



UvA-DARE (Digital Academic Repository)

Protection or Prevention? Different Visions of EU International Terrorism Policy

Isleyen, B.

DOI

[10.4324/9781315580692](https://doi.org/10.4324/9781315580692)

Publication date

2016

Document Version

Final published version

Published in

EU Foreign Policy through the Lens of Discourse Analysis

License

Article 25fa Dutch Copyright Act

[Link to publication](#)

Citation for published version (APA):

Isleyen, B. (2016). Protection or Prevention? Different Visions of EU International Terrorism Policy. In C. Carta, & J-F. Morin (Eds.), *EU Foreign Policy through the Lens of Discourse Analysis: Making Sense of Diversity* (pp. 59-78). (The Globalisation, Europe, Multilateralism Series). Routledge. <https://doi.org/10.4324/9781315580692>

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

Chapter 3

Protection or Prevention? Different Visions of EU International Terrorism Policy

Beste Isleyen

Introduction

In June 2002, the member states of the European Union (EU) adopted the *Council Framework Decision on Combating Terrorism*, with which they agreed on various measures to enhance their cooperation on counter-terrorism. The framework decision defines terrorism as a security threat, specifies which individual and collective acts count as ‘terrorist offences’, and puts forward policy recommendations as to how such offences can be effectively addressed. It calls on the member states to adopt a common definition of terrorism and improve their legislative practices and policing capabilities in order to better implement the objectives of the EU counter-terrorism action (Council 2002).

In consequence, EU external action in the field of counter-terrorism has expanded in terms of both scope and content. There has been a widening of Community policy-making to encompass a wide range of new policy areas, actors and instruments. Examples include the intensification of member state coordination in intelligence and information exchange, border controls, and law enforcement; the decision to make the European Police Office (Europol) an EU agency; the appointment of a Counter-Terrorism Coordinator (CTC) to organise EU counter-terrorism policies; and the adoption of a wide range of EU directives and regulations on counter-terrorism.

How was it possible that certain governance structures were able to emerge in EU counter-terrorism policy? A general tendency in the literature is to link the transformation of EU anti-terrorism governance to member states’ interests such as threat perceptions (Monar 2007; Joffé 2008) or relations with third countries and international institutions (Keohane 2008). However, these studies take foreign policy as a self-evident category, whose existence precedes the broader political field in which foreign policy is formulated. I propose a different approach based on poststructuralist discourse theory and argue that the meanings of subjects, objects, levels and instruments of governing as well as their relationships are not ‘simply there’ (Gottweis 1999: 63). Instead, governance is a discursive construction (Gottweis 1999; Diez 2001), and the establishment of particular elements of the EU’s fight against terrorism is a matter of discursive practices.

Before moving forward, three definitions are of vital importance: discourse, the discursive, and governance. *Discourse* is the ensemble of social practices, both linguistic and behavioural, which produce social meaning through the construction of particular understandings of and relationships between social phenomena (Howarth and Stavrakakis 2000). To put it differently, discourse is a particular system of linguistic patterns, symbols, beliefs, norms, traditions, actions, policies, etc., through which people understand the world surrounding them (Howarth 2000). *Discursive*, on the other hand, is a broader system of signification which exceeds discourses. Known also as ‘the field of discursivity’ (Laclau and Mouffe 2001 [1985]: 111), the discursive is ‘the horizon of classificatory rules and differences’ (Howarth 2000: 9) in relation to which people conceive of, associate certain meanings to and establish particular linkages between divergent elements of the social world (Torfing 1999; Howarth and Stavrakakis 2000). Lastly, *governance* is ‘the structured ways and means in which the divergent preferences of interdependent actors are translated into policy choices “to allocate values”, so that the plurality of interests is transformed into coordinated action and the compliance of actors is achieved’ (Eising and Kohler-Koch 1999: 5).

Analysing governance from the perspective of poststructuralist discourse theory, I illustrate that the expansion of EU-level action in combating terrorism is an effect of discursive struggles over the definition of the terrorist threat, including its origins, whom and what it targets, which means it utilises, as well as what needs to be done to combat it. There are three main visions of governance engaged in discursive battles to frame the EU’s counter-terrorism approach: ‘radicalisation from within the EU’, ‘radicalisation as an external security threat’ and ‘the Schengen zone under threat’.

Throughout these contests, the three different ideas of EU anti-terror action have relied on a set of narratives and filled them with particular meanings for purposes of representation and legitimisation. The process has resulted in the prevalence of ‘the Schengen zone under threat’ construct through the skilful confluence of national differences around a commonly acknowledged strategy for governance and the use of expert knowledge to strengthen arguments and justify policy choices. The analysis also demonstrates that ‘the Schengen zone under threat’ vision has generated ‘de-politicisation’ and ‘discrimination’ in European governance practices.

In the following, the first section discusses past research on the transformation of EU terrorism cooperation. The second section presents the discourse analysis approach adopted for this study. The third section addresses methodological questions; and the fourth section analyses EU counter-terrorism discourse on the basis of the suggested theory. The fifth section summarises and discusses the finding.

Reconsidering EU External Action on Counter-Terrorism

The development of EU foreign policy activities in the area of counter-terrorism has been extensively examined (e.g., Lugna 2006; den Boer, Hillebrand and Nölke 2008). Much of the focus has been on the expansion of governance practices through the growth of the competences of Community institutions and the proliferation of instruments, types and actors of policy-making at the EU level (Balzacq 2008; Bossong 2008). Numerous studies have sought to account for these developments, and an overwhelming majority of scholars argue that ‘the external dimension’ (Kaunert 2010) of the EU’s fight against terrorism has been driven mainly by the interests and power capabilities of the member states along with their strategic relations with third countries (e.g., Edwards and Meyer 2008; Keohane 2008).

From this perspective, the member states are the central actors determining the scope and degree of cooperation in counter-terrorism issues. They promote EU governance only to the extent that national sovereignties are preserved, and vital state interests are not jeopardised. Decisions on the transfer of authority to EU institutions rest with individual countries (Monar 2007). The primacy of national interests is reflected in member states’ preferences for the modes and instruments of EU governance. Supranational policies are favoured when collective gains are expected, and states push for the approximation of national practices. The increase in the adoption and implementation of European Community directives and regulations concerning the prevention of terrorist financing is an example of how common interests can prompt integration (Kaunert 2010). Contrary to this, integration is weak in areas where member states have ‘established bilateral and multilateral working relationships’, both among themselves and with third countries (Edwards and Meyer 2008: 21). For instance, Britain and Ireland have specific arrangements for detecting and pursuing terrorists within their territories, whereas France and Spain conduct joint counter-terrorism operations (Keohane 2008). As for third countries, France works closely with North African states in policing and information exchange, while Spanish and Moroccan authorities have built bilateral cooperative linkages in intelligence sharing on terrorist networks and financial channels of terrorism (Wolff 2009).

Following this, Kaunert (2010) argues that the intensification of EU foreign policy activities in combating terrorism can be explained by the convergence of national interests. The attacks on the United States (US) on 11 September 2001 revealed to EU member states that they were all under terrorist threat. Collective action was seen as a necessary and important instrument to protect the Union from different acts of terrorism (Guild 2008). Therefore, the widening of EU external counter-terrorism action is a response to the events of 9/11 (Joffé 2008).

However, international terrorism is not an issue that was first put on the EU’s foreign policy agenda after 2001. Addressing terrorism is one of the objectives of the Euro-Mediterranean Partnership, which was launched in 1995 with a view to increasing political, social and economic relations between the EU and the

countries in North Africa and the Middle East. The partnership document known as the Barcelona Declaration states that combating ‘terrorism will be a priority for all the parties. To that end, officials will meet periodically with the aim of strengthening cooperation among police, judicial and other authorities’ (Barcelona Declaration 1995: 16). Likewise, at the Tampere Summit in 1999, the member states declared their willingness to create an Area of Freedom and Security and Justice through closer collaboration in Justice and Home Affairs (JHA) issues. In this regard, they emphasised for ‘the first time ever ... the “external dimension” of JHA’, and subsequent practices incorporated counter-terrorism into EU external action (Wolff 2009: 140). Therefore, the point is not whether terrorism is really a threat for the EU. Instead, the interesting question is: how was it possible for terrorism to have become an issue to be addressed through closer cooperation among the member states in external policies?

In asking the ‘how’ of governance, I suggest poststructuralist discourse theory as both a theoretical and methodological approach to the study of EU international anti-terrorism policies. It is important to note that my objective is not to refute previous studies on the topic. Rather, I argue that discourse analysis can shed light on several important aspects of the Union’s counter-terrorism efforts that are left unanswered by past research. First, I see governance as an effect of discursive struggles over the formation of meanings and relationships that condition political action. Second, I am interested in the historically contingent understandings and linkages with respect to which certain constructs prevail over others and become more or less leading in guiding politics. Third, I indicate the political consequences of discursive practices under ‘the Schengen under threat’ conception, thereby assessing the workings of the European counter-terror strategy.

A Discourse Theory Approach to EU Counter-Terrorism Governance

The primary contention of poststructuralist discourse theory is that there is no meaning independent of discourses. Rather, it is through and within particular discursive formations that we conceive of, associate certain meanings to and establish particular linkages between divergent elements of the social world (Torfing 1999; Howarth and Stavrakakis 2000). Neither is there a permanent discursive structure with everlasting concepts and eternal signification systems. Rather, discourses are historically contingent meanings that are relational and subjected to change through new practices of signification (Howarth 2000).

To give an example, Torfing (1999) examines three different discourses, in which the concept of welfare has acquired different meanings and undergone significant transformations. For instance, the mercantilist discourse defines welfare by reference to state wealth that is to be achieved with the help of a working population, whereas the liberal discourse prioritises private ownership and links welfare to the liberalisation of economic activities. After the Second World War, the concept of welfarism in Western Europe was reconstructed to stand for the

well-being of the population through the provision of state aid and social rights to the vulnerable and poorer segments of society.

Thus, from the viewpoint of poststructuralist discourse theory, discourses are never complete, and there is no possibility of ultimate social constructions with fixed attributes. Similarly, the linkages between objects and subjects are not permanent fixations. As relationships between diverse elements of discourses are partially arranged (Laclau and Mouffe 2001 [1985]), there are constant ‘power struggles’ to fix social meanings. These power struggles are discursive battles ‘that aim to establish a political and moral-intellectual leadership through the articulation of meaning and relationship’ (Torfing 2005: 15). The goal is to form a discursive unity with a particular distribution of power in a given social entity. Power can take the form of, for instance, organisational structure, knowledge and material resources (Wodak 2011).

Discursive struggles intensify during crisis situations, whereby a particular discourse ‘is confronted with new events that it cannot explain, represent, or in other ways domesticate’ (Torfing 2005: 16). In such cases, meanings enter into a state of flux, as old meanings are unable to integrate the emerging phenomena into the already existing discursive system. Challenged by new events, old meanings are contested and opened to renegotiation. This triggers discursive battles, competitions to overcome the crisis through alternative discursive articulations (Wodak 2011).

In this regard, discursive contests rely on different strategies of identification, presentation, negation and justification. They make use of ‘metanarratives’ to stabilise meanings and reorganise relationships. Metanarratives are central conceptions of ‘what the world is about’, in the sense that they entail meanings and rules in relation to which we make sense of social phenomena, such as politics, economics and society (Diez 2001: 6). In a discursive formation, different metanarratives are positioned to one another in accordance with a set of rules which concern the legitimate way of doing things. Discursive battles rest on such metanarratives and put them in a particular relationship with a view to forging a discourse that seems both fair and legitimate (Diez 2001; Schulz-Forberg and Stråth 2010). Within these struggles for power, discursive practices also utilise other sorts of legitimacy in the form of organisational linkages, knowledge and political networks (Hansen and Sørensen 2005).

Following this, I argue that the transformation of EU counter-terrorism governance is the outcome of discursive struggles over the definition of terrorism and counter-terrorism and the central components of the European anti-terror strategy, including the subjects, objects and mechanisms of governing. Seeing governance as an effect of discursive struggles requires scrutinising how different articulations on EU anti-terror action construct different visions of governance through acts of definition, affirmation and negation.

I argue that the particular constructions of terrorism and its related concepts engage in a contest for power; that is, the framing of ‘legitimate’ governance. First, they strive to determine the subjects of governance. Governing is about

‘who’ is authorised to speak and act within the framework of EU political action. Battles take place over the functions, authorities and tasks of actors as well as the ‘positioning’ of subjects in relation to other subjects (Doty 1993; Howarth 2000). Second, in line with the construction of the terrorist threat, the EU’s fight against terrorism is targeted at particular political, social and economic phenomena as objects of governing (Doty 1993). ‘What’ needs to be governed in order to eliminate factors generating terrorist activities? Third, governance functions by means of a set of instruments produced and utilised to pursue the EU anti-terror strategy. As with the subjects and objects of governing, the employment of counter-terrorism instruments complies with the specific understandings of terrorism and its root causes.

The question remains as to how one idea of governance prevails over others? I argue that it is those articulations that are able to compromise among different positions (both national and institutional) in a shared framework and present their arguments as plausible and proper that stand out as more or less dominant in shaping European counter-terrorism governance. Practices of legitimisation bring together a set of metanarratives to stabilise the meaning of diverse phenomena related to terrorism and constitute a discourse that represents the legitimate conduct. Within these processes of legitimisation, discursive articulations try to provide backing for their positions through different sources of legitimisation. The key aspiration is to bring divergent personal, institutional and national positions onto common political ground, and in this respect discursive struggles rely on different sources of legitimisation to reinforce their arguments towards legitimate conduct (Schulz-Forberg and Stråth 2010; Wodak 2011).

Methodology

There are two main steps of the methodological approach selected for the examination of the development of European counter-terrorism response. The first step applies to the collection of data. Because the objective is to uncover competing discourses on EU anti-terror governance and demonstrate how meanings condition political action, text selection paid particular attention to the plurality of data so as to be able to indicate conceptions, overlappings and contradictions in the imagination of governance. The analysis opted for qualitative data on the grounds that such data are best suited to depict the political context in which discursive battles come into view through acts of negation, affirmation and legitimisation (Hansen and Sørensen 2005). Furthermore, qualitative data are most appropriate to reveal the concepts and rules according to which visions of governance seek to structure meaning and struggle for discursive legitimacy.

The central criterion in data selection is the political significance of the individual and institution producing linguistic and non-linguistic meanings of European counter-terrorism governance (Jackson 2007). Therefore, the majority of qualitative data comes from official documents in the form of Council conclusions

and declarations, Commission working papers and statements, European Parliament debates and statements, publications by the state institutions of the EU member states, and press releases, as well as other relevant publications on the subject such as assessment reports. This corpus of data is supplemented by published interviews with officials from Community institutions and representatives of the member states along with media publications. Besides these, secondary forms of qualitative data were also used to enrich the analysis. The main sources of the secondary data were academic books and journal articles on historical and political accounts of the EU's terrorism policy.

Another central question in data gathering is the amount of reading that is necessary to have a comprehensive picture of the topic under scrutiny. The quantity of documents matters only to the extent that the collected information provides novel and helpful insights for the analysis. In this study, more than 100 documents were collected and the analysis ended when the kinds of data under examination were repetitive of previous statements and gave hardly any new information (Hansen and Sørensen 2005; Jackson 2007).

The second step is about how to analyse the collected data. In the first stage, the key task is to unearth the different conceptions of governance within European debates on terrorism and counter-terrorism. This task involves the revelation of the central arguments, patterns of meaning and rules that are used to constitute understandings of European governance. Questions guiding such an undertaking are: what are the central conceptions of EU governance, and what kind of concepts do these conceptions make use of to address terrorism, and the sort of governance that is needed to fight effectively against the terrorist threat? These questions are significant to investigate the plurality of visions on European governance.

The disclosure of the main visions of governance brings us to the second stage of analysis: the demonstration of the main narratives underlying the different constructions of EU governance. The practice of legitimisation is a significant criterion for discovering the main narratives in accordance with which the competing images of the European counter-terrorism strategy take form (Diez 2001). Legitimation shows itself in representations and argumentations that strive to present particular meanings, choices and ways of doing this as self-evident, urgent and unquestionable, including the subjects, objects and mechanisms of governance (Hansen and Sørensen 2005). The question is: what are the major concepts that discursive practices make reference to with a view to justifying particular arrangements and decisions? This question enables us to see which linguistic and non-linguistic channels of legitimisation are at play when proposing a scheme for governance.

On the basis of these two stages of investigation, the following section examines the development of the EU counter-terrorism strategy by looking into struggling ideas of governance, the acts of justification behind these images, and the various means these images exploit to gain legitimacy.

EU Counter-Terrorism Policy: Governance as a Discursive Struggle

The transformation of EU governance in terrorism issues has materialised through discursive struggles over what terrorism is and how it should be effectively addressed. The battles over the key concepts of terrorism have taken shape as part of a crisis of identification and justification which emerged in the aftermath of the 11 September 2001 events in the US and became reinforced through the 2004 Madrid and 2005 London bombings. The crisis was characterised by tensions over the identification of problems and specifying solutions in formulating a European anti-terror strategy. Contests over European counter-terrorism governance pertain also to discursive attempts to constitute what the EU stands for. The analysis indicates that ‘the Schengen zone under threat’ came out as the key construction of European response to terrorism through the successful merging of the national and the technical in the formulation of a framework for governance.

Discursive Struggles for Political Power: Three Visions of Governance

The development of European counter-terrorism policies cannot be understood without looking at the broader context in which discursive attempts to constitute governance are embedded. The 9/11 events along with the Madrid and London attacks gave rise to debates within both public opinion and political circles in Europe as regards terrorism and counter-terrorism. International terrorism became a key security concern among EU citizens, and various public opinion surveys pointed to a growing public uneasiness following Madrid and London. Meanwhile, the governments of the EU member states had difficulty in understanding the root causes of the terrorist threat and deciding on the most appropriate measures to tackle it. Similar problems were also evident at the EU level, as Community institutions entered into intra- and inter-institutional disputes over the necessary strategic choices in counter-terrorism action (Edwards and Meyer 2008).

Within this historical, political and institutional context, a crisis of legitimisation arose as to what, whom and how to govern. Attempts were made to give meaning to the key concepts revolving around terrorism and to constitute European counter-terrorism governance in such a way that the emerging construction would become a legitimate and helpful political action. The process of constituting governance implied the emergence of a plurality of understandings competing for recognition in the formulation of the European anti-terrorism policy. In this regard, three main constructions have engaged in discursive battles and sought to gain political leadership: ‘radicalisation from within the EU’, ‘radicalisation as an external security threat’ and ‘the Schengen zone under threat’. Each of these visions draws upon a set of narratives to describe the content, scope and instruments of counter-terrorism, and strives to gain legitimacy for political power through various strategies of justification and representation (Table 3.1 below).

Table 3.1 Three central constructions around EU counter-terrorism governance

Type of governance construction	Emergence of the construction	Narratives	Makers of the discursive practices	Modes of governance practices
'Radicalisation from within the EU'	2004–2005	– freedom versus religious extremism – community (value-based) – security	– European Commission – CTC	– Media Strategy – Internet (Check the Web) – education – youth dialogue – interreligious exchanges
'Radicalisation as an external security threat'	2003 (European Security Strategy)	– freedom vs. religious extremism – community (universal values) – security	European Council; EEAS – formerly DG RELEX	– development cooperation – technical and financial aid – academic exchange programmes – interreligious/intercultural dialogue
'The Schengen zone under threat'	2003–2005	– freedom of movement as a problem – community (EU citizens sharing common borders) – security (of borders)	– DG RELEX – FRONTEX – DG Justice, Liberty and Security – JHA Council – Europol, Eurojust	Information- and intelligence-sharing; technical cooperation

Discursive struggles largely applied to three narratives; namely, freedom, security and community. The vision of 'radicalisation from within the EU', which appeared after the bomb attacks in Madrid and London, linked terrorism to 'violent radicalisation', referring to 'the phenomena of people embracing opinions, views and ideas which could lead to acts of terrorism' (Council 2005: 2). Constructed primarily by the Commission and embraced by the Council of Europe – especially by the CTC appointed in 2007 – the radicalisation concept perceived terrorism as the outcome of radical ideologies which take root within particular segments of European societies. Radicalisation grows particularly among individuals or groups of individuals facing problems in integrating into their respective societies and harbouring feelings of exclusion from the social environment. Needing to belong to a community, they affiliate themselves with groupings which disseminate extremist religious views and justify terrorism by reference to a religious ideology (European Commission 2005).

In associating terrorism with religious extremism, the ‘radicalisation from within the EU’ defines freedom as a core element of the EU’s identity, and regards radicalisation as a violation of the freedom of expression and the freedom of religion which are intrinsic to the EU. As the CTC affirms, though freedom of expression is one of the core elements of democratic societies, it is not an unlimited right. Freedom of expression can be limited on the grounds that it serves the purpose of diffusing extremism, disseminating terrorist propaganda and inciting people to take part in terrorist activities (de Vries 2006).

Thus, the narrative of community takes on a particular meaning through the specification of freedom and determination of its limits. Community comes to mean ‘the European society’ embodied in the EU which is built upon ‘human dignity, liberty, equality, solidarity, respect for human rights and fundamental freedoms’ as well as ‘democracy and ... the rule of law’ (Council 2002: Article 1). Security then is an issue of protecting the core values of the European community from extremist views and radical ideologies which spread through certain societal groupings in the member states. And since the use of technology is one of the central means of being exposed to radicalisation, the Commission as the main producer of the vision has justified governance initiatives aiming to counter the diffusion of terrorist propaganda through media and prevent radicalisation and recruitment into terrorism through the Internet. Cooperating with the authorities of particular member states, the Commission sought to legitimise governance practices directed at the monitoring of the Internet and media with a view to preventing terrorism-related information from being diffused to the European public (European Commission 2005).

‘Radicalisation as an external security threat’ has a similar conceptualisation of freedom to that of the ‘radicalisation within the EU’ construction, yet it differs in its references to the narratives of security and community. From this view, radicalisation is no longer confined within the borders of the Community. Rather, it is argued to have its roots in countries and regions beyond the Union. Constituted by the European Council and the European External Action Service (EEAS) – formerly the Directorate-General for the External Relations (DG RELEX) – the vision of radicalisation as emanating from the outside manifested itself in the European Security Strategy in 2003 and became consolidated after Madrid and London. The contention is that certain non-EU countries serve as a ‘foothold’ for terrorist operations and ‘breeding grounds’ for radicalisation and recruitment into terrorism (Council 2009). Terrorist activities stem primarily from countries and regions suffering from regional conflicts, state failure, and organised crime which prepare the necessary conditions for individuals to be attracted by radical ideologies and become members of terrorist organisations (Council 2003, 2005).

In externalising the terrorism risk, ‘radicalisation as an external security threat’ generates an understanding of community which incorporates not only European citizens, but also those sharing the core values which the EU rests on. Community represents both the EU and non-EU countries that are vulnerable to acts of terrorism and radicalisation (Council 2005). Enlarging the frontiers of the community under

terrorist threat brings forward the extension of the meaning of security to include the safety and well-being of a broader population existing beyond the boundaries of the Union (Council 2004).

What is remarkable here is the discursive struggle to construct the EU as a 'security provider' in international relations. Linking radicalisation to conditions belonging to the outside and rendering specific third countries as victims of terrorist acts make it possible to turn governance into an issue of international political action and to specify responsibilities and functions for the EU in international politics. Because terrorism comes to the surface and operates freely in countries facing different types of political conflict, the main governance strategy to combat radicalisation is through EU development aid in the form of technical, financial and development assistance, along with interreligious/intercultural dialogue by means of Community programmes. In so doing, the determination of the targets and strategies of counter-terrorism governance signifies a power struggle undertaken by the Council and the EEAS (then DG RELEX) to present their exercises as appropriate and valued, while seeking at the same time political legitimacy for their operations in third countries.

However, neither 'radicalisation from within the EU' nor 'radicalisation as an external security threat' could dominate the discursive construction of European anti-terrorism governance. Instead, it is 'the Schengen zone under threat' which has stood out throughout the discursive battles and come to be instrumental in shaping political processes within the EU, including those at the national, Community and international levels. This vision took shape with the publication of the European Security Strategy (2003), and gained strength after Madrid and London. The makers of 'the Schengen zone under threat' are the JHA Council and three Commission DG's – DG RELEX (now EEAS), along with DG Justice and DG Home Affairs, both of which belonged to DG Justice, Freedom and Security before they were split into two separate institutions in 2010. In addition, Europol and Eurojust are also significant producers of this construction of European counter-terrorism governance.

The three narratives which the 'radicalisation from within the EU' and 'radicalisation as an external security threat' together rest on are also crucial for the production of 'the Schengen zone under threat' governance vision. The concepts of freedom, security and community are fundamental reference points for 'the Schengen zone under threat' in positioning it within discursive battles and organising its strategies for justification over political leadership. To begin with, the leading construction of EU counter-terrorism governance differs from the two other images in its perception of community. Whereas 'radicalisation from within the EU' and 'radicalisation as an external security threat' define community in terms of political values that are under attack by extremist ideologies, 'the Schengen zone under threat' views community as 'the EU community', sharing common borders which physically demarcate EU citizens from the terrorist risk originating from outside the confines of the Schengen area (Council 2003, 2004).

In connection with this, freedom carries a meaning that is dissimilar to its connotations in governance visions of ‘radicalisation from within the EU’ and ‘radicalisation as an external security threat’. Freedom in ‘the Schengen zone under threat’ is associated with the freedom of movement within the Community. It is a problem emanating from the freedom of movement granted through the Schengen zone regulations. As the Council affirms, terrorists abuse the freedom of movement to plan and perform their activities. The absence of border controls between the member states makes it easier for terrorist groups to travel freely and transfer money, goods and technologies across the EU for terrorist purposes (Council 2005). Intimately related to the issue of the freedom of movement, security represents the security of the Union’s physical structures, including its borders, citizens and the critical infrastructure. The belief is that since terrorist networks exploit the free movement of people, capital and goods within the Community, the main target of the terrorist threat is the security of movement within the Community (Council 2007, 2008).

The advancement of ‘the Schengen zone under threat’ among three main images of governance has paved the way for the proliferation of policies focusing on information- and intelligence sharing along with technical cooperation in border management issues. The remaining question is: how is it that ‘the Schengen zone under threat’ has developed into the prevailing governance construction of European counter-terrorism strategy? The next section aims to answer this question.

The Power of Merging the National and the Technical

The prevalence of ‘the Schengen zone under threat’ vision relates to the successful assembly of different national positions and the use of technical knowledge in the fight against terrorists and terrorist networks. What is common to these two discursive elements is their function in justifying the necessity and contribution of ‘the Schengen zone under threat’ vision in the formulation of an efficient and targeted counter-terror strategy.

First, the success of ‘the Schengen under threat’ governance construction lies in its reconciliation of national positions during an instance of political crisis. The September 2001 events and subsequent terrorist attacks in Europe left the EU member states and Community institutions in a state of uncertainty about how to understand the terrorist threat and formulate an effective European counter-strategy. At that time, national policies were diverging as regards the description of terrorism and the determinants of a collective response. On the one hand, not every EU member state was equally concerned about the terrorist threat. Support for EU-level policy-making was especially high in countries subjected to diverse forms of terrorism in the past, such as Germany, Spain and France. On the contrary, given their relatively low level of exposure to terrorism, Scandinavian members of the Union were less willing to allocate considerable resources for a common fight against terrorism at the European level (Edwards and Meyer 2008). On the

other hand, there were strong national variations in the interpretation of concepts such as 'human rights' and the 'non-intervention principle' (Wiener 2008), and EU countries found it hard to harmonise their views on the best method of dealing with terrorism. Certain member states favoured multilateral solutions and were unsupportive of military action, whereas others advocated law-enforcement and interventionist strategies (Edwards and Meyer 2008). Such ambiguities were also reflected in policy action within and among EU institutions. The ambitious action plans and declarations published immediately after the terrorist attacks in the US and Europe hardly turned into concrete policy instruments (Bossong 2008).

Against the backdrop of this plurality of understandings, 'the Schengen zone under threat' assembled divergent positions around a common framework for policy action. It did so by reconciling individual views, uniting similar perceptions and repositioning actors in such a way that the resulting agenda has come to serve as a common denominator in formulating European counter-terrorism strategy. Two constructions have been particularly important in this regard. The first is the successful linking of terrorism to the internal security of the EU (Council 2005; Jackson 2007). Contending that terrorism threatens the EU as a whole and that the freedom of movement within the Community renders every single member state vulnerable to attacks (Council 2004), this governance frame has been able to demonstrate the necessity of joint strategies and responses in border management, information-sharing, and intelligence-exchange. The second is the ability to represent the proposed measures as not being detrimental to the national interests of the individual member states. 'The Schengen zone under threat' suggests a set of practical arrangements which concentrate on selected judicial and technical aspects of counter-terrorism (Council 2005, 2007). It does not intervene into policy fields that are traditionally regarded as 'high security'. By persuading the decision-makers that its policy action does not run counter to national concerns, 'the Schengen zone under threat' could harmonise differences by bringing divergent political position to a common ground which has generally been embraced as just and plausible (Gottweis 1999).

Second, the power of 'the Schengen zone under threat' is the strategic use of expertise to integrate a technical/scientific component into political debates over governance and to shape the policy agenda through knowledge (Wodak 2011). The makers of this construction have been effective in employing their technical knowledge in terrorism-related issues to push for policy development and implementation in particular directions. The producers of the governance vision have relied on their specialisation to articulate their positions. By reference to their extensive knowledge and experience in terror-related crimes, intelligence and data collection, these actors were able to establish expert networks and situate themselves within ongoing discursive struggles.

Accordingly, expertise made it possible for the Europol to persuade the decision-makers of the urgency to strengthen European capabilities in information- and intelligence-sharing (European Commission 2005, 2006), thereby contributing to the production of 'the Schengen zone under threat' governance image. It did

so through an efficient employment of expert knowledge on terror-related crimes and providing intelligence to EU member states on terrorist networks. Drawing on its information database, Europol has constituted itself as a significant law enforcement agency through information exchange in identifying terrorists, detecting and tracing terrorist networks, and preventing the illegal production and purchase of explosives and other technologies utilised for terrorist acts (Council 2008). The power of expertise is evident in that Europol has been quite successful in persuading decision-makers of the plausibility of its policy recommendations and in legitimising the expansion of the operational practices of counter-terrorism. To give an example, analysis and intelligence assessments by Europol are significant in framing Council decisions. With regard to Europol's annual report on organised crime, a Council official states that: 'Without input from Europol the Council would not be in a position to take common priorities in the implementation phase' (quoted in Disley et al. 2012: 36).

The same is true for the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). Being an EU border control agency, FRONTEX is a clear manifestation of the instrumental function of expertise in advancing EU governance practices. Created in 2004, the institution has performed important functions in the production of the 'Schengen zone under threat' governance. By taking on tasks in the coordination of interstate cooperation on operational practices, the provision of technical assistance to national capacity-building programmes and the conduct of risk assessments (Council 2007), the institution has made use of its expertise to emphasise the urgency of strengthening the operational and information-related aspects of the EU counter-terrorism governance. In this way, FRONTEX has expanded its area of influence in cross-border cooperation and border management practices, and exerted influence on agenda setting through its assessment reports, information sharing, and policy analysis. In other words, expertise has enabled FRONTEX to position itself among other institutions and enhanced 'the Schengen zone under threat' by contributing a substantial level of input in policy proposals underlying governance vision (Argomaniz 2011).

Conclusion

In this chapter, I suggested a discourse theory approach to examine the expansion of EU governance in counter-terrorism. I argued that the different aspects of member state cooperation in combating terrorism are formed through discursive struggles, which constitute certain understandings of terrorism and the way terrorism is to be addressed. Through a detailed examination of the three competing visions of European strategy in the fight against terrorism, I specified 'the Schengen zone under threat' as the leading construction of governance. This conception places its primary emphasis on protective policy strategies and

instruments focusing on border management and information- and intelligence exchange on terrorism, terrorist networks, and organised crime.

'The Schengen zone under threat' governance model has two main problematic consequences. First, the protective strategy guiding the EU's policy against terrorism has culminated in the 'de-politicisation' of European counter-terror action in the sense that the overwhelming focus on technical cooperation brought with it an inadequate attention to the political issues connected with the terrorist threat (Balzacq 2008: 93–4). By dealing with terrorism only as a matter of border protection and intelligence exchange, governance practices disregarded the political and socio-economic issues which are/might be of great relevance in terrorism and counter-terrorism. Since 2001, a number of Community policies have been developed to cooperate with selected third countries in capacity-building measures in countering terrorism. Along the same lines, the EU has introduced stability programmes and made available technical, financial and development aid to conflict and post-conflict societies to eliminate factors that increase participation in terrorist activities (Council 2008, 2009). Yet, such policies have been limited in scope, and their effect on the broader European counter-terrorism strategy has been marginal. The vast majority of the measures adopted within the EU institutional framework address intelligence- and information-sharing in order to keep the 'terrorist risk' outside the borders of the Community and secure freedom of movement within the Union.

Second, 'the Schengen zone under threat' governance action has been 'discriminatory', as it has created unfavourable conditions for those who wish to enter EU territories for reasons that are not related to any act of terrorism. On the one hand, the tightening of border management practices has complicated member states' visa procedures, and third-country nationals have had difficulties in obtaining visas. This has put severe restrictions on visa seekers travelling to the EU for business, education and touristic purposes. On the other hand, the workings of 'the Schengen zone under threat' have been detrimental to refugees heading towards the EU. For instance, the EU's border agency FRONTEX carries out operations beyond the territories of the Union over the course of which it apprehends refugee boats and prevents them from reaching EU shores. If the operation takes place in the waters within the jurisdiction of a third state, the rescued boats are sent back to this state 'without providing these would-be refugees the possibility to ask for asylum' (Pollak and Slominski 2009: 918). This runs counter to EU claims concerning 'refugee protection: the protection of refugees from being returned to places where they might be subjected to persecution and the prohibition of sending them back without considering their proposal for asylum (the principle of non-refoulement)' (Klepp 2010: 2).

Therefore, the protective strategy of EU counter-terrorism action requires critical appraisal to improve EU political action and advance governance practices in the fight against terrorism. The protection of the borders through intelligence-led policy strategies might obstruct the access of terrorist groups into the Community only to a limited extent. As the Council affirms, terrorists use

different channels for communicating their views and ideologies, such as through media and the Internet (Council 2005). Furthermore, radicalisation within the EU is a problem just as significant as border control, data gathering and intelligence-exchange (Council 2005, 2007). Addressing the political, social and economic conditions which incite radicalisation and recruitment to terrorist groups requires careful attention to a long-term European anti-terror strategy, rather than short-term technical measures that serve to keep the threat at bay. Moreover, as reflected in the case of refugees and asylum seekers looking for shelter in the EU, certain governance exercises are carried out at the expense of putting peoples' lives at risk. To avoid the detrimental outcomes of governing, political actors need to reflect adequately upon the disadvantageous implications of the current European exercises in combating terrorism.

References

- Argomaniz, J. 2011. *The EU and Counter-Terrorism: Politics, Polity and Policies After 9/11*. London: Routledge.
- Balzacq, T. 2008. The policy tools of securitization: Information exchange, EU foreign and interior policies. *Journal of Common Market Studies*, 46(1), 75–100.
- Barcelona Declaration. 1995. Adopted at the Euro-Mediterranean Conference, 27/28 November [Online]. Available at: http://eeas.europa.eu/euromed/docs/bd_en.pdf [accessed: 17 January 2013].
- Bossong, R. 2008. The Action Plan on combating terrorism: A flawed instrument of EU security governance. *Journal of Common Market Studies*, 46(1), 27–48.
- Council of the European Union. 2002. *Council Framework Decision on Combating Terrorism*. Council of the European Union. 2002/475/JHA.
- Council of the European Union. 2003. *A Secure Europe in a Better World: European Security Strategy*. 12 December [Online]. Available at: www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf [accessed: 17 January 2013].
- Council of the European Union. 2004. *Declaration on Combating Terrorism*. 25 March [Online]. Available at: www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf [accessed: 17 January 2013].
- Council of the European Union. 2005. *The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism*. 14347/05.
- Council of the European Union. 2007. *Implementation of the Strategy and Action Plan to Combat Terrorism*. 15411/1/07.
- Council of the European Union. 2008. *Implementation of the EU Counter-Terrorism Strategy – Priorities for Further Action*. 9417/08.
- Council of the European Union. 2009. *EU Counter-Terrorism Strategy – Discussion Paper*. 9717/09.

- den Boer, M., Hillebrand, C. and Nölke, A. 2008. Legitimacy under pressure: The European web of counter-terrorism networks. *Journal of Common Market Studies*, 46(1), 101–24.
- de Vries, G. 2006. *Address by Gijs de Vries, European Union Counter-Terrorism Coordinator on the occasion of receiving the Ramon Trias Fargas Memorial*. 6 November [Online]. Available at: www.consilium.europa.eu/uedocs/cmsUpload/061116Barcelona.pdf [accessed: 17 January 2013].
- Diez, T. 2001. Europe as a discursive battleground. *Cooperation and Conflict*, 36(1), 5–38.
- Disley, E., Irving, B., Hughes, W. and Patrui, B. 2012. *Evaluation of the Implementation of the Europol Decision and of Europol's Activities*. Technical Report Prepared for Europol Management Board. Cambridge: Rand Corporation [Online]. Available at: www.europol.europa.eu/sites/default/files/publications/rand_evaluation_report.pdf [accessed: 17 January 2013].
- Doty, R. 1993. Foreign policy as social construction: A post-positivist analysis of US counterinsurgency policy in the Philippines. *International Studies Quarterly*, 37(3), 297–320.
- Edwards, G. and Meyer, C.O. 2008. Introduction: Charting a contested transformation. *Journal of Common Market Studies*, 46(1), 1–25.
- Eising, B. and Kohler-Koch, R. (eds). 1999. *The Transformation of Governance in the European Union*. London: Routledge.
- European Commission. 2005. *Communication from the Commission to the European Parliament and the Council Concerning Terrorist Recruitment: Addressing Factors Contributing to Violent Radicalisation*. COM/2005/0313.
- European Commission. 2006. *Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 Establishing an Instrument for Stability*. Official Journal of the EU L 327 28/11/2006.
- Gottweis, H. 1999. Regulating genetic engineering in the European Union: A post-structuralist perspective, in *The Transformation of Governance in the European Union*, edited by B. Kohler-Koch et al. London: Routledge, 61–82.
- Guild, E. 2008. The uses and abuses of counter-terrorism policies in Europe: The case of the ‘terrorist lists’. *Journal of Common Market Studies*, 46(1), 173–93.
- Hansen, H.D. and Sørensen, E. 2005. Polity as politics: Studying the shaping and effects of discursive polities, in *Discourse Theory and Political Analysis: Identities, Hegemonies and Social Change*, edited by D. Howarth et al. Manchester: Manchester University Press, 93–116.
- Howarth, D.R. 2000. *Discourse*. Buckingham: Open University Press.
- Howarth, D. and Stavrakakis, Y. 2000. Introducing discourse theory and political analysis, in *Discourse Theory and Political Analysis: Identities, Hegemonies and Social Change*, edited by D. Howarth et al. Manchester: Manchester University Press, 1–23.
- Jackson, R. 2007. An analysis of EU counterterrorism discourse post-September 11. *Cambridge Review of International Affairs*, 20(2), 233–47.

- Joffé, G. 2008. The European Union, democracy and counter-terrorism in the Maghreb. *Journal of Common Market Studies*, 46(1), 147–71.
- Kaunert, C. 2010. The external dimension of EU counter-terrorism relations: Competences, interests, and institutions. *Terrorism and Political Violence*, 22(1), 41–61.
- Keohane, D. 2008. The absent friend: EU foreign policy and counter-terrorism. *Journal of Common Market Studies*, 46(1), 125–46.
- Klepp, S. 2010. A contested asylum system: The European Union between refugee protection and border control in the Mediterranean Sea. *European Journal of Migration and Law*, 12, 1–21.
- Laclau, E. and Mouffe, C. 2001 [1985]. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. 2nd edition. London: Verso.
- Lugna, L. 2006. Institutional framework of the European Union counter-terrorism policy setting. *Baltic Security & Defence Review*, 8, 101–27.
- Monar, J. 2007. Common threat and common response? The European Union's counter-terrorism strategy and its problems. *Government and Opposition*, 42(3), 292–313.
- Pollak, J. and Slominski, P. 2009. Experimentalist but not accountable governance? The role of frontex in managing the EU's external borders. *West European Politics*, 32(5), 904–24.
- Schulz-Forberg, H. and Stråth, B. 2010. *The Political History of European Integration*. London: Routledge.
- Torfig, J. 1999. *New Theories of Discourse: Laclau, Mouffe, and Haiek*. Oxford: Blackwell.
- Torfig, J. 2005. Discourse theory: Achievements, arguments, and challenges, in *Discourse Theory in European Politics: Identity, Policy and Governance*, edited by D. Howarth and J. Torfig. Basingstoke: Palgrave Macmillan, 1–32.
- Wiener, A. 2008. European responses to international terrorism: Diversity awareness as a new capability? *Journal of Common Market Studies*, 46(1), 195–218.
- Wodak, R. 2011. *The Discourse of Politics in Action: Politics as Usual*. Basingstoke: Palgrave Macmillan.
- Wolff, S. 2009. The Mediterranean dimension of EU counter-terrorism. *Journal of European Integration*, 31(1), 137–56.