

Europol and the Policing of International Terrorism: Counter-Terrorism in a Global Perspective

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The European Police Office (Europol) is an international police organization that was formed to promote cooperation among law enforcement agencies in the European Union. Framed within the context of the Treaty of the European Union, Europol's mandate includes all serious forms of international crime, including international terrorism. This paper offers an analysis of the organization of Europol's counter-terrorism operations in the context of the history and dynamics of international police cooperation. More specifically, on the basis of the bureaucratization theory of policing, Europol is reviewed to exemplify the dual forces of political control over the organization via the regulative bodies of the European Union, on the one hand, and the institutional autonomy and professional expertise of participating police agencies, on the other. The outcome of these dual forces can be expected to determine the course and outcome of counter-terrorist policing in the European Union in years to come.

Keywords counter-terrorism; Europol; globalization; international terrorism; policing

Introduction

Since September 11, 2001, the world has undeniably changed, at least with respect to many institutions of societies across the globe as well as the social-scientific study thereof. Although most work on terrorism and terrorism-related issues continues to come from political science and legal scholarship (Deflem,

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2005b), the study of terrorism in sociology, criminology, and criminal justice has clearly gained ground (Black, 2004; Deflem, 2004a; Dugan, LaFree, & Piquero, 2005; Rosenfeld, 2002; Sociological Theory, 2004; Turk, 2004). This renewed attention also includes contributions on the criminal justice and policing dimensions of counter-terrorism, especially from an international and comparative viewpoint (Das & Kratcoski 2003; Deflem, 2004b, 2006; McCulloch 2003; Paye 2004; Wallace & Kreisel 2003). Within this scholarship, the present article offers an analysis of the organization of counter-terrorism by the European Police Office (Europol), the international police organization that was recently set up in the European Union (EU). Europol was originally conceived in the Treaty of the European Union in 1992, and limited operations began in 1994 with an emphasis on drug enforcement that was later extended to cover organized crime. In 1998, the Council of European Union Ministers formally approved an extension of Europol's mandate to include counter-terrorism. Then also agreed upon was the creation of a special Counter-Terrorism Task Force, which eventually was set up shortly after 9/11.

The organization of counter-terrorist policing by Europol represents but one component in a broad and complex global constellation of terrorism-related activities by a plethora of criminal justice and policy agencies at both the national and international level. The results of this inquiry into one international police organization will therefore be restricted because of its thematic focus. However, in order to unravel the patterns and dynamics of the global constellation of counter-terrorism in any meaningful way (Bennett, 2004), studies of concrete institutional responses are in order, especially those that are undertaken at an international level. The dynamics of these developments will have consequences beyond the boundaries of any confined localities.

This paper will unravel the characteristics of Europol's counter-terrorism strategies on the basis of the bureaucratization theory of policing (Deflem, 2002). Europol's mandate is explicitly defined by the European Union, and its operations are overseen by the regulatory bodies of the EU, whereas other international police organizations have been formed outside the context of any (international) political body. The prototypical case is the International Criminal Police Organization, better known as Interpol, which was formed in 1923 by police officials to function independently as a nongovernmental international organization on the basis of an internal set of rules and procedures (Deflem, 2002, pp. 124-152). Yet, despite the fact that Europol has been established within the political and legal structures of the European Union, I will argue that the organization nonetheless displays important features of professional expertise similar to those that characterize other international police organizations.

The analyses in this paper rely on archival sources and interviews with Europol officials (Interviews, Europol headquarters, 2003). The archival sources include official EU policy documents, reports and press releases made available by Europol, and international news reports about Europol's counter-terrorism activities and related EU policies. Official documents and reports were primarily retrieved via the official websites of Europol, the Council of the European

Union, and the civil rights organization Statewatch. News reports were mostly obtained via the online database of LexisNexis. Additional sources were found via online search engines. Semi-structured interviews were conducted with personnel at the Europol headquarters in The Hague, The Netherlands, in the spring of 2003, and at the Europol liaison office in the European Commission in Washington, DC, in the summer of 2003. Reporting these data, no details of the specific interviews and respondents will be identified in order to preserve anonymity. Mention will be made when information was retrieved by interview, but no direct quotes are included.

Counter-Terrorism and International Policing

This analysis relies on a theoretical model of policing that has been developed in research on the historical antecedents of international police cooperation (Deflem, 2002, 2005a) as well as its further development and contemporary conditions (Deflem, 2004b, 2006). Specifically, following Max Weber's (1922) bureaucratization theories, I defend the theoretical viewpoint that the form and dynamics of international police cooperation are shaped by a historical process of bureaucratization that has affected police institutions across the Western industrial world. Three conditions are central to this development: (1) the structural condition of formal bureaucratic autonomy of police institutions; (2) the operational motive among police of a shared conception of crime and crime control; and (3) the collaborative form in which police cooperation takes place (Deflem, 2002, pp. 12-34).

First, in order to accomplish cooperation across national borders, police institutions must have gained a position of relative independence from the dictates of the governments of their respective national states. Such a condition of institutional independence or formal bureaucratic autonomy allows public police institutions, though formally sanctioned by states, to autonomously plan and execute relevant strategies of crime control and order maintenance. Conversely, without a sufficient degree of detachment from the political centers of states, police institutions will not be in a position to engage in international cooperation on a broad multilateral scale beyond more limited cooperation among politically akin states. Early efforts to organize international police cooperation in Europe in the nineteenth century, for instance, were limited in scope and operations because they were politically motivated and planned by autocratic governments (Deflem, 2002, pp. 45-65, 2005a). From these political efforts, however, police gradually developed more autonomously conceived cooperation efforts on the basis of professional expertise. Following Weber's rationalization theory, I maintain that police institutions gained such a position of relative independence because the execution of their duties is guided by formal criteria of efficiency and an impersonal calculation of means, a trend towards instrumental rationalization which Weber equated with modernity itself. The reliance on technologically

sophisticated means of criminal investigation is the most concrete expression of this development among police institutions.

Second, under conditions of formal bureaucratic autonomy, police agencies develop expert systems of knowledge that can be shared among fellow professionals across national boundaries. In the case of international cooperation, such knowledge systems will particularly concern expertise about the course of international crime, including crimes that in their execution traverse the boundaries of national jurisdictions, as well as criminal developments that affect several countries at once, such as the influence of economic modernization on criminal conditions across the world. When such systems of knowledge have developed, police agencies are also bureaucratized in operational respects and can effectively form international cooperation plans on a broad multilateral scale. In the context of counter-terrorism, knowledge systems will be shared across the police of national states when a common understanding has developed about the nature and occurrence of international terrorism. It will be particularly important, then, for police to define and respond to terrorism in a manner that is not limited by the ideologically divisive conceptions of terrorism that often dominate in the world of international politics.

Third, considering the form in which international cooperation will take place, it is noteworthy that international police work will primarily remain oriented at enforcement tasks that have a distinctly local or national significance. The national persistence of international police work does not clash with a police institution's relative autonomy from governmental control, because both the governments and the bureaucracies of states are legitimated in the context of national states. Even despite the proliferation of international police operations and the formation of multilateral cooperation initiatives, including international organizations such as Interpol, a remarkable persistence of nationality can be observed in international police work. This national persistence is manifested in at least three ways (Deflem, 2002, pp. 215-219, 2004b, pp. 87-89). First, police institutions will prefer to engage in unilaterally enacted transnational activities, most typically through a system of international liaisons stationed in foreign countries. Unilaterally planned international operations are not always possible because police agencies may lack necessary personnel and means. The police institutions of more powerful nations are at a considerable advantage in this respect. Second, international cooperation among police will typically take place in a bilateral form, between the police of two nations, and will be maintained only on a temporary basis for a specific inquiry or investigation. Third, and finally, national persistence in international police work is revealed in the fact that multilateral cooperation among police is of a collaborative nature that does not involve the formation of a supranational police force. The idea of a supranational police force clashes with conceptions of both state sovereignty and police autonomy, whereas a collaborative network among police of different nations, for instance such as currently exists among the 184 member agencies of Interpol, can bring about the advantages of international cooperation. Collaboration

among police of different nations can be formalized by means of regular meetings, shared communication networks, and other institutions of cooperation, such as a central headquarters through which information can be routed. The police agencies of national states are thereby affirmed as the partners of cooperation.

In the light of the history of international police cooperation, Europol is a remarkable organization, even on formal grounds alone. Unlike other international police organizations, Europol was not formed from the bottom-up by police professionals but was the result of a top-down decision by the political and legislative bodies of the European Union. The activities of Europol are therefore more distinctly legally framed and bound to certain well-defined areas of investigation. Europol's operations are also supervised by the political representatives of the EU, but as I will seek to substantiate in this paper, Europol is nonetheless characterized by a degree of autonomy to determine the specific means and objectives of its policing and counter-terrorist programs. Primarily geared at an efficient process of information sharing among police, Europol conceives of its counter-terrorist mission on the basis of the professional standards of policing that have developed among the participating agencies.

Sharing the collaborative structure of other international police organizations, also, Europol is not a supranational police force but an international cooperative network that coordinates the activities of national police institutions in the various EU member states via a central headquarters. Conforming to this collaborative structure, there will be a persistence of national and, more broadly, regional interests revealed in the organization's police activities. This persistence of nationality and regionalism implies that police and counter-terrorism objectives will harmonize with distinctly European concerns over terrorism and, furthermore, that there will exist national variations in counter-terrorism across the police units of the EU nations participating in Europol. Before I examine these propositions in the context of Europol's counter-terrorism activities, it will be useful first to describe briefly the structure and activities of Europol and the history of counter-terrorism policies in Europe.

Policing Terrorism in Europe: A Brief History

European efforts to control terrorism have a relatively long history (Monaco, 1995; Peek, 1994; Rauchs & Koenig, 2001; Richardot, 2002). Besides the historical antecedents of political policing from the nineteenth century onwards (Deflem, 2005a), the modern era of European counter-terrorism can be located in the 1970s. The Terrorism, Radicalism, Extremism, and International Violence group, or TREVI group, was formed in 1975 by European police officials, who initially convened on the basis of a Dutch initiative that year, to exchange information and provide mutual assistance on terrorism and related international crimes (Peek, 1994). The cooperation activities of the TREVI group were subsequently formally approved

by the Ministers of Justice and Home Affairs of the then European Economic Community (EEC).

Beyond TREVI, unified Europe created additional cooperative arrangements to combat terrorism, such as the Police Working Group on Terrorism and the Counter Terrorist Group. The Police Working Group on Terrorism was first set up in 1979, when the Netherlands, the United Kingdom, Germany, and Belgium formed the group following the assassination of the British ambassador to Ireland in 1976 (Swallow, 2004). Counter-terrorism units of all other EEC states, the Scandinavian countries, and Finland soon joined the Group, whereupon it was formally agreed to cooperate to combat international crime, including terrorism, in the 1986 "Political Declaration by the Governments of the Member States on the Free Movement of Persons" (Benyon, 1997). The Counter Terrorist Group (CTG) is an initiative of the so-called "Club of Berne," an informal gathering of the heads of the security and intelligence services of various EU states as well as Norway and Switzerland. Set up shortly after the events of September 11, the CTG provides for cooperation in terrorism matters on the basis of an extra-legal memorandum of understanding. Focusing specifically on Islamic extremist terrorism, the Group meets regularly to facilitate operational cooperation among the EU's police and intelligence agencies.

In 1993, the TREVI Group and other European institutions dealing with judicial, customs, and immigration issues were brought together in one new structure under Title VI of the Treaty of European Union. Title VI concerned all the compensatory measures that would have to be taken once the removal of border controls between the member states of the EU had been accomplished (Benyon, 1997). In 1997, a counter-terrorism preparatory group was created to formulate Europol's role in matters of counter-terrorism (Rauchs & Koenig, 2001). Subsequently, the EU Council of Ministers signed the Amsterdam Treaty that approved an extension of Europol's mandate to specifically include counter-terrorism.

The European Police Office: An Overview

The establishment of Europol was first agreed upon on February 7, 1992 in the Treaty on European Union, also called the Maastricht Treaty, named after the town in The Netherlands where the treaty was signed (Europol website; Lavranos, 2003; Marotta, 1999; Occhipinti, 2003; Winer, 2004). Article K.3 of the Treaty concerned the "Establishment of a European Police Office," specifying the new body's governance structure and its function to facilitate cooperation among the police of the EU member states. On January 3, 1994, Europol started limited operations in The Hague, The Netherlands, in the form of the Europol Drugs Unit that was specifically centered on the policing of international drugs crimes. Progressively, other areas of international criminality were added. On July 18, 1995, a Europol Convention was formally drawn up in Brussels, and on October 1, 1998, the Convention came into force when it had been ratified by

all member states (Europol Convention, 1995). Europol thereupon commenced its full range of activities on July 1, 1999.

Europol's Mandate

Based on the provisions of the Europol Convention, the objectives of Europol are to improve the effectiveness of and cooperation among the police authorities of the EU member states in order to prevent and combat serious international organized crime. Europol's specific areas of criminal investigation include the illicit trafficking in drugs, vehicles, and human beings, including child pornography; forgery of money; money-laundering; and terrorism. Priority is given to crimes against persons, financial crimes, and cyber crimes, when an organized criminal structure is involved and when the criminal activity involves two or more member states of the EU. As of January 1, 2002, the mandate of Europol has been expanded to deal with "all serious forms of international crime," such as organized robbery, swindling and fraud, computer crime, corruption, environmental crime, and other crimes specified in the Europol Convention's Annex (Europol Convention, 1995).

Similar to the structure of other international police organizations, Europol is not an executive police force with autonomous investigative powers. Instead, Europol's activities are oriented at facilitating communications among and supporting selected activities of the police organizations in the participating states. Formally, Europol's functions include: (a) the facilitation of information exchange among the so-called Europol Liaison Officers, who are seconded to the Europol headquarters in The Hague by the member states to act as representatives of their national police; (b) the supply of operational analysis in support of relevant police operations conducted by the member states; (c) the drawing up of strategic reports, such as threat assessments, and crime analyses on the basis of information supplied by police of the member states or generated at Europol headquarters; and (d) the offering of technical support for police investigations conducted in the EU member states. Each member state of the EU must designate a particular agency to act as the Europol National Unit or contact point for Europol communications, but the specific organization of the National Units is determined by each member state.

Among its most important instruments, Europol manages the Europol Computer System. This system was set up in accordance with the Europol Convention's specification that Europol would maintain a computerized system for the analysis of data within a framework that also included protections in terms of human rights and a proper supervision of those data. The collection and distribution of data on people's behavior and movements has been a long-standing concern in Europe ever since the development of the so-called Schengen Information System, which had been in operation since 1995 and was later brought under control of the EU (Winer, 2004). Though still treated with suspicion among privacy advocates, the Europol Computer System is presently supplemented by two additional databases:

the EU Customs Information System which provides customs agencies the ability to exchange information on smuggling, and the FIDE (an acronym for "Fichier d'identification des dossiers d'enquêtes douanières," Identification File of Customs Investigations) which provides information on subjects involved in a criminal investigation.

Organization and Control

Currently, Europol ensures cooperation among police of all 25 EU member states. Since Estonia joined Europol on July 1, 2005, all 10 states that had joined the EU in May 2004 also formally participated in Europol. The slight delay in the newest EU member states receiving Europol membership was due to the fact that a new member state must first adopt the Europol Convention and subsequently send notification to the EU of its intention to join Europol, 3 months after which membership is granted. Each member state sets up a Europol National Unit and second officers to the Europol headquarters in The Hague. Presently, Europol's headquarters are staffed by 494 personnel from the various member states. Of these, 82 are Europol Liaison Officers from a variety of member states' police and security agencies, including national police, customs, and immigration services.

Europol is governed by a Directorate, consisting of a Director and three Deputy Directors. The EU Council of Ministers for Justice and Home Affairs appoints the Director for a 5-year period, renewable once for 4 years, and the Deputy Directors for a once renewable 4-year period. The Council also adopts the Europol budget and acts as a control and regulatory body over Europol by each year forwarding a report to the European Parliament to document on the work of Europol. The European Parliament must also be consulted if provisions of the Europol Convention or any other Europol regulations are to be amended.

Supervision of Europol's day-to-day operations is undertaken by an internal Europol Management Board, consisting of one representative of each member state, which meets at least twice a year to discuss a range of issues pertaining to Europol's activities and adopt reports on Europol's activities and future direction. These reports are submitted to the Council of Ministers of Justice and Home Affairs for final approval. Finally, Europol is also guided by a Joint Supervisory Body that is composed of appointed representatives of the national supervisory bodies in the member states. The task of the Joint Supervisory Board is to ensure that the rights of the individual are not violated by the handling of data that are managed through the Europol channels.

Europol and Counter-Terrorism

Although terrorism was not formally added to Europol's mandate until 1998, terrorism was among the international criminal problems that motivated the

creation of the police organization. The Europol Convention of 1995 already mentioned "the urgent problems arising from terrorism, unlawful drug trafficking and other serious forms of international crime" as justifying the need for enhanced police cooperation by means of information exchange between Europol and the member states (Europol Convention, 1995). Since the formation of Europol, terrorism has clearly gained in importance as one of the organization's mandates.

The Centrality of 9/11

Although Europe has had considerable experience with terrorism since the 1970s, the events of 9/11 have served as an important catalyst in the development of new terrorism legislation in the EU (den Boer, 2003; Peers, 2003; Scheppele, 2004) and a prioritization of counter-terrorism among Europe's police organizations, including Europol (Anderson, 2002; den Boer & Monar, 2002; Fijnaut, 2004; Lavranos, 2003; Monar, 2002; Wouters, 2003). Immediately following the attacks of 9/11, a Europol Operational Centre was created to provide a 24-hour service for the exchange of information. On September 20, 2001, the Council of the Ministers of Justice and Home Affairs adopted several measures to combat terrorism on the basis of proposals by Europol and the Council General-Secretariat (Council of the European Union [hereafter: CEU], 2001). A few months later, on November 15, 2001, a specialized counter-terrorism unit, the Counter-Terrorism Task Force (at some point called the Task Force Terrorism) became fully operational at the Europol headquarters. This specialized unit consists of terrorism experts and liaison officers from police and intelligence services of the EU member states. The Counter-Terrorism Task Force is assigned to: (a) collect all relevant information and intelligence concerning the current terrorism threat in the European Union; (b) analyze the collected information and undertake operational and strategic analysis; and (c) formulate a threat assessment, including targets, modus operandi, and security consequences (Europol website). A year after its creation, the Counter-Terrorism Task Force was incorporated into Europol's Serious Crime Department (CEU, 2005b), but after the terrorist bombings in Madrid on March 11, 2004, the Task Force was re-established as a separate entity. There are currently 15 Europol staff working permanently on terrorism matters in addition to 10 experts who are seconded from member states to the Counter-Terrorism Task Force and 22 analysts from the Serious Crime Department who have been assigned to counter-terrorism duties.

Among the most concrete results of the Counter-Terrorism Task Force to date are the production of several threat assessments concerning the presence of terrorist groups in Europe and an overview of existing counter-terrorism security measures in the EU. Assessing the terrorist threat in Europe, Europol maintains two so-called "analysis work files." The analysis work file "Islamic Terrorism," active since 1999, focuses on Islamic fundamentalist terrorism, whereas the analysis work file "Dolphin" focuses on all other terrorist groups and activities.

Other Task Force activities include assessments on the financing of terrorism, various analyses of information concerning terrorist movements in Europe, and the establishment of an Arabic-to-English translation system for the evaluation of Arabic intelligence.

The events of 9/11 also influenced the EU's formal policy decisions against terrorism. Among the most important of the newly instituted EU policies are the so-called "framework decisions" on terrorism and related matters, such as joint investigation teams and mutual legal assistance, that were agreed upon by the Council of the European Union in June 2002 (Council of the European Union, 2002). The Council framework decisions define terrorist offences as various criminal activities, such as attacks upon a person's life, kidnappings, the destruction of public facilities, the seizure of means of public transportation, as well as threats to commit any of these acts, when they are committed with the aim of seriously intimidating a population, unduly compelling a government or international organization from performing or abstaining from any act, and/or seriously destabilizing or destroying the fundamental structures of a country or of an international organization. In matters of police cooperation, the framework decisions call for an improvement of cooperation among the counter-terrorist units of the EU member states. To this end, joint investigation teams can be set up by the security forces of two or more EU member states for a specific purpose and for a limited period. Among the requirements, the leader of the team operating in any one EU country must be from that country, and the team must always operate according to the laws of the member state in which it operates. A newly introduced European Arrest Warrant allows for the handing over of wanted persons directly from one member states' judicial authority to that of any other EU state.

The 2002 framework decisions also suggested an elaboration of Europol's counter-terrorism mandate and international cooperation activities. The police organization is now formally allowed to maintain relations with police and security forces outside the EU. Europol entertains cooperative relations with Interpol and with FBI as well as police of other non-EU states, some of which now have liaison officers at the Europol offices in The Hague (interview). Europol, conversely, maintains a liaison office in Washington, DC, created as a result of a cooperation agreement between Europol and the United States that was first adopted a few weeks after September 11, 2004. The agreement was renewed after the March 2004 terrorist bombings in Madrid, Spain, when the EU drafted a new "Declaration on Combating Terrorism" that reaffirmed the 2002 framework decisions (Council of the European Union, 2004a, 2004b).

Europol's Counter-Terrorism Programs

Alongside of the establishment of the Counter-Terrorism Task Force, Europol set up a variety of functionally specialized programs. A "Counter Terrorism Program" was created to coordinate all Europol activities against terrorism,

including information gathering and threat assessments. Upon request from a member state, Europol also supports operational investigations by EU police and joint investigation teams (Schalken & Pronk, 2002). Europol's "Counter Proliferation Program" covers all forms of illicit trafficking, including nuclear materials, arms, and explosives. A "Networking Program" aims to establish contacts and coordination among the experts of the two prior programs and experts of other international organizations and police of non-EU states. Europol's "Preparedness Program" was created to develop multilateral investigative teams in the case of certain terrorist incidents in the EU. Finally, in support of the intelligence and investigative programs, a "Training and Education Program" has been set up to provide training to relevant personnel in the EU member states.

The impact of Europol's strategies, including its counter-terrorism operations, in terms of criminal investigations and arrests is at present difficult to estimate, not only because of the relatively recent establishment of Europol and its Counter-Terrorism Task Force, but also because Europol is very protective of the organization's assistance in investigative activities. Information on ongoing criminal investigations (so-called operational data) are typically treated confidentially by police organizations, but Europol officials are also reluctant to provide information, even information as general as the number of arrests that have been made on the basis of Europol support, because the organization seeks to safeguard the integrity and autonomy of the National Units. Such sensitivity is considered especially important because of the legal and cultural diversity that exists across the EU member states (interview). In 2005, an effectiveness study of the EU's counter-terrorism policies was published, but most of the information in the report is not declassified, and no Europol information is mentioned (CEU, 2005c). Europol officials occasionally confirm that cooperation is being provided, but will not reveal any specifics of such cooperation. Europol will sporadically claim to have participated in certain high-profile investigations, such as when police in 13 European countries in June 2005 raided some 150 homes in a massive Europol-supported operation against child pornography networks ("As Europe hunts," 2005). One Europol document mentions that, by May 2005, 21 investigations in various member states were using the terrorism analysis services of Europol, but no further information is provided (CEU, 2005b).

The little systematic information that is available about Europol's activities in support of investigative matters comes from the organization's Annual Reports (available on the Europol website). These numbers reveal that Europol is increasingly being used by the EU member states' National Units. While the number of cases that reached Europol in the year 2000 had dropped slightly to 1,922 from 1,998 the year before, that number rose to 2,429 in 2001. While there may have been an effect towards greater cooperation following the events of 9/11 in that year, most cases in 2001 were not terrorism-related but concerned drugs crimes (51 percent), illegal immigration (17 percent), and stolen vehicles (8 percent). The Annual Reports for 2002 and 2003 indicate an

increase in the total number of cases that were initiated: 3,413 in 2002 and 4,700 in 2003. The Annual Report for 2004 does not mention the total number of cases, but it specifies the total number of operational messages at 154,000, a considerable increase from the 94,723 messages in 2003. Europol officials attribute the rise in the use of its services to the growing awareness among Europe's police and intelligence agencies of the advantages of Europol, the enlargement of the EU in 2004, and the more targeted approach of its activities surrounding matters of organized international crimes, including terrorism, drugs, illegal immigration, and financial crimes.

Dynamics of Counter-Terrorism

Reviewing the structure and activities of Europol and its counter-terrorism activities on the basis of the theoretical model of police bureaucratization, I will argue that a duality and tension can be noted in the manner in which the police organization relates to the formal political structure of the European Union, on the one hand, and the organizational and operational components of the organization, on the other. Europol is an international police organization that is formally mandated by the European Union and overseen by the regulatory bodies of the EU. At the same time, however, Europol coordinates activities among National Units drawn from existing police and security agencies in the EU member states. These agencies are highly bureaucratized in respect of the knowledge and know-how of their enforcement duties, which will also influence the workings of Europol as a collaborative organization. In terms of its operations and objectives, indeed, Europol's activities are primarily guided by concerns over efficiency on the basis of a broadly understood mandate. Europol's operations, furthermore, are framed within the context of the interests of the EU and its participating national states, bringing about a "Europeanization" of counter-terrorism.

Europol in the European Union: Formal Legality and Professional Expertise

The political framework of Europol as a body formally sanctioned within the structures of the EU creates certain opportunities that other international police organizations lack. Most distinctly, inasmuch as Europol's mandate is legally specified, the organization has a clearly defined and limited field of operations. Other international police organizations have often experienced problems in coming to terms among the many participating police agencies about the proper boundaries of their law enforcement objectives and activities, because the legal systems and police traditions of countries vary considerably (Deflem, 2006). Europol is instead guided by a formal set of documents that lays out the organization's functions and structure. Relatedly, Europol can also rely on formal agreements of cooperation with the various participating police institutions and

their respective national governments and likewise formally maintain external agreements with non-EU states. In the history of international policing, the formal status of membership in Europol is one of the organization's most outstanding characteristics, as other organizations of international policing rely only on informal resolutions, typically in the form of a memorandum of understanding (Deflem, 2002).

The formal legality of Europol can also pose certain restrictions to the organization's structure and capabilities. Europol's Directorate is appointed by the EU Council of Ministers for Justice and Home Affairs. This dependency on the EU Council in determining the leadership of Europol had a clearly negative effect when the Council Ministers were recently unable, over a period of more than half a year, to appoint a new Director after the 5-year term of Europol's first Director, Jürgen Storbeck, had expired in July of 2004 ("EU interior," 2004; "German report," 2005). While Mariano Simancas of Spain served as Interim Director, four countries (Spain, Italy, Germany, and France) each proposed their own candidate for the vacancy, but a lengthy dispute ensued, and no new Director could be agreed upon until February 2005, when the German Max-Peter Ratzel was finally appointed. In the wake of the 2004 terrorist bombings in Madrid that killed 191 people and wounded more than 1,800, the wrangling over which national would be allowed take up the Europol post betrays the shortcomings of international cooperation when nationalist sentiments and political concerns drive the agenda, rather than considerations of expertise in matters of law enforcement.

The political decision-making process in the EU can also be relatively ineffective in fostering police cooperation. In the aftermath of the terrorist bombings that hit Madrid in March 2004 and London in July 2005, the Council of the European Union swiftly agreed to condemn these attacks, strengthen the European commitment to fight terrorism, and propose a new series of counter-terrorism measures (CEU, 2005a; "EU's anti-terror response," 2004). However, not all of those measures have been implemented at the national level of the EU member states, where political-ideological squabbling often prevents the passing of appropriate legislation ("EU ministers," 2005). One of the investigating judges in the 2004 Madrid terrorist bombings summed up the situation well, when he argued that the political goodwill to enhance "cooperation and coordination in the fight against terrorism ... generally lasts no longer than the duration of the symposium" ("EU terror chief," 2004). Among the few concrete results of the EU Ministers' counter-terrorism efforts has been the creation of a new "EU Counter-Terrorism Coordinator," a position that is currently occupied by the Dutchman Gijs de Vries, often nicknamed "Mr. Terror" in the European press.

While counter-terrorism cooperation at the political level sometimes remains an expression of goodwill with few consequences, police and security agencies do achieve cooperation in practical matters. In part, these accomplishments are achieved by European counter-terrorism officials gathering at meetings separate from the EU Ministers. After the Madrid bombings in March 2004, for example, several meetings of police and intelligence officials were held ("EU Police chiefs

to discuss Madrid attacks," 2004). In Dublin, the European Chiefs of Police Task Force, representing all 25 (then current and future) EU states, held a two-day conference with representatives of Europol, Interpol, and police officials of Norway and Iceland. Coinciding with the police meeting was an additional meeting of intelligence chiefs of five European nations (Spain, Britain, France, Germany, and Italy) in Madrid. Similarly, a few days after the July 7 bombings in London, a confidential meeting of police, intelligence officials, and forensic experts was held at Scotland Yard ("Police call," 2005). Among the attendants were officials from about 30 countries, including the United States, Israel, Australia, Japan, and the EU states, as well as representatives from Interpol and Europol. Additionally revealing the level of effective cooperation at the police level, investigative support in the inquiries in the London bombings was provided by Spanish and American forensic teams ("Terror in London," 2005).

While the formal legal framework set by the European Union's governing bodies places limits on the autonomy of Europol, the organization also engages in cooperation agreements at an institutional and nation-state level. Europol maintains relations with countries outside the European Union, such as Switzerland, Turkey, Colombia, and the United States, and with other international police organizations (Mitsilegas, 2003; Paye, 2004; Schalken & Pronk, 2002; Seitner, 2003). Although Europol's cooperation agreements have to be approved by the EU Justice and Home Affairs Ministers, it is important to note that they are initiated at the request of Europol's Management Board. Europol's agreements with other police organizations have distinct implications in terms of the organization's autonomy as an international police body. The cooperation between Europol and Eurojust, the European prosecutorial office, originally located in Brussels, Belgium, and now moved permanently to The Hague (Eurojust website), harmonizes with the fact that Europol and Eurojust are both formal EU-sanctioned organizations. But other cooperation agreements enable Europol to expand its scope beyond the formally proscribed mandate of the EU. For example, Europol cooperates with the Counter Terrorism Group (CTG) that was formed after 9/11. Unlike Europol, the CTG was formed at a professional level by the heads of the police and intelligence services of the EU member states. Importantly, the CTG does not operate on the basis of a formal mandate by the European Union, but on the basis of a memorandum of understanding that was drafted and agreed upon by the participating heads of police. Cooperating with the Counter Terrorism Group, Europol can therefore route information more quickly (interview).

Europol entertains agreements similar to the one it has with the Counter Terrorism Group with other police organizations that are marked by a high degree of bureaucratic autonomy, such as Interpol and the European Police Chiefs Operational Task Force (PCOTF). The cooperation between Europol and the PCOTF concerns several counter-terrorism issues, such as the operational analysis of "Islamic Extremist Terrorism," terrorism threat assessments, the financing of terrorism, and weapons of mass destruction. Importantly, the PCOTF is, like the CTG, not regulated on the basis of an explicit EU treaty and

has no formal accountability to the Union, but was instead formed on the basis of a recommendation from the European Council in October 1999 (Statewatch, 2004).

Thus, Europol's formal status as an international organization in the EU is supplemented by an independent structure of international cooperation at the bureaucratic level of police institutions. Besides cooperation agreements, the interlinking of multiple international police organizations is also accomplished by overlapping memberships in their respective leadership structures. For example, the Assistant Commissioner of the Irish National Police Service also acts as representative on the Europol Management Board, the Police Chiefs Task Force, and the Club of Berne (An Garda Síochána, 2004).

Europol as Bureaucracy: Efficiency in Crime Control

Despite Europol's origins in the context of an international political union, the organization's policing and counter-terrorism operations are organized in the rationalized terms of an efficient control of crime. Europol relies on the participation of existing police institutions in the EU for the staffing of the headquarters and the Europol National Units in the 25 member states. Personnel at the headquarters and in the National Units is typically made up of experts in international policing with prior experience participating in non-governmental international police organizations. Europol's recruitment of police professionals from existing national police and intelligence agencies may seem obvious, but the implication of this reliance is nonetheless that the international organization can operate only within the context of an existing professional culture of policing.

Besides the creation of the Counter-Terrorism Task Force as a specialized unit and the development of functional programs to combat terrorism, the relevance of instrumental rationality in Europol can also be observed in the organization's emphasis on efficiency in operations. As is the case in other international police organizations (Deflem, 2002, 2004b, 2006), an emphasis is placed in Europol's crime-fighting activities on establishing swift methods of communication and information exchange among the participating agencies. Most distinct in this respect has been the creation of Europol as a cooperative network with a central headquarters that functions to enable rapid communications among the various National Units. The practical advantages of such a structure are considerable from an efficiency-oriented viewpoint as the participating agencies need not contact one another directly but can route information via The Hague to be passed on to all other member agencies. Europol communications with the National Units rely on the latest advances in technology by means of an "Information Exchange System" (INFO-EX) that enables encrypted electronic messages.

Europol's emphasis on efficiency in cooperative matters is also seen in the various agreements the organization oversees with non-EU states. Europol's liaison office in the United States, for instance, functions to ease cooperation with the

various US law enforcement agencies. It does so directly in police matters that concern the United States and two or more member states, and it handles requests to US police from the National Units in the EU member states (interview). Europol cooperation with local and state police agencies in the United States is accomplished via the US National Central Bureau, the US representative of Interpol. Similarly indicating the concern with efficiency in communications, Europol officials have expressed concerns that some of the newest member states (the so-called "accession states," such as Estonia and Lithuania) do not possess the necessary infrastructure to effectively participate in international police cooperation (Storbeck, 2003).

An emphasis on efficiency does not necessarily imply effectiveness. Among the obstacles Europol faces with respect to counter-terrorism is the fact that terrorism is in some EU countries dealt with by police agencies, whereas intelligence agencies are responsible for counter-terrorism in other EU states. Cooperation across intelligence and police agencies can be difficult, because police institutions tend to be interested in specific information about suspects in order to make an arrest, whereas intelligence agencies are very broadly interested in general information without prosecutorial purposes (interview).

The technical, rather than political, nature of the difficulties in police cooperation is further revealed from the emphasis on linguistic matters of communication, at the level of police and with respect to the targets of their activities. The lack of knowledge of Arabic among Europe's police forces and resulting difficulties in penetrating underground groups of non-European origin are obvious and important concerns (Kupchinsky, 2004). Police cooperation is further compounded by the linguistic, cultural, legal, and political diversity that exists across the countries of the European Union (Tak, 2000). All the information which Europol receives in the area of terrorism has to be translated in some 11 languages before it can be sent to the National Units in the member states (interview).

Among the implications of police bureaucratization in terms of efficiency, it is important to note that not only can police agencies independently determine the proper means of policing, but also they can specify the objectives of police work given a broad and generally formulated mandate of crime control (Deflem, 2002, 2004b). In the case of Europol, the relative restrictiveness of the organization's formal mandate can be evaded by relying on existing police agencies in the EU and broadening the organization's membership by cooperating with other international police organizations and the agencies of non-EU nations. As a result, Europol can rely on a well-developed international police culture, in Europe and across the world, which has for a long time forged international relations on the basis of a common understanding of the function of police. As research has shown (Deflem, 2002, 2005a), the development of an international police culture in the industrialized world can be traced back to at least the late nineteenth century when police institutions began to develop international cooperation for the policing of criminal, rather than political, offences. Therefore, also, Europol's participating agencies and those with whom Europol

cooperates typically will be able to agree on the scope of terrorism-related activities, despite the diversity of the legal systems of the EU member states (den Boer, 2001; Tak, 2000).

What is most remarkable given the range of institutions that cooperate with Europol is not that problems occasionally ensue, but that there has been a trend towards the development of a shared understanding of terrorism across the globe since the events of 9/11. Much like is the case with police organizations in the United States and other parts of the world (Deflem, 2004b, 2006), Europol's counter-terrorism focus has gone most centrally to "Islamic extremist terrorism" or "fundamentalist jihadist terrorism" (Europol website). In a Europol terrorism trends report of December 2004, al-Qaeda and its affiliates are mentioned as a main security concern against European and Western interests (Europol, 2004, pp. 23, 41). Other terrorist groups Europol focuses on include the separatist Basque group ETA, the Real IRA, Bosnian and Chechen nationalist groups that organize in Austria, and extreme leftists and anarchist groups in Italy, Germany, and elsewhere. These assorted terrorist groups are similarly targeted by Europol because of the impact their criminal activities have on European societies, irrespective of the groups' political motivations. Harmonizing with the comprehensive definition of terrorism in the EU framework decisions (Council of the European Union, 2002), Europol and its participating agencies thus focus on terrorism very broadly in terms of the commonalities terrorist activities have as a criminal, rather than a political, offense.

Europol in Europe: The Boundaries of International Cooperation

No single international police organization has ever been formed as a supranational force, although occasionally calls are made for the creation of such as an international agency. In the context of Europe's recent counter-terrorism experience, for example, the Ministers of some EU member states expressed their preference to create a "European Intelligence Service." At the EU Council meeting after the Madrid bombings in 2004, the Belgian and Austrian Ministers expressed their hope that the agency would be modeled after the CIA or the FBI in the United States ("One year from Madrid" 2005). Ultimately, the proposed new body was conceived as a clearing house of information on extremist groups, but no such new agency was ever set up, indicating that supranationalism in police and intelligence cooperation could not be achieved. The collaborative model of international cooperation was affirmed in the continued and expanded role of Europol. The one limited form of supranationalism that was accomplished after Madrid is the new position of Counter-Terrorism Coordinator. However, the Coordinator cannot propose legislation and has no real authority over the EU member states but acts only in the limited capacity of advisor.

The persistence of nationality in international policing also affects Europol's cooperation efforts. Although the establishment of a Europol National Unit is required for all EU member states once they have joined Europol, the organization

and staffing of the National Unit are entirely up to the member states. Information exchange with the Europol headquarters, also, is voluntary, and the level of involvement from the various National Units in Europol varies greatly from one country to the next (interview). Differences in the level of participation in Europol are not surprising inasmuch as police can be expected to be involved in international activities to a degree that is determined by their experience with relevant criminal problems. However, indications are that other factors play a role as well and that even in the case of international terrorism and organized crime—problems which effectively cross national boundaries—cooperation is not always easily accomplished. A sense of trust among police and an expectation of positive outcomes are among the central concerns in international cooperation irrespective of the availability of technologically advanced communication systems (interview). Absent these prerequisites, police may be reluctant to share information even when they formally participate in international organizations such as Europol. Europol officials themselves have conceded that cooperation could be improved. Following the 2004 bombings in Madrid, then Europol Director Jürgen Storbeck criticized the EU member states for paying mostly “lip service” to the international organization (Big Five, 2004).

An indication of a lack of cooperation among Europe’s counter-terrorism forces was revealed after the Madrid bombings, when French police officials were outraged over the fact that their Spanish counterparts refused to share information on the types of explosives that had been used (Kupchinsky, 2004). Likewise, after a Moroccan citizen, who used to live in Hamburg, Germany, was arrested by Italian authorities in April 2003 because of his association with a Milan-based Al-Qaeda cell, it turned out that the man had already been questioned by German police just a few weeks after the 9/11 attacks. Information about the suspect, however, had not been shared among Europe’s police (“As Europe hunts,” 2004). Such findings indicate that police agencies remain concerned primarily with nationally defined enforcement tasks, even when these tasks involve criminal problems of an international nature.

In consequence, although the intelligence and analysis capacities at the Europol headquarters have improved considerably, the volume of data that reaches Europol is said to remain relatively “sparse” (“German report,” 2005). While indications are that Europe is facing a growing number of internationally organized militant organizations, agencies in the EU states are reluctant to share information on a multilateral scale and instead engage in more limited bilateral cooperation. The preference of bilateral cooperation is most noticeably revealed in the relations between Europol and the FBI. Despite the cooperation agreement between Europol and the United States, the FBI prefers to conduct its international cooperation directly with the police of the EU member states in a bilateral context. Whenever a EU member states contacts Europol with a request to the FBI, the message is not passed on via the Europol Liaison Office in Washington but is routed to the FBI legal attaché in the EU member state from which the request originates (interview). The police agencies of some member states, furthermore, have their own liaison officers

stationed in Washington, DC, and supplement the Europol system by means of bilateral cooperation with US agencies.

National and regional persistence in international policing, finally, is also reflected in Europol's focus on those terrorist and other criminal conditions that are specific to the European Union. The "Europeanization" of international counter-terrorism policing is not surprising as the disappearance of Europe's internal borders with the European unification was the primary motivating factor in developing enhanced police cooperation (den Boer, 2003). But cooperative activities with police organizations beyond the European Union will also be influenced by such European concerns. Thus, Europol concentrates its efforts on Islamic fundamentalist terrorist groups inasmuch as they are active in or otherwise relevant to Europe. In the EU, some countries are targeted because of their involvement in the wars in Iraq or Afghanistan, or because of some specific regional factor, such as the ban on Islamic veils in French schools (Europol, 2004). Other counter-terrorism matters with which Europol is involved are distinct to some of the EU's nation states, such as the various nationalist terrorist groups that operate in Spain and the United Kingdom.

Conclusion

As in the case of other police and criminal justice agencies in many countries across the world, counter-terrorism activities by Europol have increased considerably in scope and significance since the events of September 11. With the focus continuing to be oriented at terrorist activities that are planned by certain extremist Islamic-affiliated groups, and in view of the persistent tensions surrounding related political issues such as the war in Iraq, it is clear that international terrorism will remain a central driving force in forging cooperation among police and security agencies in the European Union and elsewhere in the world. Terrorism, in general, and Islamic extremist terrorism, in particular, will surely remain important elements in shaping international police efforts in Europe, because they are perceived as major threats to European security. Europol's counter-terrorism programs and instruments can similarly be expected to be elaborated and relied upon by participating police agencies.

In the broader constellation of international police developments, Europol takes up a special place. Europol is a unique international police organization in having been created by the international governing body of the European Union, whereas other international organizations of policing have been formed from the bottom up by police professionals. Europol's dependence on the regulatory oversight capacities of the European Union creates a legal framework of police cooperation that can increase the organization's accountability (den Boer, 2002), but that can also hinder effective cooperation among police, if only because police officials perceive accountability requirements as intrusions on their activities (Alain, 2001).

Despite being a formally sanctioned institution in the EU, Europol is also dependent on and a manifestation of a professional police culture that evolved at the European and broader international level. Broadening its scope beyond the European Union, Europol relies on cooperative agreements with professional police agencies inside and outside Europe and with non-governmentally formed international police organizations, such as the Counter Terrorism Group and the Police Chiefs Operational Task Force. Maintaining relations with such institutions, Europol can rely on counter-terrorist and other policing practices that have developed on the basis of professional expertise. The extent to which police work in Europol is bureaucratized may lead to concerns that the organization's activities, especially in the sensitive area of terrorism, emphasize efficiency in police work without sufficient regard for considerations of legality and justice. Such concerns are amplified because of Europol's international computerized data system and the power of the organization in influencing police work in the EU member states. Also, Europol is a relatively young organization, so that it may be expected to continue to evolve into a more fully developed bureaucratic institution characterized by a high degree of institutional independence.

Europol's activities against international crime and terrorism focus on distinctly European problems or the European dimensions of more global concerns. Islamic extremist terrorism, particularly, is conceived by Europol as a global criminal concern that also affects security conditions in the European Union. Because of the involvement of European al-Qaeda cells in the terrorist attacks of September 11 and in view of the affiliations of the perpetrators of the terrorist attacks in Madrid in 2004 and in London in 2005, these justifications have foundation. Europol and other police organizations had anticipated some of these developments. In December 2004, for example, Europol had already singled out the United Kingdom as a special target of al-Qaeda terrorism and warned that "active extremist cells of European Union citizens of second generation Pakistani origin" deserved special consideration (Europol, 2004; "Terrorism," 2005). At the same time, given the considerable presence in Europe of people with Middle-Eastern and Muslim origins, the focus in Europol's counter-terrorism operations on Islamic extremism can have effects beyond those explicitly intended, inasmuch as suspicions may arise among the public that counter-terrorist police operations reveal an anti-Muslim bias. So far, however, the emphasis on Islamic fundamentalist terrorism has met with little opposition. Only the Turkish press has occasionally criticized Europol's suspected overconcentration on Islamic-linked terrorist organizations ("Shallow fight," 2005).

Because of Europol's focus on the criminal aspects of terrorism, the Europeanization of counter-terrorism does not usually clash with the operations against terrorism that are being waged by many other police organizations across the world. But this police focus on terrorism as a crime cannot always be harmonized with anti-terrorist activities that conceive of terrorists as enemies or unlawful combatants. From the United States viewpoint, there are many criticisms on the "war on terror" in terms of its domestic repercussions in terms of

civil rights, but the use of the metaphor as a source of US concerns over Europe's supposed lack of cooperation in military matters is less severely criticized. Yet, it is clear that charges that Europe is "soft" on terrorism cannot be founded. What is the case is that Europe has more experience in approaching terrorism more exclusively as a police matter and that the European public tends to be wary of military actions (LaPorte, 2004). It is uncertain if the occasionally strained relations across the Atlantic in political and military respects will also affect cooperation among relevant police authorities, or if the latter can maintain a level of independence. Continued research by social scientists studying the crime and criminal justice dimensions of terrorism and counter-terrorism can contribute to formulating adequate answers to such central questions of contemporary public policy, providing their research is framed within useful contexts and, as always, guided by theoretically meaningful models of analysis.

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