

Secret Truth

The EU Joint Situation Centre

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1. Introduction

Since the 9-11 terrorist attacks on the United States, the fight against terrorism is in the centre of European societal and political interest. The attacks in Madrid (2004) and London (2005) and several foiled attacks made clear that Europe itself was also a target for the international Jihadists. The arrests of many alleged terrorists in different European countries underlined the reality of the terrorist threat.¹ At the same time it became clear that the 'new terrorism' formed a national as well as an international threat. Attacks in Europe can be the work of home-grown terrorists, as well as the work of foreign fighters who succeed in infiltrating European countries. Military personnel from European countries that operate in foreign countries in the context of the 'war on terror' can be a target for terrorists, but also European business or embassies. Incidents like the Danish cartoon affair or the Dutch movie *Fitna* make it clear that 'internal' issues can have a great impact in foreign countries. On the other hand it is possible that incidents and conflicts in countries far away – the invasion of Iraq, the conflicts in the Middle East – can have their internal repercussions in European countries.

The European Union reacted on the new terrorist threat with an 'unprecedented wave of policy interventions' (Den Boer 2006: 83). New counterterrorist agencies and structures were created in the wake of the attacks on top of already existing structures, and the latter were furnished with new and special competences in the field of counterterrorism. With this 'plethora of initiatives', the EU reinforced the already 'crowded policy space' on counterterrorism (Den Boer 2006: 99). The political and policy interventions of the European Union have been the subject of many articles and papers (see for instance Bendiek 2006; Den Boer 2006; Müller-Wille 2004a; Wilkinson 2005), so we will not duplicate that work in this paper. Instead, we will concentrate on one of the counterterrorist structures of the European Union: the EU Joint Situation Centre. Moreover, we will research and analyse this agency from the perspective of transparency and accountability. Therefore the central question will be: what do we know of this EU Joint Situation Centre? How does it operate? What is its relevance for European counterterrorism? In other words: how transparent is the EU Joint Situation Centre?

Thorough research into and analyse of the EU Joint Situation Centre (SitCen) is important for several reasons. First, within SitCen a merger is taken place between internal and external aspects of EU counterterrorism policy. Second, SitCen is an important channel through which horizontal structures of intelligence cooperation outside the formal scope of the EU merges with formalised vertical EU counterterrorist structures. Third, thanks to the positioning of SitCen under the General Secretariat of the European Council, directly under the EU High Representative for the Common Foreign and Security Policy and its position at the cross point of the Second Pillar (Common Foreign and Security Policy) and Third Pillar (Justice and Home Affairs) of the European Union, it is not obvious at first sight to whom and how SitCen is democratically accountable. Fourth, reports from SitCen can have policy

¹ According to Europol, nine member states reported in 2007 a total of 583 failed, foiled or successfully executed attacks. 517 attacks were claimed or attributed to separatist terrorist groups in Spain and France. With regard to Islamist terrorism, two failed and two attempted attacks were reported for 2007. A total of 1044 individuals were arrested for terrorism-related offences in 2007. Concerning Islamist terrorism, 201 persons were arrested (Europol 2008: 10-11)

implications for the European Union and its member states; it is far from a marginal actor in the counterterrorist field.

In this paper we will shortly describe the importance of transparency and accountability for good governance and the special problems that arise when these principles are being applied to the field of security and intelligence services.² Then we will give a short description of the development of the European counterterrorism policy, as far as relevant for a good understanding of SitCen. After that we will look into the origins and development of SitCen. Then we will look on the basis of a quick scan of several sources what information is available in the public domain on the work and substance of SitCen to form an opinion on the transparency and accountability of SitCen. We will end the paper with some concluding remarks and suggestions for further research.

2. Accountability and transparency

The concept of accountability is fundamental to democratic decision-making (Greenwood and Huisman 2004: 11). Accountability can be described as 'being liable to be required to give an account or explanation of actions and, where appropriate, to suffer the consequences, take the blame or undertake to put matter right, if it should appear that errors have been made' (Venice Commission 2007: 4). Accountability can be translated in three different forms: democratic, legal and social accountability or legitimacy (Den Boer, Hillebrand and Nölke 2008: 104). Whereas democratic legitimacy refers to traditional standards such as parliamentary oversight and legal legitimacy to the application of the rule of law, social legitimacy addresses accountability to citizens and responsiveness to the public at large. Transparency, then, can be defined as the guarantor of accountability. It can be described metaphorically as the window through which it is possible to see how the business of government is being carried out in a public organisation. It implies both the willingness of the authorities to show what they are doing and the ability of elected representatives, the media and society to view what is going on. According to democratic theory, society has this right to see what governments are doing. Effective oversight is a *sine qua non* of sound democracy. Without transparency, it is hard to imagine accountability. In mature democracies it is accepted that there should be open government in the security area as in any other sector of government (Greenwood and Huisman 2004: 12-15).

Making the security and intelligence community accountable presents however some special problems. It is understandable that a certain degree of secrecy is unavoidable in security/intelligence policy and security and/or intelligence operations. This however forms an obstacle to *democratic* accountability, notwithstanding the fact that the ultimate legitimacy and authority of security and intelligence services should be derived from legislative approval of their powers and parliamentary

² General speaking, security agencies have a more defensive character and their task is to signal threats to the internal security of a country. Intelligence agencies have a more offensive character and investigate developments abroad that could have an impact on national security.

accountability to avoid political abuse or the infringement of civil liberties. Parliamentary oversight seems of limited efficacy, which increases the governmental control on security and intelligence agencies at the expense of parliament. But even control by the executive branch has its difficulties, because of the special knowledge security and intelligence agencies possess. Control by courts (*legal* accountability) is also difficult, because of matters of immunity, secrecy and the large discretion which is given to governments in the field of national security. *Social accountability* is of course even more hindered by these factors³ (Venice Commission 2007: 5). International cooperation between security and intelligence agencies often involves even more secrecy and can escape the existing national mechanisms of control (Venice Commission 2007: 6). Especially in the field of international cooperation, security and intelligence agencies are reluctant to engage in formal legal frameworks which could count for some forms of accountability and transparency. They favour informal, horizontal networks which are considered to be highly successful, pragmatic and flexible, whereas more vertical arrangements are seen by the security and intelligence professionals as bureaucratic and cumbersome (Den Boer, Hillebrand and Nölke 2008: 103). Researchers conclude that the security and intelligence arena in general has an 'extraordinarily secretive character' (Den Boer, Hillebrand and Nölke 2008: 104).

However, transparency and accountability in the field of security and intelligence stays imperative for the democratic and social legitimacy of security and intelligence agencies. Counterterrorist activities⁴ are very sensitive and possibly impinge upon human rights and civil liberties. This can be the case in the more operational activities of security and intelligence services, like the surveillance and interception of telecommunications of suspected terrorists, the distortion of their activities, the (secret) detention of suspected terrorist, the freezing of financial assets, the (sometimes extra-legal) questioning techniques used or the ethical implications of covert operations. But besides the 'democratic-normative view' in relation to human rights and civil liberties, there are also other interests at stake regarding accountability and transparency in the counterterrorism field. 'Terrorism' is a subject prone to processes of securitization: a process that entails 'framing' selected social problems in ways that dramatize the threat they pose to countries or citizens. Scientists have signaled the transformation of European societies into 'anxiety societies', where collective fear and the sheer impossibility to control the unknown and unexpected form the hinges for politicians to justify new legislation and actions (Den Boer 2006: 84). The terrorist threat demands new responses that seem both urgent and inevitable and lifts such issues above the realm of normal politics and subsumes them within a discourse of 'effectiveness' that evinces a strong tendency to trump considerations of civil liberty (Loader 2002: 137). Securitization dynamics allow for exceptionalist political processes (Bossong 2007: 13) and have a 'powerful tendency' to colonize more and more domains of public policy discourse (Loader 2002: 138). As De Goede (2008: 162) states, it is important to see that 'Europe' is not a fixed actor or identity, but is itself being reconstituted through the practices of securitization in the

³ Sometimes special parliamentary committees get some more information on the work of the intelligence community, but this happens behind closed doors.

⁴ Security and intelligence agencies are not only involved in counterterrorist policies, but also issues as the proliferation of weapons of mass destruction or corruption. In this paper, we will limit our attention mostly to the counterterrorist tasks of security and intelligence agencies.

war on terror. Understandings of insecurity and terrorism play a key part in constituting the 'governmental identity of the European Union'. Threats to the safety and well-being of Europe's citizens by 'dangerous aliens' could promote a sense of European identity⁵ (Loader 2002: 138). By organizing social relations into security relations, securitization projects a very specific vision of European political order and identity (Loader 2002: 134-135).

3. The field of security

The terrorist attacks of 11 September 2001 in the US, 11 March 2004 in Madrid and 7 July 2005 in London are said to have initiated the securitization of European agenda's by bridging the gap between internal and external security (Bendiek 2006: 3). The overall European agenda/integration process became 'securitized'. Security has developed into an important element of integration by becoming a catalyst for agreements oriented to consolidate European identities in security matters which, together with institutions and mechanisms, are building a 'security regime'. Researchers already noted that the various terrorist attacks seemed to form a 'window of opportunity' for the hitherto slack and cumbersome decision-making in the Council of Justice and Home Affairs (Den Boer 2006: 90). Also there is the possible development that the European approach to terrorism has become a means to tackle ethnic integration issues the hard way and fuses the discourse between (failing) integration of immigrants and terrorism (Den Boer 2006: 110). Further, the question arises to what extent the 'exceptional situation' becomes the rule and whether the use of crisis instruments and crisis management is eternalised (Den Boer 2006: 84).

Intelligence and security services play an important role in these processes of securitization. Intelligence can be defined as processed information aimed at assisting a certain receiver's decision-making. In a security context intelligence assists the receiver in identifying threats and helps the receiver to become aware of the necessity to take action (Müller-Wille 2004a: 7). Security and intelligence agencies claim through their authority of specific knowledge that they have the capacity to class and prioritize threats and to determine what constitutes '(in)security' (Bigo 2006: 111). Intelligence work is foremost an 'informationalized activity': a practice oriented not primarily to the on-the-ground delivery of visible functions, but towards supporting such practices through the generation, storage and dissemination of information (Loader 2002: 142). The security and intelligence sector depends less on the real possibility of exerting force, but more on the capacity to produce statements and threat analyses of what constitutes a 'risk' and which solutions can manage these risks. The central question relevant to defining security is thus to know who is authorized or to whom is delegated the symbolic power to designate exactly what the threats are. But under the challenges arising from the new terrorist threats, the 'field of security' (Bigo 2006: 114) is itself on the move. In all the

⁵ An explicit call to use the formative power of the theme of 'security' to develop a shared European identity was made in November 2007 by the Dutch minister of Justice Hirsch Ballin. He presented his European colleagues a vision on the future of European Criminal Law as a 'manifestation of a shared European identity'. This common European identity could be designed by criminal law as a 'genuine manifestation of shared values' (Hirsch Ballin 2007).

European member states there has been a reconfiguration of the security field, aimed at overcoming obstacles for the cooperation between different security actors like law enforcement agencies, intelligence and security agencies, customs, military intelligence, border guards, immigration services and prosecution services.⁶ The results are mixed and differ from country to country, which is understandable because all these agencies have different cultures, trajectories, interests, powers, aims, budgets and political affiliates. This changing field of security however has consequences for which actor or actors manage in gaining ground in the 'power of definition' of what the 'real' threat is.

The same process however is being replicated on the European level. May it be problematic to get a good understanding of the changing nature of the national security fields and its consequences, this is even more true for the European level. The multi-level European security governance⁷ is formatted inside, outside and below the formal decision- and policy-making capacities of the EU (Bossong 2007: 13). There are a variety of independent EU bodies, but also a number of other bodies, groups and organizations that originate before, or outside the EU, which all interact with the highly complex system of working groups in EU policy-making. And notwithstanding the seemingly great involvement of the European Union in the field of counterterrorism, in reality national capitals are mostly relying on intergovernmental decision-making procedures and resist a real Europeanization of anti-terrorism policies (Den Boer 2006: 85). This results in a 'complex and blurred transnational sphere of counterterrorism' (Den Boer, Hillebrand and Nölke 2008: 103-104). Within this 'blurred transnational sphere' transnational linked informal and horizontal networks of intelligence and security professionals produce a 'European field of security' or a 'field of truth' in which they cooperate but also compete with each other for the monopoly of the legitimate knowledge on what constitutes risk. According to Bigo (2006: 112), 'in-security professionals' have the strategy to overstep national boundaries and form corporatist professional alliances, and draw resources of knowledge and symbolic power from this transnationalization that can also be used to win the internal struggles in their respective national security fields. The field of in-security is thus in the heart of the field of power as a bureaucratic field composed of experts having the capacity to claim that they know better than others, whether these are elected politicians, citizens or academic experts.

Secrecy, of course, is one possible strategy of keeping the power of definition, and a way of disqualifying other points of view on the definition of threats and solutions. The claim is that only the insiders of the security field possess the knowledge and secrets that only professionals may have. Transparency could challenge this assumption.⁸ For academics, who are also in the art of producing

⁶ Also private security actors are included in this process. In the context of this paper we will not address the particularities of the private sector engaging in the security field.

⁷ In the context of the EU multi-level governance can be understood as 'overlapping competencies among multiple levels of governments and the interaction of political actors across those levels' (Aalberts 2002: 1). The state as main actor is now involved in a network of complex interrelationships at the international level, as it is in domestic politics. Decision-making competencies are shared by actors at different levels, whereas supranational institutions become actors in their own rights, playing an independent part in policy-making

⁸ This has been shown in the case of the threat assessments that are being produced by Europol and are directing EU policies on organised crime. Researchers tried to establish how the findings in the threat assessment were arrived at, but Europol turned down requests for access to the underlying questionnaire. As the researchers succeeded in getting a copy of the questionnaire through more informal channels, their conclusions on the methodology used, the scientific reliability and the empirical foundations of the threat assessment were negative (Van Duyne 2007: 121-127). As others concluded: often enough what is

knowledge and truth – no matter how temporarily and contingent these knowledge and truth may be – this may be an extra reason to try to enhance transparency and scrutiny in the field of intelligence. So transparency is not only important from a democratic-normative point of view and from the view of human rights and civil liberties. Insight in the developing European security field is also of importance for analysing how processes of securitization generated in this field influence the identity, governance and specific political and social order of the European Union. Further, transparency is important to understand the dynamics, conflicts and strategies of the different actors in the field of security, who co-produce the processes of securitization. At the end, transparency should also contribute to what Loader (2002: 145) has described as a 'politics of recognition': security and intelligence policy must be determined by processes of public will-formation that elicit and take account of the views of all individuals and groups likely to be affected by relevant decisions. In other words: transparency is part of the answer to the 'partially open and intriguing question' how the relationship unfolds between European elites pursuing closer intelligence and police cooperation and different strands of European public opinion (Loader 2002: 137).

4. Development of the European counterterrorism policy

The development of the EU counterterrorism policy is, with regard to SitGen, especially of interest where it comes to the merger of internal and external security. For Europe, 11 September came as an 'unprecedented challenge' to the role it has had most difficulty in developing since its origins in the 1950's: its role as a security actor in both external and internal matters (Den Boer and Monar 2002: 11). The increasing linkage between external and internal security had suddenly become a reality. The pillar division between the work in the area of Justice and Home Affairs (Third Pillar) and the Common Foreign and Security Policy (Second Pillar) is seen as a structural obstacle concerning security and intelligence cooperation in the EU (Müller-Wille 2004b: 4). The pillar division effectively disconnects EU external and internal intelligence. A synthesis is not made at the EU level. Consequently, the structure of analysis is not adapted to the nature of the terrorist threat, which erases the border between internal and external threats. The pillar division is reflected in the main Council bodies dealing with terrorism. Under the Third Pillar falls the Terrorism Working Group (TWG) composed of representatives of member states Ministries of Interior and law enforcement agencies that deal with internal threat assessments, practical cooperation and coordination among EU bodies. Under the Second Pillar falls the Working Party on Terrorism – External Aspects (COTER) which is composed of member states Ministries of Foreign Affairs that deal with issues related to external matters, threat assessments and policy recommendations regarding third countries and regions, implementation of UN conventions and the financing of terrorism (Council of the European Union 2004a).

considered by the media, politicians and law enforcement officials as an established fact, under closer scrutiny turns out to be a misconception (Van Lampe 2002: 191).

After 9-11, the High Representative for the Common Foreign and Security Policy, Javier Solana, put much effort in integrating the fight against terrorism into the EU external relations policy; whereas foreign policy was traditionally relatively absent from EU counterterrorism efforts (Keohane 2008: 132). In 2003, secret '*guidelines for a common approach to the fight against terrorism*' were adopted as an 'accompanying internal document' to the EU counterterrorist action plan adopted at the European Council of 21 September 2001.⁹ The guidelines constitute a 'tool in the political dialogue as well as in other external relations of the European Union and a basis for the European Union to demonstrate its commitment to prevent and suppress terrorism in a visible and coherent manner' (Council of the European Union 2003: 1). Also, the European Union put much effort in negotiating counterterrorism clauses with third countries, initially as 'a tool for the review of the relations with third countries in the light of the support which those countries might give to terrorism'. Later, the counterterrorism clauses were included into all agreements with third countries (Council of the European Union 2004b). Besides that, the European Union was engaged in giving technical assistance to countries in which counterterrorism capacity needs to be enhanced¹⁰, the fight against the recruitment of terrorists where this had an external dimension, and the compilation of threat assessments (Council of the European Union 2004c). The development of threat assessments was done by COTER and covered Central Asia, South East Asia, the Middle East, the Gulf countries and Iraq, Northern Africa, Eastern Africa and the Balkans. The threat assessments contain analyses of the terrorist threat and assessments of the policies of the local governments and provide a base for operational measures of the EU in the field of counterterrorism and should be taken into account in the political dialogue with third countries (Council of the European Union 2003: 3). Meanwhile, in the Third Pillar, the ministers of Justice and Home Affairs of the member states of the EU developed their own working programmes and action programmes in the field of legislation and police and judicial cooperation (for an overview see Den Boer 2006).

In 2003, Javier Solana presented the European Security Strategy '*A secure Europe in a better world*', which was adopted at the European Council in December 2003.¹¹ The strategy stipulated that 'better coordination between external action and Justice and Home Affairs policies is crucial in the fight against terrorism', as Europe is both a target and a base for terrorism. Dealing with terrorism may require a 'mixture' of intelligence, police, judicial, military and other means. The strategy further states that 'common threat assessments are the best basis for common actions. This requires improved sharing of intelligence among Member States and with partners'. In 2004, Javier Solana again pointed the finger at coordination problems in counterterrorism. According to Solana, the two main Council working groups (TWG and COTER) were 'capital-based' and did not feed sufficiently into the Brussels-based discussion and decision-making process (Council of the European Union 2004b). Discussions on better coordination of counterterrorism policies however did not succeed in an important overhaul of working structures. Only an 'unofficial' clearing house was created in the structure of the Committee

⁹ The secret guidelines were not made public until February 2008. However, two pages of the document are still secret.

¹⁰ Training missions abroad could help EU governments to deepen their intelligence co-operation with key countries in the fight against terrorism, such as Pakistan (Keohane 2008: 141).

¹¹ The paper can be found at http://www.consilium.europa.eu/cms3_fo/showPage.ASP?id=266&lang=EN&mode=g

of Permanent Representatives (Coreper) which is responsible for cross-cutting tasks of counterterrorism (Bendiek 2006: 19-20). Also, an EU counterterrorism coordinator was appointed by Solana in the aftermath of the Madrid attacks. However, this official has virtually no powers, no budget and cannot propose legislation or chair meetings and is said to be taken seriously only by 10 of the 25 governments (Keohane 2005: 18-19). However, under the care of Javier Solana, another development was underway that could form the solution for the quest for coordination and cross-pillar cooperation in the fields of internal and external security: the coming of age of the EU joint Situation Centre.

5. The origins of the EU Joint Situation Centre

The origins of SitCen can be traced back to the West European Union (WEU) as it was set up as a structure working exclusively on open-source intelligence (Oberson 1998). When the European Council of Cologne in 1999 decided to establish a European Security and Defence Policy (ESDP) and appointed Javier Solana as High Representative for CFSP and Secretary General of the Council Secretariat, SitCen was transferred to the General Secretariat together with the EU Military Staff.¹² The decision to transfer SitCen to the EU General Secretariat was not made on the basis of a Council Decision but on the initiative of Solana (Müller-Wille 2004: 29). Also a new 'Policy and Early Warning Unit' was created. It fulfils an early warning function in case of potential crises. While the 'Policy Unit' plays a central role in early warning, situation assessment and strategic planning of operations¹³, the intelligence officers of SitCen analyse intelligence material and monitor potential crisis situations. As a result of the choice of the European member states to opt for intergovernmental cooperation in the field of CFSP, the Council Secretariat became the key institution managing the interaction among the member states in this area – as is for the JHA-area. The double decision of Cologne - the establishment of ESDP and the appointment of Javier Solana - constituted a real watershed in the development of the Council Secretariat (Christiansen and Vanhoonacker 2006: 10). The Secretariat - described as an 'under researched' and rather 'obscure' institution (Christiansen and Vanhoonacker 2006: 3) - was for the first time in its history entrusted with executive tasks. By nominating a former Secretary General of NATO and former Spanish Minister of Foreign Affairs, the Secretariat was no longer headed by a top-level official but by a high profile politician. Entrusted with the broad task of assisting the Presidency with the formulation, preparation and implementation of CFSP (Art. 26, TEU), Solana got sufficient latitude to strongly influence the shape and content of his new function (Christiansen and Vanhoonacker 2006: 10). Formally the High Representative has no right of initiative but by launching policy papers and bringing problem areas under the attention, he has a certain leeway to influence the agenda and to steer the debates in a certain direction.

¹² The EU Military Staff is assisted by an Intelligence division (INTDIV) that consists of about 30 seconded officers from national military intelligence agencies. They compile reports, based on national intelligence, to support the strategic planning that starts as soon as a crisis emerges and ends when the EU political authorities approve a military strategic option or a set of military strategic options (Müller-Wille 2004: 3).

¹³ The most important states in the Policy Unit are the UK, France, Germany, and Italy because they dispose of the largest networks of diplomatic and intelligence services. The way in which these states are willing to share 'state secrets' differs from country to country (Güssgner 2001).

SitCen in its early years is described as more of a 'symbol of the Union's ambition to re-act swiftly to international events than as a functioning crisis centre' – a calm newsroom with television-sets running CNN and computers linked to major news agencies (Güssgen 2001); or as a 'sort of empty shell' (House of Lords 2005: 54). According to the director of SitCen, William Shapcott, it was on the initiative of some member states that in 2002 a start was made with the exchange of more sensitive information (House of Lords 2005: 54).¹⁴ This 'insiders club' was composed of seven intelligence analysts from France, Germany, Italy, the Netherlands, Spain, Sweden and the UK. These agencies trusted each other enough to cooperate in the sensitive intelligence field. As a result, these 'privileged' Member States have a greater ability of influencing the 'securitization of threats at the European level' as they participate in the formulation of intelligence support: they can successfully shape the perception of the terrorist threat towards the Union, and drive the formulation of countermeasures (Müller-Wille 2008: 62). From the beginning, terrorism was a subject of SitCen that evaluated situations where terrorism was a factor, looking at risks to European interests abroad and risks to the stability of friendly governments threatened by terrorism abroad, but especially with a 'Second Pillar' focus. One of SitCen's units is the Consular Services Unit, whose responsibility it is to liaise with the crisis management offices of the ministries of Foreign Affairs of the respective member states. In case of a serious incident affecting EU citizens, the head of this unit will be alerted and ensure further appropriate action in consultation with the consular cooperation network (Council of the European Union 2008a: 41). The external focus of SitCen was further strengthened by the formation in January 2007 of the SIAC (Single Intelligence Analysis Capacity). This body is formed by the juxtaposition of SitCen and the Intelligence Division of the EU Military Staff and is responsible for the collection and dissemination of military intelligence within the EU. The intelligence it provides is global, complete, cross-checked and confirmed (Council of the European Union 2008b: 98).

In June 2004 however, Javier Solana announced that the internal security services of the Member States should provide intelligence to SitCen on the *internal threats* to the EU. Under internal threats fall the 'broad range' of internal security, intelligence investigations, border surveillance and crisis management (Council of the European Union 2004d: 2). The provision and sharing of internal intelligence within the context of SitCen was done sometimes directly through the security services of the member states (AIVD 2007: 22), but also through the channel of the *Counter Terrorism Group* (CTG). The CTG was formed after the attacks of 9-11, as a Dutch initiative of the so called '*Club de Bern*', an informal gathering of the heads of the security and intelligence services of the EU member states as well as Norway and Sweden. The Club de Bern was formed in the 1970s and is the principal point of contact of the European heads of national security services and has established working groups on terrorism and organized crime. The Club de Bern does not base its activities on a formal charter and operates outside of the institutions of the EU (Walsh 2006: 631). The Club de Bern is

¹⁴ According to news articles, SitCen was blackmailed by London, who said they were only prepared to cooperate more closely if they were given the leadership of SitCen. Behind the British was Washington, that was worried to what extent the EU was prepared to get its own intelligence capacity. The US wanted to secure control and influence in the emerging SitCen via its British partners. As a result, the head of SitCen, the German diplomat Heusgen had to step down in favour of William Shapcott (Koch 2003: 106).

'more than a lunch club' (Aldrich 2004: 738), as it facilitates operational coordination, organises joint training courses and builds mutual trust and confidence.

The CTG provides for cooperation in terrorism matters on the basis of an extra-legal and secret memorandum of understanding¹⁵ and focusses specifically on Islamic extremist terrorism (Deflem 2006: 341). The United States has an observer status in the CTG (Aldrich 2004: 738). The main products of the CTG are common threat assessments in the field of Islamic terrorism. CTG is said to be discussing the creation of a shared database which allows for the collation of contextual intelligence on subjects. In April 2004, the Club de Bern decided that CTG should play the major role in implementing intelligence-related aspects of the European Council's Declaration on Combating Terrorism (Aldrich 2004: 739). The CTG will channel its intelligence in the form of strategic and threat analyses to SitCen, in which a special counterterrorist unit was created within the Civilian Intelligence Cell. By this, the CTG has a presence in SitCen and SitCen is now able to fuse inputs from internal and external services to improve the information base that EU decision makers and policy makers have available to improve decision-making at the European level (House of Lords 2005: 55). National officials decide what information they want to send to SitCen (Lugna 2006: 112). According to the deputy-director of the Dutch General Intelligence and Security Agency (AIVD), the connection between the CTG and SitCen was a 'major fact', because the security services of the member states for the first time had a channel to an official European institution (Van Buuren 2005: 2). Not all member states have a representation within the counter-terrorist unit of SitCen. France, Germany, Italy, Spain, the UK and Finland are said to be engaged (Müller-Wille 2008: 62); because not all member states have directly seconded intelligence analysts to the counterterrorist unit, the cooperation with the CTG stays important because in that way analyses from all member states are directed to SitCen. The counter-terrorist unit of SitCen became operational on 1 February 2005 and it works with - secret - six month working programmes.

The fuse between information from internal and external secret services in SitCen could help bridge the gap between the Second and Third Pillar of the European Union and provides a streamlined internal and external security analysis capability. SitCen is keen to avoid being seen as just a Second Pillar institution and is trying to make sure that the Interior and Justice ministries view SitCen as something that they own jointly and that works for them (House of Lords 2005: 61). The strengthening of SitCen with input from security services on the internal threat to the EU is described as 'a significant step forwards' (Lugna 2006: 120), a 'small but significant development' (Keohane 2008: 129) and SitCen is believed to have the capacity to 'act effectively as a proper European intelligence agency' (Müller-Wille 2008: 60). SitCen is said to be a highly political structure. For instance, SitCen can produce intelligence that no national agency is willing to produce, or where a single country's report would not be acceptable for political reasons. Therefore, the intelligence cooperation within SitCen has more political sensitivities attached to it and the discussions supported by SitCen's assessments are 'likely to be more uncertain and controversial' (Müller-Wille 2008: 60). Most critically, SitCen

¹⁵ An untitled reference to this document can be found in the Council's register under number 15048/1/04 REV 1

assessments are directly applied in the securitization of the terrorist threat at the political European level, trying to determine how serious it is, how urgently action must be taken and, somewhat tentatively, what instruments and policies are likely to be most effective. The outcome of such political discussions may include decisions on structuring intelligence co-operation and on the development of European intelligence agencies. These political strategic decisions inevitably involve numerous variables and uncertainties and are by nature of a somewhat speculative character (Müller-Wille 2008: 60).

6. SitCen, accountability and transparency

On first sight SitCen seems to be an agency that has a strange kind of institutional embedding and seemingly a lack of accountability. SitCen enjoys political endorsement from the Council but no formal legal legitimacy as the Council did not formally adopt a legal act for its establishment as an EU agency. Nor is there a publicly available document with a clearly stated mandate or a similar constituting document. Democratic legitimacy is also low to the extent that there is no formal provision for the involvement of the European Parliament in the process of defining SitCen's mandate or working program, nor for parliamentary scrutiny in the member states (Den Boer, Hillebrand and Nölke 2008: 115). SitCen has worked without any major policy documents (House of Lords 2005: 56). Further, the flow of information on the internal threat of terrorism is coming from the so called Counter Terrorist Group on the basis of an extra-legal memorandum of understanding and the CTG itself is a result from the Club de Bern, which does not base its activities on a formal charter and operates outside the institutions of the EU. Horizontal and vertical networks of intelligence and security agencies merge in SitCen. The work of SitCen is said to be politically very sensitive, as its assessments are directly applied in the securitization of the terrorist threat. Further, not all member states are engaged in the same manner in SitCen, which gives the 'insiders' a greater ability of influencing the securitization of threats and the formulation of countermeasures.

SitCen does not work with raw intelligence information or operational information. It has a firewall between basic operational data and threat analyses. Its reports are a combination of open sources information, information from NGO's and analytical and threat analyses from intelligence and security services. Evaluations from SitCen are intended for a strategic level audience and its assessments are married up with policy proposals (House of Lords 2005: 60). So it is from a point of transparency and accountability interesting to see if any substantial documents on the work of SitCen (work programs, annual reports, strategic analyses or policy recommendations) are made public, or are being discussed in any parliamentary institution or in the media or civil society. As its reports does not contain raw or operational intelligence, but can have political and policy implications, it seems a democratic prerequisite that some level of transparency is guaranteed. To find out, we did a quick scan into the registers of the European Parliament, the Dutch national parliament, the scientific

PiCarta database, the news portal Lexis Nexis and the register of the European Council with the search terms 'SitCen', 'situation centre' and 'EU joint Situation Centre'.

6.1 European Parliament

The search in the register of the European Parliament produced 36 hits. However, no information was found on the substance of reports produced by SitCen. The EP has adapted a resolution in which it asks for the reports drawn up by SitCen to be transmitted regularly (European Parliament 2006: 15) and a resolution in which it called for the strengthening of the scrutiny by EP by conferring on Parliament the authority to appoint and dismiss the director of SitCen, and by ensuring that the director of SitCen submits an annual report to Parliament on its activities (European Parliament 2007a: 13-14). There are no signs that these requests from EP have been met by the European Council or Solana. The only information the European Parliament was given on the substance of SitCen-reports was that the agency had drawn up a threat assessment, which was followed by policy recommendations, in the field of explosives to prevent illegal use by terrorists (European Parliament 2007b).

6.2 Dutch Parliament

The search in the register of the Dutch Parliament returned 44 hits. No information was found on the substance of reports produced by SitCen, a working program, an annual report or what so ever. The information provided by Dutch government was of a general character on the tasks and development of SitCen. No parliamentary question was found regarding the substance of SitCen's reports or calls for more transparency.

6.3 Picarta

The search in Picarta returned 106 hits. All the scientific articles – some of them used in this paper – focussed on the origins, development and characteristics of SitCen and its positioning inside the European counterterrorism field. No material however was found regarding the substance of the work done by SitCen.

6.4 Lexis Nexis

The search in Lexis Nexis produced 175 hits. All the news articles were however of a general character, describing the tasks and development of SitCen, but no mentioning was found of the substance of the work carried out by SitCen.

6.5 European Council

The search in the register of the European Council returned 571 hits. However, one has to bear in mind that it is not sure that this is a full oversight of SitCen-related subjects. On the initiative of Javier Solana, the European Freedom of Information Act was amended in 2000 to create a special rule on the handling of 'sensitive documents' in the fields of CFSP and JHA. Not only was the possibility of public access to these documents restricted, it was also decided that no reference to documents

classified as *Top Secret*, *Secret* or *Confidentiel*¹⁶ would be contained in the public register of Council documents (Council of the European Union 2000). In 2003, for instance, about 80 classified documents were not mentioned in the Council's register (European Commission 2004). Further, due to the 'nature' of SitCen documents, not even references to SitCen-reports are made in public versions of agendas (Council of the European Union 2007a: 8).

An analysis of the 571 hits gives some information on the amount of reports produced by SitCen. It has produced more than 150 reports (situation and risk assessments) in the field of CFSP, ESDP and the threat posed to the Union by proliferation and terrorism (Council of the European Union 2008b: 98). Elsewhere, however, it is stated that SitCen has issued more than 150 reports *per year* to Council bodies on major issues in the field of CFSP and the threat posed to the Union by terrorism (Council of the European Union 2007b: 52).

Further, since April 2005, SitCen has presented reports in the context of internal security to the Terrorism Working Group. 75 policy recommendations have been agreed on the base of the reports (Council of the European Union 2007c: 2), but it is not sure if every SitCen report is accompanied by policy recommendations. Besides that, SitCen is producing regular quarterly threat assessments and six monthly reports (Council of the European Union 2006a: 4).

The 571 public documents found in the Council's register give very little insight in the substance of SitCen-reports, or the issues it addressed:

Reports on external security threats

1. Iranian nuclear and ballistic programmes (Council of the European Union 2008c: 7)
2. Evaluation document on the trends, risks and threats with regard to the proliferation of weapons of mass destruction and the status of NBC proliferating programmes and missile programmes (Council of the European Union 2008d: 9)
3. The control of exports of dual-use and sensitive items (Council of the European Union 2008d: 14)
4. Threat analyses when an EU fact finding mission is launched (Council of the European Union 2008e: 3-4)
5. Threat assessment on terrorist financing (Council of the European Union 2008f: 5)
6. Threat assessment on illegal migration and trafficking in human beings from Western Balkans (Council of the European Union 2008g: 2)
7. Threat assessment on the use of explosives originating in Western Balkan states and of the extent of radicalisation and recruitment in the region and monitoring potential links between organised crime and terrorism, in particular drug-related crime and indirect logistical support to terrorism (Council of the European Union 2008h: 4)

¹⁶ The European Union has four levels of classification: *Top secret* (disclosure could cause exceptionally grave prejudice to the essential interests of the EU or of one or more of its member states); *Secret* (disclosure could seriously harm the essential interests of the EU or of one or more of its member states); *Confidential* (disclosure could harm the essential interests of the EU or of one or more of its member states); and *Restreint* (disclosure could be disadvantageous to the interests of the EU or of one or more of its member states) (Council of the European Union 2001).

8. Threat assessments in relation to or including bio-terrorism aspects in connection with Al Quaida (Council of the European Union 2008i: 19)
9. Report on the PKK (Council of the European Union 2008j: 7)
10. In the context of climate change and international security, the monitoring and early warning of situations of state fragility and political radicalisation, tensions over resources and energy supplies, environmental and socio-economic stresses, threats to critical infrastructures and economic assets, border disputes, impact on human rights and potential migratory movements (Council of the European Union 2008k: 10)
11. Threat assessments on illegal Immigration from West-Africa (Council of the European Union 2008l: 36)
12. Threat assessments in the context of the EU Support Action for the African Union in Sudan (Council of the European Union 2007a: 8)
13. Threat assessments in the context of EU civilian missions in Afghanistan (Council of the European Union 2007d: 8)
14. Threat assessment on the threat posed to the European Union from Islamist extremist terrorism emanating from the region of Bosnia (Council of the European Union 2006b: 7)
15. Situation report concerning the illicit trafficking of SALW in Africa (Council of the European Union 2006c: 7)
16. Issue of arms purchases by Ethiopia and Eritrea (Council of the European Union 2004e: 2)
17. Review of the attacks perpetrated in Mumbai (Council of the European Union 2008m)
18. Reports on aviation security in relation to bilateral contacts with third parties (Council of the European Union 2006d: 18)
19. Threat assessment on travel to and from conflict zones and prevent individuals from gaining access to terrorist training (Council of the European Union 2006d: 25)
20. Timely analysis of attacks carried out by terrorists (Council of the European Union 2006d: 36)

Reports on internal security threats

1. Report on home-grown terrorism (Council of the European Union 2007e: 10)
2. Paper on the 'Anatomy of a terrorist network' (Council of the European Union 2005a: 1)
3. Paper on support from member states security and intelligence services to SitCen (Council of the European Union 2005b: 1)
4. Terrorist use of the internet (Council of the European Union 2005c: 2)
5. Terrorist access to weapons and explosives (Council of the European Union 2005c: 2)

It seems clear from this quick scan that only a fraction of the work of SitCen is transparent, in the (very limited) sense that it is possible to know some of the subjects SitCen is interested in. Finally, we requested access based on the European Freedom of Information Act to a document that was referred to in a – partly – public document. This document should contain an overview of the SitCen reports

and political recommendations in the field of the *internal threats* to the security of the European Union and was handled by the TWG. The request for access however was denied on the base of article 4(3) of the Regulation (protection of the Council's decision-making process). According to the General Secretariat, 'the disclosure of this information could have a negative effect on the on-going discussions on this politically sensitive matters' (General Secretariat of the Council of the European Union 2007).

7. SitCen reports and political recommendations

The somewhat disappointing search for the substance of SitCen-products however turned into a more positive direction as we managed to obtain through more informal channels a copy of parts of the document – classified as 'Restreint' - the Council refused to make public (Council of the European Union 2007f). Parts of the document can be found in Annex I to this paper. The document states that SitCen reports 'serve as a basis for discussion and international exchange of views between the representatives of the Council TWG' and that they are also forwarded to 'the security agencies of the member states which use them to complement and to extend their own intelligence and evaluation results'. Further, they are 'an instrument for the further development of counterterrorist measures in Europe'. Should the reports show need for 'action by the European institutions or the member states concerning individual issues, or if concrete advice on how to deal with individual aspects of counterterrorism can be given on the basis of these reports, the TWG develops political recommendations'. These recommendations are 'important guidelines' for the work of the European institutions and the security agencies of the member states'. The document further states that the TWG has adopted 75 recommendations on the basis of SitCen reports.

We also managed to get hold on two of the political recommendations (see Annex II and III) on basis of the SitCen papers '*What deters terrorists?*' and '*Islamic Extremists' use of the Internet*'. It is interesting to see that on the first issue, a political recommendation is made to 'consider the value of exploring with media outlets, as appropriate, the possibility of their establishing a voluntary code of conduct for the reporting of terrorist incidents'. Further research on this issue seems important, because – if this recommendation has been followed up, which is not certain - this could effect the independent position of media organisations. The second policy paper has also an interesting paragraph in it, where it is recommended to 'consider the need for a specific offence relating to the incitement of terrorism, with specific reference to the role played by the internet'. This issue affects directly the freedom of speech and religion, two contested issues in these days. Further, it is clear that this political recommendation has found its way into the official policy of the EU and its member states, as the criminalisation of 'public provocation to commit a terrorist offence' has been proposed in a revision of the European Framework Decision on combating terrorism (Council of the European Union 2008n: 8).

When looking at the list of the SitCen reports, a question comes in mind: why is this list not made public? What is so secret about it? Is it a classic example of '*secrecy by default*' that runs through the security and intelligence community? Is it because of the 'political sensitivity' of these issues? Is it because it reveals some of the trajectories of secret 'knowledge' into formal policies? Let's go back to the reasons for transparency we discussed in the beginning of this paper. Besides the 'democratic-normative' prerequisite of transparency and the effect security and intelligence operations could have on the human rights and civil liberties of individuals, we argued that accountability and transparency are also important because 'terrorism' is a subject prone to processes of securitization, and that securitization has a 'powerful tendency' to colonize other domains of public policy. Further, we discussed the reconfiguration of the 'field of security' in a highly complex multi-level governance system, in which different security actors competing with each other for the monopoly of the legitimate knowledge on what constitutes risk. Secrecy, we analysed, is one strategy of keeping the power of definition and a way of disqualifying other points of view on the definition of threats and solutions.

Our research into SitCen, and the documents we obtained, makes it possible to develop some tentative thoughts on these aspects of accountability and transparency in the security field.

First, the 'colonizing' of other public domains seems to be at work. SitCen, which is a security and intelligence agency, regularly enters domains that have been the prerogative of law enforcement agencies: it is directing its intelligence efforts towards illegal migration and trafficking in human beings, links between organised crime and terrorism, and the illicit trafficking of SALW. Further, SitCen has an input into the Organized Crime Threat Assessment of Europol (Council of the European Union 2007g: 8), threat analyses of the European border agency Frontex (Council of the European Union 2008i:36) and the judicial cooperation agency Eurojust (Council of the European Union 2008o: 20).

Second, processes of securitization are likely to be driven by the intelligence reports, as for instance is shown by the SitCen reports and accompanying political recommendations on the criminalisation of incitement of terrorism, which have made their way to EU-legislation; in the same way, it can be assumed that SitCen reports and political recommendations in the context of the movement and travel of suspected terrorists have been a driving force behind the access that is given to intelligence services to large scale European databases like the Visum Information System (Council of the European Union 2007h).

Third, there are also some indications of the internal struggle in the reconfiguring security field. For instance, some member states questioned the 'prerogative' of SitCen to produce threat assessments regarding illegal immigration and trafficking in human beings (Council of the European Union 2008g: 2). Conflicts could heat up when the role of SitCen will be enlarged in the future. There are signals that the role of SitCen will be 'upgraded' and that the value and use of SitCen strategic analyses will increase (Council of the European Union 2008p: 8). Also the 'Future Group', which is making proposals for the future EU security cooperation, concluded that SitCen should play an important role

in the coordination of the fight against terrorism and the improvement of the information flow between different security actors (Future Group 2008: 5; 25). A struggle can also be noticed between the security and intelligence sector and Europol. Within Europol a Counter Terrorism Task Force has been established in the aftermath of the terrorist attacks that took place in Madrid on March 11. The European Council stated that security and intelligence officials from the member states services should be stationed at Europol to bridge the gap between law enforcement agencies and the security and intelligence services. But only two member states seconded intelligence officials to Europol. Europol concluded that 'it does not expect structured contributions from the side of the intelligence service environment any more' and that this was a clear violation of the political guidelines of the Council. A complaint made by Europol was however never forwarded to the Council but stayed at the table of CATS, the highest committee of civil servants in the JHA-field (Europol 2005: 7-9). The British House of Lords 'suspected' that one of the reasons for the security and intelligence community's reluctance to work with Europol is that intelligence is already exchanged through SitCen (House of Lords, 2008: 38).

Fourth, the intelligence community seems strongly committed to keep the highest levels of security to enable their role as producer of 'secret truth'. This is shown by the almost total lack of transparency regarding the work of SitCen; even 'political recommendations' are being kept hidden for parliamentary institutions and society at large. Further, the reluctance of intelligence services to work with Europol has the effect that it may undermine both the success and the legitimacy of better-governed agencies such as Europol (Den Boer, Hillebrand and Nölke 2008: 120). There also has been some rumour about the plans of the Future Group, because of the move towards a more institutionalised form of security and intelligence cooperation that could be read in its proposals. British security agencies are said to oppose the plan (Gardham 2008). The Dutch General Intelligence and Security Service (AIVD) even gave some special attention to the call for more formalised international security and intelligence cooperation or extended international regulation in their last annual report, calling it a 'misconception' because it does not take into account a number of 'essential limitations' in intelligence cooperation, like the need for source protection, the dominance of the national security perspective, and observance of the third-party rule. The central message of the AIVD was clear: 'Politicians and the public need to trust that collaboration is happening, and that the AIVD remains reliable, objective and principled in these dealings' (AIVD 2008: 25-26). In other words: trust, but do not verify.

8. Concluding remarks

What do we know of the EU Joint Situation Centre? How does it operate? In other words: how transparent is the EU Joint Situation Centre? These were the central questions of this paper. The answer has to be that SitCen suffers from a profound lack of transparency – and therefore is not as accountable as could be expected in democratic societies. Documents available in the public domain make it possible to reconstruct the trajectories of SitCen, its tasks and its position within the EU

counterterrorism field. It is however impossible to assess the substance of the work of SitCen and the influence SitCen has on the development of the EU as a security actor, the securitization of the EU and the constitution of threats and solutions. It is only through informal ways that it was possible to shed for the first time some light on the substance of the work of SitCen regarding its internal security dimension and remove partly the blanket of mystery SitCen is shrouded in. It seems obvious that further research on SitCen is needed, as it is an organization that has developed almost outside the political and public spotlights from an 'empty shell' into a crossroad of internal, external and military intelligence cooperation in the EU. SitCen is also an organisation that stands in the centre of the merger between horizontal and vertical networks of intelligence and security agencies; an 'in-security field' that is in transformation and the outcome of this transformation will subsequently determine partly the future of the EU as a security actor and the constitution of threats. 'Secret truth' of security and intelligence agencies is determining partly the European response to the terrorist threat and can have a great impact on citizens and the formation of the future political and social order of the EU. For instance, the *European Council Strategy for combating Radicalisation and Recruitment to Terrorism* (Council of the European Union 2005d) has according to De Goede (2008: 170-171) created 'an extra-legal sphere of intervention', where a wide array of functionaries, including teachers, prison workers and community workers, are authorized to intervene in people's lives in the name of preventing radicalization. According to De Goede, the Council Strategy thus authorizes functionaries to decide on rights of travel and internet use, rights of worship and education, for an undefined group of citizens who may be thought prone to radicalization. 'In this manner, the Strategy enables far-reaching practices of bio-political governing, which distinguishes some population groups for exceptional monitoring and treatment.'

Further research is needed to analyze the way intelligence influences European and national policy making. It will be a real challenge, in view of the level of transparency of SitCen, to research if and how the list of SitCen reports we have revealed, have been translated in political recommendations; if and how the transformation of the 'in-security field' is changing the relations, culture, power and influence of intelligence and security services, law enforcement agencies, customs and border agencies; if and how these European transformation is affecting the security relations 'at home'; how the 'uncertain and controversial' discussions supported by SitCen assessments proceeded within Council structures, Commission structures and national structures and which positions were taken by the different member states; how SitCen assessments are structuring and directing the emerging European foreign and military policy; how the difference between the member states that are 'insiders' of SitCen and member states that are 'outsiders' influence the securitization of the European Union; how the emergence of SitCen is influencing the position of other security actors in the EU like Europol; and if and how the essentially contested and precarious relationship between the political/executive level and the intelligence community is being shaped by the emergence of SitCen. Hopefully this paper can contribute a little to the realisation of this research agenda.

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ANNEX I

Analysis of SITCEN CT Products for the German Presidency

TWG Presentations

Subject	Date of Issue	SN Number	TWG Presentation	Classification
Threat to Europe from Iraq returnees	19/04/05	SN1855/05	20/04/05	SECRET
CBRN threat to Europe	19/05/05	SN1945/05	08/06/05	CONFIDENTIEL
Radicalisation & Recruitment	12/05/05	SN 2005/05	CATS 18/05/05	CONFIDENTIEL
Trends in Modus Operandi of Islamists in Europe	05/07/05	SN2506/05	22/07/05	SECRET
Immediate Assessment: London bomb attacks	08/07/05	SN2844/05	22/07/05	SECRET
Assessment Update (1): London bomb attacks	13/07/05	SN2878/05	22/07/05	SECRET
Terrorist Access to weapons & explosives	29/07/05	SN2829/05	12/09/05	CONFIDENTIEL
Assessment update 2: London Bomb attacks	04/09/05	SN3012/06	12/09/05	SECRET
Terrorist use of the internet	01/09/05	SN3070/05	12/09/05	SECRET
North African Terrorist groups in Europe	26/09/05	SN3190/05	07/10/05	CONFIDENTIEL
Anatomy of a terrorist network	28/09/05	SN3178/05	07/10/05	SECRET

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What deters terrorists?	18/10/05	SN3329/05	04/11/05	CONFIDENTIEL
Iraq UPDATE	24/10/05	SN3406/05	03/11/05	SECRET
AQ leadership update	19/10/05	SN3358/05	04/11/05	SECRET
Threat to rail networks	16/11/05	SN3579/05	20/01/06	CONFIDENTIEL
Terrorist movements and travel patterns	25/11/05	SN3615/05	06/12/05	SECRET
GSPC Update	24/02/06	SN1601/06	07/03/06	CONFIDENTIEL
Impact and role of prisons in Europe	27/02/06	SN1600/06	20/03/06	CONFIDENTIEL
Internet Update	03/03/06	SN1661/06	28/03/06	SECRET
Threat from returning jihadists and their influence on European R&R	03/03/06	SN1629/06	20/03/06	CONFIDENTIEL
Impact of the "Cartoons Affair".	03/03/06	SN1691/06	07/03/06	SECRET
Comparison of major events	24/03/06	SN1947/06	03/04/06	SECRET
Training camps	24/03/06	SN1939/06	04/04/06	SECRET
Recent statement by Usama Bin Laden	08/05/06	SN2477/06		RESTREINT
Chechen Groups	01/06/06	SN2796/06	20/06/06	SECRET
Terrorist Financing update	06/06/06	SN2835/06	20/06/06	CONFIDENTIEL
Iraq update	23/06/06	SN3084/06	07/07/06	SECRET
AQ activity in Europe	27/06/06	SN3085/06	07/07/06	SECRET

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The impact of Abu Musab Al Zarqawi's death.	13/07/06	SN3326/06		SECRET
UK Terrorist attack disrupted – 9/10 August 2006	21/08/06	SN6574/06	15/09/06	SECRET
UK Terrorist attack disrupted – 9/10 August 2006 - UPDATE	04/09/06	SN3655/06	15/09/06	SECRET
R & R Update	01/09/06	SN3647/06	15/09/06	CONFIDENTIEL
Attempted terrorist attack on two local trains in Germany	12/09/06	SN3723/06	15/09/06	CONFIDENTIEL
Impact of Western Balkans' networks on European Security	02/10/06	SN3916/06	16/10/06	CONFIDENTIEL
CBRN: An Update	06/11/06	SN4290/06	CONFERENCE	SECRET
Impact of Iranian or Iran-supported groups in Europe and in the Middle East	09/11/06	SN4298/06	22/11/06	SECRET
Ansar-Al-Islam Activity in Europe	10/11/06	SN4396/06	21/11/06	SECRET
Pakistan Update	28/11/06	SN4601/06	12/12/06	SECRET
Impact and Role of Women and Converts both inside and outside Europe	15/12/06	SN4999/06	09/01/06	CONFIDENTIEL
Suicide Attacks	18/01/07	SN1123/07	02/02/07	CONFIDENTIEL

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**POLICY RECOMMENDATIONS TO ADDRESS
ISLAMIST EXTREMISTS' USE OF THE INTERNET**

1. Encourage Member States to exchange information on the existing legal and practical possibilities for closing down websites in their respective jurisdictions.
ACTION: MEMBER STATES AND COMMISSION

2. If necessary, encourage Member States to establish the necessary legal framework to permit the removal from the internet of material which is deemed to breach existing legislation, by requiring EU-based servers hosting such information to remove it and prosecuting those residing within the EU responsible for originating it. Such material may that which provides ideological inspiration to would-be terrorists, or instructions to support their activities, for instance on how to fabricate explosives. Encourage equivalent measures in third countries towards the development of a global framework.
ACTION: MEMBER STATES AND COMMISSION

3. Consider the need for a specific offence relating to the incitement of terrorism, with specific reference to the role played by the internet.
ACTION: MEMBER STATES

4. Encourage Member States to co-operate closely in the evaluation of terrorism-related websites and to inform one another of any measures taken against particular sites or service providers. Where relevant, encourage Member States to take combined action against extremist websites.
ACTION: MEMBER STATES AND EUROPOL

5. Encourage Europol, within the limits of its remit, to develop its analysis of extremist websites through, for instance, the dissemination to Member States of lists of such sites, the identification of major sites by region and theme and the development of a common assessment of major sites.
ACTION: EUROPOL

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The Terrorism Working Group offers the following recommendations on the basis of its consideration of the EU SitCen paper “*What deters terrorists?*”. They do not consider the questions of radicalisation and recruitment which are not addressed in the SitCen paper and which are dealt with separately in the EU Strategy and Action Plan on Radicalisation and Recruitment. The recommendations should be read in conjunction with the respective measures in the EU Action Plan on Combating Terrorism.

Protective Security

1. Given that the deterrence of terrorist attacks is a major consideration in the development of the Programme on Critical Infrastructure Protection (CIP), being taken forward by the Commission with Member States’ CIP representatives in ProCiv, it will be important for TWG representatives to be able to bring their specific expertise to bear on this work. To this end, TWG representatives are encouraged to work with their ProCiv delegations at national level and should be given the opportunity to discuss the programme (possibly in a joint meeting with ProCiv in CIP expert format).
ACTION: MEMBER STATES, TWG AND COMMISSION
2. The Programme on CIP does not remove the need for Member States to develop their own capacities to protect their people and assets, working where necessary on a bilateral or multilateral basis to build up capacities through, for instance, the exchange of best practice. It is expected that the CIP programme will facilitate this process.
ACTION: MEMBER STATES, COUNCIL AND COMMISSION
3. Ongoing work should also give due consideration to developing and introducing means to protect other likely, non-critical infrastructure terrorist targets, notably places where large numbers of people gather.
ACTION: MEMBER STATES, COUNCIL AND COMMISSION

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Media coverage of terrorist incidents

4. Mindful of ongoing work at the Council of Europe on terrorism and the media, including the statement of the Assembly of the Council of Europe of 20 June 2005, and of the fundamental importance of the right of freedom of expression, consider the value of exploring with media outlets, as appropriate, the possibility of their establishing a voluntary code of conduct for the reporting of terrorist incidents.

ACTION: MEMBER STATES, COUNCIL AND COMMISSION

Research into the psychology of a terrorist

5. Pursue research into how different measures may influence a would-be terrorist's mindset and reduce the likelihood of their going through with planned attacks. Factors to consider include the relative influence of different protective security measures, environmental factors such as levels of public vigilance, and media coverage of other terrorist incidents.

ACTION: MEMBER STATES, COMMISSION AND EUROPOL

6. Examine the degree to which existing research on deterring criminality could be applied to deterring terrorism.

ACTION: MEMBER STATES, COMMISSION AND EUROPOL