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Brussels and the War Against Terrorism The Response Until the Fall of Kabul

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*The EU v. US: Miss Lilliput?*¹

EC foreign policy, in the prelude to the 'war against terror' and during its build up, until the dramatic fall of Kabul, manifested itself as a two-tier system, where one finds that the EC took measures supra-nationally and the Member States made their contribution each separately, the way each state deemed fit and appropriate, given the feared repercussions of the 11th September tragedy in New York.

It seems that the EC as a community and several Member States played different but converging roles. Every responding Member State played the part it wished to play and no move was coincidental.

Again, this time within the field of foreign policy, Member States played the game of variable geometry. The United Kingdom positioned itself early, well in advance of the other Member States, as one of the key players in the 'war against terror', featuring as a shoulder-to-shoulder ally of the United States, while the other Member States started threading warily, getting more assertive as the conflict in Afghanistan gradually tapered to an end, reaching its climax with the summit in Bonn.

The form of contribution varied from one Member State to another. Undoubtedly, Great Britain featured conspicuously in the military role it played. Italy at first offered its air space and passage by sea, lending its air bases for use, when necessary, for the attacks on Afghanistan, now employing its naval forces in its closing down on Tora Bora. Germany demonstrated its superiority Metternich style by hosting the construction of a new Afghan government in Bonn.

It is clear that in its involvement in the combat against terrorism the EC gave a two-speed response, with the EC responding supranationally and the Member States responding as Europeans each according to its political and military prowess. Here one could perceive that within the field of EC foreign policy, Member States have more room to exercise their sovereignty.

However, the doubt still remains on how pungent the EC was in its response and whether it is accurate to say that the

US dwarfed the EU in the combat against terrorism.

Evidently, the US had all the necessary elements to fuel its urge to act as the primadonna in the offensive against Osama Bin Laden and Al-Qaeda.

One has to bear in mind that Al-Qaeda humbled the US on two counts:

- a. Al-Qaeda demonstrated to the whole world that the US is a vulnerable state as any other state; and
- b. that the CIA failed miserably in screening scheming Muslim kamikazes on its own soil.

Following this huge embarrassment the US had to show the world that it can rapidly and effectively, with unflinching strength, exterminate these terrorists and bring Osama Bin Laden to justice, as well as, gather support of other nations in this bid to fight terrorism, reserving its seat as a 'globocop'.

It is even more important to remember that the US has one big advantage over the EC. It has one common army acting in the name of the people of one nation which is a federation of states, unified by a more or less uniform agenda, at least, when it comes to external relations, which agenda is drawn up and piloted by a President directly elected from amongst the American populace.

Moreover, the US has a long-standing foreign policy which marketed the US as a role model for all prosperous and democratic states, and the tenacious protector of world democracy and order.

Within the EC one has a foreign policy still in the making, being as it is, a confederation of states with diverse political and legal traditions, following the steps of past nations that were in conflict one against the other, both in the remote past, and in a less remote past, with a long history of sovereignty being exercised for years by each Member State, without a common army, as yet.

However, given the circumstances leading to the 'war against terror', it is rather unjust to compare the EU's diplomatic strength with the US's global stature, once the backdrop of the issue – the combat against international terrorism,

¹ The inspiration for this satiric sub-title is precisely the interview with Mr Chris Patten MP, EU External Relations Commissioner on the BBC 11/11/01 with the theme titled 'Has the European Union been sidelined in the war against terrorism?'

was an attack by Al-Qaeda on America, on its own soil, killing thousands of American citizens, crippling temporarily America's economy, bringing the world for a few hours to a standstill.

The Supra-National Initiatives by the EC

The Diplomatic Offensive – Wearing the Cowboy's Boots²

The EC's diplomatic offensive was a drama in two acts. Act I was an exercise in exchange of solidarity with the US. Act II was an exercise of velvet talk to consolidate the legitimacy of the US attack on Afghanistan, and promotion of aid to the 'Cinderella' countries in the Arab world, in a bid for building a long-term strategy against terrorism.

Act I – Wisdom and Tears

The EC voiced its solidarity with the United States on the day the attacks occurred. On the 12th September the EU Commission met in the morning to discuss the tragedy of the 11th September in New York.

The EC recognized that to be more effective in the fight against terrorism and on the world stage generally it must make its European Security and Defence Policy (ESDP) fully operational. It also understood that now is the time to initiate an in-depth political dialogue with those countries and regions of the world where terrorism comes into being.

Act II – From Tears to Action

From the 24th-28th September a team of senior European officials consisting of Belgian Foreign Minister Louis Michel, Josep Piqué (the High Representative for the CFSP), Javier Solana and the Commissioner responsible for external relations, Christ Patten, visited Pakistan, Iran, Saudi Arabia, and Syria. It found a broad measure of agreement and a common desire to combat terrorism, coupled with a unanimous recognition of the crucial part to be played by the UN. With a single exception, none of the countries visited disputed the United States's right to deliver a retaliatory attack on Afghanistan, provided it was targeted, avoided civilian losses, and was based on tangible evidence of complicity of Afghanistan in the 11th September attacks.

On 3rd October the EC and Russia agreed to strengthen political cooperation and joint efforts to combat terrorism.

On 7th October the President of the European Commission Romano Prodi expressed the Commission's total solidarity with the action. The EC Foreign Minister in a statement issued, following the General Affairs Council on 8th October, declared the EC's 'wholehearted support for the action that is being taken in self-defence'.

The Council also promised action to avert a humanitarian disaster in Afghanistan and neighbouring countries.

The Commission has been asked to consider stepping up the EC's assistance to Pakistan under a new cooperation agreement.

A European Conference was scheduled to take place in Brussels on 20th October. The EU, the thirteen acceding countries, the EEA countries (Norway, Iceland and Liechtenstein), Switzerland, and Russia, Ukraine and Moldova and the Western Balkan Countries had to meet to coordinate their policies in the fight against international terrorism.

During this preliminary diplomatic offensive one could perceive Bush's words seep through the parlance of his counterparts in the struggle against terrorism back in Brussels, sometimes, taken lock, stock and barrel as if engaged in an effort to have their speeches also in line with US talk from the White House.

Clear examples are the following proverbial phrases:

- a. The European Union adamantly rejects any equation of terrorism with the Arab and the Muslim world.³
- b. We should never see this as a struggle between different civilizations. Its a struggle between decency and evil.⁴
- c. We are united, and will remain united, in this struggle against those who attack the very foundations of civilization. Our fight is not against religions or peoples.⁵
- d. Our message to them today, in this fight for democracy and against terrorism, is that our only choice is to stand united; for united we stand but divided we shall fall.⁶

The Response – The EC's Agility⁷

On the 21st September 2001 in Brussels, the Extraordinary European Council adopted a Plan of Action which gave impetus to a series of measures in those areas where it must and

² Vide MEMO/01/327 Brussels 15th October 2001 pp. 1-6.

³ Vide MEMO/01/327 Brussels, 15th October 2001 p. 4.

⁴ Paul Ames (Associated Press Writer) – 'EU's Patten calls for international cooperation at 'unprecedented level' to combat terrorism', Article by Associated Press based on an interview with the Rt. Hon. Chris Patten, CH, Member of the European Commission responsible for External Relations.

⁵ Statement by European Commission President Romano Prodi on the military action against terrorism, Brussels, 7th October 2001, IP/01/1375.

⁶ COX (ELDR), Extraordinary Formal Sitting of Wednesday 12th September 2001, 3-013, p. 7.

⁷ Vide MEMO/01/327 Brussels, 15th October 2001 for further details.

can make an effective contribution: external relations, police and judicial cooperation, air transport, humanitarian aid and economic and financial policy.

Combating Terrorism

By the 13th September the Commission had tabled proposals for a European arrest warrant to supplant the current system of extradition between Member States and a common definition of terrorism and related penalties.

On the 8th October the Council of Ministers asked the Commission to take the necessary measures to freeze the assets of 27 organizations or individuals suspected of having links to the attacks of 11th September, pursuant to a decision adopted by the UN Sanctions Committee on 6th October.⁸ On the 2nd October the Commission submitted a proposal for a regulation designed to curb the funding of organizations and individuals involved in international terrorism. The EP responded swiftly endorsing the measure on 4th October.

The EU is conducting currently legal reforms to tighten laws concerning money laundering. The directive in force applies to the proceeds of drug-related crime. An extension is being proposed to make it mandatory for Member States to combat laundering of the proceeds of any type of crime.

The amended legislation unlike the existing directive extends coverage to a series of non-financial activities and professions, which are vulnerable to misuse by money launderers. Requirements as regards client identification, record keeping and reporting of suspicious transactions would therefore be extended to external accountants and auditors, real estate agents, notaries and lawyers carrying on financial transactions, dealers in precious stones and metals, transporters of funds and casinos.

The EC is studying a proposal designed to counter market manipulation more effectively by obliging the competent national authorities to cooperate more closely and exchange more information.

At the Commission's initiatives, Member States agreed to bring forward the introduction of the new Civil Protection Mechanism which reinforces EU cooperation in this field and which is coordinated by the Commission. In particular, this cooperation includes:

- a. the creation of a group of Nuclear, Biological and Chemical (NBC) experts, available 24 hours a day to assist any country which requests help;

- b. enhanced cooperation on information-sharing concerning antidotes, vaccines, antibiotics, and access to hospital treatment for any victims of such attacks;
- c. creation of a system of immediate and systematic exchange of information relating to accidents or threats of terrorist attacks; and
- d. reinforcement of the Commission's Civil Protection Unit with national experts to set-up a monitoring and information center.

The European Council called on EU transport ministers to take measures covering classification of weapons, technical training for crew, checking and monitoring of hold luggage. It also proposed to the Member States that a series of inspections of airport safety standards should take place with the aim of enhancing the level of checks carried out in Europe.

The Commission put forward proposals designed to ensure that they do not have to bear any extra costs. These include flexible application of the rules on slots, possible compensation for losses incurred and government support to cover the costs of security measures.

In the wake of moves by insurance companies drastically increasing the cost of cover for acts of war or terrorism, the Commission asked the ECOFIN Council to come up with a coordinated response. The Council agreed that Member States should exceptionally, and as a short term measure be allowed to provide cover or pay the higher premiums for a month pending a more lasting solution.

The Commission has left open the possibility of extending these measures until the end of the year. Failing that, the Commission will consider an alternative solution in consultation with Member States.

The Commission is also considering what measures might be taken against the excessive reaction of some insurance companies.

This year ECHO has mobilized 27.3 million euros and on the 11th November ECHO has mobilized 15 million euros for food distribution medico-nutritional assistance, medical kits, winter needs items and other essential non-food items, support for the UNHCR operations in Pakistan, and UN coordination.⁹

On the 15th October the Budgetary Authority has approved the Commission's proposal for the mobilization of 25 million euros in Afghan aid.

⁸ Brussels, 2nd October 2001, IP/01/1349.

⁹ *Vide* MEMO/01/368 Brussels, 14th November 2001, p. 10.