations or contacts between the U.S. administration and Iranian leadership since diplomatic relations were broken off as a result of the hostage crisis in 1979. On the other hand, this makes the U.S. arsenal of possible “rewards” larger – from reestablishing diplomatic relations to opening trade. The U.S. notably refrains from using any incentives to tempt Iran with such offers.

There have also been continued signs that the U.S. is ready to use force to solve the Iranian problem. It is highly doubtful, keeping in mind the world’s reaction to the Iraqi invasion and the list of possible implications, yet analysts say the Bush administration “has increased clandestine activities inside Iran and intensified planning for a possible major air attack”¹³⁵. Planning, however, as is well known, does not mean imminent action.

There is evidence, which the U.S. does not deny, that the U.S. government had been supportive of an Iranian nuclear program – while the country was under the Shah’s regime¹³⁶. The larger part of the problem is that the current regime is unacceptable for the U.S. The U.S. supports students’ demonstrations and other initiatives in Iran, possibly leading to a change in public opinion. In official speeches, the U.S. leadership addresses the people of Iran, showing that it opposes not the country but the current government¹³⁷.

Iran is a part of the U.S. Greater Middle East strategy which itself is part of the grand American strategy to bring democracy and freedom to all countries in the world. The U.S. is “confident that democracy will succeed in this region”¹³⁸. It has relevance to Iran in that, according to the U.S., “the fundamental character of regimes matters more today than the international distribution of power”¹³⁹. The main goal of U.S. policy towards Iran, according to a European analyst, is to contain its power in the region¹⁴⁰. The U.S. believes that stability in the region can be achieved only if Iran gives up its nuclear ambitions.

The U.S. strategy is described by an analyst as one of “two ticking alarm clocks: if democracy is not going to ring first [...], military action is required to stop the nuclear clock from going off”¹⁴¹. The same analyst further argues that “democracy remains the only hope of solving the Iran nuclear problem”¹⁴².

Officially, the U.S. is still backing a diplomatic solution. Yet it is also ready for coercive measures. That has been the U.S. position for quite a long time now: “All options are on the

¹³⁵ *The Iran Plans: Would President Bush go to war to stop Tehran from getting the bomb?*, Seymour M. Hersh, The New Yorker, April 17, 2006 (http://www.newyorker.com/fact/content/articles/060417fa_fact).

¹³⁶ *Iran’s Nuclear Program: The Western Opposition is more Geo-political than Legal*, Subhash Kapila, South Asia Analysis Group, Paper No. 1551, September 27, 2005, (<http://www.saag.org/%5Cpapers16%5Cpaper1551.html>).

¹³⁷ See, for example: *State of the Union Address*, January 31, 2006 (http://www.whitehouse.gov/stateoftheunion/2006_index.html).

¹³⁸ *The Promise of Democratic Peace: Why Promoting Freedom is the Only Realistic Path to Security*, U.S. Secretary of State Condoleezza Rice, The Washington Post, December 11, 2005 (<http://beijing.usembassy.gov/121305speech.html>).

¹³⁹ Ibid.

¹⁴⁰ *Iran: the Military Option and the Iraq Factor*, Interview Radio Free Europe with Fred Halliday, London School of Economics, April 11, 2006 (http://www.rferl.org/featuresarticle/2006/04/9D360720-D293-4464-8DE1-3F1F383_6B298.html).

¹⁴¹ *U.S. Foreign Policy and the Future of Democracy in Iran*, Abbas Milani, The Washington Quarterly, Summer 2005, p. 48.

¹⁴² Ibid.

table, of course, in any situation. But diplomacy is the first option”¹⁴³, said President Bush back in 2004 and has kept this position up until now.

The U.S. policy in 2002-2003 has been that of bringing Iran to obey without offering any rewards – “we won’t promise anything to Iran in case of its compliance with the NPT and IAEA obligations”¹⁴⁴. Yet even that has changed – in 2005, the U.S. offered support for Iranian accession negotiations to WTO¹⁴⁵. According to an American analyst, the Bush administration’s current strategy towards Iran can be described as “a dramatic departure” from its previous stance¹⁴⁶. Iran is naturally more interested in the U.S. reaction than in EU policy and has demanded security assurances from the U.S. in exchange for stopping its program. This is out of the question for the U.S. since the country “threatens Israel, promotes terrorism in the Middle East and stirs up violence in southern Iraq to the detriment of U.S. forces”¹⁴⁷.

Under the U.S. Iran-Libya Sanctions act of 1996, the U.S. gave itself authority to impose sanctions on EU companies operating in Iran. The sanctions have never been imposed and were waived after the EU pledged to increase cooperation with the U.S. on counterterrorism and non-proliferation. This has been another issue of contention between the EU and U.S., with the Union criticizing the U.S. for extraterritorial application of U.S. law¹⁴⁸.

- EU approach

The EU has more instruments to be able to influence Iran. EU policy is one of critical (constructive) engagement which means trying to engage the country into talks and presenting conditions upon fulfilling which something can be granted (access to markets etc.). The EU does not see the isolation of Iran as a good strategy for keeping it from acquiring a nuclear capability. This approach may be summed up with the EU Presidency conclusions in June 2005 – “the European Union is ready to continue looking into ways of further developing political and economic cooperation with Iran, following action taken by that country to address areas of concern to the EU regarding the fight against terrorism, human rights and Iran’s approach to the Middle East process”¹⁴⁹. One of the incentives offered to Iran by the EU was finalizing the Cooperation and Trade Agreement upon resolving the proliferation problem. The EU believes that political dialogue can support reforms in Iran and economical incentives will keep the country from taking any risky steps. The Union is more interested in engaging Iran in dialogue and getting it fully back into the international community, which corresponds to the EU overall external strategy.

¹⁴³ Transcript: *Bush talks to O'Reilly*, September 28, 2004 (<http://freeinternetpress.com/modules.php?name=News&file=article&sid=4281>).

¹⁴⁴ Department of State Daily Press Briefing, October 21, 2003 (<http://www.state.gov/r/pa/prs/dpb/2003/19778.htm>).

¹⁴⁵ *U.S. to Lift Objections against Iranian Bid to Join the WTO*, Interview Secretary of State Condoleezza Rice with Reuters Press Agency, March 11, 2005 (<http://usinfo.state.gov/ei/Archive/2005/Mar/14-33123.html>).

¹⁴⁶ *Will America attack Iran?*, Philip. H. Gordon, Prospect Online, June 2006 (<http://www.brookings.org/views/op-ed/gordon/20060607.htm>).

¹⁴⁷ Quoted from: *No security guarantee for Iraq, Rice says*; U.S.A. Today, May 22, 2006 (http://www.usatoday.com/news/washington/2006-05-21-rice-iran_x.htm?csp=34).

¹⁴⁸ See CRS Report for Congress, *The Iran-Libya Sanctions Act*, updated April 3, 2006 (<http://fpc.state.gov/documents/organization/64937.pdf>).

¹⁴⁹ *Presidency Conclusions*, European Council, June 16-17, 2005.

A European analyst notes that EU's approach to the solution of the Iranian problem is dependent on the U.S. approach and can be considered as a response to the U.S. policy towards Iran¹⁵⁰.

The EU as a whole has pursued relations with Iran since the middle of the 90s. "Critical dialogue" had become an official EU policy towards Iran in 1997. The "critical" component of it was later changed to "comprehensive" which covers a broader range of issues and under which the EU had established technical working groups with Iran¹⁵¹.

In the negotiations about the nuclear problem, the EU has been represented by the "troika" (Great Britain, France and Germany) since 2003. These negotiations are not a policy coordinated by the Union as a whole yet the EU-3 have been recently joined in their efforts by Javier Solana, the EU High Representative for Foreign and Security Policy, who plays a separate role in the talks.

The EU is aiming at developing ties with Iran yet "cooperation of any kind is conditional upon reforms being addressed first"¹⁵² in three areas; human rights, support for radical groups and its nuclear program. The EU believes developing cooperation is in the mutual interests of both Iran and the Union and sees the way to a cheering it through "more frequent official and un-official bilateral contacts, cooperation in areas of mutual concern, promotion of dialogue on human rights, seeking appropriate ways to develop contacts between individuals"¹⁵³.

One also has to account for interests of large European companies in Iran, which have been a part of the reason for the softer EU approach. As a Middle Eastern analyst writes, "the EU has been more interested in keeping Iranian markets open to European products and oil from Iran flowing to its members than pursuing policies aimed at altering Iran's WMD, terrorist-sponsoring and human rights policies"¹⁵⁴.

Promotion of democracy and support of the democratic movement in Iran have been an issue for the EU as well as for the U.S., but the Union does not have much progress to report.

In 2003, the EU-3 succeeded in persuading Iran to sign the IAEA Additional Protocol under which the state is subject to more inspections and transparency, which was hailed as a major success of the EU diplomatic approach versus an approach based on force.¹⁵⁵ Those talks have been the first high-profile engagement of the EU on an issue of global security.

¹⁵⁰ *The Evolution of U.S. and EU Foreign Policy Towards Iran with Emphasis on the Period after September 11 2001*, George Tzogopoulos, Centre International de Formation Europeene, Nice, May 2004 (www.iehei.org/bibliotheque/TZOGOPOULOS.pdf).

¹⁵¹ See *Finding the Fulcrum? Euroatlantic Relations and Iran*, John Calabrese, Middle East Institute, July 21, 2004 (<http://www.iranwatch.org/privateviews/MEI/perspex-mei-calabrese-eu-us-iran-072104.pdf>).

¹⁵² *The EU's Relations with the Islamic Republic of Iran*, Commission to the European Parliament and the Council on Relations with the Islamic Republic of Iran (<http://europa.eu/scadplus/leg/en/lvb/r16004.htm>).

¹⁵³ Ibid.

¹⁵⁴ *The Role of WMD in Iranian Calculations: Dangers to Europe*, Amin Tarzi, Middle East Review of International Affairs, Volume 8, No. 3, September 2004 (<http://meria.idc.ac.il/journal/2004/issue3/jv8n3a7.html>).

¹⁵⁵ See *WMD Proliferation and Transatlantic Relations: Is a Joint Western Strategy Possible?*, Peter van Ham, Netherlands Institute of International Relations Publication, April 2004 (http://www.clingendael.nl/publications/2004/20040400_cli_ess_vanham.pdf).

It is still a question whether the EU approach works better when it cannot compel the country to fulfill the offered conditions¹⁵⁶. In the case of Iran, however, there is no proof that American threats would cause it to give up its nuclear ambitions.

The EU negotiations with Iran on the whole have not brought much result. The country has not ratified the Additional protocol and procrastinated in fulfilling any other obligations. A major roadblock was the election of the hard-line Iranian leader Ahmadinejad in June 2005, who stated that Iran would not give up its nuclear program and proclaimed that the first uranium was enriched in the country in April 2006¹⁵⁷. This has made it possible for the EU to conclude that it “has spared no effort to find a solution by negotiation” and although the EU is still committed to a diplomatic solution, “the EU’s relations with Iran will depend on progress made in all issues at stake: the nuclear issue and other concerns in connection with weapons of mass destruction, human rights, counter terrorism and Iran’s attitude towards the Middle East”, with the EU giving a hint that it “will continue to examine its [EU] options very closely”¹⁵⁸.

Iran has not given up negotiations with the EU and is still “playing” with Europe according to own motives and interests.

- What the EU and the U.S. are doing together in resolving Iran’s problem

Both the EU and U.S. approach have the same starting point – the need for Iran to “cooperate fully with the IAEA, remedy all failures and answer all questions”¹⁵⁹ in connection with its nuclear program. The U.S. shares the European concern over human rights in Iran, political reforms in the country and its policy towards other countries in the region. The U.S.-EU approach to Iran has been often called a “carrot-and-stick” approach, which could be part of a game played between U.S. and EU (“good and bad cop”) and/or could reflect their approach to the problem of proliferation.

Iran has until now rejected all offers in return for it suspending its nuclear enrichment program. The latest proposal was submitted to Iran in May 2006, offering civilian nuclear aid in return for a verifiable end to its uranium enrichment program. Iran set itself a deadline of answer by August 22, 2006.

A broad consensus between all permanent members of the Security Council was reached in the middle of July 2006 to refer the matter to the UN because the country’s response to the latest package offer by the EU has not been swift enough. According to the U.S., the “next step is economic sanctions” and it is up to Iran to choose between “negotiation or action by the Security Council”¹⁶⁰.

¹⁵⁶ See, for example: *The Role of the EU in Fighting Proliferation: An Assessment of the Iran Case and its Consequences*, Bailes A. J. K., Director SIPRI, Lecture, Cicero Foundation, Paris, December 9, 2005.

¹⁵⁷ *Iran Reports Big Advance in Enrichment of Uranium*, Nazila Fathi, David E. Sanger and William J. Broad, The New York Times, April 12, 2006 (<http://www.iht.com/articles/2006/04/11/news/iran.php>).

¹⁵⁸ *Confrontation between Iran and the International Community*, Statement by the Council Presidency, February 15, 2006 (http://www.eu2006.at/en/News/Speeches_Interviews/1502winkleriran.html).

¹⁵⁹ *EU-U.S. Joint Statement on WMD*, U.S.-EU Summit, Washington D.C., June 25, 2003 (<http://www.acronym.org.uk/docs/0306/doc18.htm>).

¹⁶⁰ *Security Council Drafting Resolution on Iran’s Nuclear Program*, Washington File, July 12, 2006 (http://usinfo.state.gov/xarchives/display.html?p=washfile_english&y=2006&m=July&x=20060712135504ndyblehs0.556286).

The EU may be willing to put another proposal on the table but the U.S. is not ready for further negotiations without result. The U.S. would like a tougher stance on Iran, which in case the country again declines the EU-3 proposal, would probably include “a strict sanctions regime, interdiction to halt the export or import of sensitive technology or materials, an investment freeze, support for democratic movements inside Iran, and the possible use of military force as a last resort”¹⁶¹. In May 2006, the U.S. tried to include an enforcement provision into a UN Security Council resolution on Iran, backed by France and Britain, which was disapproved by Russia and China.

The U.S. administration has been for a long time skeptical about the EU’s efforts to engage in a dialogue with Iran in order to persuade it to abandon its nuclear program. Moreover, in 2002 the EU emphasized the fact that the U.S. policy was undermining its efforts to engage Iran in a dialogue¹⁶². The “axis of evil” speech was met with opposition in Europe and concern that it could isolate Iran. The U.S. initially disagreed with the EU trying to “warm” up relations with Iran and induce it into giving up the nuclear program.

In the beginning of 2005, the U.S. signaled a change in its policy, when George W. Bush during his visit to Slovakia noted that, “the most effective way [to solve the Iranian problem] would be our partners representing not only the EU, but also the United States”¹⁶³.

The EU-3 by the middle of 2006 is representing the combined interests of both the U.S. and the EU. The U.S. has even voiced readiness to join the talks together with the EU as soon as Iran fully and verifiably suspends enrichment and reprocessing¹⁶⁴. The U.S. also succeeded in persuading the EU that the case of Iran may also be referred to the UN Security Council. It is worth noting that the EU-3 negotiations have never been independent of U.S. influence. In 2003 after one of the EU-3 negotiation rounds State Secretary Colin Powell remarked, that there had been nothing in them that had not been previously discussed by the European ministers with the U.S.¹⁶⁵.

The conclusion can be made that neither the “soft” European nor the “hard” American approach have yielded any tangible results or have even inched a step closer to solving the Iranian problem. That, however, has more to do with Iranian domestic politics and the geopolitical situation in the region than with the effectiveness of either of the approaches.

- Show case?

The difficulty in analyzing the Iran case rests with two things: its extreme flexibility and constantly occurring changes and the fact that there are many factors at play, including regional instability and Iranian ambitions and policy. It is obviously difficult, especially for the U.S., to

¹⁶¹ *The U.S.-EU Summit: Tensions in the Transatlantic Relationship*, Nile Gardiner, Ph.D., Web Memo, Heritage Research, No. 1136, June 20, 2006 (<http://www.heritage.org/Research/Europe/wm1136.cfm>).

¹⁶² *Interview with EU Commissioner Chris Patten*, The Guardian, February 9, 2002 (<http://news.bbc.co.uk/2/hi/europe/1810615.stm>).

¹⁶³ *President and Slovakian Prime Minister Dzurinda Discuss Policy*, Bratislava, February 24, 2005 (<http://www.whitehouse.gov/news/releases/2005/02/20050224.html>).

¹⁶⁴ *Roundtable with Secretary Condoleezza Rice* and reporters on May 30, 2006, quoted from: Iran Responds to U.S. Offer of Talks, International Relations and Security Network Security Watch, June 1, 2006 (<http://www.isn.ch/news/sw/details.cfm?id=16062>).

¹⁶⁵ *Interview with Secretary Colin Powell* by Robin Wright, The Washington Post, December 29, 2003.

understand the motives and reasons behind the Iranian policy. Moreover, Iran is a big game, with all the major powers and the Middle East conflict.

Iran is at the moment not a show case for the differences between the U.S. and EU approach. It had been in the years 2001-2003 yet the strategic approaches of both the EU and the U.S. have shifted towards convergence. The Iranian case, however, still shows a divide between the hard and the soft line, which is one that characterizes the differences between the EU and U.S. The tactics employed by the U.S. in the past two years are “softer” and are more about cooperation with the EU and supporting its negotiations than threatening with an invasion/air attack/other force measures. The reason for this more careful policy lies in the difficulties the U.S. faces in Iraq and Afghanistan although it is understandable that should the U.S. feel directly threatened, it will undertake any action needed to protect itself.

5. Conclusions

Many stereotypes about American foreign policy and the behavior of the EU in the world have been shown for the most to be true in this study, but the study has also shown that things are more complex than they may seem.

The U.S. and EU strategies against terrorism and WMD correspond as would be expected to their security strategies, with the emphasis respectively on “hard” and “soft” measures, multilateral approaches, international cooperation and the will to act alone. The strategies show the U.S. as the forceful promoter of freedom versus EU supporting the multilateral legal order and changing the environment through long-term influence, and the U.S. concentrated on counteracting threats while the EU pays the most attention to providing conditions where the threats would not arise/be diminished at the same time placing strong emphasis on human rights.

This, however, cannot be taken for granted as the approaches are becoming more aligned with each other, the EU willing to use force if necessary and the thinking in Washington shifting to diplomatic solutions as the first tool to be employed. Secondly, the U.S. strategy – at least the tone and words of the documents – is not as “hard” and does not emphasize force as much it has seemed to many commentators, whereas the EU strategy, although being “soft”, does not exclude coercive/forceful measures. The U.S. strategy rather emphasizes the need to use all available instruments, beginning from diplomatic, economic and political ones to counteract the threats. The difference between words and deeds, however, corroborates the hard/soft stereotype.

U.S. foreign policy has undergone changes since the Bush administration has been in power. The first change had been the “Bush revolution” after 9/11, which emphasized the will to act alone and use all measures, especially force/military to defend the homeland. The shift in those views became visible in the second Bush administration (2005-2009) when the realities, which the U.S. policy faced as well as an allayed sense of urgency and vulnerability, compelled the leadership to soften this hard stance. The harsh rhetoric has subsided and diplomatic solutions were given priority. The U.S. approach to solving Iran’s nuclear problem illustrates the overall softening of the U.S. strategy. If three years ago Iran would have been a clear case for the difference of approach between EU and U.S. (hard versus soft), by the middle of 2006 it is no longer valid.

The EU approach has also undergone changes albeit not ones that would amount to a revolution to external observers. However, the fact that between 2001 and 2006 the EU has been able to agree on its foreign and security policy principles and develop comprehensive strategies is a huge step forward.

The differences between the U.S. and EU approaches to dealing with terrorism and proliferation which were highlighted in this comparative study make up a significant list from differences in threat perception, definitions of terrorism and terrorists, tools used to counteract both threats, approach to human rights in connection with terrorism, differences in the WMD strategies, and overall emphasis on force on the U.S. side and on non-forceful measures on the EU side. The differences in approach stem from the overall differences between the security approaches of U.S. and EU.

EU and U.S. views on global security threats differ although the officials claim they are the “same”. They are same in the sense that both sides acknowledge the seriousness of the threat and the need to counteract it. Yet the difference lies in the methods and ways employed to deal with them. The transatlantic partners often “agree to disagree” but underlying tensions surface

regularly. Iraq had not been the reason for transatlantic differences which run much deeper and have not been solved as of yet, in spite of the shifts in the policy on both sides. Already the acknowledgment of differences is a step forward, instead of blind allusions to common values, but whether it will lead to any changes in the structure of transatlantic cooperation remains questionable. The common values are also interpreted differently, a good example of this are the disagreements on human rights and civil liberties.

The U.S. primary attention to the threat of terrorism-WMD-rogue states has changed its relations with other states, their level depending on the cooperation against those threats.

The EU follows U.S. agenda-setting most of the time. EU priorities in both external and internal dimension are hugely influenced by those of the U.S.; terrorism and WMD are the most developed points on the EU security agenda. Yet in areas specifically important to the EU, those where the Union plays an independent and strong role on the world arena, the EU is able to push through its own views. A vivid example for that is the human rights issue in the context of fighting terrorism.

Cooperation in fighting terrorism and WMD is becoming a unifying factor for the relations between U.S. and Europe the way the Soviet threat had been during the Cold War. Moreover, this cooperation is the only possibility for Europe to “get back” into the limelight of the American foreign policy and matter in its security policy, something that Europe has undeniably lost after the end of the Cold War. The EU as an organization has more capabilities to add value to fighting terrorism and proliferation than NATO.

Cooperation in counteracting global security threats may become the new glue for the relationship between U.S. and Europe and key to the transformed transatlantic relationship. But whether terrorism and proliferation will really become a new permanent transatlantic security agenda and again “unify the West” is questionable and depends on a lot of factors.

A big stumbling block in future U.S.-EU cooperation in global security is the EU itself – the Union does not always speak with a “single voice”, differences in perception and policies between the states, the intergovernmental character of security cooperation (especially in terrorism), commitment of member states and the bureaucratic structures hardly enable the EU to make speedy decisions.

Other roadblocks include overcoming the differences in the strategies – for sooner or later even successful cooperation could stall if it is conducted under different strategies. A change is needed in thinking on both sides – the EU assuming responsibility “full-time” in the international relations and the U.S. shifting to an equal-partner thinking towards EU, which has rarely been the case. The evolution of the security landscape is not finished yet. New and complex threats arise from unexpected sources and the approach to dealing with them has not yet been comprehensively formulated. The EU is still in the process of transformation, growing more diverse and complex. NATO is looking for a new vision, the political landscape is changing, and the whole concept of global security is evolving as well. Traditional deterrence concepts still work but not against terrorists, natural disasters can bring more harm than a bomb attack and state borders no longer defend the citizens.

One should not forget the wider framework of the transatlantic relationship, the EU-U.S. relations being only one of its facets – and this study raises “old” questions regarding NATO when the U.S. is starting to cooperate on security issues with the EU. What kind of division of labor between the two organizations will emerge if any? How does the NATO strategic concept

correlate with the security strategies of U.S. and EU? With whom does U.S. cooperate more – bilaterally with European countries, EU or NATO – in the field of counterterrorism and counter-proliferation? Where will the processes of transformation and adjustment lead? What does cooperation with the U.S. in counteracting global security threats mean for the emerging role of EU as a global actor? How will the strategies continue to develop? How will the remaining differences of approach influence the transatlantic relationship? Those questions point the way for future studies on the development of the EU and U.S. strategies.

On the whole, several main findings can be pointed out; that the EU and U.S. approaches are more in line of convergence than divergence; that they cannot be fully described as the “soft” versus “hard” approach and that EU-U.S. cooperation in dealing with terrorism and proliferation of WMD is becoming the new unifying factor in the transatlantic relationship which also raises the significance of Europe in the U.S. foreign policy.

However, those findings are as volatile as the security landscape of today. Other threats could overshadow the “hard security” aspects completely. The trends pointed out are not self-evident and show only a facet of possible future developments.

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