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FIGHTING TERROR IN GERMANY

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FIGHTING TERROR IN GERMANY

Klaus Jansen

INTRODUCTION

In my career in law enforcement, I am charged with implementing policies. Without the distance afforded to scientific researchers, I continue to ask questions in order to assess the success of policy responses. What are the problems we need to address as a result of the terrorist attacks? What are the obstacles that need to be overcome? Can previous frameworks be adapted to the new tasks? In this paper, I will discuss the following points in detail:

- The necessary starting points and consequences in general
- The necessary starting points and consequences for internal security
- The necessary starting points and consequences for the police force
- The necessary starting points and consequences for Europe
- Differences between the U.S. and the EU (Germany)
- Conclusion

It is my intent to create an awareness of the different nature of our current situation. This awareness is an essential prerequisite for any discussion of the requirements of transnational anti-terrorism strategies. Only after the necessary questions have been asked and debated can the appropriate answers be found.

September 11, 2001

On November 27, 2001, the business section of *USA Today* ran an article that showed that the necessary intellectual approaches to handling a crisis situation are already in existence – if one can see them and is willing to understand them. Under the title “Recession, face brutal facts, thrive,” journalist Jim Collins quoted from his interview with Vietnam veteran and three-star Admiral Jim Stockdale, who for eight years was a Viet Cong prisoner of war in the Hotel Hanoi. How can one survive such a crisis, Collins wanted to know.

“Who did not make it?” “Oh, that is easy”, Stockdale said, “the optimists.”

“The optimists? I don’t understand,” Collins said completely confused.

“The optimists. Oh, they were the ones who said – we are going to be out by Christmas – and Christmas would come, and Christmas would go. Then they would say – we are going to be out by Easter – and Easter would come, and Easter would go. And then Thanksgiving, and then it would be Christmas again. And they would die of a broken heart... This is a very important lesson. You must never confuse faith that will prevail at the end – which you can never afford to lose – with the need for discipline to confront the most brutal facts of the current reality, whatever that might be.”

The sad truth is that most executive teams won’t respond that way to these dark days of uncertainty. Most executive teams wouldn’t use this recession as an opportunity to fundamentally rethink, rebuild. Mediocre leaders will hold out

false hopes for a quick fix, only watch to watch those hopes be swept away by events. Their companies will begin to die of broken hearts.

This assessment could easily describe the German security bureaucracy. The Federal Criminal Investigation Agency (BKA) holds their annual *Herbsttagung* (Fall Conference), at which high-ranking experts from various security-related fields convene to debate topical issues on an interdisciplinary basis. After the events of September 11, the BKA changed the original focus of the conference to “Islamic Terrorism.” A laudable decision, as this enabled a search for solutions in the immediate aftermath of the attacks. On the closing day of the conference, a podium discussion titled “Thoughts on a new security structure in Germany” sought to address the changing circumstances. The following excerpt of the above-mentioned discussion is quoted from an article in the September 17 issue of the *Hamburger Abendblatt*.

The representatives of the federal states, of the judiciary, of the police force, of the authorities responsible for the protection of the constitution and of the army were of one mind: Renovation yes, restoration no. The federal principle and the separation of police forces and intelligence units have proven successful and can stand up to the challenges. The experts rejected the creation of a “German FBI” or a Federal Security Agency, as suggested by the CDU, which would oversee the intelligence and security apparatus. Interior Minister Schily had called for a complete rethinking of existing categories and prophesized that “the sharp differentiation between internal and external security would be no longer possible.” The experts yesterday reacted far more calmly. “The house has proven its worth over the past fifty years,” the head of the authorities for the protection of the constitution, Heinz Fromm, stated, “it might be necessary to install a few new “beams,” but the existing system constitutes a foundation for the rule of law that is without equal.” Germany may well be the only country in which the internal intelligence service is separated into seventeen organizations on both the federal and the state level. The head of the ministry of the interior in Kiel, Jörg Ziercke, stated even more plainly that the federal states do not want a militarization of internal security nor a softening of the division of the police forces and the agencies responsible for the protection of the constitution, nor a Federal Security Agency or a “European FBI.” Instead he envisioned strengthened support for the European Police Agency, Europol, in its analyzing capacity. “The citizen can have faith in the security competence of the state,” Ziercke emphasized. One should resist all attempts to use the current situation in order to reorganize the competencies of the various agencies involved. Ziercke noted that “there have been simulations of terrorist attacks on German soil, we are ready, we can respond when and as the situation requires it.”

One can only congratulate Germany for such a confident statement. However, one has to question why assessments in other countries have been far more self-critical. Is the publicly available information about the terrorist attacks not evidence enough for the fact that Germany – as already mentioned a decade ago in a report of the authorities for the protection of the

constitution – has become a base for a number of foreign terrorist organizations. My usage of the term *Ruheraum* (place of rest) is deliberate, whereby the term has two meanings:

- Germany as a logistical safe haven;
- Germany as an area in which a foreign terrorist can live undisturbed.

Why is radical change not only discussed within the Federal Intelligence Agency (BND) but also put into practice? Why have we not seen at least tentative steps in this direction within the agency responsible for the protection of the constitution? That we find ourselves in a crisis situation and are facing an enormous challenge is without doubt. If we apply the words of Jim Collins, are we to understand that the managers of internal security are not standing up to the challenge and are not thinking in new ways? Are we seeking to adapt old instruments with quick, but media-friendly, fixes that might suggest success but in reality can only lead to fatal results? While this can be accepted for medium-sized business operations, the consequences for Germany's internal security are tremendous.

NECESSARY STARTING POINTS AND GENERAL CONSEQUENCES

The deputy chairman of the Central Council of Jews in Germany, Michael Friedmann, stated in the immediate aftermath of the attacks, that, “we need to think the unthinkable!” This is the Achilles heel in the debate over internal security: New concepts and approaches are immediately dismissed from further consideration because the existing rules, laws, decrees, and traditional principles prevent new ideas from rising to the forefront of the debate. It might be necessary to eradicate all obstacles in order to give the new situation and the new ideas that need to be found in response to the changed circumstances a chance, a chance that we as a society need to take.

While Germans want to understand the conceptual space in its totality before they are ready to act, Americans tend to make their life choices one by one. The advantages of the latter approach are evident, especially if the timeline is dictated by somebody else. In the past, national as well as international terrorist organizations perpetrated attacks that were limited in scope, both psychologically and geographically. It made sense, not only because limited scope allowed for continued political and financial support, but also because the terrorists were interested in maximum media exposure, not the maximum number of victims. To reach the organization's goal was the zenith of their way of life, and most terrorist organizations had or have a legal arm with which governments could negotiate. As such, politics played an important role, making it possible for a former terrorist or freedom fighter to become a political partner.

The new kind of terrorism desires the maximum number of victims and maximum damage; media coverage is a welcome by-product. There is no longer a legal arm, and negotiation is no longer an option. There is no life beyond the attack for the terrorist because for the perpetrators, the attack itself and the resulting annihilation of oneself is the goal.

NECESSARY STARTING POINTS AND CONSEQUENCES FOR INTERNAL SECURITY

By chance I saw Senators Lieberman and McCain on the television show *Meet the Press*. The two are from different political camps and are both considered political heavyweights. Both demanded a return to September 11 in order to analyze what happened there and why. Their intent was to find out what needs to be changed, so that the same mistakes can be avoided in the future. Unfortunately I have not seen a similar approach on the German scene.

We should not forget that this is not a problem for the security authorities or the state alone. We are all affected, and we are all required to find the necessary answers, even in the area of internal security. We must all deal with restrictions of our everyday activities, and changes to our way of life, which is likely to become only more expensive. Our basic rights might be restricted—some already are. People will acquiesce when there is a belief that the measures are necessary. However, all measures need to be tested against the following questions:

- Would the measure have helped to prevent the attack?
- Can the measures prevent future attacks?
- Is what is needed on a national basis also unavoidable on a European wide basis, and vice versa? Internal security can no longer be regarded as isolated from the international environment.

Reflecting back, it is possible to discern the increasing politization of the organization of the security apparatus in Germany with the regrettable result that, despite the fact that the warning mechanisms were functioning, the necessary reactions did not occur.¹ Resources were instead concentrated on the fight against right-wing radicalism. If a serious new problem arises, it is necessary for those that hold the expertise in this area to convince the political sector of the necessity to act and to adapt to the new situation. However, this is only possible if the heads of the security departments in question are independent civil servants, not political appointees bound by their loyalty to the existing political will. Conflict between various interests is unavoidable in this kind of arrangement. It is unlikely that the neutrality and independence of the head of the FBI would be called into question. The police force is expected to act according to the standing system of law, which must not be allowed to become a resource problem for Germany.

Let us return to the subject of terrorism. Debate of this issue is long overdue and must answer the following questions: What is terrorism – what is the fight for freedom? Who defines what existing problems fall under the umbrella of terrorism? A look at the anti-terrorism coalition highlights the fact that many of the states supporting the United States in its current campaign (for example, India, Russia, Turkey and Spain) view their own domestic problems as terrorist activities, an assessment that in the past at least, was often questioned by the majority of states.

The concept of national security must also be revised. The security apparatus reflects the traditional concern with domestic terrorism. We can no longer rely on this static definition of national security, a leftover from the cold war. The task has to be to develop a more dynamic understanding of national security and to base the new tasks on this enlarged concept. These new

¹ Reports by the office for the defense of the constitution named Germany a safe haven for foreign terrorist organizations; as early as 1997 the BfV warned about the coming Islamic challenge in Europe, arrest in Munich, two attempts at BKA investigations.

tasks will increasingly be multidimensional. A single mission under the new counter-terrorism operations might require the acquisition, through foreign intelligence services, of information needed to instigate preliminary proceedings. It will also require military participation in the necessary arrests, whereby the military contingent must be accompanied by police crime units to ensure successful criminal proceedings. It is possible, for example, that in order to take the necessary measures and precautions in the realm of "internal security," the actual acquisition of information about potential problems will have to occur beyond a state's borders. In the future, the analysis of background information and the necessary logistical planning will happen outside a state. Findings can only be acquired in time with the help of foreign intelligence services as well as potential military sources, in concert with internal security services, to prevent attacks on one's own soil and to proceed with the resulting criminal proceedings. In this context, one will have to rethink the necessity of intelligence sharing. Parallel networks are not only economically unfeasible but also useless. In order to succeed, pragmatism has to inform trustworthy international cooperation.

Not only will we have to rethink our understanding of national security, the traditional relationship between internal and external security will also have to be revisited. Under a new concept of strategic stability, the previously separated strategies have to be combined. Perhaps in the future we will only refer to national security. Existing transatlantic partnerships should be intensified, not only in the form of a mutual defense community but as an existing framework for countering the new terrorist phenomenon. It is necessary to eradicate the existing asymmetry in the ability to act through the creation of an international alliance. I will make additional comments concerning this balance in the section dealing with the main differences between the United States and Europe. I would like to conclude this section with the introduction of two different scenarios, which will be of importance in the assessment of the current situation.

The starting point will be an assumed hijacking, where the hijacked plane will travel a distance comparable to the Boston/New York flight of September 11. Both scenarios have to be thought through in both the German and the European context. I will refer back to these two scenarios at appropriate points throughout this paper.

Scenario One:

An airplane is hijacked; the divergence from the routine flight path is noticed by air traffic control, and there is no emergency communication or central emergency plan for such a situation.

Scenario Two:

An airplane is hijacked, the divergence from the routine flight path is noticed by air traffic control, and an emergency communication and central emergency plan for such a situation does exist.

NECESSARY STARTING POINTS AND CONSEQUENCES FOR GERMANY

The German security authorities reacted quickly to the new threat, in my opinion too quickly. Given the usually lengthy advisory and legislation process, it seems obvious that in response to the terrorism scenarios one and two, either:

- An already existing solution was presented as a “one size fits all” approach;
- Or a new one was rushed through in a hurry;
- Or a combination of the two.

The minister of the interior, Schily, wants to avoid a public panic. He gives the illusion of calm, and suggests an improvement in security where, in fact, security was not objectively improved. A sober attempt at taking stock in response to the following question remains missing: How were the attacks of September 11 even possible? Our goal has to be to prevent renewed attacks. This is **not** a discussion about whom to blame, but who in Germany is discussing this matter critically. The opinions are uniform about the new dimensions of the terrorism problem and the counter-terrorism task. But will “one size fits all” solutions, which were designed to address old problems, and hastily stitched-together new solutions be enough to address this new dimension? If one follows the debate among those responsible for national security, made evident at least in part at the fall convention of the BKA, one realizes that they did not identify any serious need to adapt existing beliefs and approaches. The suggested formulaic responses are thus no surprise:

- More personnel;
- More rights for those engaged in data collection;
- More intrusion upon people’s rights;
- More of the tried and true.

But have these measures really proven their worth, especially in the context of the new situation? If everything was working and only marginal improvements were necessary, then how could these attacks have happened in the first place? We have to change how we act, and, more importantly, how we think in order to address the new challenges successfully. Under the new concept of strategic stability, action strategies previously kept separate need to be combined. Germans want to understand the conceptual space in its totality before they are ready to take the first step. In contrast, Americans make their life choices as they come, one by one. The latter approach is an indispensable advantage in the clash with the new terrorism phenomenon, as one cannot expect that the opposite side will allow us the time to understand the master plan. The currently debated and already partly implemented solutions need to be measured against three critical questions:

- Would the new measures have prevented the attacks if they had been implemented prior to September 11?
- Are the new measures sufficient to prevent future attacks?
- Are the new measures meaningful with regard to criminal investigative and political considerations?

Law enforcement can only answer the third question with a “yes” – after all, these are measures that have long been requested. Similarly, the new personnel will merely balance the long-existing personnel deficits. What aspect, then, can be considered an added value to existing counter-terrorism measures? Are we in Germany failing to recognize the seriousness of the situation?

What is Germany doing?

The events of September 11 should have emphasized to the German security authorities that they were well prepared for a world that suddenly no longer existed. Instead of creatively using the accidental reprieve we have been given (there have so far been no attacks on German soil), we remain at a standstill – and irresponsibly so. For, example, in the context of the battle against the *Rote Armee Fraktion* (RAF), the Federal Criminal Police Office developed a search approach that would later become known as a grid/computer search (*Rasterfahndung*). Back then it was assumed that the terrorists would rent apartments and would seek to pay for utilities, such as electricity, directly to avoid a paper trail. The situation-appropriate actions of the terrorists were turned into a means for their detection through thoughtful police work. The number of people who paid their electricity bill directly created an amount of data that could be checked by the security services. The sorting proved successful.

Shortly after the terrorist attacks on the United States, it became evident that for a while, terrorists residing in Germany exhibited certain similarities. It was possible to create the following profile. The perpetrators were:

- Male;
- Between twenty and thirty-five years of age;
- From the Middle East;
- Enrolled in technical education programs;
- Had no previous criminal convictions.

With a population of over 3.2 million Muslims, and taking statistical probabilities under consideration, the practitioner recognizes immediately that this grid would be too coarse. After all, the question has to be: what would we do with the results of such a grid search? The reason these sleepers were suspicious is precisely because they were previously under no suspicion. From the investigation in the United States, we know that for all nineteen of the known perpetrators that lived in the United States for up to two years, only two minor infractions were registered. The perpetrators had lived quietly and did not arouse suspicion in the United States. What can a state under the rule of law realistically do to prevent an attack if the perpetrators of terrorist acts are undistinguishable from its citizens? Some states have not even begun their grid search yet, given the problematic data preparation, while others already confirm what many feared—that there will be a huge number of cases to be examined. How can one examine the data in such a way as to ensure finding the perpetrators preferably prior to, if that is not possible, at least during the actual attack?

The head of the ministry of the interior in Kiel, Jörg Ziercke, saw no problem with this critical dilemma when questioned during the fall convention of the BKA: sleepers would be contacted in such cases. However, identifying them could lead to these sleepers being scared off and forced to move to another country. Would these actions prevent an attack? Once a terrorist, always a terrorist, this rule should be golden in this context. A colleague from the FBI

summarized it succinctly during the fall convention: “They do not retire.” What can be found in the heads of the political decision-makers can be classified in my view as counter-terrorism according to the “principle of St. Florian” (*Floriansprinzip*): do not light my house on fire. If the attacks of September 11 demonstrated one thing, it was that to turn a blind eye to terrorism is indefensible.

The technically correct answer would be to blanket all identified sleepers with all necessary criminal investigative measures—twenty-four hours a day, seven days a week, 365 days a year, for as long as they are residing in Germany. The police force is not capable of doing so; such an approach is not acceptable as it discredits the useful and applicable instrument of the grid search. What would be the meaningful thing to do? The BDK (the alliance of German criminologists), as the trade association of the criminal investigation department, has tried since the middle of September to encourage dialogue on all imaginable political levels. The result has been frustrating – instead of the desired dialogue, only written testimonies and statements have emerged. Direct professional debate is noticeably absent.

Since the federal election campaign has begun in Germany, “hot potato issues” are no longer dealt with. This might be politically understandable, but the question of what happens when the first attack occurs remains. Will an attack result in more of the old responses, the same responses that allowed the attacks to occur in the first place? This is a questionable strategy at best.

Law enforcement

Traditionally, national security and counter-terrorism used to be oriented against domestic terrorism. The perpetrators had a similar background and, as such, a similar value system. Maybe the new type of perpetrator is already living among us. They exist in the solitary confinement of their religious, fundamentalist persuasion. There is thus no overlapping realm of common values through which the psyche of the perpetrators could become accessible to the investigators. As a consequence, we have to develop a new understanding about the phenomenon of Islamic terrorism. On the surface, this approach is nothing new to criminal investigations. To be successful, an investigator has to immerse himself in the role, enter the head and soul of a perpetrator to find his motivation. In the case of serial perpetrators it became an indispensable precondition to prevent more crimes from being committed. As such, the necessary approach is not foreign to criminal investigators. Of parallel importance to solving the events of September 11 is the prevention of future attacks.

If perpetrators prepare for an attack in a foreign country or if the persons behind them plan the attack from there with the help of sleepers already in the country, then criminal investigators need a higher percentage of foreign intelligence to do their work successfully. Human intelligence sources gain in importance, but first they have to be recruited, evaluated and trained. Should this be attempted through criminal investigators in foreign countries? Should one not rather use the skills, experiences and existing resources of the intelligence services? For such collaboration to be successful, the relationship between police forces and intelligence services needs to be redefined.

The relationship between the Federal Government and the *Länder* (states)

The traditional structures between the federal and *Land* governments urgently need to be rethought. The police force is under control of each respective *Land*, with the federal government exercising only limited powers. The Federal Criminal Investigation Office (BKA) in its present form cannot be compared to the American FBI. The way the attacks of September 11 were

executed has shown how vulnerable the state is against this new kind of terrorism. I will now highlight this problem with the help of the previously discussed scenarios.

Scenario one:

An airplane en route to Amsterdam is hijacked immediately after take-off from Hamburg. At first the plane follows its registered flight plan towards Lower Saxony, crossing Bremen, at which point it is recognized that the plane has been hijacked. The plane is diverted from its route, crossing the Ruhr area and is flown directly into the Cathedral in Cologne, which on this day, a Catholic holiday, is packed with worshippers. There is no emergency communication and no emergency plan for such a situation.

I believe that it is possible to state without doubt that this attack could not have been prevented. By the time Bremen would have coordinated with Lower Saxony, the plane would already have been over North Rhine Westphalia; until the crisis commission of the latter *Land* would have been fully operational, the Cathedral in Cologne would have already collapsed, the passengers and the worshippers already victims of the terrorist attack.

Scenario two:

An airplane is hijacked, the divergence from its registered flight plan is noticed by flight control, and there is emergency communication and an emergency plan in existence. The plane is shot down over Münsterland. In the second scenario the consequences of the catastrophe were limited because of a central reporting and decision-making process.

Only under the conditions for scenario two would Germany even have a chance to respond to an act of terrorism. But decision-makers in Germany apparently disagree with this assessment. I repeat a quote by Jörg Ziercke from the Ministry of the Interior in Kiel, “There have been simulations of terrorist attacks on German soil, we are ready, we can respond when and as the situation requires it.” No further commentary is needed.

Let us move on to another aspect of modern criminal investigation and counter-terrorism. The Federal Security Authorities will have an increasingly central role to play, not just because of the necessary internationalization of cooperation—a precondition is that the federal government does its homework. With the Federal Criminal Investigative Office, the Federal Border Police and Customs, in the area of investigation alone, the federal government already has a number of components that are engaged in various aspects of counter-terrorism, without practicing the necessary exchange of information, personnel, resources and the like.

This as well can be demonstrated with a fictitious example:

- The BKA investigates a group of perpetrators from the Middle East smuggling large quantities of heroin from Afghanistan into Germany, from which the heroin is further distributed to other Western countries. This is a case of organized crime, of international drug smuggling activities.
- Customs investigates a number of “suspicious carpet dealers” in Germany. They are accused of using their legal business as a cover for smuggling weapons into the crisis regions of the Middle East to support the fight for independence in these areas. This is a case of weapons proliferation.
- The Federal Border Police investigates a group of perpetrators from the Middle East that are engaged in a large scale and rather profitable operation of human smuggling

from those crisis regions into Germany. The smuggling is thought to happen via ship routes. This is a case of professional human trafficking.

- The authorities in charge of protecting the constitution have become aware of freedom fighters from a country in the Middle East preparing in Germany for their next mission.

Those four cases are viewed and worked on in isolation, which unfortunately results in the authorities missing vital aspects: Organization X has fought for years as an ethnic minority for autonomy in country Y. For their continued struggle, they urgently need money and weapons. As a means to financing their struggle, they are engaged in the lucrative business of the international drug trade. A Europe-wide network of carpet dealers, a completely legal business, is used as a façade for the drug trade. In addition, they are participating in the transport of refugees and fighters into the free-trade zones of the receiving countries, from which the distribution of the “goods” is organized by the residents. Through the return transport of “flawed or damaged” carpets, weapons and fighters are sent into the conflict areas. The smuggled refugees who enter the country illegally have to pay a hefty sum for their transport. In addition, they are forced to pay a monthly “war tax” to support the organization, while their children are educated for free in Koran schools run by the organization.

Cooperation between the authorities would have brought to light the terror network operating Europe-wide. This example highlights how coordination on the national level can make an important difference. On the international level, the consolidation of the various national authorities involved would simplify cooperation between countries. In this context, the BDK has developed a concept paper about the reorganization of the federal security architecture.

What is correct for the area of law enforcement should be equally applicable to the restructuring of the areas of civil control and disaster prevention. The traditional division, with disaster prevention responsibilities falling to the *Länder* and civil control to the federal government, no longer makes sense. If terrorists are using weapons of mass destruction, should it be considered within the responsibility of the federal government or the *Länder*? Could such a catastrophe be contained in one region? Are we not in need of a unifying combined standard, so that we may take advantage of the synergy effects and minimize the response time? Again, a central organization seems unavoidable.

NECESSARY STARTING POINTS AND CONSEQUENCES FOR EUROPE

Nearly all of the problems I listed in the German context can also be found on the European level, but they are even more complicated on this level. At the moment, the European Union really only lives up to its name in the areas of commerce and currency. This economic union does not have a security equivalent. The events in the United States have shown that commerce can only flourish in a stable environment; the economic damage in the wake of the attacks has been estimated at about \$300 billion. Only a fraction of that amount has been set aside in the German federal budget for counter-terrorism. A common European security solution in response to the events of September 11 was almost totally absent. We must not forget that:

- The suspected perpetrators are not just recruits from the Arab region; there are Muslims in Indonesia, India and Uzbekistan;

- One fifth of the world's population is of Muslim faith, and the numbers are rising. There is an increase in converts even in the so-called Western world, and hence in Europe. Potential perpetrators thus may be quite different from our expectations: a female Caucasian with a German name and passport.

We thus have a latent terrorist potential even in Europe—but a common security strategy is absent.

I will highlight the importance of the existence of such a common security strategy with the previously mentioned two scenarios.

Scenario one:

An airplane en route to Madrid is hijacked after take-off from Amsterdam. While crossing French airspace the airplane diverges from its registered flight path and instead flies across Paris in the direction of Brussels and Luxembourg; this divergence is noticed by flight control. There is no emergency communication and no emergency plan for such a situation.

While crossing Luxembourg airspace, the plane reroutes in the direction of Frankfurt and is directly flown into the Euro-Towers. All passengers and a still undetermined number of people on the ground perish in the debris of the buildings.

Scenario two:

An airplane is hijacked, the divergence from its registered flight path is noticed by air traffic control and a centralized emergency communication and emergency plan do exist. The airplane is shot down over the Vogues.

Scenario two elaborates on the preferred solution. One should not forget that in both scenarios the airspace of several countries is crossed, which means that crisis meetings and communications have to be conducted in several languages. In this context it might be advisable to use the existing NATO command and leadership structure to ensure the necessary communication and thus aid in the handling of such a situation.

Is Europol the answer?

The European hope in countering terrorism is clearly placed with Europol. The political expectations for Europol are high; maybe unrealistically so? It is often forgotten that:

- Europol has no executive authority.
- Its circa 300 members are attempting to establish Europol as a mission supporting a centralized information unit within the European security authorities. That is all that Europol constitutes today – nothing more and nothing less. Could Europol serve as a nucleus for a European FBI?

That is possible, but not in the near future. In response to the attacks of September 11, each country sent one terrorism expert to Europol. As a counter-terrorism measure, these experts combine the available information in order to create a situation report for Europe. About eighty percent of the data for this new Europol Terror Analysis Databank is supplied by Germany. Something is not right here—as long as Europol's existence and competencies are questioned by its member countries and the necessary information gathering is limited at best, Europol will have only a theoretical chance of success, if at all. This is not a problem for Europol, this constitutes a problem for Europe.

The coordination of information gathering is already within Europol's competencies. The demands for intelligence sharing on an international level will only increase, just as the necessity of a directed resource approach. Those who traditionally enjoy good access will continue to remain in the "driver's seat." These spheres of influence, often cultivated for economic reasons, need to be used internationally. To allow for this kind of cooperation requires trust and a high degree of coordination; it thus becomes important to standardize certain parameters. The sharing of resources is necessary, as is already practiced in witness protection programs. If it becomes necessary to investigate an Islamic community in Germany, one could rely on French personnel and French sources, given that they might gain access because of their Maghrebic origin more easily than German investigators could. The goal here is the absorption of synergies across countries. Europol should assume the leading role in this context.

One should not stop here. Europol has to become more strategic. Europol's viability could be established immediately through the creation of task forces for transnational crimes, which are coordinated at Europol. Within each task force, the investigative lead would always lay with the country in which the inquiry is focused; thus, the rule of law is ensured, and the "Eurocops" would not be required to have to face foreign systems of law while also encountering linguistic difficulties.

Eurojust?

According to insider opinions, Eurojust is about ten years behind Europol in its development. It will be quite complicated to harmonize the different existing systems of law within Europe, each one of which can look back to centuries of judicial tradition. As such, Eurojust presents a dead end.

A European Penalty Catalogue

The European Penalty Catalogue is based on an agreement between the EU member states on identical sentences for about five to ten different crimes—a number that is arbitrarily set. By accepting these crimes, the signatories of the catalogue obligate themselves to extradite even their own citizens to a still-to-be-created European Criminal Court. There are two obvious advantages: first, there is a higher likelihood of timely proceedings; and secondly, the problem of extradition of citizens could be avoided since the receiver would not be another state but, rather, the European judiciary system. Both of these points are part of the current policy position of the CESP and are being debated within the EU at this point. Cooperation between the BKA and the Spanish union could propel a final resolution on this matter. Given that the Spanish government will hold the EU presidency for the next six months, there is a concrete chance for initiating a European consultation process.

A European Arrest Warrant

A Europe-wide arrest warrant is part of the category of long overdue European decisions. It is meant to ensure the mutual recognition of warrants issued by the member states; closely tied to it are shorter extradition times. Surely a European warrant counts as a counter-terrorism measure – albeit only for the signatories.

The current target in the fight against the new terror phenomenon still seems oriented toward the fight against the older forms of terror in Europe (for example the Basque separatist group ETA). Of course it is necessary to establish rule work in this area, but how should American warrants be handled? What about Turkish warrants? What about Israeli or Russian warrants? A

European warrant seems to be a mere conjurer's trick without offering an actual improvement in international counter-terrorism.

European Civil Defense and Disaster Prevention

This point will only be mentioned in passing; the argumentation is similar to the one used in the German situation. The Chernobyl catastrophe amply demonstrated that certain threats do not stop at a country's border.

DIFFERENCES BETWEEN THE UNITED STATES AND EUROPE

In the security debate and in the development of transnational approaches, one has to acknowledge the different initial positions; only then is it possible to arrive at an understanding of which developments need to be fostered in order to balance out discrepancies and enable an equalized and joint action. Many European countries have gained experience from the fight against national and in some cases separatist terrorist organizations. This pool of experience should be applied wherever meaningful contributions can be made, taking European particularities into account. The shared counter-terrorist measures at border crossings implemented by the French and the Spaniards with a common office in Bayonne, France could serve as a model for a Europe-wide approach. This example shows that the wheel does not constantly need to be reinvented.

In the United States the FBI is responsible for counter-terrorism activities; there is no equivalent place of centralized authority in Europe. Each EU member state has at least one department as a point of contact; in many countries there are a number of relevant authorities. The FBI's extensive counter-terrorism responsibilities are primarily concentrated on the domestic sector; there is no functional equivalent on the European level. In this context, cooperation occurs with at least one domestic intelligence service within each country. In Germany, cooperation would additionally have to include the respective fifteen state authorities responsible for the protection of the constitution.

In the United States, the counter-terrorism activities on the international level are the responsibility of the CIA. Again, there is no functional equivalent on the European level. Cooperation is handled by at least one international intelligence service from each member state of the EU.

After September 11, the United States created the Office for Homeland Security in order to foster intelligent crisis management, though well organized authority structures were already in place. What can we find on the European level?

One could find more examples along this line of argument. A common European counter-terrorism approach is desperately needed, not least to assure effective cooperation between American and European authorities. To modernize Europe in its present form will be one of the more difficult tasks for the EU, since each acquisition of authority by the EU is tied to a corresponding loss of sovereignty on behalf of its member states. One can only hope that we do not need to incur a number of terrorist attacks to force us to achieve the necessary political determination.

The Muslim Population: Threat or Chance?

Both in the United States and in Europe, there is a significant Muslim population that could harbor certain risks. Europe is home to a larger Muslim population than the United States, which

is explained by Europe's historical status as a former colonial power and the massive immigration of foreign workers, particularly in the 1960s and 1970s. In the United States, the Muslim population has grown through immigration and the conversion of African Americans. These Muslim communities, with their traditional emphasis on the so-called "Umma," which demands solidarity among all devout Muslims (for example, in the form of hospitality and financial support), unintentionally present an environment in which sleepers can live undetected. As such, there is an urgent need for critical debate with our Muslim citizens. They are needed to contribute to the societal approach to counter-terrorism. With their cooperation, terrorists would be left without convenient cover and the discrediting of Islam would come to an end. On the part of the Muslim populations, the clear acceptance of the respective systems of law above the rules of the Shariah is indispensable. The integration of our Muslim citizens would mean reduced dangers to society as well as an acceptance of western culture on the part of our Muslim populations.

CONCLUSION

A professional answer to the terrorist attacks from law enforcement authorities requires a maximum level of compatibility on both the national and the international level. The stronger American ability to act is evident not only in the military sector. The centralization of certain tasks on the European level with unchanging resources but with the necessary investment would drastically raise our ability to effectively counter international crime within a relatively short period of time. There is no alternative.

The European Union and its members have a key role in the international fight against terrorism. In the open EU system, all national activities and measures such as counter-terrorism, immigration, and asylum must be linked or coordinated on a Europe-wide basis – unilateral solutions cannot guarantee the desired national success, not least because of the removal of internal borders. Criminally speaking, Europe consists of a single geographical space. One must not forget in this context that the European Union is in the process of enlarging from fifteen to up to twenty-five member countries. As much as this development is politically and economically desirable, demands on the security authorities will only increase. The police forces in the member countries and in the prospective new member countries already face a number of quite rudimentary problems, as evident in the demands expressed in the concluding resolution of the CESP at Alicante. The conditions for membership into the EU must be revised to include minimum standards for aspects dealing with European security issues.

Al-Qaeda has not been defeated and likely will not be for quite a while. It is estimated that 60,000 trained fighters, organized into networks, operate in more than sixty countries around the world. The concept of networks should be known to anyone remotely knowledgeable about the Internet. If one computer is unavailable, the network searches for another path to achieve its goal. Solving the problem in Afghanistan does not constitute the end of this network. The German terror expert Kai Hirschmann refers in this context not to networks, but rather to terror holdings (in an economic sense). Europe continues to debate a common constitution; what is needed now are common bases for action. The problem of terrorism exists here and now, as the attempted attack on the plane bound from Paris to Miami amply illustrates. The terrorist in question did not answer to the (German) grid of a sleeper and would not have been noticed in a grid search in Germany. We urgently need expert debates. Since the events of September 11, the Alliance of German Criminal Investigative Officers has attempted to initiate such debates with

the representatives of government and administration. It seems as if everything that does not fit into the existing schema is ignored. The questions we ask and the demands we make do not fit into the existing concept. What is missing is a meaningful discussion of possible counter-terrorism approaches and an admission that the state can no longer protect its citizens against all eventualities. The will to act and do the right thing without question seems to be lacking. The first step has to be to present an honest picture to oneself and to one's citizens.

Every journey begins with a first step – which in the case of a European security structure might well be the initiatives of the “Otto-catalogue” of the German minister of the interior. Germany's ability to match its foreign and security policy will be an important pacemaker and barometer for the political will and engagement of Europe on behalf of a strengthened globally oriented Atlantic community. But one aspect remains obvious: A centralized direction is indispensable on a European level. We in Europe need to be able to react more quickly and effectively when faced with a rapidly developing crisis situation.

In the recently made publicly available video, Bin Laden threatens the American economy. This threat has to be taken seriously, as a successful attack on the U.S. economy would have serious consequences for Europe and the global economy as a whole. The protection of economic systems was due to concerns over economic espionage and counter-espionage, not terrorist attacks that seek the destruction of the system itself. Bin Laden and its supporters have shown careful planning and far-sighted action. His background and the background of his supporters is known. The use of their concentrated economic could cause turbulent reactions at stock exchanges around the world, given that trading will not be focused on making the maximum amount of profit but rather to avoid the maximum amount of damage. Following is a quote from the book *The New Jackals*:

Perhaps most crucially, Bin Laden cunningly invested in Gum Arabic Company Limited, a Khartoum-based firm which has a virtual monopoly over most of the Sudan's exports of gum Arabic, which in turn comprises around eighty percent of the world's supply. Gum Arabic comes from the sap of the Sudanese acacia tree. A colorless, tasteless gum, it makes newspaper ink stick to printing presses, keeps ingredients from settling at the bottom of the can, and forms a film around sweets and medical pills, keeping them fresh. It is a crucial ingredient in dozens of products Western consumers use every day, and within two years of arriving in Sudan, Bin Laden is believed to have secured an effective monopoly over the entire Sudanese output. Even now the State Department in Washington and analysts at the CIA remain unsure whether Bin Laden is still profiting from his investment. Thirty percent of the shares in Gum Arabic Company Limited are held by the Sudanese government, who may or may not be siphoning profits into Bin Laden's accounts. The other seventy percent are held by individual shareholders and banks, any or all of whom may be acting as fronts for Bin Laden. It is still possible that every time someone buys an American soft drink, they are helping to fill Osama Bin Laden's coffers.

The EU has taken measures against the fortune held by terrorist organizations within Europe. This is a laudable step. In Germany the reaction was one of relief when no German citizen was found to be on the list. Is that fact alone a justified reason for relief? In this context, relief can mean that:

- We have no information;
- We have no access to the available information.

The fight against international terrorism has only just begun. If we act together in an intelligent way, we can take advantage of all opportunities to successfully combat the terrorist problem. Albert Einstein once defined intelligence as “the ability to plan for the future.” The only answer possible to ideological fanaticism and suicidal holy warriors is unwavering resistance.