CHAPTER NINE
Homeland security
American and European responses to September 11th

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INTRODUCTION

Although America traditionally saw itself as protected by vast oceans and weak or friendly neighbours, the attacks of September 11th 2001 catapulted her policy-makers into a new area of security concerns: how best to protect an open, complex, and interdependent society from large-scale terrorism?

Internationally, the US went on the offensive. Its declared war on those who wittingly harbor terrorists, caused the downfall of the Afghan Taliban regime and the regime of Saddam Hussein in Iraq, and is now placing countries like Syria and Iran under pressure.

Domestically, the US embarked on a broad effort to enhance the protection of its homeland. This effort included measures within the field of intelligence and justice, border security, vulnerability reduction, infrastructure protection, and establishing capabilities to protect civilians in the case of a large-scale attack. With the greatest government restructuring in more than fifty years, the domestic efforts were given an institutional anchor in a new Department of Homeland Security.

The European reaction to September 11th was more measured. After a brief period of complete sympathy with the US, the notion emerged that the US was over-reacting. Differences over the appropriateness of a military response to international terrorism and the US policy in Iraq caused one of the worst transatlantic rifts in recent memory.

Less noticed were the differences in the domestic response to September 11th on the two sides of the Atlantic. A number of European countries already had experience of domestic terrorism and measures in place to combat it within the areas of intelligence, justice and law enforcement – the traditional field of counter-terrorism. Most of these countries reacted to September 11th by strengthening these existing instruments. However, there were no bureaucratic adjustments comparable to that undertaken in the US, and vulnerability reduction and protection against catastrophic terrorism were granted relatively low priority.

This chapter describes the domestic response to September 11th in the US and Europe respectively. It argues why the American approach to homeland security ought to be of interest to Europeans and discusses why and how Europe should organize its own efforts to protect civil populations against the new terror.

THE US RESPONSE TO SEPTEMBER 11th: HOMELAND SECURITY

The US was not completely unacquainted with domestic terrorism when the 9/11 hijackers caused the most deadly terrorist incident in history. In 1993 a failed attack on the World Trade Center caused a dozen casualties, and in 1995 a massive car bomb reduced the federal offices in Oklahoma City to rubble. But the illusion of a secure homeland was not decisively discarded until the fatal attacks of September 11th. Thus, US policy-makers had to develop instruments to protect the homeland virtually from scratch.

Yet, the dust had barely settled before a White House Office of Homeland Security was up and running, charged with coordinating the overall national response. The appointment of Pennsylvania Governor Tom Ridge – a widely respected former Congressman and long-standing friend of President George W. Bush – to head the new Office won broad applause. The Office immediately identified four priority areas, informed by the vulnerabilities exposed by the attacks of September 11th and the anthrax letters of the fall 2001: better prepared first responders, improved capabilities to deal with a bio-attack, enhanced border security, and improved sharing of intelligence between different federal agencies.[1]

Meanwhile, think tank reports were published, legislation introduced, budgets increased. The Federal Aviation Administration took action to strengthen airport security; the FBI was re-oriented to focus on prevention rather than investigation; the Department of Defense restored defense of the homeland as its main priority; and the Department of Health and Human Services boosted its nascent bio-terror research programmes.

Discussions about overall strategy remained on the margins for a while. Priority was given to instant vulnerability reduction and, despite the efforts of the White House Office for Homeland Security, different federal agencies each acted within their area of responsibility, giving the American response a rather inchoate character.[2]

Despite a general perception of urgency and Tom Ridge's close ties with President Bush, efforts to enhance the protection of US borders by integrating the US Coast Guard, Customs and the border enforcement functions of the Immigration and Naturalization Service foundered on bureaucratic resistance. An attempt to induce

1. White House Executive Order 13228, www.whitehouse.gov/news/relaease/2001/10/20011008-2.html.
2. *Defending the American Homeland*, Washington, D.C: The Heritage Foundation, 2002; Michael E. O'Hanlon, Peter R. Orszag, Ivo H. Daalder, I. M. Destler, David Gunter, Robert E. Litan and James Steinberg, *Protecting the American Homeland: A Preliminary Analysis*, Washington, D.C.: Brookings Institution Press, 2002; *Protecting America's Freedom in the Information Age*, New York: The Markle Foundation, 2002.

improved sharing of intelligence between various federal agencies also created limited results. Various government agencies still keep around a dozen separate terrorist watch lists and refuse to share them with each other.[3]

The proposal to create a new Department of Homeland Security, put forward in May 2002, and President Bush's *National Strategy for Homeland Security*, presented the following month, aimed to introduce more coherence. The strategy outlined the triple goal of preventing attacks, reducing vulnerability and minimizing damage from such attacks as do occur. To that end it called for upgraded and tightly integrated efforts in six critical mission areas – intelligence and warning, border and transportation security, domestic counter-terror and law enforcement, protection of critical infrastructure, protection against chemical, biological, radiological and nuclear threats (CBRN threats), and emergency preparedness and response.[4]

The increased sharing of intelligence between police, customs and immigration authorities would make it more difficult for known or potential terrorists to enter the US. Stronger domestic counter-terrorism measures, the fusion of intelligence from a greater number of different sources, and enhanced analytic capabilities would increase the chance of interdicting attacks. Tightened standards for port security, increased resources for the US Coast Guard, and physical inspection of more of the containers crossing US borders would make the smuggling of dangerous materials that could be used in a terrorist attack more difficult.

Inside the US, particularly vulnerable or attractive targets, such as nuclear and chemical plants, symbolic buildings and monuments and important government

3. Edward Alden, 'US yet to consolidate terrorist watch lists,' *Financial Times*, July 15, 2003; Dan Eggen and John Mintz, 'Homeland Security Won't Have Diet of Raw Intelligence,' Washington Post, December 6, 2002.

4. *National Strategy for Homeland Security*, Office of Homeland Security, Washington D.C., July 2002, pp. vii-x and p. 3. See also David McIntyre, *A Quick Look at the Proposed Department of Homeland Security, Anser Summary and Analysis*, Anser Institute for Homeland Security, November 2002.

installations should be hardened or physically protected. Critical physical and cyber infrastructure was to be mapped in order to devise better ways of protecting it and, since the ownership of much of this infrastructure was in private hands, new strategies for public-private cooperation were to be devised.

Finally, the training, equipment and inter-operability of first responders were to be upgraded and an extensive information campaign introduced to educate and inform the public about how to react in the case of different forms of attack.

To ensure the implementation of this vast programme and coordinate its various elements, a new Department of Homeland Security, combining units from more than twenty federal agencies, was set up, and Governor Tom Ridge appointed as its Secretary. By March 2003 most of the agencies concerned had joined this Department, creating an almost 190,000-strong bureaucracy with a yearly budget of more than $40 billion.

A number of crucial homeland security functions remained outside the new department. Local and state governments continue to play key roles in the areas of health, police work and emergency response. Moreover, several different federal agencies remain involved, such as the FBI, the Department of Health and Human Services and the Department of Energy. Finally, the private sector is an important player in areas like infra-structure protection and transportation security.

The Department of Homeland Security functions as the key point of contact for state and local-level actors as well as the private sector. The White House Office of Homeland Security has been established as a policy-planning and cross-governmental coordination unit at the federal level.

HOMELAND SECURITY ABROAD

Most of the activities of the new US Department of Homeland Security have focused on the domestic situation. Yet, based on a philosophy of the need to push

the perimeter of defense as far out as possible, the Department and other federal agencies have initiated international cooperation in a number of areas.

The FBI and the Department of Homeland Security have pushed for international cooperation in the areas of law enforcement and intelligence. The number of judicial attachés at American representations abroad has been increased, the FBI and Europol have entered into a number of liaison agreements, and common American-European investigative teams are being established. The US Coast Guard is involved in training personnel responsible for border security in a number of European countries. Moreover, in order to enhance border security without placing undue obstacles in the way of international trade, the US and Canada have entered into so-called 'smart border' agreements. The programme, which it is planned to extend to Mexico in the near future, entails a voluntary expanded security screening of persons, transporters and companies, who are then permitted to jump the normal inspection line at the border.

The US has also pushed for enhanced maritime and harbor security within the International Maritime Organization (IMO), and for tighter air transportation security and higher standards for travel documents within the International Civil Aviation Organization (ICAO). The Container Security Initiative (CSI) entails agreements between American authorities and the harbor authorities of the twenty largest export harbors in Europe and Asia to permit American inspectors to pre-screen shipping containers destined for the US.

The Department of Homeland Security has also announced its intention to promote cooperative research programmes with American allies in order to develop better homeland security technologies, such as improved censors for the detection of dangerous materials and early warning in case of an attack. Finally, cross-border cooperation between the US, Canada, and Mexico in the area of emergency preparedness and crisis reaction has been initiated to permit an effective response and mutual assistance in the case of an attack spilling over the border.

A LAYERED DEFENSE

American homeland security spans a vast area. As shown above, it covers multiple societal sectors, numerous professions and many levels of government. Despite the creation of an organizational anchor in the form of the Department of Homeland Security and the attempt to formulate a national strategy for homeland security, the challenge of creating a coherent and integrated response remains substantial. Yet, this seemingly amorphous response reflects the challenge: everything is a potential target, and numerous objects can function as potential weapons. The attacker, moreover, operates anonymously, frequently from within the society being targeted.

The various American initiatives can be regarded as a homeland defense in more layers consisting of the measures described above. Defense starts on the international level, with various multilateral and bilateral agreements. It continues at US borders, with reinforced patrolling, upgraded technology etc. Behind the borders, domestic counter-terrorism and protective measures in the area of infrastructure and transportation constitutes a third layer. Finally, the defense is rounded off with a coordinated emergency preparedness and response system.

Lacking a simple and unitary solution to the challenge posed by the new terror, this layered defense, which the US is currently in the process of setting up, should increase the chances of interdicting attacks before they can be carried out, while improving the resilience of American society if attacks are not interdicted.

EUROPE'S RESPONSE: COUNTER-TERRORISM

In Europe, the attacks of September 11th prompted a somewhat different reaction. When the hijacked aircraft hit their targets in New York and Washington, individual European countries were well positioned to respond in the areas of intelligence, law enforcement, and justice – the traditional fields of counter-terrorism. Cooperation between secret services and police agencies inside individual European countries had improved during the 1970s, 1980s, and 1990s, as waves of

terrorism hit France, Germany, Italy, Spain and Britain. A number of countries thus already had experience of terrorism and measures in place to counter it. Most reacted to September 11th by strengthening existing counter-terrorism instruments further.

Legislation expanding the powers of the intelligence agencies, police authorities and prosecutor's offices was passed by national parliaments at extraordinary speed. Additional funding was provided for these agencies, and a number of countries that had not had special anti-terror legislation prior to September 11th enacted such laws.[5]

At the European level, the 1990 Schengen Agreement and the cooperation in Justice and Home Affairs introduced with the 1991 Maastricht Treaty provided a framework in which police cooperation and data-sharing between national authorities was already taking place. The attacks on the US added further impetus to this nascent cooperation in the field of internal security.[6]

Thus, within a few months of September 11th, the Council had agreed a common European definition of terrorism, the harmonization of penalties for terrorist crimes, a common arrest warrant, and provisions for the freezing or seizure of terrorist assets.[7] Moreover, a common European list of organizations and persons

5. Oliver Lepsius, 'The Relationship Between Security and Civil Liberties in the Federal Republic of Germany after September 11,' in *Fighting Terror: How September 11 is Transforming German-American Relations*, Baltimore, American Institute for Contemporary German Studies, 2002, p. 85; Erik van de Linde, Kevin O'Brien, Gustav Lindstrom, Stephan de Spiegeleire, and Han de Vries, *Quick Scan of Post-9/11 National Counter-terrorism Policy-making and Implementation in Selected European countries*, Leiden: RAND Europe, 2002, pp. 4-6; Jeremy Shapiro and Benedicte Suzan, 'The French Experience of Counter-terrorism,' *Survival*, vol. 45, no. 1, Spring 2003, pp. 75-7.

6. Malcolm Anderson and Joanna Arp 'Changing Perceptions of Security and Their Implications for EU Justice and Home Affairs Cooperation', *CEPS Policy Brief* no. 26, October 2002, pp. 3-4; Monica den Boer, '9/11 and the Europeanization of Anti-Terrorism Policy: A Critical Assessment', Notre Europe, *Policy Papers* no. 6, September 2003, p. 5; Adam Townsend, 'Guarding Europe', Centre for European Reform, *Working Paper*, May 2003, p. 39.

7. European Union Council Decision 2002/475/JI; Council Document 14867/1/01REV 1.

linked to terrorist activities was established; a new agency, Eurojust, composed of high level magistrates and prosecutors, was created to assist in investigating cross-border crimes; and a counter-terrorism unit was established within Europol, the European Police Office in The Hague.[8]

The efforts to reduce societal vulnerabilities and strengthen protective capabilities were, in contrast, significantly weaker and less focused. It was indicative of the difference in priority granted to counter-terrorism and protective measures that the first five of seven priorities identified in the EU's anti-terrorism action plan of September 2001 related to creating or strengthening instruments and cooperation within the spheres of intelligence, police and justice. Only one – air transport security – was protective in nature. The final priority related to strengthening the integration of counter-terrorism efforts within the Union's Common Foreign and Security Policy (CFSP).[9]

Eventually, it was decided to establish a communication network for the exchange of urgent information about chemical, biological, radiological or nuclear threats (CBRN threats). Furthermore, towards the end of 2002 the Council approved a programme to improve the Union's ability to support member states' efforts in the area of civil protection. It recommended a variety of initiatives, such as stronger risk-analysis capabilities, measures to protect vulnerable infrastructure, better monitoring arrangements for the rapid detection of CBRN attacks, improved stocks of vaccines, and reinforced research and development activities. However, since the task of civil protection remained within the area of competence of mem-

8. Declaration by the Heads of State and Government of the European Union and the President of the Commission, Brussels, 19 October 2001, SN 4296/2/01; 'Eurojust: Helping the EU's Legal Systems to Combat Cross-border Crime', Justice and Home Affairs, Brussels, December 14, 2003 www.europa.eu.int/comm/justice_home/news/laecken_council/en/eurojust_en.htm.
9. Conclusion and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001, SN 140/01, pp. 1-3; Council Document 12608/02. See also *A Secure Europe in a Better World*, European Council, Thessaloniki, June 20, 2003, pp. 10-11.

ber states, the programme had no legal implications and the Union provided no funding to promote its implementation.[10]

A Council proposal to name a 'European Civil Protection Coordinator' and create a 'Civil Protection Agency' – initiatives that might have upgraded Europe's protecttive efforts – found limited resonance. Though some countries were interested in creating a coordinator with political weight and an agenda setting role, most apparently preferred a narrow focus on the technical and operational aspects of civil protection.[11]

Individual European countries did strengthen their protective capabilities to different extents. Some increased funding for emergency preparedness agencies, established bio-terror research centers, and verified or increased national stockpiles of vaccines. But responsibility for the various protective initiatives remained scattered among different cabinet-level ministries and services, such as health, energy, commerce, transportation and research.[12] The inter-ministerial bodies and committees charged with coordinating the overall national efforts against terrorism con-

10. Council Document 13941/1/02; Council Document 15861/02.

11. Author's interview with Danish and European officials, Copenhagen July 2003 and Brussels July 2003; William New, 'Europeans Question U.S. Approach To Homeland Security', *National Journal of Technology*, November 14, 2002.

12 . 'Deutschland wappnet sich gegen Pockenviren,' *Financial Times Deutschland*, 14 February, 2003; John Eldridge, 'Weapons of Mass Destruction: Controlling the Hype,' *Homeland Security and Resilience Monitor*, April 2003, vol. 2, no. 3, p. 11; 'France ill-equipped for bioterror attacks: report,' *Reuters*, July 9, 2003; Jonas Holmgren and Jan Softa, 'Functional Security: A comparative Analysis of the Nordic States' Political Agenda in the Fields of Critical Infrastructure', IT Security, *NBC Issues and Terrorism*, The Swedish Institute of International Affairs, Stockholm 2002, p. 101; Oliver Lepsius, 'The Relationship Between Security and Civil Liberties in the Federal Republic of Germany after September 11,' in *Fighting Terror: How September 11 is Transforming German-American Relations*, Baltimore, American Institute for Contemporary German Studies, 2002, pp. 63-4.

tinued to be dominated by the traditional counter-terrorism ministries, justice, interior and defense.[13]

In other words, protective efforts were also given a relatively low priority by the individual states, and coordination of the various measures was less well institutionalized than coordination of the traditional counter-terrorism efforts – the offensive side of homeland security.

THE FUTURE COURSE

The European Convention's draft constitution contains a number of provisions relating to the fight against international terrorism. The so-called solidarity clause stipulates that EU members should come to each other's aid in the case of a terrorist attack or natural disaster, using all available civil and military means. Moreover, the draft suggests a gradual move towards an integrated management of the EU's external borders. This would entail a harmonization of procedures and equipment, as well as a greater focus on security in controlling the flow of persons and goods into the Union.[14]

By including a solidarity clause, EU leaders are signaling that Europe takes the new terror seriously and is determined to defend itself against it.[15] Thus, the provisions of the convention's draft constitution indicates a dawning interest in the protective side of homeland security, as well as a recognition that an effective effort presupposes close European cooperation.

13. Holmgren and Softa, ibid., pp. 15, 35, 41; van de Linde et al., ibid., pp. 55 and 63; Harald Müller, 'Terrorism, Proliferation: A European Threat Assessment,' *Chaillot Paper*, no. 58, March 2003, Paris: Institute for Security Studies, European Union.
14. CONV 820/03, Article I-42, Draft Constitution of the European Convention, available on http;//european-convention.eu.int/doc_register.asp?lang=EN&Content=DOC.
15. Lisbet Zilmer-Johns, 2004, *EU og terror*, DIIS Report no. 1/2004, Danish Institute for International Studies.

Yet, as argued above, creating capabilities to do this effectively is still proceeding too slowly. Currently equipment, standards and procedures vary considerably across the EU; civil protection remains an area of member-state competence; and the Union has not provided any funds to promote upgraded and more even standards in the area.

THE STATE OF EUROPEAN DEFENSES

In sum, the European response to September 11th was concentrated within the areas of intelligence, justice and law enforcement. Enhanced powers given to national intelligence agencies and police forces were supplemented by reinforced procedures for European counter-terrorism cooperation. The efforts were provided with an institutional anchor in the Council and the Directorate-General for Justice and Home Affairs.

European protective efforts, in contrast, still consist of a patchwork of point solutions contributed by the Union, member states and individual ministries, agencies and services within the latter. Currently Europe operates with only a single layer of defense against large-scale terrorism, as opposed to the multiple layers that the US authorities are currently in the process of building.

The US approach to homeland security is far from unproblematic, and European counter-terrorism efforts anything but negligible. But whereas Europe's earlier experience with terrorism is a valuable asset from which the US could learn, it might also pose a certain danger – the danger of relying on old solutions to address problems that require new responses.

National intelligence services and police forces may suffice in dealing with the old form of limited terrorist violence as experienced by Europe in the 1970s and 1980s. But, as September 11th made clear, terrorists no longer operate under self-imposed limits as to the number of civilian casualties they are willing to inflict. High body counts have apparently become an end in itself, and large-scale orche-

strated and synergistic attacks have become an al-Qaeda hallmark. Combined with the continued democratization of technology and the proliferation of weapons of mass destruction, this lends new poignancy to an old problem.[16]

The shock of September 11th forced American policy-makers to look at the problem of terrorism and societal vulnerabilities with fresh eyes. The question is, to what extent is the American attempt to set up a broad and integrated homeland defense relevant to Europe as well?

EUROPE'S VULNERABILITY

The attacks in Madrid in March 2004[17] might confirm what we already know from intelligence, arrests and interrogations, namely that Europe should not consider itself immune to the new terror. The continent served as a logistical base for the September 11th attackers and has itself been the target of a number of foiled plots. The US embassy in Paris, the Christmas market in Strasbourg, a US base in Belgium and US military facilities in Great Britain were among the planned targets of terrorist groups located in London, Rotterdam and Frankfurt. There is no doubt that cells sympathizing with al-Qaeda are active in Europe.[18]

Europe shares many of America's vulnerabilities, with its long, porous borders, open societies, population and asset concentrations, a plethora of potential soft targets, and dependence on critical infrastructure, which again depends on networked IT systems. Furthermore, many European countries have done a poor job

16. Thomas Homer-Dixon, 'The Rise of Complex Terrorism,' *Foreign Policy*, January/February 2002, p. 53; Brian Michael Jenkins, *Countering al Qaeda*, Santa Monica: Rand, 2002, p. 28; Philip C. Wilcox, 'The Terror', in Robert B. Silvers and Barbara Epstein (eds.), *Striking Terror: America's New War*, New York: New York Book Review, 2002, p. 6.
17. At the time of writing, it appeared increasingly clear that groups affiliated with al-Qaeda might have been involved in the train bombings in Madrid on March 11th 2004.
18. Non-confidential report on the terrorism situation and trends in Europe, EU TE-SAT 14280/2/02, pp. 19-27.

of integrating their sizeable Muslim minorities, creating alienated groups on the fringes of society. Such groups not only provide recruitment potential for extremist anti-West organizations, but might also supply the logistical base and support structure that terrorists need to carry out attacks in Europe or elsewhere.

Even assuming that the US remains first in the line of terrorist fire, there are a number of scenarios in which a strike against the US would hit Europe almost immediately. An undetected biological attack on a major US airport could hit Europe within seven hours – the time it takes an aircraft to cross the Atlantic. A cyber attack on computer networks in either Europe or the US would also hit both almost simultaneously. The US and Europe are also linked by various transportation, trade and financial networks, meaning that an attack on either side of the Atlantic would inevitably reverberate on the other side as well.

Arguably, large-scale terrorist violence in Europe is not a distant prospect but a realistic possibility. Therefore, Europe ought to take an interest in current US efforts within the area of protection and the reduction of vulnerability.

A EUROPEAN HOMELAND?

Arguably it makes no sense to talk about a European homeland. As opposed to the states in the US Federation, Europe's nation states retain sovereignty in a number of key areas, such as intelligence, defense, police, health and civil protection. From a formal or strictly judicial point of view, there is no European homeland.

Yet, although the European Union does not have at its disposal all the political instruments it needs to conduct an effective broad-based homeland security strategy, it certainly makes sense to talk about one European homeland in a functional sense: The vulnerability of individual European countries makes them so interdependent that none of them can effectively protect their citizens on their own. Bio, nuclear or cyber terror against one European country is likely to hit numerous Europeans from different countries. A chemical or radiological attack on a Euro-

pean capital might have consequences for several countries in the region. Even conventional attacks are likely to cause ripple effects far from their target in today's increasingly complex and interdependent societies. Moreover, as the creation of a free internal European market proceeds, competitive pressure on providers of, for example, energy or transportation services would, in the absence of agreed common security standards, result in the lowest common denominator. Clearly, effective homeland security would require close European cooperation.

The total elimination of the terrorist risk is clearly impossible, and even a reduction of risk along US lines will certainly turn out to be very expensive. It is up to each individual society to determine how many resources it is willing to devote to reducing its vulnerability and increasing response capabilities. Moreover, there are limits to what the European Union can and should do. Intelligence and defense are likely to remain member-state prerogatives, and a common EU police force is still a distant prospect. Issues of legitimacy and accountability regarding EU homeland security activities also remain to be addressed.[19]

Nevertheless, when the potential victims of a terrorist attack are to be numbered in the thousands, it is arguably time to upgrade common European preventive and protective measures in the areas where a lack of efforts in one country makes every European less secure.

19. 'Action against terrorism must not undermine human rights, say High Commissioner for Human Rights, Council of Europe and OSCE,' *Press Release*, Geneva/Strasbourg/Warsaw, November 29, 2001, available on www.unog.ch; Terrorism and Human Rights, Commissioner of the Council of the Baltic Sea States, *Working Paper*, March 2003, p. 12; Jonathan B. Tucker, 'Strategies for Countering Terrorism: Lessons from the Israeli Experience,' *The Journal of Homeland Security*, March 2003, p. 3; Jeremy Shapiro and Benedicte Suzan, 'The French Experience of Counter-terrorism,' *Survival*, vol. 45, no. 1, Spring 2003, p. 77.

ORGANIZATIONAL STREAMLINING

Obtaining an overview of the functions and responsibilities of homeland protection in Europe today represents a significant challenge. A vast diversity of national bureaucratic set-ups combined with several directorate-generals and numerous committees, networks and agencies at the EU level. For example, as many as thirteen different working parties and committees with various institutional affiliations were involved in the drafting of the Union's programme for protection against CBRN threats. A variety of different networks and expert groups were also engaged, spanning the fields of civil protection, health and pharmaceuticals, animal, plant and food safety, energy, transportation, the environment and telecommunications. In the aftermath of September 11th, officials maintained that coordination between the relevant agencies was reasonably good, at least at the national level, but they also noted that it depended a great deal on the sense of urgency that prevailed in that period.[20]

Currently, the Council and the Commission are responsible for coordinating instruments and initiatives within their respective areas of competence. But arguably, the sheer complexity of the field and the variety of actors, institutions and organizations involved means that effective coordination will require some bureaucratic consolidation, as well as the full-time attention of an organization dedicated to the purpose. Moreover, in times of relative quiet on the terrorism front, top politicians will naturally turn their attention to other pressing problems. Meanwhile, it is unlikely that bureaucracies that have been created for different purposes and have their own priorities and allegiances will keep concentrating on homeland protection and coordination with the various other relevant agencies at the local, national, European and international levels.[21] Finally, though the cost-effectiveness of homeland security measures is extremely difficult to measure, the creation of an institutional anchor charged with comprehensive responsibility increases the

20 . Van de Linde, et al., p. 6.

21. The decision of EU leaders on March 26th, 2004 to appoint a European anti-terrorism coordinator might go some of the way towards solving this problem.

chances that, with time, efforts will be concentrated in the areas where the pay-back in terms of added security are the highest.

A DIRECTORATE-GENERAL FOR HOMELAND PROTECTION

One possible solution would be to create a European directorate-general for homeland protection. Such an organization would differ from the US Department of Homeland Security by focusing mainly on protection – the area where European efforts are most seriously lacking – instead of on both counter-terrorism and protection, like the US Department of Homeland Security. In the efforts to secure the European homeland, it would thus complement and liaise closely with the Justice and Home Affairs Council and the Directorate-General for Justice and Home Affairs, without either merging with them or swallowing up their own functions.

The EU has already the competence to issue standards in a number of critical homeland-security areas, such as food safety, transportation and nuclear safety. In many instances, it would thus be a question of upgrading the importance of defense against terrorism in terms of how current responsibilities are exercised. This could be achieved by transferring units responsible for food safety, communicable and emerging diseases, air and maritime security, and nuclear safety respectively from the Directorate-Generals for the Environment, Health and Consumer Protection, and Energy and Transportation to a new directorate-general for homeland protection.[22]

22. For instruments and legislation in the area of nuclear safety and security, cyber security, maritime safety, air safety and threats to health, see the EU's official web-sites, respectively,
http://www.europa.eu.int/comm/energy/nuclear/legislation.htm
http://europa.eu.int/information_society/topics/telecoms/regulatory/index_en.htm,
http://www.europa.eu.int/comm/transport/themes/maritime/english/safety/index_safety.html,
http://www.europa.eu.int/comm/transport/air/safety/index_en.htm
http://www.europa.eu.int/comm/health/ph_threats/com/comm_diseases_en.htm

This would ensure sustained attention and better coordination between various European efforts to protect itself against large-scale terrorism. By ensuring a significant streamlining and upgrading of the field of protection, the creation of a directorate-general would also further the potential for effective international coordination of vulnerability reduction and protection. Whereas international partners and private-sector actors currently have to find their way around a vast diversity of frequently very complex national and EU-level institutional arrangements, a directorate-general would provide an easily identifiable and dedicated interlocutor in Brussels.

NEW EU COMPETENCIES

As already mentioned, the European Union already has competence in a number of homeland security-related fields. However, in some additional areas, where member states currently have the competence, European vulnerability interdependence is so high that effective protection requires new community competencies. Common and binding standards in the areas of biopreparedness, infrastructure protection and cyber security will be crucial in order to protect civil populations effectively and prevent competitive internal market pressures resulting in the lowest common security denominator.

Of course, common standards would have to take into account the fact that vulnerabilities and needs vary from country to country and from site to site. Instead of spelling out particular steps, they should focus on the goals to be obtained in terms of reduced vulnerability and improved resilience. Moreover, to ensure the effectiveness of protection against terrorists who think strategically and innovate tactically, it will be crucial to create a feedback loop between practitioners in the field and planners in Brussels.

Promoting an organizational culture in which insights do not invariably originate at the center, but instead are permitted to trickle up from de-centralized networks of practitioners – an organizational culture very different from that currently pre-

dominating in Brussels – will be a great challenge. Yet, the so-called 'method of open coordination', in which common procedures emerge out of an exchange of best practice instead of centrally issued standards, might be increasing in significance. The European Convention's draft constitution has recommended an expanded use of the method in, for example, social policy and labour market affairs. The application of this procedure in formulating, evaluating and updating common standards for homeland protection would contribute towards an effective and flexible European defense.

The creation of a directorate-general for homeland protection would improve European defenses significantly. But core competencies would remain at the level of the member states. To ensure the most effective protection of the individual European citizen, consolidation within the homeland protection field should therefore be complemented with intensified cooperation across these different policy areas and levels of government.

The European Convention's draft constitution suggests the creation of the post of European Foreign Minister. This person would be represented in both the Commission and the Council and thus, while hopefully providing the EU with a more united external face, also help bridge the institutional divide within the Union. Attaching a deputy foreign minister for homeland security to this foreign minister might help provide the kind of cross-governmental leadership that will be needed for an effective European homeland security policy.

CONCLUSION

On the domestic front, the US and Europe reacted differently to the new terror. Whereas the US embarked on a broad effort covering counter-terrorism, systematic vulnerability reduction and the development of protective capabilities, European efforts were concentrated mainly in the area of counter-terrorism, relying on intelligence services, law-enforcement and justice. These European instruments remain indispensable in dealing with the new terror. However, arguably they

do not suffice – and unless we brace ourselves for an Orwellian world of surveillance and control, intelligence agencies will never be able to interdict all attacks. Some will inevitably happen. Therefore, it is crucial to upgrade Europe's protective efforts and create a defense in more layers.

Certainly, the intellectual, organizational and practical challenges posed by homeland protection are daunting. Everything is a potential target, the attacker operates anonymously, is willing to die for the sake of harming others, and has more and more destructive weapons at his disposal. Thus, inevitably, the efforts to provide protection against large-scale and complex terrorism will involve a substantial measure of learning by doing, and inevitably most policy-initiatives and bureaucratic constructions will have to be re-adjusted along the way.

Re-organizing for European homeland protection and transferring new competencies to the EU level are not ultimate answers to the question of how to protect Europe's civil populations effectively. However, these measures would at least institutionalize homeland protection as a long-term EU concern, create institutions dedicated to the challenge, provide for a more rational and effective way of approaching it, and make sure that the issue does not slide down or off the political agenda in times of relative quiet.