

# Israel-EU Cooperation on Counter Terrorism

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## **Abstract**

This chapter evaluates the nature of counter terrorism cooperation between the EU and Israel in recent years. Counter terrorism policy and cooperation comprise a spectrum of activities ranging from declaratory statements, through intelligence exchange and police operations, to micro interventions and finally the large scale use of military force (Lasse 2002: 43-50). Both in Israel and the EU there are various intelligence, homeland security and law enforcement agencies dealing with counter terrorism, which affect the extent and quality of operational cooperation. Almost a decade after the events of 9/11, EU member states are still more focused on the internal dimension of counter terrorism, thus the cooperation in the field of counter terrorism between Israel and the EU is characterized more by bilateral cooperation on a national level than by multinational cooperation on the European level. The cooperation between Israel and the EU on counter terrorism needs to be further enhanced, especially on the operational level and in information exchange between intelligence and law enforcement agencies.

## **Introduction**

This paper examines the cooperation between Israel and the European Union (EU) on the subject of counter terrorism in recent years.

Since 9/11, the EU has made considerable progress in combating terrorism primarily as a result of the shock of actual or attempted terror attacks, including the March 2004 Madrid train bombing, the July 2005 London bombings, the August 2006 plots in the UK and Germany and the July 2007 attacks in London and Glasgow. Before 9/11 the EU had no common definition of, or common penalties for, terrorism (Armitage 2007: 1-7). In December 2001, member states agreed on a common definition of terrorism. They created a common list of terrorist organizations and a clearinghouse for freezing terrorist assets. They agreed to strengthen the European Police Office (Europol) and to introduce a common European arrest warrant.

In the EU, counter terrorism policy and activities fall under the responsibility of several establishments: the European Security and Defense Policy (ESDP) as a major element of the Common Foreign and Security Policy (CFSP); the European Union's Judicial Cooperation Unit (Eurojust); the European Police Office (Europol); the European Police College (CEPOL) and the Police and Judicial Cooperation in Criminal Matters (PJCC). The EU also created the Agency for the Management of External borders (FRONTEX) located in Warsaw, which is responsible for national border guard training, risk analysis, technical and operational assistance to member states and external border management and the Joint Situation Centre (Sitcen). Additionally, the UN has established in March 2004 the position of Counter Terrorism Coordinator (CTC). The current EU Counter Terrorism Coordinator, Mr. Gilles de Kerchove, was appointed in September 2007.

The EU is generally responsible for internal aspects of counter terrorism while NATO provides the logistic and organizational platform. Therefore, NATO is the establishment that provides the wider strategic abilities for the international fight against terrorism (Armitage 2007: 1-7). The ESDP is the successor of the ESDI under NATO, but differs in that it falls under the jurisdiction of the European Union itself, including countries with no ties to NATO.

In Israel, counter terrorism does not fall exclusively under the responsibility of a single Ministry, but rather under the responsibility of several governmental offices, military and police units, as well as intelligence services. These include the Counter Terrorism Bureau in the National Security Council (NSC) under the Office of the Prime Minister; the Israel Security Agency (Shin Bet or GSS); the Special Counter Terrorism Unit in Israel Police; elite counter terrorism units which form part of the Special Forces of Israel Defense Force (IDF) and, for operations outside Israel, the Mossad.

## **The basis for counter terrorism cooperation between Israel and the EU**

Israel and the European Community first established contractual relations in 1975 by signing a Cooperation Agreement. The Euro-Mediterranean Conference of Ministers of Foreign Affairs, held in Barcelona on November 1995, marked the starting point of the Euro-

Mediterranean Partnership (“Barcelona Process”) which forms a wide framework of political, economic and social relations between member states of the EU and partners of the southern Mediterranean. The Euro-Mediterranean Partnership comprises 35 members: 25 EU member states and 10 Mediterranean partners (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey).

In 2003-2004 the EU established a new foreign policy initiative, the European Neighborhood Policy (ENP), which is a framework policy applying to the EU's relationship with its immediate neighbors, including sixteen countries (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, The Palestinian Authority, Syria, Tunisia and Ukraine) (The European Union 2007:1). The partnership with these countries includes the cooperation in justice, home and security issues.

In December 2005, the European Council adopted the European Counter Terrorism Strategy, which provides the framework for EU activity in this field. The strategy includes four elements: Prevent, Protect, Pursue, and Respond (EU Council Secretariat Fact Sheet 2007: 1). Cooperation in the field of counter terrorism has been included in eleven Action Plans under the EU's Neighbourhood Policy. The Action Plan on Combating Terrorism is a detailed matrix of activities, specifying measures to be taken, setting deadlines and institutional responsibilities.

The legal basis for the EU's relations with Israel is the EU-Israel Association Agreement (Official Journal 2000) of June 2000 and the recent EU-Israel Action Plan (European Commission 2004), representing a declaration of mutual objectives and commitments. One of the priorities for action mentioned in this Action Plan is in regard to counter terrorism: “Israel and the EU will strive to intensify political, security, economic, scientific and cultural relations, and shared responsibility in conflict prevention and conflict resolution...An important goal of the Action Plan is to encourage cooperation on non-proliferation of weapons of mass destruction and the fight against terrorism, as well as prevention and resolution of conflicts in the region and beyond.” The Action Plan sets the institutional stage for enhancing and expanding Israel-EU counter terrorism cooperation and its implementation ensures closer cooperation benefiting both sides.

## **Israel-EU cooperation on counter terrorism in recent years**

The European Neighbourhood Policy has enhanced the pace of cooperation between the EU and Israel in a large number of fields, including counter terrorism. The EU Counter Terrorism Coordinator of the EU reported in May 2006 that: “An experts meeting in the framework of the EU/Israel Joint Cooperation Agreement provided a forum for a useful exchange of views and an opening for possible further practical steps.” He also indicated more joint action in the area of terror funding, noting that a “Terrorist financing seminar with Israel produced opportunities for practical cooperation” (Council of the European Union 2006: 13).

In April 2008 the European Commission submitted a communication to the European Parliament and the European Council regarding implementation of the ENP, including a report on Israel. The report finds that “intense institutional cooperation through the EU-Israel Association Council, the EU-Israel Association Committee and ten subcommittees has enabled both sides to progress with the implementation of the Association Agreement and the Action Plan.” According to this report, bilateral cooperation in the field of counter terrorism has continued to progress. In addition to regular contacts among specialists from both sides, an ad hoc “Israel-EU troika ENP seminar on radicalization and recruitment of terrorists - analysis and prevention” took place in June 2007 in Israel. This event, attended by Israeli, member state and Commission experts, gave the opportunity to exchange views, experience and best practices in countering radicalization and recruitment of terrorists (Syrquin 2008).

In November 2004, the Israeli Ministry of Public Security and the department for special operations of the Israeli Police arranged a study tour in Jerusalem, coordinated by the department of special operations in the Israeli police and the Interpol. The participants were foreign police and intelligence attaches stationed in Israel. Following the tour, the Israeli Ministry of Public Security held a briefing on international terrorism, introduced by officials from the Israeli police and the IDF.

Additionally, in November 2004, the former Israeli Minister of Public Security, Mr. Gideon Ezra, was invited to attend a working visit in Holland in 2004. The purpose of the visit was to consolidate an

agreement for cooperation between the Israeli Police and the Europol. During the visit, Minister Ezra met with several EU officials, including Mr. Mariano Simenkes - the deputy to the head of the Europol, Heince Hoyberg - the head of the cooperation, organizational development and planning department in Europol, Peter Kusters - from the Department of Counter Terrorism in Europol and Hustra - the former Counter Terrorism Coordinator. The European officials mentioned that the Europol will discuss the possible joining of Israel as a member in the organization, due to its unique and large scale experience in the subject of counter terrorism. Minister Ezra met with several national officials as well, such as the chief of the KLPD (The Dutch Police) (The Israeli Ministry of Public Security 2004).

According to the Israeli Ministry of Foreign Affairs, Israel's relations with Europe and the EU have been improving in recent years, especially with EU institutions. One indicator for this improvement are numerous visits to Israel by European leaders. The EU-Israel Association Council announced in June 16, 2008 an upgrade in the relations between Israel and the EU. In 2007, Foreign Minister Tsipi Livni initiated an upgrading process and a working group was set up in order to examine and determine the existing and new areas in which cooperation between Israel and the EU could be enhanced. According to this announcement, Israel-EU relations will be upgraded in three areas: increased diplomatic cooperation; Israel's participation in European plans and agencies; and examination of possible Israeli integration into the European Single Market. FM Livni said: "...Today we have decided to upgrade our relationship even further in various fields including: political, economic, scientific, legal, cultural, education, counterterrorism and much more..." (Israel Ministry of Foreign Affairs 2008: 2).

One of the activities initiated by the EU which is related to cooperation with Israel under the EU's counter terrorism strategy, include the Rafah border monitoring mission in Gaza (2007) under ESDP's military and civilian crisis management operations. There are a few examples for cooperation on a national level as well. In November 2004, the Israeli Defense Minister, Shaul Mofaz, met his Italian colleague, Antonio Martino, and they agreed to allocate \$181 million for the development of a new electronic warfare system as well as for intelligence cooperation in the field of counter terrorism. Visitors and delegations from the EU annually attend the Israeli International homeland security exhibition "Security Israel." In 2006, delegations from Romania and Russia visited the exhibition and held a

series of meetings with Israeli security companies. An official representative of the Romanian police, Yon Fligrad, participated in a counter terrorism training exercise organized by the Israeli Police Counter Terrorism Unit (The Israeli Ministry of Industry, Trade and labor 2006). Israeli companies regularly participate in the international defense exhibition “Eurosatori”, enhances their exports to the EU.

In September 2007, Franco Frattini, the European Commissioner for Justice, Freedom and Security, set out the prerequisites for effective counter terrorism cooperation: “...It is often said that mutual trust is needed for effective cooperation, especially when combating terrorism... trust can be stimulated by us mainly in two ways: first through ensuring that there is a clear and appropriate legal framework in place which provides confidence that information supplied will be treated in an appropriate manner, and secondly through stimulating as many shared international experience as possible, including joint training exercises...” (Frattini 2007: 3). This statement raises the importance of information exchange between intelligence agencies in their fight against international terrorism and some of the difficulties concerning this issue.

## **Evaluation of the cooperation between Israel and the EU**

The EU's counter terrorism policy gives priority to activities that are compatible with European needs, such as the fight against money laundering and illegal immigration, but only as long as human rights are strictly observed (Eilam 2005: 1). The EU has not created a new European intelligence agency yet. The Europol stands at the centre of law enforcement agencies of the EU and Europol's activities against international crime and terrorism focus on distinctly European problems or on the European dimensions of more global concerns (Deflem 2007: 17-25). Unlike Israel, the lead agencies in counter terrorism in the EU are not the defense ministries, but rather the interior and justice ministries. The ESDP has very little direct connection to counter terrorism. From the European Security Strategy standpoint, the ESDP's emphasis is on regional conflict stabilization and reconstruction, peacekeeping, rule-of-law and humanitarian missions. In contrast to economic and trade legislation, where the European Commission has significant power, counter terrorism falls

under the Third Pillar of Justice and Home Affairs (Armitage 2007: 1-7).

The processes and structures of policing and other state activities are comprised of a multitude of dimensions and institutions which are not necessarily in tune with one another (Deflem 2007: 17-25). Moreover, there are tensions relating to counter terrorism within the EU institutions themselves. The relationship between the Council Secretariat, Presidency country, and Commission is only one aspect of these tensions. Within the Commission, there are coordination challenges among the various Commissioners relating to counter terrorism (Justice, Freedom and Security; Taxation; Combating fraud; Internal market). Moreover, the increase in the number of autonomous EU agencies dealing with terrorism (FRONTEX, Europol, Eurojust, EDPS) complicates coordination. Institutional dynamics, not only among the various EU institutions but also between the EU and the North Atlantic Treaty Organization (NATO), influence the degree of international cooperation as well.

The implementation of the Action Plan falls under the responsibility of the member states and is often stalled in national assemblies. For example, the European arrest warrant was not actually adopted by all member states until 2004. In February 2005, the European Commission noted that 11 of the then 25 member states had made mistakes when transposing the arrest warrant into national law. In 2004, EU member states established a counter terrorism coordinator responsible for streamlining the EU's counter terrorism instruments, assessing the terrorist threat in Europe and monitoring member-state implementation of EU-mandate legislation. However, member states equipped the coordinator with only a token staff and budget and with no operational authority (Armitage 2007: 1-7).

Primary responsibility for most European counter terrorism policies remains with the separate governments of the twenty seven EU member states, a situation that has presented coordination problems between other countries and the EU. Operational and tactical responsibilities in combating terrorism, which are the levels where an increase in intelligence sharing is most required, have remained in the national domain. One of the reasons for this situation is that national security and defense identities still dominate. National agencies are better suited to holding operational and tactical responsibilities due to their location and integration within the system of national authorities and decision makers, their knowledge and established contacts, which

could not be replaced by any central European agency (Muller-Wille 2008: 49-73). Therefore, the cooperation between the EU and Israel remains mostly on a national level. Another aspect that has an influence on the extent and quality of the cooperation between Israel and the EU is the fact that the ENP includes also Arab states such as Egypt, Jordan and Lebanon, which have political and security interests that collide with Israeli interests.

Giora Eiland, the former head of the Israeli National Security Council, claims that the EU relates to the Palestinian-Israeli conflict in the Middle East as a conflict that has an influence on European security, thus the EU has a political interest in assisting to end this conflict. From the EU standpoint, Israel's security must be assured. However, Israel's security should not rely exclusively on its military force, but rather on international settlements and treaties as well. Accordingly, even if Israel has to compromise or to concede on some vital interests, this price is worth paying in order to settle the conflict (Eiland 2006). This evaluation of the political foundation for the relations between Israel and the EU influence the cooperation between Israel and the EU on various subjects in general, and on counter terrorism cooperation in particular.

## **Conclusions**

European conceptions and attitudes towards terrorism have been shaped mostly by its past experiences with internal and domestic terrorism, rather than with cross-borders international terrorism. Before 9/11, European countries approached counter terrorism on a national basis against primarily national groups, such as the IRA in the UK, ETA in Spain and the Baader Meinhof group in Germany. After 9/11 period, the terrorist attacks in New York, Madrid and London, emphasized the need to increase international cooperation against terrorism. However, most of the increased collaboration takes place outside EU framework despite its established structures for intelligence cooperation (Muller-Wille 2008: 49-73). Seven years after the events of 9/11, EU member states are still more focused on the internal dimension of counter terrorism, and cooperation in the field of counter terrorism between Israel and the EU is still mainly conducted on a national level with EU member states.

Counter terrorism cooperation involves coordination of intelligence, police and judicial activities. The various agencies dealing with

counter terrorism, both in Israel and the EU, influence the quality of cooperation and create logistic coordination issues that need to be addressed.

Counter terrorism policy and cooperation consists of a spectrum of activities ranging from declaratory statements, through intelligence and police operations, to micro interventions and finally the large scale use of military force (Lasser 2002: 43-50). In the past several years it appears that there was progress in Israel-EU cooperation, which includes mostly diplomatic efforts. The cooperation between intelligence, homeland security and law enforcement agencies needs to be further enhanced, preferably by the model of the cooperation between the EU and the USA. For example, the USA has stationed FBI liaison officers at Europol and Eurojust, and an agreement strengthening information exchange between the Eurojust and the US Department of Justice was concluded in 2006.

## **Policy recommendations**

- In order to improve the cooperation between the EU and Israel on counter terrorism there is a need to deepen the cooperation on the operational level between intelligence, homeland security and law enforcement agencies, for example, in the form of joint training exercises and study tours.
- There is a need to increase special intelligence sharing and information exchange among the Israeli and the European law enforcement establishments.

## **References**

- Armitage David. 2007. The European Union: Measuring Counterterrorism Cooperation. *Strategic Forum* 229: 1-7.
- Council of the European Union. 2006. Implementation of the Action Plan to combat terrorism. Report 9589, updated 19 May 2006.
- Deflem Mathieu. 2007. International Police Cooperation against Terrorism: Interpol and Europol in Comparison. In *Understanding and Responding to Terrorism*, edited by Durmaz, H., Sevinc, B., Yayla A.S., and S. Ekici, 17-25. Amsterdam: IOS Press.

- Eilam Uzi. 2005. *A New European Security Identity*. JCSS: Tel Aviv University.
- European Commission. 2004. EU/Israel Action Plan. [http://ec.europa.eu/world/enp/pdf/action\\_plans/israel\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/israel_enp_ap_final_en.pdf).
- EU Council Secretariat Fact Sheet. 2007. The EU and the Fight against Terrorism. 9 March.
- Frattini Franco. 2007. EU Counter-Terrorism Strategy. Speech/07/505, 5 September.
- Israel Ministry of Foreign Affairs: 2008. The EU upgrades its relations with Israel. 16 June.
- Lasser Ian. 2002. Coalition Dynamics in the War against Terrorism. *The International Spectator* 2: 43-50.
- Muller-Wille Bjorn. 2008. The Effect of International Terrorism on EU Intelligence Cooperation. *Journal of Common Market Studies* 46: 49-73.
- Official Journal of the European Communities*. 2000. Euro-Mediterranean Agreement. L/147, June 21. [http://www.delisr.ec.europa.eu/english/content/eu\\_and\\_country/aso\\_agree\\_en.pdf](http://www.delisr.ec.europa.eu/english/content/eu_and_country/aso_agree_en.pdf)
- Syrquin Ari. 2008. European Commission report discusses EU-Israel relations. *The Jerusalem Post*, 16 April.
- The European Union. 2007. The European Neighborhood Policy and Israel. *Eufocus* 4.
- The Israeli Ministry of Industry, Trade and labor. 2006. *Senior Russian and Romanian delegations to come to Security exhibition*. 6 June. [http://www.moital.gov.il/NR/exeres/2212DF12-36DD-48AF-B510-A886F0269E14.htm?wbc\\_purpose=B](http://www.moital.gov.il/NR/exeres/2212DF12-36DD-48AF-B510-A886F0269E14.htm?wbc_purpose=B)