

The Importance of Consequence: Effectiveness in Counter-terrorism Policy A Conceptual Approach



UNIVERSITY OF SOUTHERN DENMARK

Master's thesis in International Security & Law

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Submission date: June 3rd, 2019

Number of strokes: 149.999

Abstract

Due to limited qualitative research on effectiveness in counter terrorism policy, the thesis sets out to investigate what the criteria is for an effective counterterrorism policy. It does so by building a conceptual approach, which is then used to analyze two country cases. The first being a French case with focus on the vigipirate plan as example of an internal counterterrorism policy and next the Barkhane mission as example of an external counterterrorism policy. The second being a German case with the Terrorismusbekämpfungsgesetz as example of an internal counterterrorism policy, and next the Counter Daesh mission as example of an external counterterrorism policy. The theoretical approach in this thesis, is to provide foundation for a conceptual approach to serve as theory for the analysis. By using comparative process tracing, it is possible to do two process tracing cases and compare the results as explained by Bo Bengtsson and Hannu Ruonavaara. The conceptual approach used is based on three existing concepts being the incapacitations, deterrence and backlash effect. These effects are paired with the Hardline approach by Paul Wilkinson to form the conceptual approach. The analysis sees the effects help the indicators for effectiveness to provide answers, which is then held against the Hardline approach. From the analysis, several themes and patterns highlighted the importance of partnerships to the policies and most importantly the trade-off between civil liberties and security. It becomes clear in the comparison of the two cases that for both internal and external policy the trade-off is in the center of attention for the effectiveness of counter terrorism policy. The thesis finally concludes that the despite the conceptual approach being fully subjective to the authors perspective. A combination of the chosen theoretical framework and the limitations to research in the field, restricted the thesis from producing any generalizable results, but provided foundations for lessons learned. These lessons learned can potentially prove valuable for future studies that seek to investigate the effectiveness of counterterrorism policy, with a focus on the trade-off between civil-liberties and security.

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List of abbreviations:

AU	African Union
AQ	Al-Qaeda
CI	Counter Insurgency
CNT	National Intelligence Council (France)
CPT	Comparative Process Tracing
CT	Counter Terrorism
Daesh	Dawlat al-Islamiyah f'al-Iraq w Belaad al-Sham, IS (Islamic State), ISIL (Islamic state in the Levant), ISIS (Islamic State in Syria)
EU	European Union
GCTF	Global Counterterrorism Forum
IRA	Irish Republican Army
NATO	North Atlantic Treaty Organization
PELP	Popular Front for the Liberation of Palestine
PSC	Peace and Security Council
PT	Process Tracing
CPT	Comparative Process Tracing
TBG	Terrorismusbekämpfungsgesetz
TBEG	Terrorismusbekämpfungsergänzungsgesetz
UK	United Kingdom
US	United States of America
UN	United Nations

1. Introduction

In recent years a surge of Islamic terrorism has struck the western world. The scale and coordination of the terrorism demanded definitory change. Brian Jenkins famously said in 1974 that terrorists want a lot of people watching, not a lot of people dead.¹ The 9/11 attacks marks one of, if not the most important turning point for international terrorism and counterterrorism. Just prior to 9/11 the main concern at the turn of the century was that religious or millennial groups wanted a lot of people watching and also a lot of people dead. Definitions had as a result to be redefined, e.g. pre-9/11 mass casualty attacks, was defined as those that kill more than 25 people.² For the academic world, 9/11 changed the landscape too. Pre 9/11, funding of terrorism research was hardly obtained which influenced the body of research. Post 9/11, funding increased enormously.³ Despite 9/11 bringing focus on terrorism to an all-time high, and the initiating new CT policy in Europe,⁴ major terrorist attacks across Europe left states scrambling for solutions to counter this new threat.

Consulting history can help understand the world of contemporary terrorism. Hoffman argues that both World Wars saw events which would help lay the foundation for terrorism as we know it today. Hoffman argues that fall of empires after world war one, and the Anticolonial struggles of the fall of Singapore and the proclamation of the Atlantic Charter, had repercussions beyond what could have been anticipated.⁵ The wars and the events applied a new impact on nationalist movements. The impact was a change of perspective on the established world order, which saw indigenous people changing perception on the superpowers of the world including the USA, UK, France etc.⁶ On July 22nd, 1968, an Israeli flight was hijacked by the PELP. Despite not being the first example of hijacking of planes, this was a bold political statement and is today considered to be the first incident of international terrorism. The hijacking was a combination of symbolic targeting, a political statement and crisis provoked media attention and recognition.⁷

¹ Jenkins, B, M (1974): "International terrorism: A new kind of warfare", Santa Monica California: *The Rand Corporation*.

² Quillen, C (2002): "Mass Casualty Bombings Chronology", *Conflict & Terrorism* 25(5), p293-302, & Quillen, C (2002): "A Historical Analysis of Mass Casualty Bombers", *Conflict and Terrorism* 22(5), p279-292.

³ Silke, A (2009): "Contemporary terrorism studies", In R. Jackson, M. B. Smyth, & J. Gunning, *Critical Terrorism Studies: A new research agenda* (p34-49), New York: Routledge, p34.

⁴ For examples see for instance: Section 4.2, Terrorismusbekämpfungsgesetz (TBG).

⁵ Hoffman, B (2017): "Inside Terrorism", New York: Columbia University Press, p119.

⁶ Hoffman, B (2017): "Inside Terrorism", New York: Columbia University Press, p119-160.

⁷ Ibid.

The contemporary international terrorism brought along a change in understanding terrorists. As a contemporary key understanding about terrorism, is that terrorist actors are rational actors and not crazy psychopathic individuals as once the perception was.⁸ This new understanding gave rise to the ideas that terrorism was not the unpredictable work of insane individuals but spurred the idea that terrorism could be countered. The largest terrorist attack, at least in importance for terrorism studies is the 9/11. The 9/11 had a level of impact which is so profound that it not only changed definitions, it also rewrote the worlds perception on terrorism. One journalist wrote after the attack *“immediately beyond Al Queda, the high moral condemnations of global terrorism rapidly become relative and the definition blurred.”*⁹

This change broad on a new debate. The debate on how to define terrorism was captured by Chomsky, who stated that *“It is important to bear in mind that the term "terrorism" is commonly used as a term of abuse, not accurate description. It is close to a historical universal that our terrorism against them is right and just (whoever we happen to be), while their terrorism against us is an outrage. As long as that practice is adopted, discussion of terrorism is not serious. It is no more than a form of propaganda and apologetics.”*¹⁰ Unfortunately to this day, this debate has not been settled and the use of the term terrorism has yet to see a universal definition.¹¹ As Chomsky argued, the use of the word terrorism was becoming blurred, possibly because the terrorism stakeholder landscape is enormous.

Any state is a forced stakeholder to terrorism and have to take precautions to avoid becoming a target from it. Due to the number of stakeholders, the amount of unrecognized definitions is immense, as each stakeholder creates or uses a definition of terrorism which fits the best to their needs. As a result, stakeholders in terrorism are reluctant to define Counter-terrorism (CT). Despite the lack of agreement, Crenshaw notes that *“The most common counterterrorism strategies are designed to*

⁸ For a comprehensive study on the rationality of terrorists see for instance: Rapoport , D, C & Alexander, Y (1982): “The Morality of Terrorism”, *New York: Pergamon Press*, & Rapoport, D, C, & Alexander, Y (1982): “The Rationalization of Terrorism”, *Los Angeles: University publications of America*.

⁹ Schmemmann, S (2001): “A Nation Challenged: U.S. Realignment; A Growing List of Foes Now Suddenly Friends”, Last Accessed 10 May 2019, Retrieved from The New York Times: <https://www.nytimes.com/2001/10/05/world/a-nation-challenged-us-realignment-a-growing-list-of-foes-now-suddenly-friends.html>

¹⁰ Chomsky, N (2003): “On Israel, the US and Turkey”, *Unidentified Kurdish newspaper*, Last Accessed 10 May 2019, Retrieved from: https://chomsky.info/200309__/.

¹¹ See section 2.1: Terrorism.

reduce terrorism by divesting it of its political utility. The predominant strategy is to deter terrorism by decreasing its political utility via a strict no concessions policy.'¹²

Recognizing Crenshaw's conclusion and the inherent political nature of terrorism and CT, an all-important issue arise as to conduct research on effectiveness of CT policy with the political aspect. Without an established and universal definitional baseline, such research is problematic at best. In an attempt to do so anyway, one has to understand the implications the lack of definitional baseline has to the measures of CT policy and indicators for evaluation¹³. As Hegemann & Kahl notes, measures of CT are not a constant, and researchers has in attempts of conducting research encountered complications. *'The same measure might yield very different effects in different contexts and cases as the dynamics of terrorism can vary among different times, regions, groups and even individuals. For example, de-radicalization strategies might work in some cases, but fail to achieve their goals or even produce new "radicals" in other contexts by sparking feelings of discrimination and exclusion. Thus, there is no universal standard or accepted cumulative knowledge about counterterrorism that one could easily transfer as "lesson learned" or "best practice" from one case to the other.'*¹⁴

This argument does provide an avenue for research. The argument is that the dynamics of terrorism can vary. The avenue is that instead of giving the variation in terrorism the responsibility for the measures yielding different effects, the responsibility is placed with the context of the measures. This is possible to overcome by creating a fixed framework.

On the basis of these reflections, this research question has been created to study how these barriers can be broken down, and lessons learned, or best practice can be created:

*Research question: What are the criteria of an effective counter terrorism policy?
How to understand the concept of effectiveness for counter terrorism and creating a baseline from which one can evaluate state counter terrorism-policies.*

The answers to that proposition can provide valuable insights, into how attempts can be made at creating lessons learned or best practice examples for future CT policy, and overcoming the concerns raised by Hegemann & Kahl. This thesis uses a conceptual approach which is intended to allow insights for exploring how indicators can be used in a fixed framework, to help determine an effectual

¹² Crenshaw, M (1983): "Terrorism, Legitimacy and Power: The Consequences of Political Violence", Middletown, Connecticut: *Wesleyan University Press*, p10.

¹³ For an analysis of political use of effectiveness in CT See for instance: Dongen, T, V (2009): "Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism", *Economics of Security*.

¹⁴ Hegemann, H, & Kahl, M (2015): "Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports", *Studies in Conflict & Terrorism* 38:3, p199-218.

outcome. The conceptual approach and the fixed framework constitute, has the aim of overcoming the context issues for individual measures and indicators. The conceptual approach combines the measures and indicators with three effects with the goal of determining the impact the measures have, and hence their effectiveness. These effects are the deterrence, incapacitations and backlash effects.¹⁵ Despite these effects are known concepts in literature focusing on the outcome of CT, it is customarily the case that these effects are used separately and not combined. These studies tend to avoid the usage of the word effectiveness.¹⁶ This appears to be because it allows researchers to avoid the type of criticism and issues raised by e.g. Hegemann & Kahl, Dongen, and Um & Psoiu.¹⁷

The way the research question is formulated in this thesis, it requires the usage of effectiveness, and also an attempt to uncover the criteria for effectiveness despite the known criticism of the field. To do so, exploring the causal mechanisms of CT policy may reveal that a framework based on the known and used effects stated above can be used for a variety of cases. The conceptual approach used in this case, utilizes these effects and combines them into an approach. The approach has the aim to break with the notion of valuable lessons learned and best practices are not possible.

The conceptual approach in this thesis also utilizes the Hardline approach by Wilkinson¹⁸. The Hardline approach is designed to protect the civil liberties of individuals living in a liberal democracy. Civil liberties are almost synonymous with the concept of human rights, but dissimilarities exist.¹⁹ Human rights might extend beyond the framework of civil liberties, but for this thesis, civil liberties cover the human rights relevant for the individual exposed to CT policy by their own government. CT policy is often of Civil-liberty compromising nature.²⁰ Protecting civil liberties and creating safety is a question of trade-off. For the conceptual approach this trade-off is of essential importance to the

¹⁵ For example, of usage of the effects, see for instance: Rehman, F, U, Nasir, M, & Shahbaz, M (2017): "What have we learned? Assessing the Effectiveness of Counterterrorism Strategies in Pakistan", *Economic Modelling* 64, p487-495. To see how the effects are used in this conceptual approach, please see section 3.7 to 3.13.

¹⁶ Lum, C, Kennedy, L, & Sherley, A (2006): "Are Counter-Terrorism Strategies Effective? the Results of the Cambell Systematic Review on Counter-Terrorism Evaluation Research", *Journal of Experimental Criminology* 2(4), p489-516.

¹⁷ Dongen, T, V (2009): "Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism", *Economics of Security*, & Hegemann, H & Kahl, M (2015): "Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports", *Studies in Conflict & Terrorism* 38:3, p199-218 & Um, E & Psoiu, D (2015): "Dealing With Uncertainty: The Illusion of Knowledge in the Study of Counterterrorism Effectiveness", *Critical Studies on Terrorism* 8:2, p229-245.

¹⁸ Wilkinson, P (2011): "Terrorism Versus Democracy: The Liberal State Response", London and New York: *Routledge, Second Edition*, p75.

¹⁹ Grayling, A (2010): "Liberty in the Age of Terror: A Defence of Civil Liberties and Enlightenment Values", London: *Bloomsbury*, p257.

²⁰ *Ibid.*, p46.

backlash effect and as such potentially for the effectiveness of a CT policy. As the cases shows this trade-off is handled differently by governments, and the impact on the conclusions by the conceptual approach is fundamental.

Beyond this introduction, the thesis starts by reviewing relevant topics and how these are handled in the literature, this is to set the foundation and understanding for how the analysis are conducted and the results interpreted. Next, the methodology, research design and conceptual approach are presented. In this section, the conceptual approach restates the effects as found in the literature, but in a more detailed and adapted format for the approach, followed by how the conceptual approach is applied. Furthermore, the thesis moves into the analysis. In the analysis two country cases, both including an internal and external CT policy are analyzed using the methodology and then the conceptual approach. Using process tracing to create tables help provide focus on the topics which are to be subject to the conceptual approach. After the analysis, a comparison of the two cases is carried out. The cases are compared on a case basis. This is done to discuss and uncover the differences and similarities of the cases. The results of the cases are vastly different, and as such a comparison discussing provides insights into why the conclusions differ as they do. Before the conclusion, a discussion into the importance of the trade-off based on the comparison takes place revealing the importance of the trade-off, before leading into limitations for the study and avenues for further research.

2. Literature review

This section explores how the body of literature and research on terrorism and counterterrorism is fragmented and shares little agreement on key elements. The existing literature is often based on ad-hoc analysis with indicators and elements chosen for analysis is selected on a what-fits basis.

This thesis seeks to utilize the existing body of research on terrorism and CT. Terrorism and CT has at no point been an easy subject. However, these examples of major pieces of research has attempted to capture the essence of terrorism research at their point in time, and thus combined reveal the evolution this research area has gone through.²¹

As presented in this literature review, the existing literature has previously been focusing on words not including effectiveness as measurement. I aim to use effectiveness as measurement with all that

²¹ Reid, E (1983): "An Analysis of Terrorism Literature: A Bibliometric and Content Analysis study", *Los Angeles: PhD Dissertation, University of Southern California*, & Schmid, A, P & Jongman, A, J (1988): "Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theory and Literature", Amsterdam, & Silke, A (2004): "Research on terrorism: trends, achievements and failures", London & Portland OR: Routledge.

entails, and thus provide example that effectiveness even though its wide nature, is a fitting measurement for evaluating CT policy. By doing so, I also aim to place this thesis in the gap presented in this section. The gap that is where the literature often stays in either a pro or against category when evaluating a CT policy, and while placing this thesis in that gap, remain constant in approach. This section also serves the purpose to fix key elements in terrorism and CT research. This is done with settling on definitions and effects for the analysis, by showing how the literature sees and uses these, and from there settling on those best serving to answer the research question in this thesis.

2.1 *Terrorism*

Terrorism as concept is not universally defined.²² Hoffman argues that the term is grossly overused, and that “*most people have a vague idea or impression of what terrorism is, but lack a more precise, concrete, and truly explanatory definition of the word.*”²³ Even when using the well-known authority of the English language there is presented no clear definition. The Oxford English Dictionary offers a too literal and too historical explanation^{24 25}, and as the literature offers an abundance of definitions²⁶, there is very little consensus on how terrorism is defined. Hoffman argues that the concept has changed over time to accommodate political vernacular and discourse of each successive era.²⁷

This can be explained by understanding why other common concepts are hard to define, concepts such as democracy, freedom, equality etc.²⁸ Because different people equal different understandings, and these understandings offer different sets of criteria by which something is to be identified and assessed as terrorism.²⁹

²² Hoffman, B (2017): “*Inside Terrorism*”, New York: Columbia University Press.

²³ *Ibid.*, p23.

²⁴ *Ibid.*

²⁵ Oxford English Dictionary (OED).

²⁶ Grozdanova, R (2014): “‘Terrorism’ - Too Elusive a Term for an International Legal Definition” & Greene, Alan (2014): “The Quest for a Satisfactory Definition of terrorism”, *Modern law review*, 77 (5), pp780-793 & Schmid, A, P, & Jongman, A, J, (1988): “Political terrorism”, *Routledge*, Amsterdam, & Schmid, Alex P, (1997): “The Problems of Defining Terrorism, In *International Encyclopedia of Terrorism*”.

²⁷ Hoffman, B (2017): “*Inside Terrorism*”, New York: Columbia University Press, p65.

²⁸ Gaille, W, B (1955): “Essentially Contested Concepts”, London: *Oxford University Press*, p168.

²⁹ *Ibid.*, p170.

”However, Schmid & Jongman conducted a statistical study of 109 different terrorism definition and identified 22 of the most reoccurring elements. Of these 22, the top three were: Violence & Force (83.5%), Political (65%) and Fear (51%).³⁰

Terrorism changes and so does the research on terrorism.³¹ In these three examples are terrorism approached from different perspectives, and the way it changes differs by perspective. Rapoport with his wave theory³² is often opposed to Strains theory by Parker & Sitter.³³ As context Crenshaw views contemporary terrorism and its preconditions, precipitants, permissive and enabling causes.³⁴ Crenshaw argues that if a state strikes too hard at political opponents in the civil society and these actors feel their cause to be eminently righteous, then they are more likely to turn to terrorism.³⁵

2.2 *Military effectiveness*

The research on the effectiveness of CT policies is a relatively new field of study compared to general military effectiveness studies. Terrorism itself is not an old subject, but the systematic policies both nationally and globally are. Comparing the field of military effectiveness and counterterrorism effectiveness is not in itself an easy comparison. Policies of military interventions, or waging war does have much heavier impact as military interventions tends to take over the control in the country in which the intervention engages. In CT, one major difference is to keep the control on the local governments hands and assist to or by sanction carry out CT missions.

Drawing comparison to military effectiveness has however become relevant in the recent years. The global terror threat has been met with global policies, and international efforts. These efforts have become militarized e.g. drones and troops on the ground in foreign territory. The use of military equipment and troops are where military and CT effectiveness can be compared. As later shown in both cases, the military are the means used by the states in their external policies.

³⁰ Schmid, A, P & Jongman, A, J (1988): “Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature”, p5-6.

³¹ See for instance: Rapoport, D, C (2016): “It Is Waves, Not Strains, Terrorism and Political Violence”, & Martin, G (2013): “Understanding terrorism: Challenges, perspectives, and issues”, & Weinberg, L (2005): “Global terrorism: A beginner’s guide”.

³² Rapoport, D, C, (2016): “It Is Waves, Not Strains, Terrorism and Political Violence”.

³³ Parker, T, & Sitter, N, (2016): “The Four Horsemen of Terrorism: It’s not Waves it’s Strains”.

³⁴ Crenshaw, M (2011): “Explaining terrorism, causes, processes and consequences”.

³⁵ Ibid.

While the models of military effectiveness are not directly applicable to CT effectiveness, understanding the literature on military effectiveness can prove fruitful as to provide an overall understanding. For this purpose, this thesis draws its understanding from two major works in military effectiveness. These books are representatives for paths of research into military effectiveness, despite not covering all aspects of military effectiveness, they do provide examples of how military effectiveness are studied and analyzed.

The first book is *Military Effectiveness* by Allan R. Millett and Williamson Murray, and the study evolves around the Second World War. Despite being an older work³⁶, the book makes an important argument. Murray and Millett argue that research focusing on the ‘‘fourth generation of war’’, and claiming how war has fundamentally changed, also in tactics, is wrong. Murray and Millett’s argument is that way war is fought might change, but lessons from the past has to be taken into account today, as the best way to understand the present is to understand the history of warfare.³⁷ This argument is relevant when using the second book. In *Military Power* by Stephen Biddle, Biddle covers a wide range of military history, which beyond a focus on the modern system, preponderance and changing technology, has a specific focus on three major military campaigns within the last century.³⁸ Biddle argues that the issues framing the public discussion is the numbers game of troops and weapons, the importance of technology, and if technology favors either defensive or offensive strategy. Thus, these dominate the decision making in the U.S. Defense Department and throughout Western governments.³⁹ Biddle however proposes ‘‘*To do better requires a systematic theory of how material and nonmaterial variables interact.*’’⁴⁰. This understanding is essential for CT policy today and is one of the founding understandings for the relevance of this thesis and how the concept of effectiveness is understood. Biddle argues that the modern system of force employment is hard to implement in its entirety, and thus the states that have been able to do so is often those who are victorious in their endeavors. One of the core points of the research is that technology is secondary and can only be used if implemented as a part of the modern system.

³⁶ First edition of the book was published in 1988.

³⁷ Millett, A, R & Murray, W (2010): ‘‘Military Effectiveness Volume 3’’, *New York: Cambridge University Press*, Introduction.

³⁸ Biddle, S (2006): ‘‘Military Power, Explaining Victory and Defeat in Modern Battle’’, *Princeton & Oxford: Princeton University Press*.

³⁹ *Ibid.*, p190.

⁴⁰ *Ibid.*

2.3 *The Definition and Clausewitz on Terror*

In order to develop the understanding of the definition settled on above, and especially the political aspect, the use of Clausewitz and his famous statement, ‘*War is not an independent phenomenon, but the continuation of politics by different means.*’⁴¹ is applicable. As argued by Echevarria II, Clausewitz can be used to analyze the war on terror, and that terrorism may emerge from political conditions,⁴² e.g. Echevarria II also argues that terrorism is political due to media.⁴³

As such terrorism is arguably inherently political, even when fully accepting that terrorist motives does not need to be, the act of terrorism is political.

The understanding that terrorism is inherently political is used by Richardson. Richardson argues that terrorists’ motives and their political context, is not decisive for whether attackers should be labeled terrorists other than that the motives must be political.⁴⁴ Richardson argues that terrorism is a *modus operandi*, and not usually undertaken by psychopaths, but instead by mentally stable and highly determined people acting on rational calculations about their effect.⁴⁵ Richardson further argues that many of the ‘‘results’’ attributed to terrorism might have more easily been achieved by larger communities banding together around a common political cause in a pacific manner.⁴⁶ This understanding lead to the Richardson’s statement on terrorism ‘*Terrorism simply means deliberately and violently targeting civilians for political purposes*’, this targeting of civilians is according to her the most important characteristic and what sets terrorism apart from other forms of political violence.⁴⁷

In conclusion, this thesis will build its understanding based on Richardson’s definition. This is done due to the findings in the literature, in which violence and political are the two most used indicators and both are at core in this definition. This thesis also recognizes that this definition is wide. This is important for the understanding of CT concept of effectiveness and analysis. One could argue that it

⁴¹ Clausewitz, C, V (1989): ‘‘On War’’, In M, Howard, & P, Paret, *Carl Von Clausewitz On War Edited and Translated*, Princeton University Press, p36-37.

⁴² Echevarria II, A, J (2008): ‘‘Clausewitz and the Nature of the War on Terror’’, In H, Strachan, & A, Herberg-Rothe, *Clausewitz in the Twenty-First Century (pp196-218)*, Oxford Scholarship Online, p209.

⁴³ Ibid.

⁴⁴ Richardson, L (2007): ‘‘What Terrorists Want: understanding the enemy, containing the threat’’, *Random House Trade*.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid., p5.

is a safe choice, however, the true gap in the literature regarding the terrorism definition, is the misuse of the lack of a universal definition. Definitions are made on an ad hoc basis, and this forces this thesis to settle on a wide definition as to be able to grasp both how CT is conducted and how the concept of effectiveness is used.

2.4 Counterterrorism

CT is a mix of intelligence gathering, investigations, and judicial processes, which serves the purpose of protecting the state and its civilians.⁴⁸ Morag explains it as ‘‘Investigatory and prosecutory approaches and judicial frameworks.’’⁴⁹ which the state has to balance with civil rights such as privacy. In general, the broad diversity of perspectives towards terrorism, is causing the understanding of CT to be equivalently difficult.⁵⁰ The understanding provided by Morag, explains an understanding of CT which is far more complex than the average. CT might often simply be defined as ‘‘the collection of strategies and tactics that seek to thwart terrorism.’’⁵¹

Which however is too broad and can hide the diversity in strategy and tactics. Schmid argues that ‘‘a proactive effort to prevent, deter, and combat politically motivated violence directed at civilian and non-combatant targets, by the use of a broad spectrum of response measures—law enforcement, political, psychological, social, economic and paramilitary.’’⁵²

This understanding is precise to the extent that it names the categories of measures, however, an important notion to add to this understanding is that CT can be more than a proactive effort. Governments often uses two categories when deciding on which strategy to take. The two strategies are offensive (Preemptive) and defensive, also known as Proactive and reactive policies⁵³. These two categories can be used separate or to complement one another.⁵⁴ In offensive strategies the measures are of an aggressive nature, with the focus on taking steps to prevent potential attacks. This can be

⁴⁸ Morag, N (2018): ‘‘International Counterterrorism Laws and Practices: Israel and France in Comparison’’, *International Criminal Justice Review*, pp162-176.

⁴⁹ Ibid., p168.

⁵⁰ Forest, J, J (2015): ‘‘Essentials of counterterrorism’’, Santa Barbara: *Praeger*.

⁵¹ Ibid., chapter 1.

⁵² Schmid, A (2013): ‘‘The Routledge Handbook of Terrorism Research’’, New York: *Taylor and Francis*, p620.

⁵³ Sandler, T & Acre M, D (2003): ‘‘Terrorism and game theory’’, *Simulation & Gaming Vol 34 No 3*, p323.

⁵⁴ Rehman, F, U, Nasir, M, & Shahbaz, M (2017): ‘‘What have we learned? Assessing the Effectiveness of Counterterrorism Strategies in Pakistan’’, *Economic Modelling 64*, p487-495.

done via utilizing the incapacitations effect thus to lead to a deterrence effect.⁵⁵ Rehman et. al. argues '*Preemptive actions intend to eradicate or at least reduce the capacity of militant groups to initiate terrorist attacks against the state.*'⁵⁶ This focus is inherently different from that of defensive strategies which has a '*aim to reduce not only the probability of an attack by making the target harder but also the potential damage if a perpetrator succeeds.*'⁵⁷ Aggressive and defensive categorizing is often used when game theory is applied to effectiveness studies as seen with Sandler & Lapan (1988), Siqueira & Sandler (2007), Sandler & Acre (2003)⁵⁸, their studies have found that an aggressive approach can become a public good for other states, known as the freerider concept. The freerider concept can be explained as when one country free rides on another country's policy and gains without effort.⁵⁹ This is in contrast to a defensive approach which can become costly, as a defensive or reactive policy can divert attacks to other countries which can result in a prisoners' dilemma.⁶⁰

This thesis will settle on the understanding of CT, which is based on the understanding by Schmid but extended; *a proactive or reactive effort to prevent, deter, and combat politically motivated violence directed at civilian and non-combatant targets, by the use of a broad spectrum of response measures including but not limited to law enforcement, political, psychological, social, economic and paramilitary.* This understanding is as the terrorism definition still wide, and the reasoning is the same. To understand the concept of effectiveness, how it is being used/misused and most importantly, to be able to create a full-scale concept of effectiveness for CT, the chosen definition cannot exclude, but should rather include.

⁵⁵ Both effects are explained later in this section.

⁵⁶ Rehman, F, U, Nasir, M & Shahbaz, M (2017): "What have we learned? Assessing the Effectiveness of Counterterrorism Strategies in Pakistan", *Economic Modelling* 64, p488.

⁵⁷ Ibid.

⁵⁸ Sandler, T, & Acre M, D (2003): "Terrorism and game theory", *Simulation & Gaming Vol 34 (3)*, p319-337, & Sandler, T, & Lapan, H (1988): "The Calculus of Dissent: an Analysis of Terrorist Choise of Targets" *Synthese* 76 (2) , p 245-261, & Siqueira, K, & Sandler, T (2007): "Terrorist Backlash, Terrorism Mitigation, and Policy Delegation", *Journal of Public Economics* 91, p1800-1815.

⁵⁹ Sandler, T & Acre M, D (2003): "Terrorism and game theory", *Simulation & Gaming Vol 34 (3)*, p319-337.

⁶⁰ Ibid.

2.5 Measures of Counterterrorism policy

The list of CT measures available for states is almost endless. As shown in table 1, they range from changes in legislation (e.g. emergency powers & tightened laws), specific actions designed and used for a specific situation and larger practices such as biometric passports, cargo scanning and large-scale surveillance programs.⁶¹

<i>Legislative</i>	<i>Specific actions</i>	<i>Larger practices</i>
Negotiations	House Demolitions	Socioeconomics policies
Counter Radicalization policies	Metal Detectors	Pre-emptive arrests
Curfew and search operations	Potential target protection	Security/military force
Emergency powers	Torture	Wiretapping
EU/International cooperation	Military air strikes	Racial Profiling
Military tribunals	Targeted assassinations	Counter Radicalization policies
Economic Sanctions		

Table 1. Examples of CT measures ⁶²

These measures operate under diverse circumstances, thus pose different challenges to the measurement of effectiveness within CT.⁶³ CT measures may yield different results in different settings. Because of this “*there is no universal standard or accepted cumulative knowledge about counterterrorism that one could easily transfer as “lessons learned” or “best practice” from one case to the other.*”⁶⁴

This assumption is exactly the one which the conceptual approach created in this thesis sets out to oppose. The conceptual approach is designed to help provide foundation for a fixed approach. The fixed approach is essential for the measures, when analyzed in, and across cases. This is to help

⁶¹ For more comprehensive overview, see for instance: Um, E & Psoiu, D (2015): “Dealing With Uncertainty: The Illusion of Knowledge in the Study of Counterterrorism Effectiveness”, *Critical Studies on Terrorism* 8:2, p229-245, & Rehman, F, U, et, al (2017): “What have we learned? Assessing the effectiveness of counterterrorism strategies in Pakistan” *Economic Modelling* 64, p487-495, & Hegemann, H, & Kahl, M (2015): “Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports”, *Studies in Conflict & Terrorism* 38:3, p199-218.

⁶² Um, E & Psoiu, D (2015): “Dealing With Uncertainty: The Illusion of Knowledge in the Study of Counterterrorism Effectiveness”, *Critical Studies on Terrorism* 8:2, p231.

⁶³ Dongen, T, V (2009): “Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism”, *Economics of Security*.

⁶⁴ Hegemann, H & Kahl, M (2015): “Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports”, *Studies in Conflict & Terrorism* 38:3, p202.

provide foundation for an attempt at a universal standard. The measures chosen are wide and large-scale measures. This is a conscious decision as to provide open avenues for analysis.

The three measures are: (1) Use of power/forces for CT/CI operations aboard, (2) Emergency Laws/Powers, (3) Use of Security personnel for internal CT tasks.

2.6 Choice of words in Counterterrorism

To understand the usage of the effectiveness as measurement in the conceptual approach in this thesis, a focus has to be on the usage of words in CT. To be able to use effectiveness as measurement, the understanding has to start back with the CT definition. Effectiveness for CT, like terrorism and CT does not have a universal definition.⁶⁵ But unlike the definition of terrorism, in which scholars often settle on a definition and use it for their research, the word effectiveness in CT policy is rarely used and a definition is often not settled on even with another choice of word for measurement. In recent years, effectiveness for CT policy has become a more used measurement, but in 2006 Lum, Kennedy and Sherley found that only 7 out of 20,000 evaluated studies on terrorism dealt with the effectiveness.⁶⁶ This is highly relevant as this thesis will argue that this might not show a valid image of the research in the area while acknowledging that the seven papers found by Lum et, al, may very well constitute full scale comprehensive effectiveness research on a level of its own. This is due to the use of words. ‘Success’⁶⁷, ‘Impact’⁶⁸ and ‘Progress’⁶⁹ are among the words used and this is essential to understanding the existing body of research on effectiveness in CT. The research which are using these words, does to some degree participate in the field of effectiveness studies. As within

⁶⁵ Um, E & Psoiu, D (2015): “Dealing With Uncertainty: The Illusion of Knowledge in the Study of Counterterrorism Effectiveness”, *Critical Studies on Terrorism* 8:2, p229-245.

⁶⁶ Lum, C, Kennedy, L & Sherley, A (2006): “Are Counter-Terrorism Strategies Effective? the Results of the Cambell Systematic Review on Counter-Terrorism Evaluation Research”, *Journal of Experimental Criminology* 2(4), p489-516.

⁶⁷ Byman, D (2003): “Measuring the War on Terrorism: A First Appraisal.” *Current History* 102(668), p411-416. & Miller, G, D (2007): “Confronting Terrorisms: Group Motivation and Successful State Policies”, *Terrorism and Political Violence* 19(3), p331–350, & Probst, P (2005): “Measuring Success in Countering Terrorism: Problems and Pitfalls”, *Intelligence and Security Informatics*, p316-321 & Wilner, A (2010): “Targeted Killings in Afghanistan: Measuring Coercion and Deterrence in Counterterrorism and Counterinsurgency”, *Studies in Conflict and Terrorism* 33(4), p307–329.

⁶⁸ Hafez, M, M & Hatfield, J, M (2006): “Do Targeted Assassinations Work? A Multivariate Analysis of Israel’s Controversial Tactic during Al-Aqsa Uprising”, *Studies in Conflict and Terrorism* 29 (4), p359–382, & Jaeger, D & Siddique, Z (2018): “Are Drone Strikes Effective in Afghanistan and Pakistan? On the Dynamics of Violence between the United States and the Taliban”, *CESifo Economic Studies*, p667-697, & LaFree, G, et al (2009): “The Impact of British Counterterrorist Strategies on Political Violence in Northern Ireland: Comparing Deterrence and Backlash Models”, *Criminology* 47(1), p17–45.

⁶⁹ Perl, R (2007): “Combating Terrorism: The Challenge of Measuring Effectiveness”, *CRS Report for Congress*.

an effective CT policy there has to be both successes, impact and progress. To clarify: success in CT can be viewed somewhat as: ‘did the policy manage to go from A to B? – Yes or no’, impact is more whether a policy inflicted any results, and progress would suggest that a CT policy has moved along its anticipated path. Effectiveness is based on more complex parameters, as something can be effective while there is not only one defined point B.

Despite the differences these studies having success, impact and progress focuses are part of an effectiveness understanding, it is highly relevant to include these, when grasping the concept of effectiveness in CT Policy, even if the use of words, such as success, impact and progress does not constitute the same measurement as effectiveness. It is fair to argue that effectiveness as measurement is of a much wider nature than words such as impact and success, but this might also be the reason why researchers tend to avoid effectiveness as measurement.

As the measurement is wider, it becomes harder to comprehensively study, but it might also yield potential unwanted results. Using effectiveness, one has to accept both sides of the coin, something cannot be effective without knowing why it is not ineffective. To include what is not effective might influence studies such as those based on body count or research with an agenda. The reasoning to avoiding effectiveness as measurement can be multiple, in this thesis effectiveness serves as a measurement with an open end. This is essential as the focus is put on indicators to provide answers in the analysis.

2.7 The use of indicators and the limitations thereof in Counterterrorism

The indicators used for the outcome of CT policy can be clustered into three effects. It is therefore important to understand how these effects are used in the literature and it is important to understand how indicators is used to evaluate CT policies. Although a number of indicators is used frequently in research, there is a clear evidence in the literature that indicators are used on a what-fits basis.⁷⁰ Indicators often suffer from not being able to provide clear answers as to whether they represent effectiveness, or whether the shifts can even be attributed to counterterrorism.⁷¹ In order to move towards a consistent conceptual approach, this thesis will cluster the immense number of indicators into the three effects: deterrence effect, incapacitations effect and backlash/vengeance effect. For the

⁷⁰ Hegemann, H & Kahl, M (2015): “Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports”, *Studies in Conflict & Terrorism* 38:3, p202.

⁷¹ Dongen, T, V (2009): “Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism”, *Economics of Security*, p357.

individual effects, indicators are chosen to cover a wide aspect of wished results and measures of CT policy.

2.7.1 Deterrence effect

The deterrence effect is related to the cost of a potential terrorist to execute an attack. The costs can be related to financial, chances of apprehension, aftermath for the potential terrorist, and the group to which the individual(s) may belong.⁷² The deterrence can differ between potential terrorists e.g. terrorism laws on apprehended and convicted terrorists and hard imposed punishment may influence a politically motivated terrorist, where in contrast the same laws will have low effect on idealistic terrorism with modes of suicide attacks. Deterrence also differs from pre-emption, as deterrence involves external benefits and the lowered or raised cost related to terrorist threat being deflected, whereas preemption provides internal benefits when the threat is reduced for all potential targets.⁷³ LaFree explains that a deterrence effect can be concluded as a significant decrease in hazard of new attacks after a counterterrorism intervention⁷⁴. Later research argues that deterrence works, as terrorists are forced to change methods. This is seen in the case with hardening of potential targets.⁷⁵ This understanding of removing capability/options for terrorists relates closely to the incapacitations effect however, a line can be drawn as deterrence effect is the loss of willingness, whereas the incapacitations effect is the capability. This understanding is also used by Argomaniz and Vidal-Diez, however, they do recognize that variables which is not included in their models might have relevance and should be used instead of staying within their use of the effects.⁷⁶

⁷² Landes, W (1978): "An Economic Study of U. S. Aircraft Hijacking 1961-1976", *The Journal of Law and Economics* Vol 21, No 1, pp1-31.

⁷³ See for instance: Siqueira, K & Sandler, T (2006): "Global terrorism: deterrence versus pre-emption", *Canadian Journal of Economics* vol, 39(4), p1370-1387.

⁷⁴ LaFree, G, et al (2009): "The Impact of British Counterterrorist Strategies on Political Violence in Northern Ireland" *Criminology* 47 no 1, p19.

⁷⁵ See for instance: Arce, D, G & Sandler, T (2007): "Terrorist Signaling and the Value of Intelligence" *B. J. Pol. S.* 37, p573-586, & Faria, J (2014): "The Economics of Technology in Terrorist Organizations", *The Brown Journal of World Affairs*, p290.

⁷⁶ Argomaniz, J, & Vidal-Diez, A, (2015): "Examining Deterrence and Backlash Effects in Counter-Terrorism: the Case of ETA", *Terrorism and Political Violence* 27:1, p176.

2.7.2 Incapacitation effect

The incapacitation effect is based on the resources available for the terrorists. ‘*Any strategy that decreases terrorist incidents by lowering the group’s resources results in what’s called as incapacitation effect.*’⁷⁷ Examples of the incapacitations effect include body count.

In his research, Byman argues that the estimated number of militants killed during the Obama administration, which is 3300, is evidence of success. He argues that drones ‘*have done their job remarkably well: by killing key leaders and denying terrorist sanctuaries in Pakistan, Yemen, and to a lesser degree, Somalia, drones have devastated al Qaeda and associated anti-American militant groups*’.⁷⁸ He also argues that ‘*the alternatives are either too risky or unrealistic*’⁷⁹ In general, Byman recognizes the numbers game, but he argues strongly that the loss of civilians would be higher and the alternative loss of US personnel with other means outweighs the ‘*inefficiency*’ of the drones. So, by Byman’s definition the numbers of militants killed is the main indicator to go by when evaluating the effectiveness and civilian casualties is an obscure size as it may or may not have been higher with a different policy.⁸⁰

2.7.3 Vengeance/Backlash effect

The vengeance/backlash effect (backlash effect) related to the vengeance and wish for retaliation a CT policy can spike, resulting in potential increase in future attacks. These attacks can be carried out as direct retaliation or indirect with another group conducting attacks. This was the case after Spain supported the US-led ‘*war on terror*’ and actively participated in missions in both Afghanistan and Iraq. On March 11, 2004, 191 was killed and 1200 injured in the Madrid commuter train bombings.⁸¹ The backlash effect does also cover the loss of casualties among civilians, loss of property and political initiatives to repress opinions of certain groups etc. these actions lower the cost for a non-terrorist to become a terrorist and can such stimulate potential violence and recruitment.⁸²

⁷⁷ Rehman, F, U, Nasir, M & Shahbaz, M (2017): “What have we learned? Assessing the Effectiveness of Counterterrorism Strategies in Pakistan”, *Economic Modelling* 64, p488.

⁷⁸ Byman, D (2013): “Why drones work: the case for Washington’s weapon of choice”, *Foreign affairs* vol 92(4), p32.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Siqueira, K & Sandler, T (2007): “Terrorist Backlash, Terrorism Mitigation, and Policy Delegation”, *Journal of Public Economics* 91, pp1800-1815.

⁸² Rehman, F, U, Nasir, M & Shahbaz, M (2017): “What have we learned? Assessing the Effectiveness of Counterterrorism Strategies in Pakistan”, *Economic Modelling* 64, p488.

CT measures can also have negative economic effects as found by Eldor & Melnick⁸³ and Berrebi & Klor respectively.⁸⁴ Using an economic perspective, Zussman & Zussman argues that classical measurements often focus on direct effects and thus falls short in identifying the longer-term economical backlash. In their research of the Israeli CT efforts which initiated the second intifada, they argue that the scale of the backlash is best determined by relying on a macroeconomic analysis.⁸⁵ They conclude that the stock market is volatile to news regarding CT measures, both positive and negative. They further conclude that while senior leadership assassinations are reflected on the stock market, a long-term effect is a combination of more than a single measure.⁸⁶

Human rights can enhance the public support and the legitimacy of the government conducting CT policies abroad.⁸⁷ Arguably, the lack of respect for human rights by the government conducting CT will result in the reversed effect. The lack of respect for human rights can result in a loss of one of the most important functions of the state, to uphold the rule of law.⁸⁸ When this loss of legitimacy happens, multiple scholars argue that this leads to what can be argued as a strong backlash effect. With a loss of legitimacy, the number of recruitments within terrorist groups rise and radicalization grows, thus enhancing the chance for future attacks and further loss of legitimacy if a state does not change policy, and this could ultimately disrupt the CT efforts.⁸⁹ ⁹⁰ In addition to this, Malinowski argues that the weight and choosing of indicators can be clearly seen in the case of human rights. He argues that when human rights are not taken into account or not given substantial weight, the negative effects of a given CT effect is not shown.⁹¹

⁸³ Berrebi, C & Klor, E, F (2005): "The Impact of Terrorism Across Industries: An Emperical Study", *The Maurice Falk Institute for Economic Research in Israel, Discussion Paper No 05(3)*.

⁸⁴ Eldor, R & Melnick, R (2004): "Financial Markets and Terrorism", *European Journal of Political Economy* 20:2, pp367-386.

⁸⁵ Zussman, A & N, Zussman (2006): "Assassinations: Evaluating the Effectiveness of an Israeli Counterterrorism Policy Using Stock Market Data".

⁸⁶ Ibid.

⁸⁷ Um, E & Pisiou, D (2015): "Dealing With Uncertainty: The Illusion of Knowledge in the Study of Counterterrorism Effectiveness", *Critical Studies on Terrorism* 8:2, p234.

⁸⁸ Ibid.

⁸⁹ Mannes, A (2008): "Testing the Snake Head Strategy: Does Killing or Capturing its Leaders Reduce a Terrorist Group's Activity", *The Journal of International Policy Solutions* 9(40), p40-49.

⁹⁰ Price, B (2012): "Targeting Top Terrorists: How Leadership Decapitation Contributes to Counterterrorism", *International Security* 36 (4), p9-46.

⁹¹ Malinowski, T (2008): "Restoring Moral Authority: Ending Torture, Secret Detention and the Prison in Guantanamo bay" *The Annals of the American Academy of Political and Social Science*, p148-159.

2.7.4 *The Null effect*

The null effect is where no effect can be concluded post a CT intervention or when two or more effects have neutralized each other to create no effect.⁹² The null effect will not be included in the conceptual approach, as to prove a neutralization is far beyond the scope of this thesis. The null effect has been included as to recognize its existence.

3. Methodology, research design and data collection

In this section, the methodology approach is found and settled upon. The research design sees its foundation in a conceptual approach which uses key effects as found in the literature in the previous section. Critical rationalism combined with comparative process tracing are the foundation for how the analysis is conducted and in what perspective the analysis has been conducted in. This section operationalizes the comparative process tracing for this thesis before revealing the cases chosen to be analyzed. Next, this section moves into the validity, reliability, generalization and limitations before the conceptual approach is presented. The conceptual approach is built on existing indicators, and as thus these are presented here in the format in which these are used. The format of these indicators has for the purpose of the concept adapted and thus the presentation here differs from that found in the previous section.⁹³ Lastly, this section moves into how the concept is to be applied. This is where I aim to bridge the gap found in the literature. The theoretical argument I pose, is to prove that a fixed framework for evaluating CT policy can be created, and through this conceptual approach, lessons learned can be created.

3.1 Critical Rationalism

The general body of literature within the qualitative research of CT policy is based in constructivism, and the usage of process tracing has strong roots in positivism and post positivism.⁹⁴ This thesis will find its foundation in Critical Rationalism⁹⁵. Popper argues that theory should be assessed from the

⁹² LaFree, G, et al (2009): "The Impact of British Counterterrorist Strategies on Political Violence in Northern Ireland" *Criminology* 47 no 1, p19, & Argomaniz, J & Vidal-Diez, A (2015): "Examining Deterrence and Backlash Effects in Counter-Terrorism: the Case of ETA", *Terrorism and Political Violence* 27:1, p161.

⁹³ See literature review section 2.7.

⁹⁴ Mills, Albert J, Gabrielle Eurepos, and Elden Wiebe (2010) "Encyclopedia of Case Study Research" *Sage Publications*, p735.

⁹⁵ Maxwell, N (2017): "Karl Raimund Popper" *UCL Press*, p8, & p29.

standpoint of the problems they intend to solve⁹⁶. He argues that *“scientific knowledge is irredeemable conjectural in character, it being impossible to verify theories empirically.”*⁹⁷, one should instead formulate theory in such a way, that one showcases what can be done to disprove the theory rather than confirm it. In this way, one can maintain the same theoretical/conceptual framework, but accept the limitations of the experiments one is capable of conducting. In CT it is seen as positivist/constructivist approaches finds backing for their theory on a selective basis, instead of focusing on when the theory is proven wrong, and as such the claim of regarding a CT policy effective falls short, Popper argues that in these approaches its taken for granted that what comes out as empirical scientific statements ‘speak of our experiences’ when in fact, the perceptual experiences must be the only source of knowledge.⁹⁸ The approach critical rationalism allows for a claim, that the conceptual approach taken in this thesis is only to be used in full format as to include all experiences, otherwise it cannot say anything about the effectiveness of a given policy. Furthermore, the conceptual approach forces the user to accept that even with the full-scale usage of the concept, the outcome can change based on the experiences included and as such the limitation of perspective is fully accepted.

3.2 Research design, - comparative process tracing (CPT) case study

For the research design of this thesis, the construction will be a CPT⁹⁹ case study, in which two case studies, based on the concept approach constructed, are to be conducted and a comparison of the two. The purpose of a case study is to gain insight¹⁰⁰, and to do so the method of CPT is used, as PT can provide insights which is beyond a regular case study. The aim with the use of PT is to go beyond the types of research which is founded in statistical reasoning as found in the body count approach¹⁰¹. As Gerring argues *“The point is that in case study research evidence pertaining to X1 and Y is often*

⁹⁶ Ibid., p28.

⁹⁷ Ibid., p29.

⁹⁸ Popper, K (2002): *“The Logic of Scientific Discovery”*, Routledge, p75.

⁹⁹ Bengtsson, B & Ruonavaara, H (2017): *“Comparative Process Tracing: Making Historical Comparison Structured and Focused”*, *Philosophy of the Social Sciences* Vol 47 (1), p45.

¹⁰⁰ Gerring, J (2007): *“Case Study Research”* Cambridge University Press, p7.

¹⁰¹ See body count explained under concept of effectiveness.

opaque, and must therefore be supplemented by another form of analysis that has come to be known as PT.¹⁰²

Beach and Pedersen goes a little further and states ‘‘The essence of process-tracing research is that scholars want to go beyond merely identifying correlations between independent variables (Xs) and outcomes (Ys)’’¹⁰³ To understand this correlation one has to understand the causal relationship between causal mechanisms¹⁰⁴. This is done when the focus is to understand the causal mechanisms which is found in-between the X’s and their purported Y’s, and their relationship, instead of simply identifying these.¹⁰⁵ Therefore, it is possible to argue that a collective understanding of PT within social sciences is its desire to trace causal mechanisms.¹⁰⁶ Gerring argues that the tracings are unique as PT uses multiple types of evidence to verify one single inference. He argues further accepts the complexity and context-specific nature of these mechanisms as he argues that because the evidence is drawn from unique populations, the individual observations are noncomparable.¹⁰⁷ This is also because PT, opposed to large-N cross-case research, uses long causal chains rather than multiple instances.¹⁰⁸

But PT has been argued to cover multiple methods of research. In their book George & Bennet conclusively argues that PT as a single method and settles on that the different methods are a result of different uses and not different types of the method.¹⁰⁹ In contrast to this conclusion, Beach and Pedersen argues that to do so, would result in a method with ‘‘murkey methodological guidelines’’¹¹⁰. This thesis however is an in-depth examination of two key cases, done with the explaining-outcome PT methods, the inferences found in the analysis are not to be compared, but used as entry in the

¹⁰² Gerring, J (2007): ‘‘Case Study Research’’, *Cambridge University Press*, p173.

¹⁰³ Beach, D & Pedersen, R, B (2013): ‘‘Process-Tracing Methods: Foundations and Guidelines’’, *University of Michigan Press* p1.

¹⁰⁴ Causal Mechanism is defined as ‘‘a complex system which produces an outcome by the interaction of a number of parts’’ by Glennan, S, S (1996): ‘‘Mechanisms and the Nature of Causation’’, *Erkenntnis* 44(1), p52.

¹⁰⁵ Gerring, J (2007): ‘‘Case Study Research’’, *Cambridge University Press*, p45.

¹⁰⁶ Beach, D, & Pedersen, R, B (2013): ‘‘Process-Tracing Methods: Foundations and Guidelines’’, *University of Michigan Press*, p1, & Checkel, J, T (2006): ‘‘Tracing Causal Mechanisms’’: *International Studies Review*, p363, & George, A, L & Bennet, A (2005): ‘‘Case Studies and Theory Development in Social Sciences’’ *Cambridge: MIT Press*, p206.

¹⁰⁷ Gerring, J (2007): ‘‘Case Study Research’’, *Cambridge University Press*, p175.

¹⁰⁸ Ibid.

¹⁰⁹ George, A, L & Bennet, A (2005): ‘‘Case Studies and Theory Development in Social Sciences’’, *Cambridge: MIT Press*, chapter 10.

¹¹⁰ Beach, D, & Pedersen, R, B (2013): ‘‘Process-Tracing Methods: Foundations and Guidelines’’, *University of Michigan Press*, p11.

concept of effectiveness created. This will lead to two conceptual outcomes which is to be compared. This will ensure that the causal mechanisms nature, found in the analysis is protected.

This is possible under CPT. Cpt is a two-step approach, where *“for each studied case, the processes leading “from A to B” are reconstructed and analyzed in terms of ideal-type social mechanisms. In the second step, these processes are compared by making use of the identified mechanisms and some ideal-type periodization.”*¹¹¹ For this thesis this is an ideal approach as both the A and the B is known. The A is the policy and the B is the threat assessment from the area the policy is directly set out to influence.

The goal is to showcase that two cases with two policies can have same or different level of effectiveness outcomes. The point of comparing them is that where one might be effective and the other not, is not to say that one should substitute the other. It is the general belief that the conceptual framework with the three effects as measurements forces the policy maker to accept terms before the policy is set out, and that these cannot change after the intervention.

The benefit of comparing the two is then to show that the conceptual framework is able to find the good and bad, and thus conclude if something was effective or not. By doing the CPT it is possible to accept the processes inherent differences, but at the same time create an overview of specific inferences and their impact on the case and also uses them for comparison. The aim is also to demonstrate that a policy might make a difference and have an impact but may still not be effective.

3.3 Operationalization

To present the causal mechanisms and the expectations to their behavior, a table is to be made for each policy. The tables are constructed in accordance with the guidelines set out by Beach and Pedersen.¹¹² They suggest that each activity in the mechanism should specify, what entities are expected conduct what tasks. The table is constructed with three entities, theoretical expectations, observational evidence and focus. The activities included is deployment, partner involvement, areas of action and outcome. Reading the table from left to right, one can follow the causal mechanism through activities ending in outcome. The theoretical expectations describe the causal model underlying the expectation that the policy is effective. The observational evidence is how the policy

¹¹¹ Bengtsson, B & Ruonavaara, H (2017): *“Comparative Process Tracing: Making Historical Comparison Structured and Focused”*, *Philosophy of the Social Sciences* Vol 47 (1), p45.

¹¹² Beach, D & Pedersen, R, B (2013): *“Process-Tracing Methods: Foundations and Guidelines”*, *University of Michigan Press*.

activities actually happened and illustrates how the policy underwent/undergoes compared to theoretical expectations. Lastly the focus illustrates the focus of the observation, providing foundation for understanding which focus the activity was intended to have/had.

Table x – example table

Theoretical expectations	Deployment	Partner involvement	Areas of action	Outcome
Observational evidence	What has been done?	Who is affected and stakeholders to the CT policy?	What areas are the policy affecting?	Outcome in effects
Focus	e.g. To use force or to provide support.	To gain information, to become a paid rider, to expand capabilities	What areas of actions are the main focus of the policy, e.g. Focus on internal security and education of partners, removing incitement and freedom of terrorists	

The theoretical expectations of the causal mechanism are the perceived and stated expectations of the given CT policy. Going from left to right, a clear line from deployment of the policy to outcome, provides the overview of activities for analysis.

3.4 Case Selection

This thesis will follow in this path and consider the two cases as single-country focused studies as this approach also follows the theoretical approach chosen, as it is accepting the limitations due to capability of the author, by focusing the aim of the thesis which finds an abundance of potential cases. Consequently, the two single-country focused studies will have an exploratory nature, as it is collecting data and looking for patterns in order to be able to conclude on the individual effects of the

conceptual approach. This is done to meet the requirements for significance in social science research.¹¹³

The two country cases for this thesis are: A case of French CT policy and a Case of German CT policy. In both cases there will be a focus on one internal and one external policy. The internal policy is one which focusses on internal measures, whereas the external policy is using measures beyond the state borders. Using both one internal, and one external policy for each case allows for a combined look at both sides of the countries CT policies.

The cases are not specifically chosen based on either a most different or most similar design.¹¹⁴

The cases have been chosen on the basis of France and German being two prominent European cases, which represent two distinct models. They are interesting and relevant because here are two large European states, with similar prerequisites e.g. large state economies, developed economies, located close on the same continent. These factors do argue for a most similar design, but the criteria for the choosing of the cases have been, that these two states constitute two important different approaches to CT, however not being completely enough to qualify for a most different design. German and France can arguably be put in a European category and therefore to a certain extend qualify for most similar design, at least when compared to all countries in the world. When taking these considerations into account, it is fair to argue that a most similar design is most fitting to this approach. Therefore the focus of the thesis is both on the individual CT policies and how they are different, arguably supporting the research design as the benefit of comparing the two, is still to show that the conceptual framework is able to find the good and bad, and thus conclude if something was effective or not.

As both countries have extensive CT policies with a wide range of measures taken against terrorism, this thesis will have to limit measures of the policies for the analysis, as stated previously it is beyond the scope of this thesis to analyze each individual one. Gerring states that, for the purpose of validity the number of cases has no influence of the validity of the study it is the quality of the research which is the driver of the validity.¹¹⁵ In this thesis, the choice of using two country cases, only provides foundation to state anything about these cases alone and not CT policy in general. So in fact the number of cases does influence the study. This understanding does however support the theoretical

¹¹³ Yin, R (2009): "Case Study Research: design and methods", *Thousand Oaks, CA: Sage*.

¹¹⁴ For examples of most similar and most different systems design, see for instance: Mills, A, Eurepos, G & Wiebe, E (2010) "Encyclopedia of Case Study Research" *Sage Publications*, p570-572.

¹¹⁵ Gerring, J (2007): "Case Study Research", *Cambridge University Press*, p180.

approach of the thesis, as the focus is not to state anything about CT policy in general, but merely to potentially provide lessons learned for future research.

To ensure the quality the extent of the research has to be limited. For both the French and the German case, a starting point has been placed at post 9/11. This means that any policies before this point in time would only be relevant as context not as policies for analysis. In example the French Vigipirate plan was established in 1978, however reformed in 1995, 2000 and 2004, and it will thus be the later reform of the policy from 2004¹¹⁶, which will serve as policy for analysis, but in the latest published format from 2016. For both cases, an analysis on an internal, and external policy will form the country case. In the French case it is the mentioned internal Vigipirate plan, and the external Barkhane mission. In the German case it will be the Sicherheitpaket II (Terrorismusbekämpfungsgesetz) from XXXXXX-XXXXnd the operation to counter Daesh, which is the German participation to the Global Coalition to Counter Daesh. As explained in the methodology section the usage of CPT, allows for two single studies. Single-country-focused CT studies often does not focus on an entire range of the country's CT measures. Often the focus is on specific policies, laws etc.¹¹⁸ As seen in the case of the UK¹¹⁹ and France¹²⁰.

3.5 Data, Validity, Reliability, limitations and Generalization

This thesis will use qualitative data in the analysis as the focus is to create a good understanding of how the conceptual framework can provide insights into the effectiveness of the CT policies used in the cases chosen. This is done mainly by document analysis and thus falls in line with the general agreement on linking qualitative data with case study research in political science.¹²¹

¹¹⁶ Gautier, L (2016): "Tackling Terrorism Together", Last Accessed 27 April 2019, Retrieved from *Gouvernement.Fr*: <https://www.gouvernement.fr/sites/default/files/locale/piece-jointe/2017/08/vigipirate-anglais-v2017.pdf>

¹¹⁷ Gesetzesbeschluss des Deutschen Bundestages, (2002): "Gesetz zur Bekämpfung des internationalen Terrorismus (Terrorismusbekämpfungsgesetz)", Bonn.

¹¹⁸ Morag, N (2018): "International Counterterrorism Laws and Practices: Israel and France in Comparison" p163.

¹¹⁹ Lowe, D (2017): "Prevent strategies: The problems associated in defining extremism: The case of the United Kingdom", *Studies in Conflict and Terrorism* 40, p917–933, & Walker, C (2015): "Decennium 7/7: The United Kingdom terrorist attacks on July 7, 2005, and the evolution of anti-terrorism policies, laws, and practices", *Zeitschrift für Internationale Strafrechtsdogmatik*, p545–555, & Wilkinson, P (Ed) (2007): "Homeland security in the UK: Future preparedness for terrorist attack since 9/11" London, *Routledge*.

¹²⁰ Hellmuth, D (2015): "Countering Jihadi Terrorists and Radicals in the French Way", *Studies in Conflict & Terrorism* 38:12, p979-997, & Dutheillet de Lamothe, O (2006): "French legislation against terrorism: Constitutional issues", Paris: Constitutional Council of France.

¹²¹ "Encyclopedia of Case Study Research", *Sage Publications*, 2009: Descriptive Case Study, p109.

Using Qualitative data supports the methodical approach of PT. Qualitative data also permits the use of PT as “*Qualitative data form the basis of the data examined in process tracing*”¹²². The primary part of the data for the analysis will come from official statements regarding the CT policy. These statements are made by political representatives, ministries, security/intelligence, military or other state officials from Germany and France and think tanks. Secondly from academic sources, books as these serve mainly descriptive purposes. The thesis will center around the two cases, with each one, a chosen CT policy and thus the data derived will be focused on the planning, the implementation and the end results or midway results should the policies still be active. This is to be able to trace steps in the policy and the results thereof to provide foundation to determine their effectiveness under the framework of effectiveness build in this thesis. The author fully recognizes that the full range of data on recent/active CT policy is often classified as highly confidential. And as thus this thesis will have to accept the inherent hardship in research within this field and assume the validity of certain data as true while it might not be possible to validate it as such. To overcome this potential break in validity and reliability, this thesis seeks to utilize official data, presented by recognized international organizations. This type of data is often subject to scrutiny by stakeholders of all format, and as such they are as valid as can be accessed. This does mean that the general validity and reliability is subject to the trust the author puts into this data, and as such the results has to be viewed in this light. To recognize the contemporary environment in political science research¹²³, the selection bias in the choosing of cases, the internal validity, reliability and generalization is addressed. To overcome the potential break in validity due to the confidential nature of the topic, the use of PT can provide reliability and validity. The Encyclopedia of Case Study Research argues that “*The use of a predefined yardstick or a clear and concrete description can greatly enhance validity and reliability.*”¹²⁴ This is done as the conceptual framework is the predefined yardstick, and the clear concrete description is used.

In order to utilize the broad knowledge of outcomes of CT policy, this thesis is forced to take a nomothetic approach¹²⁵ and generalize in some areas. When done so, it is fully recognized that these generalizations are speculative and subjective. Because these generalizations are subjective, they are

¹²² Ibid., p735.

¹²³ Ibid., p112.

¹²⁴ “Encyclopedia of Case Study Research”, Sage Publications, 2009: Descriptive Case Study, p735-736.

¹²⁵ Nomothetic is used in this thesis with extreme circumspection, but in line with Gerring, J (2007): “Case Study Research”, Cambridge University Press, p76-77.

not individually applicable beyond this thesis and must be treated as the authors understanding based on the literature review. It will be explicitly stated when the authors use generalizations and how these are used. This is also to be consistent with the rules of science to address potential concerns of readers and to not impair the validity and reliability of the thesis in order to be able to make a contribution¹²⁶.

The research on CT effectiveness suffers from the extent of indicators and the attribution problem. This is also, in some ways, true for this thesis seeing the indicators used need are very broad. This is broad conceptualization is done to be sure that a good foundation to examine if it was the CT policy and its measures that brought on the change. Dongen¹²⁷ argues that the ‘numbers of arrest’ is an indicator one should not read too much into. Referring to arrests done of al-Qaeda and IRA members in respective settings, he argues that the possibility for a backlash effect grows.¹²⁸ Due to this increase Dongen claims that the ‘numbers of arrest’ indicator then only is useful in cases of declining organizations with a known size and little to no outside support, otherwise the numbers cannot be understood in relation to its operational context. However, this thesis will let the indicators remain quite broad due to the aim being to study the direct aim and result connected to internal CT policies; something I argue can be done when looking at emergency laws applied (see section XX. Operationalizations). Furthermore, this thesis does not claim that it comes without its problems, however this will be extended on after the analysis when discussing limitations.

3.6 Game theory

This thesis will use elements of game theory to understand the implications of being a paid or free rider¹²⁹ in external CT policy. Game theory offers concepts which explains consequences of certain actions. These concepts can be viewed out of Game theory context as they are not Game theory specific, e.g. a prisoners’ dilemma.¹³⁰

¹²⁶ King et, al (1994): “Designing Social Inquiry, Scientific Inference in Qualitative Research”, *Princeton University Press*, p9.

¹²⁷ Dongen, T, V (2009): “Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism”, *Economics of Security*, p362.

¹²⁸ Ibid., p633.

¹²⁹ For examples of usage of paid and free rider concept, see for instance: Lee, D, R (1988): “Free Riding and Paid Riding in the Fight against Terrorism”, *American Economic Review* 78:2, p22.

¹³⁰ See for instance: Arce M, D & Sandler, T (2005): “Counterterrorism A Game-Theoretical Analysis”, *Journal of Conflict resolution* 49(2), p185-186.

3.7 Concept approach

This thesis will take a concept approach to the comparative case analysis. A concept approach offers benefit for the analysis as argued by Stefano Guzzini who added his contribution to the state of international relations. He argues a need for “ontological theorizing” i.e. reflexive engagement with central concepts.¹³¹ ¹³² He argues that the engagement with concepts is core to help understand what is out there, but fundamentally that *“concepts are needed to construct theories: they not only provide the ontological building blocks of a theory, often in the form of basic assumptions, but also the components out of which theorists generate their arguments.”*¹³³ To this end, this understanding can be said to build on Max Weber, who stated that *“(…) concepts are our way of overcoming ‘the extensively and intensively infinite multiplicity’ of empirical reality.”*¹³⁴ This is in line with the argument above and the theoretical approach chosen for this thesis.

The main reason for choosing a concept approach in this thesis is to benefit from the understanding that a concept is more than a word. *“Concepts catches and bundles multiple elements aspects and experiences and relates them to each other.”*¹³⁵ However, a basic concept is not just a compilation of constituting components, it is the reason why these components works together that provides the foundation for the concept, as explained by Koselleck who argues that *“a concept is not simply indicative of the relations which it covers; it is also a factor within them.”*¹³⁶ Koselleck also notes a very important point to the concept approach as he argues that *“Each concept establishes a particular horizon for potential experience and conceivable theory, and in this way sets a limit. The history of concepts is therefore able to provide knowledge which is not obtainable from empirical study.”*¹³⁷ From this, a valuable lesson in limitations to the concept approach has to be acknowledged. In doing so, one could argue that following the theoretical approach chosen for this thesis, the concept approach respects the boundaries set by critical rationalism.

¹³¹ Guzzini, S (2013): “The Ends of International Relations Theory: Stages of Reflexivity and Modes of Theorizing”, *European Journal of International Relations* 19, no, 3 p521–41.

¹³² Berenskoetter, F (2017): “Approaches to Concept Analysis”, *Journal of International Studies*, Vol, 45(2), p151-173.

¹³³ Ibid., 152.

¹³⁴ Ibid., 154.

¹³⁵ Ibid., 158.

¹³⁶ Koselleck, R (1985): “Futures Past: On the Semantics of Historical Time”, *The MIT Press*, p84.

¹³⁷ Ibid.

Using the same quote, Koselleck argues that the history of concepts can provide insights into knowledge, which is not otherwise found in empirical study. To this end, this thesis will use the political (critical) concept approach.¹³⁸ Berenskoetter uses Foucault to argue that this approach has a dual aim, however, as Berenskoetter further argues, the first of these two aims, which is to explore how concepts form, become reified, and highlight the formation and performance of a concept is linked to the structures of power, overlaps with the concept history approach and the scientific approach.¹³⁹ Therefore, this thesis will solely focus on the second of these aims which is *‘to shine light on blind spots and silences in the dominant understanding/use of a basic concept by revealing and reactivating ‘subjugated knowledges’.*^{140 141} This is to provide a foundation as to challenge and disrupt the current perception and use, and the lack thereof, of effectiveness in counterterrorism. This chosen path permits for a critical position as *‘This approach takes a critical stance and explicitly understands concept analysis as an engagement with politics, indeed as political in motivation.’*¹⁴² In direct terms, this approach allows for this thesis to criticize and identify the errors and faulty approaches in the literature on effectiveness of CT policy.

3.8 Concept of effectiveness and application

In the last part of this section, the conceptual approach for this thesis is presented. As a part of this presentation, the effects found in the literature, and accounted for previously, is explained in the format in which they will be used in the conceptual approach. This section also outlines the hardline approach and its implications on the conceptual approach. Finally, this section includes an explanation as to how the concept is to be applied to the cases later in this thesis.

As argued in the Argomaniz and Vidal-Diez research, the models of deterrence and backlash are not limiting as potential vital variables can be used for analyzing cases.¹⁴³ And as they argue how it would be a natural extension of their research to apply the effects on extreme left- and right-wing movements

¹³⁸ Berenskoetter, F (2017): "Approaches to Concept Analysis", *Journal of International Studies*, Vol, 45(2), p167.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Foucault, M (2003): "Society Must be Defended", New York, *Picador*, p7.

¹⁴² Berenskoetter, F (2017): "Approaches to Concept Analysis", *Journal of International Studies*, Vol, 45(2), p168.

¹⁴³ Argomaniz, J & Vidal-Diez, A (2015): "Examining Deterrence and Backlash Effects in Counter-Terrorism: the Case of ETA", *Terrorism and Political Violence* 27:1, p176.

or jihadist groups¹⁴⁴ that is what this conceptual approach aims to do. The effects used in this concept is by no means an original thought from this author. However, the conceptual approach with the combined usage is. This does not neglect that other researchers have used the effects, and in cases all three, but not in a linear setup to provide answers regarding the effectiveness of a given policy. Furthermore, this concept clearly specifies the indicators for each effect. This is essential as the framework need to not change largely and adapt to cases, but to create criteria for an effective counterterrorism policy which is not designed for subjective usage. As argued above, the usage of indicators is to narrow the focus in order to conclude anything on effectiveness and the use of effectiveness as measurement. These chosen indicators force the analysis to accept flaws, failures and exploit what is not effective. The indicators chosen all allows for the CT policies to stay within the hardline approach, thus any breakage of the hardline approach framework will constitute a severe negative impact in backlash effect, and thus potentially the effectiveness. The indicators are settled upon under each effect.

3.9 Incapacitations effect

The number of terrorists killed/apprehended is essential to understand if the policy has been able to remove capabilities from the terrorists to conduct further terrorist actions. The number of arrests is chosen over number of convictions as the length of the trails will complicate and potentially foil the numbers for the analysis, e.g. as seen in the 2017 TESAT report, in which the 2015 November terrorists are convicted in 2017 and are thus included in the 2017 numbers.¹⁴⁵

The incapacitations effect is affected by the number of terrorists killed/apprehended, compared to the on the size of the terrorist organization faced or compared to the threat overall threat assessment. In internal CT policy, the numbers of terrorists killed or apprehended are based on arrests related to terrorism in general and thus is a numbers game. This is because the importance is whether a policy with an incapacitation focus, is able to remove individuals posing a threat. In internal cases the data is specific and limited, making the data credible for analysis. This is in contrast to external CT policy. In external CT policy the kill count/arrests are also based on threat levels for assessment, but in the external case it would not be beneficial to be number specific. An example of this is the case of Daesh, who has multiple fractions. These fractions are targeted as one organization, but during a mission

¹⁴⁴ Ibid.

¹⁴⁵ EU Terrorism Situation and Trend Report (2017): TESAT 2017 [Online] Last Accessed 25 April 2019, <https://www.europol.europa.eu/tesat/2017/>, p19.

several partners to the state conducting CT are active, and as such the numbers are no longer differentiated to individual CT policy, making them invalid for analysis. Thus, the indicator is in external cases based on threat level post intervention, making it less relevant for the overall evaluation of incapacitations effect.

For both internal and external, the incapacitations effect is evaluated on the complete scale. In case of internal policy, it is for the entirety of the state, and for external policy it is the region/area limited to the mission. The clear difference is the partners/stakeholders for external policy. In external policy, the policy is evaluated in the setting in which it is located. This is because it is impossible to separate activities by one individual CT policy from results and outcome from the activities of partners/stakeholders involved. This stresses the importance of avoiding number evaluations for external policy. To weigh in is the ability to remove rights, opportunities, capability and ability during and post intervention. This for these indicators the analysis presets are the same for external and internal policies, but the scope of analysis for external policy remains the same.

For the incapacitations effect the indicators chosen are: *The number of terrorists killed/apprehended, removal of rights, opportunities and capabilities of convicted and perceived terrorists, the perceived level of ability post intervention.*

3.10 Deterrence effect

For the deterrence effect the level of recruitment is relevant as it indicates the cost of becoming a terrorist. The level of recruitment can be analyzed by numbers, but also in comparison to the perceived cost and willingness of terrorists. The level of recruitment numbers can fluctuate in certain cases too much for a valid analysis. E.g. In internal cases recruitment numbers can provide insights, but fluctuate due to secrecy levels of intelligence services, or due to lack of detection by intelligence services. This indicator is to be included in all analyzes utilizing this conceptual approach, as if the numbers can be validated it is crucial, and if not, the numbers can build understanding for the costs of terrorists and thus still be relevant. The cost of becoming a terrorist, can be analyzed on an individual terrorist or terrorist organizational level. The cost rises or lowers based on CT-legislation, criminal law, level of capability of intelligence services, or other measures taken within a policy which is not directly removal of rights.¹⁴⁶ For external policy, pre-emptive measures are counted under the cost of conducting terrorism. external preemptive measures are designed to raise the cost

¹⁴⁶ Removal of rights is included under Incapacitations effect.

for all potential targets and have an impact on overall threat level¹⁴⁷, thus included in deterrence, in this concept. For the deterrence effect, the perceived willingness of forces/security personnel is important. To have a security force, with high willingness and thus faith in the mission, is a deterrent of terrorists and raises costs to be a terrorist. For the deterrence effect indicators stand much less alone compared to those in the incapacitations effect, thus stressing the importance to be comprehensive and apply all effects. The indicators for deterrence effect are: *Level of recruitment, threats, the perceived level of cost within the group, the perceived willingness of terrorists or forces/security personnel loyal to CT mission.*

3.11 ***Backlash effect***

One of the indicators is the focus on retaliations or new attacks. To determine an attack as retaliation is always done with a high degree of uncertainty as terrorist organizations are known to claim responsibility without having any, or a perifocal connection to the terrorists carrying out an attack.¹⁴⁸ For external the same might apply, but the focus is more on new attacks due to new enemies created as side effect of the policy¹⁴⁹. To conduct CT policy is to engage in a conflict with terrorists, and one thus has to accept that a move will be responded to with a counter move. The backlash effect is influenced based on the purpose of the policy. Certain policies state explicit that it expects potential backlash, whereas others do not. There are examples of cases, in which it is possible to argue that becoming a paid rider, and participating in e.g. a coalition, a state has to accept the potential to earn a spot on a terrorist groups radar.¹⁵⁰ This element impacts the potential for political or civilian support. It is important for the backlash effect, that the policy is deployed and conducted in such a manner that it does not create internal resistance. Loss of personnel can be factored in but depending on the type of policy a loss of personnel can be expected. In a policy with use of force, losses are to be expected and thus will have less influence on effect compared to a supportive or non-use of force policy. Human rights are to be respected at all times, any breach by security personnel or partners to the

¹⁴⁷ Siqueira, K & Sandler, T (2006): "Global terrorism: deterrence versus pre-emption", *Canadian Journal of Economics* vol. 39(4), p1370-1387.

¹⁴⁸ Snyder, Aftan (2016): "Why Terrorists do-and Don't Take Credit for Attacks" [Online] Last Accessed 14 April 2019, Retrieved from The National Interest: <https://nationalinterest.org/feature/why-terrorists-do---dont---take-credit-attacks-17984>.

¹⁴⁹ Hegemann, H & Kahl, M (2015): "Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports", *Studies in Conflict & Terrorism* 38:3, p202.

¹⁵⁰ Ibid.

policy will have a negative impact. Lastly, the Hardline approach constitutes a framework in which any breach will constitute a severe negative impact on backlash effect.

The indicators for backlash effect are: *Retaliation and new attacks, political/civilian support locally and/or at home, loss of personnel, human rights backlash, ability to stay within the hardline approach.*

3.12 **Hardline approach**

Paul Wilkinson's hardline approach is designed to be an approach for liberal democracies to defend against terrorism. The hardline approach can form a framework of limitations for protecting the civil liberties of individuals of the state, and ultimately effectiveness in the use of CT measures. As mentioned in the introduction, the civil liberties are often under "attack" from CT policy, the so-called trade-off. The trade-off is a matter which a government has to accept pre hand, for not to have a guaranteed negative effect on the backlash effect under this conceptual approach. The trade-off is not by nature a negative mechanism. In the UK, a measure for security, also used for CT is the widespread street surveillance. In this case, a trade-off has been made with a limitation of civil liberties at a cost of enhanced security measures. In the same case, some police forces in the UK, considered adding microphones to the surveillance,¹⁵¹ this would increase the cost of the trade-off, and until now has not been adopted. In relations to this approach, this could potentially exemplify a trade-off which would break the Hardline approach.

And a breakage of the Hardline approach, means that the measure, part of the policy or outcome of the policy, in this analysis, cannot be considered effective if it is not compliant with the hardline approach. This is essential as the approach protects the core of a liberal democracy, and thus if a measure is not compliant, it does not hold a minimum requirement of protecting the liberal democracy and as such cannot be considered effective. The approach itself, is a combined guideline created from an examination of three different dimensions of terrorism responses, (1) the use of politics and diplomacy, (2) the use of the law enforcement and criminal justice systems and (3) the role of the military,¹⁵² Wilkinson argues that the three approaches are not mutually exclusive and thus combined the three to form his policy guideline.

¹⁵¹ Grayling, A (2010): "Liberty in the Age of Terror: A Defence of Civil Liberties and Enlightenment Values", London: Bloomsbury, p257.

¹⁵² Wilkinson, P (2011): "Terrorism Versus Democracy: The Liberal State Response", London and New York: *Routledge, Second Edition*, p75.

*Wilkinson's Hardline Approach*¹⁵³

1. *Overreaction and general repression, which could destroy democracy far more rapidly and effectively than any campaign by a terrorist group, should be avoided.*
2. *Underreaction – the failure to uphold the constitutional authority of the government and the law – will bring the threat of sliding into anarchy or the emergence of no-go areas dominated by terrorists, warlords, Mafia gangs and drug barons, and to do this should be avoided.*
3. *The government and security forces must at all times act within the law. If they fail to do this, they will undermine their democratic legitimacy and public confidence in, and respect for, the police and the criminal justice system.*
4. *The secret of winning the battle against terrorism in an open democratic society is winning the intelligence war: this will enable the security forces, using high-quality intelligence, to be proactive, thwarting terrorist conspiracies before they happen.*
5. *The secret intelligence agencies and all other institutions involved in combating terrorism must be firmly under the control of the elected government and fully accountable to it.*
6. *If emergency laws are found to be needed in a particularly serious terrorist conflict the laws must be temporary, subject to frequent review by parliament and subject to parliament's approval before any renewal.*
7. *Despite or perhaps because of the dilemmas facing governments in hostage crises, governments should avoid granting major concessions to terrorists. Giving in to key terrorist demands encourages terrorists to exploit the perceived weakness of the authorities by trying to wring further concessions out of them. It also damages confidence in the rule of law and the democratic process if terrorist blackmail is seen to succeed. By releasing imprisoned terrorists or by paying large cash ransoms, the authorities will be increasing the capabilities of the terrorists to sustain their campaign. Any major concessions will be a propaganda and morale boost for the terrorists.*

This guideline forms a core understanding of responsibilities from the relevant actors of a CT-policy. Therefore, the guideline has been showcased in full format, as it has been the decisive approach to choosing which CT-measures is used for the analysis. The guideline further forms a continuous boundary for the concept of effectiveness, as the concept has to have fixed boundaries as avoid venturing away from its purpose. This is to contrast the general literature which uses indicators on an ad hoc basis.

3.13 Concept application

For the concept application, a five-step approach is to be used. In the analysis, when the five steps are used it is not explicitly stated when, but the order is always followed. Figure 1 is an illustration of the concept in use. The first step is the election of a CT policy. For this conceptual approach there are no fixed guideline for choosing a policy, but the preciseness of the results will vary depending on

¹⁵³ Ibid., p75 & 76.

the size of policy, and comprehensiveness of the analysis. For the implications on the chosen cases in this thesis, see limitations to the study.¹⁵⁴ From the choosing of a CT policy, the second step is selecting the most pivotal or important measures of the policy, or the most important measures of the policies which are to be compared. As stated above, the number of CT measures available, and used in CT policies are too extensive for one analysis. The number of measures chosen are relevant, as the higher the number, the more requirements for comprehensiveness are set for the analysis, as to avoid being superficial, in contrast, the lower the number, the less can be concluded on the overall effectiveness of the policy. The third step is applying the effects on the measures. All three effects are to be applied in their full format. From the application of the effects the fourth step is analyzing whether the effects are positive or negative, and from there a conclusion is to be made on the effectiveness. A negative effect does not equal an ineffective policy, and vice versa. In the conclusion of the individual effect, it is important to maintain a big picture perspective. A positive effect can have negative trade-offs and vice versa. These trade-offs are crucial for the last and fifth step. In this step the measures are combined, with their potential trade-offs and an overall conclusion is to be made on the overall effectiveness of the CT policy. To ensure validity and reliability to the analysis, the conclusions and decisions are solely based on the conceptual approach and as such is subject to any shortcomings the conceptual approach may have.

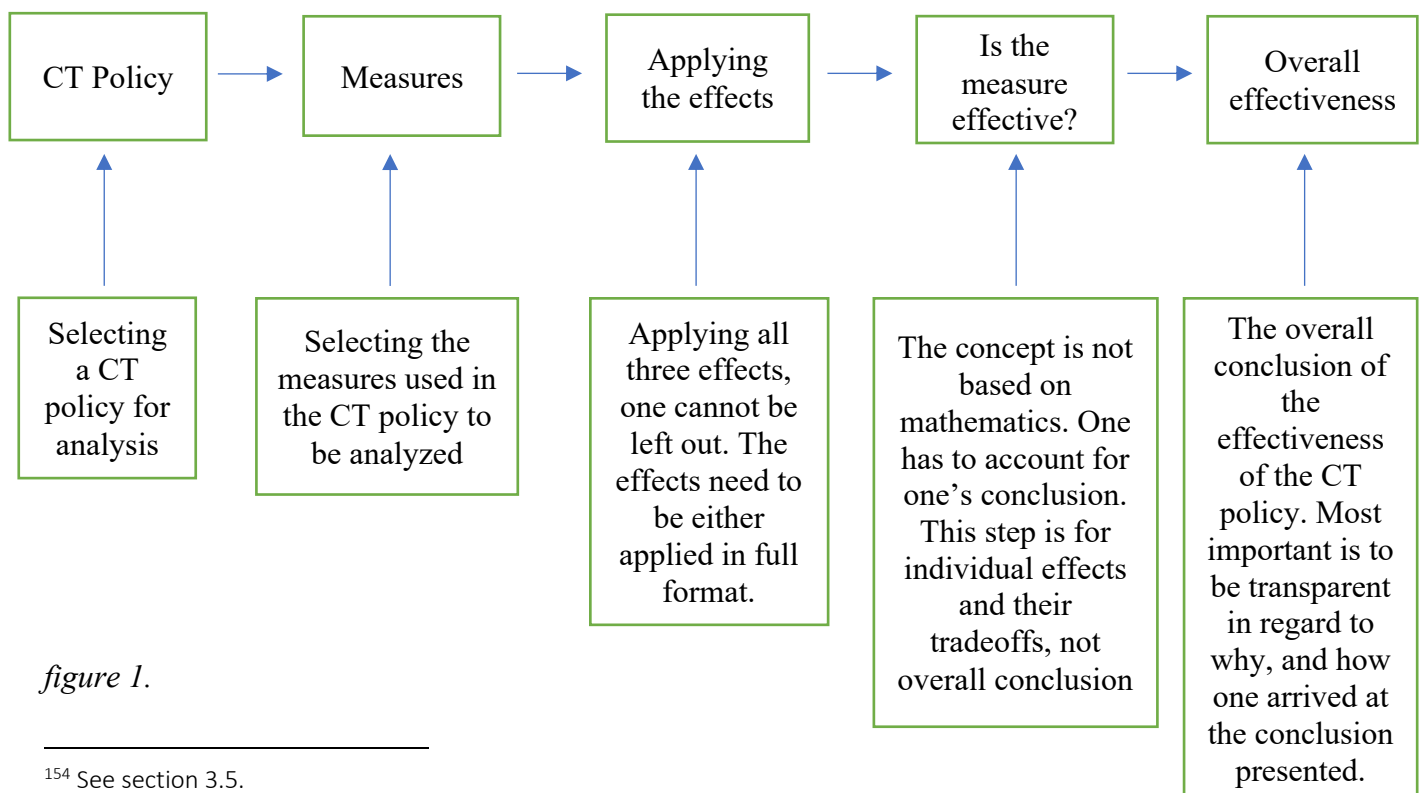


figure 1.

¹⁵⁴ See section 3.5.

4. Analysis

This section includes the two parts to the analysis. This is the first country case based on French CT policy, the second is the German CT policy. In this section, the conceptual approach is applied in full format, on two French and German CT policy's, one internal and one external policy. For each policy a table is located to show the steps of the process tracing approach. This table was created during the analysis and has been included to show how the analysis was for individual policy is built.

4.1 France - The Vigipirate plan and the Barkhane mission

In order to follow the single-country-focused approach, the French case will be a twofold comprised look into the Vigipirate plan and the Barkhane Mission, the two policies constitute one internal and one external policy. The Vigipirate plan is the national security alert system, lastly reformed in 2004 following the attacks in Madrid. For this case, the Vigipirate plan will be used in its most recent format, the 2016 edition¹⁵⁵. The second French policy for this case is the Barkhane mission. The Barkhane mission is a French CT intervention in the Sahel region in Africa. The mission is related to the peacekeeping mission of MINUSMA, but has a different aim of containing Al-Qaeda and other terrorist organizations activities in the Sahel.¹⁵⁶ However close the relation to peacekeeping operations and the G5 Sahel Joint force¹⁵⁷, the aim of Barkhane is CT/CI.¹⁵⁸ This thesis will, based on the footnotes, fully accept the CT nature of Barkhane. For a complete overview of contents of both the Vigipirate plan and the Barkhane mission please see the footnotes.

¹⁵⁵ Tackling Terrorism Together, Vigilance, Prevention, and Protection Against the Terrorist Threat (2016): *SGDSN*.

¹⁵⁶ African Union Peace and Security Council Communiqué DCLXXIX, (13 April 2017), available at: <http://www.peaceau.org/uploads/679th-com-g5sahel-13-04-2017.pdf>, & UN Security Council Report 432 (2018), available at: <https://www.securitycouncilreport.org/un-documents/document/s2018432.php>, & UN Security Council SC/12881, available at: <https://www.un.org/press/en/2017/sc12881.doc.htm>.

¹⁵⁷ Cooke, J, G (2017, November 15): "Understanding the G5 Sahel Joint Force: Fighting Terror, Building Regional Security", Retrieved from *Center for Strategic & International Studies*: <https://www.csis.org/analysis/understanding-g5-sahel-joint-force-fighting-terror-building-regional-security>.

¹⁵⁸ Cooke, J, G, Sanderson, T, M, Johnson, J & Hubner, B (2016): "Military and the Arc of Instability, Violent Extremism in the Sahel", New York, London, *CSIS Transnational Threats Project and the CSIS Africa Program* & Griffin, C (2016) "Operation Barkhane and Boko Haram: French Counterterrorism and Military Cooperation in the Sahel", *Small Wars & Insurgencies* 27:5, p896-913, & Stigall, D (2015): "The French military intervention in Mali, counter-terrorism, and the law of armed conflict", *Military law review*, & Wing, S, D, (2016): "French intervention in Mali: strategic alliances long-term regional presence", *Small Wars & Insurgencies* 27:1, p59-80.

Theoretical expectations	Deployment	Partner involvement	Areas of action	Outcome¹⁵⁹
Observational evidence	The updated and reinstated version of the Vigipirate plan	Partnership and cooperation between: State, Local Authorities, Businesses, the citizenry and actors aboard.	Use of security/special forces internally limiting freedom in trade-off for security	Strong initial incapacitations and deterrence effect, with initial negative backlash effect, over time growing positive in all three
Focus	Government (Vigipirate)	Broader cooperation for broader impact.	Focus on internal security and education of partners to the Vigipirate plan, focus on removing incitement and freedom of terrorists	

Table 2 on Internal French CT policy.

4.1.1 Internal Measures

The Vigipirate plan is a national alert system plan, which is used pre- during & post terrorist attacks. The plan holds three levels of alert, the Vigilance level, Heightened Security/Risk of Attack and Attack Emergency. The Vigipirate plan is also an emergency law. In Wilkinson’s hardline approach, he states that *‘If emergency laws are found to be needed in a particularly serious terrorist conflict*

¹⁵⁹ The outcome is based on the available connected knowledge. This means that in the case of Barkhane, the outcome is based on UNSC reports and general contemporary observations on the mission results. This approach recognizes the potential existence of more outcome analysis and thus the outcome in this case is based on this author’s chosen point of view.

the laws must be temporary, subject to frequent review by parliament and subject to parliament approval before any renewal'¹⁶⁰ and as such, the Vigipirate plan and all causal mechanisms connected to it (use of special forces, suspension or change in executives of both legislative and judiciary branches, change in rights after arrest etc.) are subject to analysis under the concept of effectiveness within the policy.

The Deterrence effect, The Incapacitations effect & The Backlash effect

In January 2015, the French Prime minister Manuel Valls and his government initiated the highest level of alert under the Vigipirate plan, a national state of emergency. The state of emergency was initiated as a response to the 2015 January attacks on Charlie Hebdo.¹⁶¹

The plan was initiated on the highest level of alert for its first time since the creation, and as a result of the level of alert, a military operation was launched on French territory called operation Sentinelle.¹⁶² The state of emergency under the Vigipirate plan initiated the mobilization of 10,500 soldiers increasing the count of security personnel specifically against terrorism to 122,000 in total. Valls further allocated €425 million to the fight against terrorism.¹⁶³ Besides the large increase in personnel, the Vigipirate plan initiated a change in legislation. The legal framework of the intelligence services was to be reconstructed. Valls stated that '*Beyond the unprecedented reinforcement of resources it is essential to strengthen intelligence services' legal capacities to act*'¹⁶⁴ The argument for doing so, was that the current legal framework was created in 1991, and thus pre-internet. The age of the legal framework made it inadequate to cope with requirements of the intelligence services, but also in protection of public liberties. This creation of new legislation is a prime example of an emergency law and thus in this analysis it will be held accountable to the hardline approach. With the inception of the state of emergency, a foundation for a strong deterrence effect was positioned, and

¹⁶⁰ Wilkinson, P (2011): "Terrorism Versus Democracy: The Liberal State Response", London and New York: *Routledge, Second Edition*, p62.

¹⁶¹ Le Gouvernement de la République Française (2015): "Anti-terrorism: the Prime Minister announces exceptional measures" [Online] Last Accessed 23 April 2019, <http://www.gouvernement.fr/en/anti-terrorism-the-prime-minister-announces-exceptional-measures>

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Le Gouvernement de la République Française (2015): "Anti-terrorism: the Prime Minister announces exceptional measures" [Online] Last Accessed 23 April 2019, <http://www.gouvernement.fr/en/anti-terrorism-the-prime-minister-announces-exceptional-measures>

the cost of conducting terrorism in France rose instantly. Arguably, more important is the willingness among the French citizenry and security personnel with the initiation of a plan of this scale is a strong message.

The initiation of a plan of this scale can however also either be a strong deterrent, or a major motivator for terrorists. To determine so, the use of country reports on terrorism can provide an overview of the threat assessment. As mentioned in the 2015 country report on terrorism by the US government,¹⁶⁵ France encountered further terrorist attacks post the implementation of the state of emergency. With small scale and failed attacks on the 19th April, 26th June and 21st August, and most notably on the 13th of November the series of attacks in and around Paris killing 130. The two most recent attacks occurred after the implementation of the new legal framework of the intelligence services, which was enacted on 24th July. To argue that the large attacks in November were in response to the implementation of the state of emergency would be purely circumstantial though such an argument does make a noteworthy point. The scale of the November attacks was of an unprecedented size, and thus could be fueled by the implementation of an unprecedented scale of CT measures implemented. At very least, one can conclude that the deterrence effect of the state of emergency did not have a large positive impact in the year of 2015. To broaden the perspective, the 2016 and 2017 country report on terrorism by the US government states that the terrorist threat in France remained high¹⁶⁶ Throughout 2016 several small incidents took place, with most noteworthy being the attack on Bastille Day in Nice, leaving 86 dead. During 2017, no major incidents took place, and this is interesting for both the deterrence and incapacitations effect. For the deterrence effect, it is interesting that in 2016 it was relatively negative, with a continued high level of threat and high willingness among terrorists, and in 2017 with a continued high level of threat, but no major terrorist attacks, it is arguably a less negative deterrence effect. The incapacitations effect offers a more tangible perspective on the improvement. Throughout 2015, 2016 and 2017, the effects of the state of emergency have had a positive impact on the incapacitations effect. It is fair to argue that the 2015 implementation of the state of emergency would not yield the full range of results right away. In

¹⁶⁵ US Department of State (2015): "Chapter 2, Country Reports: Europe Overview" [Online] Last Accessed 23 April 2019, <https://www.state.gov/j/ct/rls/crt/2015/257516.htm>

¹⁶⁶ US Department of State (2016): "Chapter 2, Country Reports: Europe" [Online] Last Accessed 24 April 2019, <https://www.state.gov/j/ct/rls/crt/2016/272231.htm>

US Department of State (2018): "Country Report on Terrorism for France" [Online] Last Accessed 24 April 2019, <https://fr.usembassy.gov/2017-country-report-on-terrorism-for-france/>

2016, the level of emergency was renewed for the fifth time¹⁶⁷, and in 2017 with the expiration of the state of emergency, the CT legislation was renewed in October to replace and codify certain aspects of the state of emergency¹⁶⁸. This evolution in legislation and its active use throughout the years, can be argued to have had a positive incapacitation effect. The ability of the intelligence services was increased, opportunity capability among current and potential terrorists was decreased. Since President Macron took office in May 2017, he has announced several security-related reforms. Including reinforcement and expansion of authorities of the National Intelligence Council (CNR), and further strengthening the capabilities of the French intelligence services.¹⁶⁹ This resulted in the second highest terrorism related arrest rate in the EU in 2017, with 411 arrests.¹⁷⁰ This is a decrease compared to 2015 and 2016, with 424 and 456 arrests respectively, but a continuation of increased arrests compared to 2014 with 238 arrests.¹⁷¹ These numbers proves a positive incapacitations effect with terrorist abilities removed and a positive deterrence effect as the cost of being terrorist rises significantly. However, the willingness of the terrorists has proven to grow. Focusing on the total number of foiled, failed and completed attacks the numbers indicate clearly, that terrorists are not lacking willingness to attempt terror. In 2016, France reported a total of 23 attacks¹⁷², and in 2017 that number rose significantly to 54.¹⁷³ Noteworthy it is to take into account that France, like any

¹⁶⁷ US Department of State (2016): "Chapter 2, Country Reports: Europe" [Online] Last Accessed 24 April 2019, <https://www.state.gov/j/ct/rls/crt/2016/272231.htm>

¹⁶⁸ "The law grants expanded powers to conduct searches, restrict and monitor the movements of suspected extremists, close religious institutions for disseminating extremist ideas, enhance security measures at public events, and expand identity checks near France's borders. The core provisions of the bill will expire at the end of 2020 unless renewed by parliament. The law also formalized France's passenger name record system, as required by a 2016 European Union (EU) directive, and increased the maximum sentence for adults convicted of encouraging minors to commit a terrorist act or join a terrorist organization to 15 years in prison, among other measures." By US Department of State (2018): "Country Report on Terrorism for France" [Online] Last Accessed 24 April 2019, <https://fr.usembassy.gov/2017-country-report-on-terrorism-for-france/>

¹⁶⁹ US Department of State (2018): "Country Report on Terrorism for France" [Online] Last Accessed 24 April 2019, <https://fr.usembassy.gov/2017-country-report-on-terrorism-for-france/>.

¹⁷⁰ EU Terrorism Situation and Trend Report (2018): TESAT 2018 [Online] Last Accessed 25 April 2019, <https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-2018-tesat-2018>, p10.

¹⁷¹ EU Terrorism Situation and Trend Report (2017): TESAT 2017 [Online] Last Accessed 25 April 2019, <https://www.europol.europa.eu/tesat/2017/>, p10.

¹⁷² EU Terrorism Situation and Trend Report (2017): TESAT 2017 [Online] Last Accessed 25 April 2019, <https://www.europol.europa.eu/tesat/2017/>, p10.

¹⁷³ EU Terrorism Situation and Trend Report (2018): TESAT 2018 [Online] Last Accessed 25 April 2019, <https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-2018-tesat-2018>, p9.

other stakeholder in terrorism, as proven in the literature review has a broad definition of what is considered a terrorist offence.¹⁷⁴ Furthermore the US country report states that in 2017 France reported ‘‘at least 20 specific plots in 2017’’¹⁷⁵. The discrepancy within these numbers can potentially be found in definition of ‘‘attacks’’ and ‘‘plots’’ or in the change in terrorism legislation in 2017, which might have influenced how to count the incidents. This analysis recognizes the rise in numbers but focuses on the attacks which was carried out successfully. Thus, while numbers indicate that terrorists are willing to, they also indicate that the state of emergency initiated under the Vigipirate plan has worked. For reasons not accessible due to the secret nature of CT, a growing number of attacks failed, was foiled or limited compared to incidents in 2015 and 2016. Thus, the state of emergency under the Vigipirate plan has had both positive incapacitations effect and deterrence effect.

The state of emergency has been criticized for its trade-off of security over impact on freedom for a liberal democracy. This is relevant for the backlash effect, and the perspective of the Hardline approach.

The state of emergency initiated a potential overreaction, the use of French military in the streets of France is an extreme measure. The soldier’s task was to provide security with patrolling and lookout for potential threats, a task usually handed to security personnel or law enforcement. Under the state of emergency several individual emergency laws was initiated, e.g. with the state of emergency initiated by President Hollande, extended powers were given the minister of the interior. Including (1). the rights to place anyone whose actions substantiate a danger for security and the public order under house arrest, (2). To block websites condoning terrorism or inciting acts of terrorism using any measure deemed necessary. (3). To disbanding any de facto associations or groups involved in any way with acts posing a serious threat. Furthermore, Hollande initiated five steps for all French departments prefects, including, (1). the ability to initiate curfew in certain places, (2). prohibit residency of potential threats in certain parts of French territory, (3). detain persons and private resources, (4). prohibit certain public meetings and provisionally close certain meeting places, (5).

¹⁷⁴ US Department of State (2016): ‘‘Chapter 2, Country Reports: Europe’’ [Online] Last Accessed 24 April 2019, <https://www.state.gov/j/ct/rls/crt/2016/272231.htm>

¹⁷⁵ US Department of State (2018): ‘‘Country Report on Terrorism for France’’ [Online] Last Accessed 24 April 2019, <https://fr.usembassy.gov/2017-country-report-on-terrorism-for-france/>.

Authorize administrative searches in the presence of a criminal investigation police officer.¹⁷⁶ These are extreme steps, especially with the usage of vague wording, providing an open interpretation for use. The Hardline approach does not name specific steps constituting an overreaction, however after the initiation of the emergency laws, multiple scholars have argued that a wave of biased police work began, and the usage of racial profiling and violence from the law enforcement took place.¹⁷⁷ The biased police work, lead several counts of criticism from Human Rights Watch and multiple cases ending in the Paris Court of Appeals.¹⁷⁸ The powers granted law enforcement and security personnel in these emergency laws has resulted in cases of biased police work, some going beyond the boundaries of legality. This is not in line with the Hardline approach. Firstly, this could be viewed as repression. Although not general repression as stated in the Hardline approach it does constitute a breach. Secondly the third step is breached comprehensively. The security forces have not at all times acted within the law, and thus the security forces *‘undermine the democratic legitimacy and public confidence in, and respect for, the police and the criminal justice system’*¹⁷⁹ This is a severe example of breach to the Hardline approach and thus constitutes an excessive negative for the backlash effect.

¹⁷⁶ Le Gouvernement de la République Française (2015): “State of emergency in France: What are the consequences?” [Online] Last Accessed 25 April 2019, Retrieved from Le Gouvernement de la République Française: <https://www.gouvernement.fr/en/state-of-emergency-in-metropolitan-france-what-are-the-consequences>

¹⁷⁷ Rubin, A, J (2016): “Muslims in France Say Emergency Powers Go Too Far”, [Online] Last Accessed 25 April 2019, Retrieved from The New York Times: <https://www.nytimes.com/2016/02/18/world/europe/frances-emergency-powers-spur-charges-of-overreach-from-muslims.html> & Safdar, A (2016): “French police 'abuse' Muslims under emergency laws”, [Online] Last Accessed 25 April 2019, Retrieved from Al Jazeera: <https://www.aljazeera.com/news/2016/02/french-police-abuse-muslims-emergency-laws-160204035243925.html> & Wazir, B (2016): “From Charlie Hebdo attacks to a state of emergency”, [Online] Last Accessed 25 April 2019, Retrieved from Al Jazeera: <https://www.aljazeera.com/indepth/features/2016/01/charlie-hebdo-attacks-state-emergency-XXXXXX-XXXX10613.html>.

¹⁷⁸ Human Rights Watch (2016): “France: Abuses Under State of Emergency”, [Online] Last Accessed 25 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/news/2016/02/03/france-abuses-under-state-emergency>, & Human Rights Watch (2018): “France: Stop Ethnic Profiling, Protect Asylum Seekers' Rights and Review Counterterrorism Law”, [Online] Last Accessed 25 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/news/2018/06/28/france-stop-ethnic-profiling-protect-asylum-seekers-rights-and-review>, & Marquis, C & Jeannerod, B (2017): “Urgent Action Needed on Ethnic Profiling in Police Checks in France”, [Online] Last Accessed 25 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/news/2017/02/28/urgent-action-needed-ethnic-profiling-police-checks-france>.

¹⁷⁹ Wilkinson, P (2011): “Terrorism Versus Democracy: The Liberal State Response”, London and New York: *Routledge, Second Edition*, p75.

4.1.2 External measures

As the Barkhane mission works alongside the G5 mission in the Sahel, the effects will be influenced by the results of the entire mission. However, as this is the setting in which the Barkhane mission has been deployed, these are the conditions under which it should be analyzed.

Theoretical expectations	Deployment	Partner involvement	Areas of action	Outcome
Observational evidence	Closing of operation Serval and opening of the Barkhane mission	Clear cooperation with the G5 in the Sahel (Barkhane), Partnership and cooperation between: State, Local Authorities, Businesses, the citizenry and actors aboard.	CT operations with the G5 armies, protection of G5 officials and reconnaissance.	Signs of positive deterrence and incapacitations effect, but generally negative on all three effects.
Focus	Terrorist organizations in the Sahel area	Broader cooperation for broader impact.	Focus on removing incitement and freedom of terrorists in the Sahel area and on cooperation with G5 armies.	

Table 3. on external French CT policy.

The Deterrence effect, The Incapacitations effect and the Backlash effect

Since November 2015, when the heads of state of the G5 countries decided to join forces and create a CT and transnational criminal network, and the actual establishment in January 2017, the political

resolve in the region has grown to combat the threats.¹⁸⁰ However, despite a growing political resolve the security situation continues to worsen.¹⁸¹ The growing political tenacity can be argued as a sign of a positive deterrence effect. The willingness among the local government politicians is growing to face the threats. This can both be argued as a result of the security situation worsening, but also as a result of the enhanced presence of security forces, including the CT specific Barkhane mission.

In the contrary, the willingness among the terrorists in the region is high if not growing. With a continued worsened security situation, it is possible to conclude that the terrorists are continuing to hold a strong grip of the region, including areas specifically of focus for the Barkhane mission, and thus threats are high and potentially growing. The UNSC report states that the local population lacks basic necessities, and that the political situation is cause for underlying roots of instability.¹⁸² It is fair to argue that the Barkhane mission does not serve the purpose of helping local governments deal with political issues and establish political security, as it is a CT policy. The Barkhane staff has though been used to conduct reconnaissance missions on behalf of local governments¹⁸³ and act as security for local government officials¹⁸⁴. This not being part of the goal of the dossier of Barkhane, which states that the goal of the operation is to prevent creation of terrorist groups in the region and strengthen the co-ordination of international military operations in the area.¹⁸⁵ In contrast to the purpose set out in the dossier, Wing argues that because Barkhane has a wider terrorism focus, Barkhane has had little success. Barkhane as mission is argued to be too weak to alter the cost of being a terrorist in the area and it does little to stop or lower the willingness of terrorism in the area.¹⁸⁶ This is argued by Wing to be potentially due to the nature of Barkhane relative to Operation Serval which preceded it. Serval had a purely military focus and a different aim.¹⁸⁷ With the change from military to a CT operation, the underlying problems in the region are neglected and the lack of

¹⁸⁰ United Nations (UN) Security Council Report 869, S/2017/869 (2010) p1, Available at: <https://undocs.org/S/2017/869>.

¹⁸¹ UN Security Council Report 432 (2018), p2, available at: <https://www.securitycouncilreport.org/un-documents/document/s2018432.php>

¹⁸² Ibid.

¹⁸³ Ibid., 3.

¹⁸⁴ Ibid., 2.

¹⁸⁵ Ministère Des Armées (2019): Dossier de Presse: Operation Barkhane, p3.

¹⁸⁶ Wing, S, D (2016): "French intervention in Mali: strategic alliances long-term regional presence", *Small Wars & Insurgencies* 27:1, p75.

¹⁸⁷ Ibid.

understanding for the armed rebellion makes the deterrence of the Barkhane mission tip to a negative. This point was also made in 2015 by Richard Reeve, Director of Oxford Research Group's (ORG) Sustainable Security Program. Reeve argued that Barkhane would face issues in conducting a CT operation as opposed to a military intervention, put a lot of faith in local governments in providing, basing, logistics and infrastructure in the region. Thus Barkhane is forced to maintain a positive relationship with local governments in order to succeed. Reeve argued that because of this Barkhane suffered a strategical failure even before it really started. Reeve argues that as Barkhane is '*Rooted in a concept of 'partnership' with Sahel militaries, Barkhane is seemingly blind to the toxic nature of these partners*'¹⁸⁸ This is highly relevant for the backlash effect. A main indicator is the ability to abide by human rights and thus the ability to remain compliant with the hardline approach. Reeve argues that the record of the armies is bad. All five have risen against or overthrown their governments in the last decade, they are viewed as pariahs and predators more than partners by local population.¹⁸⁹ In any case this is a bad starting point, and complied with the UN report 432, the outcome has been a generally worsened security situation.

This worsening has happened despite the militarization of the area and have increased during the Barkhane mission. That only supports the argument that it is the aim of the operation which makes a difference for the deterrence effect, less than the means of the mission in the Barkhane case. The Barkhane mission is arguably simply not strong enough.

It is then fully acceptable to argue that the Serval mission was military and thus had another realm of success than a CT policy and thus was more successful on its own means. The question then is; if Barkhane is removed from its context, and viewed as a separate mission, with only a limited geographical area how does Barkhane fair then?

General Francois Lecointre stated in March 2019 that the offensive and worsened security situation is a result of desperation among terrorists and insurgents. He states '*The reason why the enemy has reacted so brutally is precisely because we went after him in his holdouts*'¹⁹⁰ and '*Another probable*

¹⁸⁸ Reeve, R (2015): "Five strategic failures of the French Intervention in Mali" [Online] Last Accessed 24 April 2019, Retrieved from The Broker: <http://www.thebrokeronline.eu/Blogs/Sahel-Watch-a-living-analysis-of-the-conflict-in-Mali/Five-strategic-failures-of-the-French-intervention-in-Mali>

¹⁸⁹ Ibid.

¹⁹⁰ The Defense Post (2019): "Jihadists losing grip in Mali but peace will take time, French armed forces chief says" [Online] Last Accessed 24 April 2019, Retrieved from The Defense Post: <https://thedefensepost.com/2019/03/25/mali-operation-barkhane-g5-sahel-lecointre/>

reason is that it has to restore a certain reputation with the public''¹⁹¹ meaning that the active groups in the area is losing face due to the success of the Barkhane. On one hand this might be so, and if so, it is an example of a positive deterrence and incapacitations effect. On the other hand, it could be a case of backlash effect, in which the level of deterrence and incapacitation is not high enough, thus leaving terrorists with abilities to carry out continued attacks. Lecointre might provide fuel for the later argument as he states that terrorist groups are still active and trying to forge new alliances to fight back and he is cautious about the situation in Mali, and that the concept of a G5 with French leadership was maybe premature.¹⁹² This can arguably serve as an example of what is seen in effectiveness analysis of CT policy in general. For the sake of continuing support for the mission, a ranking general state its success, but on terms somewhat hand-picked to prove success. This point is proven when he goes on to argue that the G5 is politically complicated. Lecointre argues that the Barkhane had political gain by international support from a fast start, and that he urges for further UN support. This shows that in a broader picture the success of Barkhane is limited, and he further states that there is a spread of jihadist movement in the south towards Burkina Faso¹⁹³. All together this is another example in CT, in which missions are deemed successful based on ad hoc criteria. In order to understand the effectiveness of the mission, one has to accept the context in which the Barkhane has to operate.

As previously stated, the Barkhane force assisted with the planning and conduct of the G5 Joint Force's first operations.^{194,195} Furthermore, the Barkhane mission is working alongside the MINUSMA peacekeeping operation.

This means that the criteria for an analysis of the effectiveness based on this conceptual approach is hard, if not impossible to fulfill, if the goal is to analyze the Barkhane operation by itself. All three effects utilize indicators which require information that is impossible to gather in a Barkhane perspective separately. E.g. the number of eliminated terrorists/insurgents will be influenced by G5 and MINUSMA operations. As a further matter, in an analysis by Paul Pryce on the Barkhane, he

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ UN Security Council Report 432 (2018), p10, available at: <https://www.securitycouncilreport.org/un-documents/document/s2018432.php>

¹⁹⁵ The Defense Post (2019): "Jihadists losing grip in Mali but peace will take time, French armed forces chief says" [Online] Last Accessed 24 April 2019, Retrieved from The Defense Post: <https://thedefensepost.com/2019/03/25/mali-operation-barkhane-g5-sahel-lecointre/>.

argues that while the Barkhane has encountered success it has less to do with French CT, but more to do with failures of the region's insurgencies.¹⁹⁶ He goes on to use numbers of various insurgencies groups and soldier count to justify his argument.

Whether his analysis is correct or not, it holds a valid point. The success of Barkhane has to be viewed in the context of the area in which it is set. Despite progress in Mali specifically, insurgencies and terrorists are strengthening to the south and the security situation continues to worsen. As such it is possible to conclude that Barkhane, in the context in which the operation has been placed, has yet to prove its effectiveness. It is an ongoing operation, and thus circumstances and results of the operation might change. The core issue is the extreme potential for backlash effect. Not only has Barkhane failed to stop and prevent attacks, it has been placed in cooperation with armies with proven bad records. This is essential to the backlash effect, as studies have proved that training and capacity-building initiatives with local partners of questionable character have had negative effects for human rights in the area, and in some cases even coups d'état.¹⁹⁷ Other research has argued that it is possible that *'aid increases recipient security forces' ability and willingness to engage in repression, escalatory violence, or other destabilizing behavior'*¹⁹⁸ It is fair to argue that Barkhane is forced to work with questionable allies to fight a common evil. This is however something which the French government has to accept before initiation of mission. In that case, that part of the backlash effect can in general be accepted. But only to a certain extent. Human rights violations in the Sahel area by partners to the Sahel has been proven. In Cameroon, Chad and Niger, the last two being partners, from 2014-2017, human rights defenders, journalists, lawyers etc. continued to be *'intimidated, harassed and threatened'*¹⁹⁹. In Chad, the assistance provided by international support *'has helped to create an elite ethnic militia that serves as a Praetorian guard with a terrible human rights record.'*²⁰⁰ And in Central Mali, missions carried out by military forces of Mali and Burkina Faso

¹⁹⁶ Pryce, P (2017): "Operation Barkhane's Secret to Success" [Online] Last Accessed 24 April 2019, Retrieved from Offiziere: <https://www.offiziere.ch/?p=31862>

¹⁹⁷ See for instance: Savage, J, D & Caverley, J, D (2017): "When Human Capital Threatens the Capitol: Foreign Aid in the form of Military Training and Coups", Journal of Peace Research 54, p542-557, & Talmadge, C (2015): "The Dictator's Army: Battlefield effectiveness in authoritarian regimes". Ithaca NY: Cornell University Press.

¹⁹⁸ Watts, S, et al, (2018): "Building Security in Africa. An evaluation of U.S Security sector assistance in Africa from the Cold War to the Present", Santa Monica: CA: RAND corporation, p26.

¹⁹⁹ Amnesty International (2018): "The States of the World's Human Rights", London: Amnesty International Report 2017/2018, p19.

²⁰⁰ Powell, N (2018): "The Destabilizing Dangers of U.S. Counter Terrorism in the Sahel", [Online] Last Accessed 25 April 2019, Retrieved from War on the rocks: <https://warontherocks.com/2018/02/the-destabilizing-dangers-of-american-counterterrorism-in-the-sahel/>.

have resulted in ‘*extrajudicial killings, enforced disappearances, torture, and arbitrary arrests against men accused of supporting Islamist armed groups*’²⁰¹

These proven violations by Barkhane partners have a profound negative impact on the Barkhane missions backlash effect. It is clear that this is a trade-off which the French government has to a certain degree accepted. One can argue it is a case of partnering with the lesser evil, or a case of common enemy makes a friend. It is stated in the conceptual approach, that if a potential negative impact on the backlash effect, is known pre operation start, it can be accepted and not impact the backlash effect. In this case however, the violations to the human rights, by partners, is of such a nature, that this author cannot accept the trade-off, and as such the negative backlash effect stands. Thus, it is clear that this analysis has to conclude that Barkhane is still to prove its efficiency, and that in the current format it may not become effective. Progress has yet to stop ongoing attacks and the security situation will have to improve in order to turn both the deterrence and incapacitations effect into positive. Even then, the negative backlash effect is influenced by external partners, whom which actions the Barkhane mission has little control over. Thus there are not prospects for improvement for the Barkhane in this current format, with the current partners, under this conceptual approach.

4.1.3 Case Findings

The French internal CT approach the Vigipirate plan, the state of emergency, and the connected emergency laws have been able to provide a strong and positive deterrence effect. The focus on strengthening the intelligence services and police force has raised the cost of conducting terrorist operations, and the focus on legislation has provided a positive incapacitations effect. At first, the backlash effect has been positive. A lowering number of attacks and decreasing threat levels prove that. However, the compliance with the Hardline approach is not fulfilled. There is clear breakage on two parts to the approach and as such the backlash effect is concluded to be very negative. Collective it is possible to conclude that the internal measures of French CT policy have had a positive impact and has worked as intended, but the side effects including ethical profiling and police violence had a strong backlash effect that offsets the reduction of threat. This means that the policy has worked as

²⁰¹ Human Rights Watch (2017): “Mali, Unchecked Abuses in Military Operations. Mali, Burkina Faso Troops Commit Killings, 'Disappearances', Tortures”, [Online] Last Accessed 25 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/news/2017/09/08/mali-unchecked-abuses-military-operations>.

intended and had a positive impact, but it is however not possible to deem the internal policy effective under this conceptual approach.

The external measure focus; the Barkhane mission is placed in a context, with multiple variables thus, it is not possible to argue that Barkhane serves as an example of external CT policy in general. This is nevertheless not necessary. For the sake of the analysis it is possible to conclude, that the context in which the mission is located matters, and this point is not to be neglected. It is arguably in line with the core point when using this conceptual approach. The effects have to be applied in full scale. Thus, the conclusion on the effectiveness of Barkhane differ from the perspective of General Lecointre. Though signs of positive impact on all three effects, the overall conclusion has to be that the Barkhane mission is not yet shown its effectiveness. It is important to note that the mission is not yet ended and as such this is an intermediary conclusion on its effectiveness.

4.2 Germany – Terrorismusbekämpfungsgesetz (TBG) and the Counter Daesh operation

In order to follow the single-country-focused approach, the German case will be a single fold focus of the TBG. The TBG is a CT law, under German federal law, and contains provisions for combating terrorism with internal and external effects.²⁰² The TBG was intended to have a 6 year valid period but it was extended in 2007 into the Terrorismusbekämpfungsergänzungsgesetz (TBEG).²⁰³ For a full overview of the TBGs content, please see the footnotes. The external measures used in this case will be those connected to the Counter Daesh operation. This operation is not a use of force, but only a support operation. The operation is under the operation Inherent resolve to combat Daesh.²⁰⁴

²⁰² Hellmuth, D & Gadinger, F (2009): "Finding Security in an age of Uncertainty: German and American Counterterrorism Policies", *AICGS Policy Report 41*, & Gesetzesbeschluss des Deutschen Bundestages, (2002): "Gesetz zur Bekämpfung des internationalen Terrorismus (Terrorismusbekämpfungsgesetz)" Bonn, & Katzenstein, P, J (2003): "Same War - Different Views: Germany, Japan, and Counterterrorism", *International organization* 57, p731-760, & Hellmuth, D (2015): "Counterterrorism and the state: A comparative analysis of European and American responses to 9/11", Pennsylvania: *University of Pennsylvania Press*, p78-127.

²⁰³ Burke, P & Feltes, J "CT Overview: Germany" [Online] Last Accessed 27 April 2019, Retrieved from Counter terrorism Ethics: http://counterterrorismethics.com/the-counter-terrorism-landscape-in-germany/#_Toc494975458, & Hellmuth, D (2015): "Counterterrorism and the state: A comparative analysis of European and American responses to 9/11", Pennsylvania: *University of Pennsylvania Press*, 107-108.

²⁰⁴ Dewitz, C (2015): "Bundeswehr unterstützt erstmals Luftangriffe gegen den IS", [Online] Last Accessed 29 April 2019, Retrieved from Bundeswehr journal: <http://www.bundeswehr-journal.de/2015/bundeswehr-unterstuetzt-erstmals-luftangriffe-gegen-den-is/#more-6091>.

Theoretical expectations	Deployment	Partner involvement	Areas of action	Outcome
Observational evidence	Multiple CT laws implemented, strengthening of intelligence services	Civil society being involved in CT,	Deradicalizations programs, increased number of arrests, prosecutions and trails,	Positive incapacitations and deterrence effect.
Focus	Incapacitation extremists via removal of freedom and rights.	Improving cooperation with Civil society partners, contiguously outlining their importance.	Deradicalization and Prevention	

Table 4 on internal German CT policy.

4.2.1 Internal Measures

The Deterrence effect, The incapacitations effect & the backlash effect

The internal measures of the TBG is the German answer to ‘‘Homeland Security’’ and it ‘‘rely on intelligence, law enforcement and judicial prosecution to prevent terrorist acts and to identify and neutralize potential terrorists.’’²⁰⁵ Germany views its internal CT measures as a two-fold strategy, with a focus on prosecuting radicalized individuals who have committed crimes, and on preventing those who have yet to take the next step.²⁰⁶ The Head of International Terrorism Task Force Stefan Uecker stated that ‘‘In Germany, prevention and deradicalization are integral parts of our comprehensive approach to fighting terrorism.’’²⁰⁷ He further argues that a close relationship with civil society organizations have delivered good results in this effort. The nature of the TBG is that of an emergency law, providing the law enforcement with emergency powers and within a limited timeframe. The TBG was initiated post 9/11 with a limited time frame and from there extended. Important to note is that after the initiation of the TBG, more CT legislation has been approved and taken into use based on steps and legislation under the TBG. The emergency law nature is underlined with the fact that 9/11 initiated it, but also with statements such as those in which Germany emphasized the necessity of these CT measures to be compliant with German law, values and historical lessons, and thus setting the TBG into a different category.²⁰⁸ Of the internal measures of the TBG, the focus is, as in the Vigipirate case on arrests and attacks.

Taking an analytical starting point from 2015, Germany faced an increased threat level in 2015 with threats from both foreign terrorists but also domestic radical groups. Germany faced more than 760 residents departing for participation in conflicts in Syria and Iraq, whereas roughly 250 are known to have returned.²⁰⁹ To combat the threat, the criminal code was amended to implement UNSCR 2178, making it a criminal offence to leave Germany with the intent of committing grave acts of violence

²⁰⁵ Archick, K, et al (2006): ‘‘European Approaches to Homeland Security and Counterterrorism’’ *CRS Report for Congress*, p16.

²⁰⁶ Uecker, S (2018, June 29): ‘‘Statement by Germany at High-Level Conference of Heads of Counter-terrorism Agencies of Member States’’, *United Nations*, New York.

²⁰⁷ Ibid.

²⁰⁸ Miko, F, T & Froehlich, C (2004): ‘‘Germany's Role in Fighting Terrorism: Implications for U.S. Policy’’, *CRS Report for Congress*, p3 .

²⁰⁹ US Department of State (2015): ‘‘Chapter 2, Country Reports: Europe’’ [Online] Last Accessed 27 April 2019, <https://www.state.gov/j/ct/rls/crt/2015/257516.htm>

abroad or seek training. This hard-legislative line is in line with that set out in the TBG. Germany has with this line arrested 35 and experienced 5 attacks in 2016²¹⁰. Whereas in 2017, Germany experienced 2 attacks and 58 arrests.²¹¹ This being a significant increase in arrests. The increase comes at a time when the estimated terrorism investigations in Germany drastically rose from 238 in 2016 to 1,119 from January to November 2017²¹², probably as a result of a significant expansion of the uses of Gefaehder designation, used to monitor extremists or potential radicals who serve a potential threat to the state. In 2016 Germany faced 800 attacks on public servants, in which 18 included direct physical assault. These numbers despite not constituting terrorist attacks are relevant as 384 of the attacks were carried out by right-wing extremists and 97 by left-wing extremists.²¹³ These numbers are relevant for the analysis of both the deterrence and the incapacitations effect. The numbers of encounters which the German government counts as attacks by extremists are very high. Although not terrorist actions, they form a threat level which is relevant when comparing the numbers with the actual numbers of arrests. Germany has aimed for, and achieved a positive incapacitations effect, as the legislation has important freedom aspects for potential terrorists, and the legislation is continuously being updated. Furthermore, the increased monitoring of Gefaehrder has provided the ability for the German law enforcement to remove opportunity capabilities among potential terrorists. The numbers prove that this hard-legislative approach with increased monitoring and a heavy deradicalizations program works to prevent actual attacks being carried out. From 2015 to 2017, all three country reports remark the high level of arrests, prosecutions and trails carried out by Germany.²¹⁴ A notable legislative tightening is the tightening to comply with UNSCR 2178²¹⁵, and

²¹⁰ EU Terrorism Situation and Trend Report (2017): TESAT 2017 [Online] Last Accessed 27 April 2019, <https://www.europol.europa.eu/tesat/2017/>, p10-11.

²¹¹ EU Terrorism Situation and Trend Report (2018): TESAT 2018 [Online] Last Accessed 27 April 2019, <https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-2018-tesat-2018>, p10.

²¹² US Department of State (2017): "Chapter 1, Country Reports: Europe" [Online] Last Accessed 27 April 2019, <https://www.state.gov/j/ct/rls/crt/2017/282843.htm#GERMANY>

²¹³ EU Terrorism Situation and Trend Report (2017): TESAT 2017 [Online] Last Accessed 27 April 2019, <https://www.europol.europa.eu/tesat/2017/>, p8.

²¹⁴ US Department of State (2015): "Chapter 2, Country Reports: Europe" [Online] Last Accessed 27 April 2019, <https://www.state.gov/j/ct/rls/crt/2015/257516.htm>, & US Department of State (2016): "Chapter 2, Country Reports: Europe" [Online] Last Accessed 28 April 2019, <https://www.state.gov/j/ct/rls/crt/2016/272231.htm#GERMANY>, & US Department of State (2017): "Chapter 1, Country Reports: Europe" [Online] Last Accessed 27 April 2019, <https://www.state.gov/j/ct/rls/crt/2017/282843.htm#GERMANY>

²¹⁵ United Nations (UN) Security Council Resolution 2178, S/RES/2179 (2014) Available at: <http://unscr.com/en/resolutions/2178>.

the change in criminal code, saw a removal of freedom of movement for potential radicalized individuals²¹⁶ further incapacitating potential terrorists. Based on these numbers, it is fair to conclude that the German focus is mainly on the incapacitations effect. The level of positive incapacitations effect achieved is also very high. The positive effect is achieved as stated due to the hard-legislative line. A core indicator of the incapacitations effect is the removal of capabilities. Including opportunity capabilities e.g. capabilities due to freedom for the individual. The hard-legislative line has been successful in removing these capabilities and as the numbers state, the government has used its legal abilities to arrest and prosecute increasing numbers. In contrast the German focus on deradicalization, is an obscure size for this conceptual approach as it is a more long-term view approach. It is possible to make an argument regarding the recruitment and willingness under the deterrence effect. The deradicalization approach and hard-legislative line raise the cost for potential terrorists. In the case of recruitment, the cost is less raised for the individual terrorist, but to greater extent for the terrorist organization as radicalizing and recruiting members is made more difficult and thus costs rise. The willingness of potential terrorists will also decrease, leading to a further positive deterrence effect. It is fair to argue that the positive incapacitations effect, in this case, provides foundation for a positive deterrence effect. An example to the relation of these effects in regard to German CT measures, is the high focus on stopping and/or complicating the funding of terrorism via Germany.

The backlash effect so far is almost only positive. The numbers of attacks in 2017 was only two from five the year before as stated above, and as such terrorists have not been able to conduct retaliations attacks on top of the high level of arrests. Germany has a strong record of protecting minorities, and non-citizens in their country, including Muslim religious freedoms.²¹⁷ This record has been a focus for German CT policy to maintain²¹⁸, and thus not make racial specific or discriminative laws. This is an example of positive backlash effect when using emergency laws. As will be argued in the comparison following the German case, the French emergency laws have been frequently stated to have threaten the freedom and liberal democracy values. This has not been the case with Germany. When applying the Hardline approach, the first two points are to avoid over and underreaction. Again,

²¹⁶ Gesley, J (2015) "The Law Library of Congress", Retrieved from: <https://www.loc.gov/law/foreign-news/article/germany-new-anti-terrorism-legislation-entered-into-force/>.

²¹⁷ Archick, K, et al (2006): "European Approaches to Homeland Security and Counterterrorism", *CRS Report for Congress*, p20.

²¹⁸ Ibid.

utilizing the numbers from the TESAT and country reports the reaction has been of appropriate size, as attacks have gone down over the recent years. The hard-legislative line has helped accomplish the third point, in which the German police has stayed within the law while fulfilling their purpose, it is also this hard-legislative line, which allows for the fourth point to be fulfilled. The use of intelligence services to win the war and maintain the open democracy has been a focus of the German government. As stated above, multiple legislative moves have been invoked to allow for a strengthening and broadening of the intelligence services. The intelligence services are also under full government control, crucial for the fifth point. Lastly the emergency laws have to be continuously under review and must be for a limited time frame. The TBG was initiated for a limited time frame and has been renewed. However, as stated above, several legal steps have been taken based on the TBG, and these are permanent. The hardline approach does not mention the creation of by-laws, and thus this argument is arguably without justification. But creating by-laws based on emergency laws is arguably outside of the hardline approach. These by-laws will have the tone, aim and means relating too and potentially shared with the emergency law, and these by-laws are not to be reviewed or renewed. This is in the authors point of view a potential breach of the Hardline approach, but due to the lack of justification for the argument it is to be considered a side note.

4.2.2 External Measures

Theoretical expectations	Deployment	Partner involvement	Areas of action	Outcome
Observational evidence	Military materials deployed	Cooperation with coalition against Daesh	No use of force	Positive deterrence and backlash effect. positive incapacitation effect (Mission result)

Focus	To provide support	Providing support	Providing support with no use of force	
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Table 5 on external German CT policy.

The Deterrence effect, the incapacitation effect & the backlash effect

After the 13 November attack in Paris, Germany was called upon by President Hollande.²¹⁹ Hollande wished to combat terrorism, and initiate article 42 (7) of the Treaty on European Union²²⁰. Germany became a founding member of Global Coalition to Counter Daesh and has been active with providing arms, material support and training to Kurdish security forces: Reconnaissance aircraft, satellite data, refueling aircraft to support coalition air operations, and a sea support to protect French Aircraft carrier from which coalition air operations have been launched from.²²¹

Furthermore, Germany is a founding member of the Global Counterterrorism Forum (GCTF), is in continuous cooperation with regional and international organizations including, EU, UN, NATO, Council of EU, Interpol etc.²²² Germany has established itself as an international participant in CT, however, compared to France and other major international CT stakeholders e.g. US and UK, the German approach is of a supportive nature with a low level to no of use of force. As the case with the French external measures, the German external measures will be analyzed in the setting used, meaning the focus on the cooperation with the Global Coalition to Counter Daesh, and the German Counter Daesh operation. The German operation was mandated under a right to collective or both collective and individual self-defense in Syria.²²³ In the German letter to invoke article 51²²⁴, like the Danish, Dutch, Belgian and Norwegian, a focus was put on the UNSC resolution 2249²²⁵, which

²¹⁹ CQ Press (2016): "World Leaders Remark on ISIL Attacks: November 15, 16 and 19 and December 11, 2015", *In CQ Press, Historic Documents of 2015*. Thousand Oaks: CQ Press, p7-14.

²²⁰ Article 42 (7) of the Treaty on European Union.

²²¹ US Department of State (2015): "Chapter 2, Country Reports: Europe" [Online] Last Accessed 27 April 2019, <https://www.state.gov/j/ct/rls/crt/2015/257516.htm>

²²² US Department of State (2016): "Chapter 2, Country Reports: Europe" [Online] Last Accessed 28 April 2019, <https://www.state.gov/j/ct/rls/crt/2016/272231.htm#GERMANY>

²²³ Lehto, M (2018): "The Fight against ISIL in Syria", *Nordic Journal of International Law* 87, p11.

²²⁴ Article 51, United Nations Charter.

²²⁵ United Nations Security Council Resolution 2249, [Online] Last Accessed 28 April 2019, https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2249.pdf.

stated that Daesh constituting a global and unprecedented threat to international peace and security.²²⁶ In this resolution, the UNSC does not take any decision on which measures are to be taken by member states, but calls for member states ‘‘that have the capacity to do so to take all necessary measures ... on the territory under the control of ISIL ... in Syria and Iraq ... and to eradicate the safe haven they have established over significant parts of Iraq and Syria.’’²²⁷ The resolution further states that terrorism in all forms is a threat, and that Daesh is a terrorist threat.²²⁸

Thus, the German counter Daesh operation is based on a call to action by the UNSC, and as such a coalition determined operation and not under German control. Thus, the analysis will be based on the German measures, but the general outcome of the coalition operation will factor in the conclusion on effects.

The German participation in the coalition, is relevant for a potential backlash effect. The attack on the Berlin Christmas market in 2016, was claimed by Daesh and carried out as retaliation against the coalition.²²⁹ The participation in a coalition like this will expose a state to potential backlash effect. This however is arguably a consequence known and accepted before the initiation of participation. To participate in a coalition against a global threat to peace and security, will with guarantee result in a negative impact on the backlash effect. The reason the German state accepts the consequences is to avoid a freerider situation.²³⁰ A free rider option is undesirable as fighting external terrorism which poses a threat to oneself or allies and can be considered a public good.²³¹ In this case, being a free rider would place Germany in position with dependency on the coalitions ability to provide deterrence and incapacitations effect large enough to provide the security of Germany. This would potentially be the case, but not guaranteed. To not participate in this coalition operation would not remove the threat of attacks in Germany by Daesh related terrorists. Furthermore, as stated by Hollande, the November 13th attack was an attack on Europe. This means that with France and other European

²²⁶ Lehto, M (2018): ‘‘The Fight against ISIL in Syria’’, *Nordic Journal of International Law* 87, p15.

²²⁷ United Nations Security Council Resolution 2249, p2.

²²⁸ *Ibid.*, p1.

²²⁹ Pleitgen, F, et al (2016): ‘‘Berlin attack: ISIS claims it inspired truck assault at market’’, [Online] Last Accessed 29 April 2019, Retrieved from CNN: <https://edition.cnn.com/2016/12/20/europe/berlin-christmas-market-truck/index.html>, & Faiola, A, Mekhennet, S, & Pitrelli, S (2016): ‘‘ISIS-linked news agency releases video of Berlin attacker swearing allegiance to the radical group’’, [Online] Last Accessed 28 April 2019, Retrieved from The Washington Post: https://www.washingtonpost.com/world/new-terror-attack-thwarted-say-german-police/2016/12/23/7ea61604-c8e7-11e6-85b5-76616a33048d_story.html?noredirect=on&utm_term=.b279b87df77b.

²³⁰ Lee, D, R (1988): ‘‘Free Riding and Paid Riding in the Fight against Terrorism’’, *American Economic Review* 78:2, p22.

²³¹ *Ibid.*, p25-26.

countries increasing security, CT measures and participating in the coalition, Germany would potentially become an “easy” target. One which does not respond to terrorist attacks, and as such potential increase in threat level as the perceived cost of terrorist activity in Germany is lower than in neighboring countries. This situation is known to be an example of the prisoner’s dilemma in CT game theory²³². To be a paid rider instead of a free rider, will allow the paid rider to have influence and strengthen alliances. With a strengthen alliance comes an increased deterrence effect, and in case of use of force, an enhanced incapacitations effect. The deterrence effect found with a strengthen alliance, is a large gain for the German security. With an increased deterrence effect, the potential for an increased or negative backlash effect lowers as the cost of an attack for the terrorists are connected to the deterrence effect.

When assessing the threat levels of Germany in the years 2015 until now, one of the main threats is the Islamic extremism, and especially returning fighters from the Levant area. Thus, it must have been considered an obligation to participate in the coalition and not be a free rider. The participation has further consequences for the backlash effect, as it can carry potential loss of personnel. To this day there has been no loss of German life connected to the participation, thus having no effect. Next there is potential for a human rights backlash. This is relevant as the coalition operation has taken place in Syria, Iraq and the Levant area in general, an area with ongoing civil war and breakage of human rights.²³³ It is fair to argue that a human rights backlash has not been a concern as the coalition was authorized by the UNSC, and as Germany has not used force, the German measures are not causing any potential negative backlash effect in regards to human rights. In general, it is possible to argue that the negative aspect and potential negative backlash effect is of a level which is to be accepted, due to the potential positive influence on the deterrence effect the participation has. The deterrence effect of the coalition operations is undeniably positive. President Trump announced the impending defeat of Daesh in February 2019.²³⁴ Despite a more cautious statement from Chancellor Merkel, calling IS a threat transforming into an asymmetrical warfare force,²³⁵ there is no debate that the coalition in cooperation with regional partners achieved victory. This means that the deterrence

²³² Arce M, D & Sandler, T (2005): “Counterterrorism A Game-Theoretical Analysis”, *Journal of Conflict resolution* 49(2), p185-186.

²³³ Human Rights Watch (2019): “Syria”, [Online] Last Accessed 28 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/middle-east/n-africa/syria>

²³⁴ Galaxy, H (2019): “ISIS Still 'a threat' in Syria, says Merkel”, [Online] Last Accessed 29 April 2019 Retrieved from Politico: <https://www.politico.eu/article/angela-merkel-isis-still-a-threat-in-syria/>

²³⁵ Ibid.

effect for the German measures is strictly positive, as level of recruitment is little to non, perceived level of cost within terrorist group is extremely high, and willingness within Daesh is low. The incapacitations effect of the German measures is not relevant as there was no German use of force, however in a coalition perspective, the incapacitations effect was also strictly positive.

It is possible to argue that the threat against Germany, and potential backlash of participating in the coalition is not fully removed as IS is still an active terrorist organization. The defeat is limited to Daesh fractions in the Syria and the Levant. As Daesh, as an organization was not the target of the coalition, this perspective is beyond this analysis.

4.2.3 Case findings

The German internal approach is highly focused on non-violent and low levels of use of force. The focus is not on security forces in the streets, but on preemptive measures and on deradicalization. The preemptive measures and deradicalizations approach are ensured with a long list of legal initiatives, providing involved intelligence services and police forces with the required legal measures to arrest, prosecute and trail potential threats to national security. In the recent years, a focus on returning foreign fighters saw new legislation against travel for terrorist purposes, and a significant increase in terror related arrests. The German internal approach has a high level of positive deterrence and incapacitations effect, as the freedom of terrorists are continuously limited legally and strengthened intelligence is raising the cost for the terrorist groups. The backlash effect is positive, and attacks has decreased since the large Christmas market attack in 2016. The internal approach is compliant with the Hardline approach, with only minor infractions. The conclusion on the internal approach is that it is effective. The external approach is based on international cooperation. In the case of the German participation to the coalition against Daesh, Germany participated without the use of force. This forces the analysis to base its conclusion on the incapacitations effect on the outcome of the coalition mission and not solely the German measures and it is fully positive. The German measures creates a potential for a negative backlash effect. This potential negative backlash effect was with a high level of certainty accepted pre initiation of the operation. The accepted potential for negative backlash effect was a sacrifice for the level of positive deterrence effect. The deterrence effect of participating in the coalition is positive, and provides a strengthened alliance with coalition partners, and avoids potential negatives of being a free rider. In conclusion, this case of German external CT measures is that they are effective, but only as the potential for negative backlash effect was accepted pre initiation.

4.3 Comparison

This thesis set out to determine what the criteria are of an effective counter terrorism policy, namely, how to understand and apply effectiveness on CT policy. The key findings of both cases in the analysis will be discussed below; First, the internal cases and what sets them apart, and secondly, the external cases and what sets them apart.

4.3.1 Internal Cases

The French internal case is based on an emergency CT law with a long history. In the timeline of the analysis of the state of emergency, the highest level of alert under the vigipirate plan has been initiated. The state of emergency sees a level of alertness with military in the streets, with soldiers carrying out security tasks. This is a CT policy measure that is preemptive, very offensive and open to the public. Where in contrast the German TBG, is mix of offensive and defensive measures. The German policy approach is less open to the public in its offensive measures, as the offensive measures are focused around intelligence. The inherent differences of the two policies are not the foundation for one being determined as effective and the other not. Similarly, to the German policy approach, the French policy approach has been able to provide a very strong deterrence and incapacitations effect. It was proven multiple times in the analysis previously that the policy and the connected emergency laws was able to lower the number of attacks and influence the level of threat in a positive direction, ultimately seeing the state of emergency being removed. In the focus on strengthening intelligence, the German and French policy approaches are alike, and in this category both policies achieve positive impact on the effects. It is the dissimilarity, in the nature of the emergency laws connected to the Vigipirate plan, and the TBG that the major difference is found. The French policy approach sees severe breakage of the Hardline approach, which is trade-off on loss of freedom in a liberal democracy. This breakage has a negative impact on the Backlash effect so severe, that the policy in general cannot be deemed effective under this conceptual approach. In contrast the German policy approach manages to stay within the Hardline approach with only minor infractions. It is thus the Hardline approach which forms the point of separation between the policies. Focusing on where the French policy approach breaks the Hardline approach, there is a foundation for stating that the trade-off with loss of liberty, is a trade-off which has been accepted pre-initiation of the policy by the French government. By this conceptual approach, that pre acceptance of such trade-off is subject to less negative impact or potentially non, in regard to the backlash effect. However, in contrast to the

German policy, in which a trade-off seeing loss of liberty too, there is no breakage of the Hardline. Specifically, the breakage of step three²³⁶, is the main difference. In the French case, the security forces do not at all times act within the law. Based on the Hardline approach it constitutes an undermining of the security forces democratic legitimacy. It is fundamental to the effectiveness, that a policy does not undermine the public confidence in or respect for the police and criminal justice system. The failing to comply with the third step, starts a chain-reaction, which sees an overreaction from the security forces, which often results in ethnic profiling. This overreaction could be by the Hardline *'destroy democracy far more rapidly and effectively than any campaign by a terrorist group'*²³⁷. The chain reaction extends into a potential breakage of the fifth step: *'The secret intelligence agencies and all other institutions involved in combating terrorism must be firmly under the control of the elected government and fully accountable to it.'*²³⁸. The government institutions, e.g. the security forces do potentially not operate firmly under the control of the elected government. This is severe contrast to the German policy approach, which saw minor breach to the Hardline-approach, based on by-laws with tones of emergency laws and their lack of limited timeframe, if the by-laws were to be considered emergency laws. As the argument made above, the French policy approach and the breakage of the Hardline is a deliberate move and an unofficial part of the plan. Should this be the case, the overall difference between the two policy approaches, can be boiled down to level of accepted trade-off, of liberty in a liberal democracy. Based on that criteria, the French policy approach is still ineffective under this conceptual approach, as the trade-off is simply not worth it when compared to the German policy approach. The trade-off is too big, as the German approach has used a defensive approach based around deradicalization to their policy, which has based on the analysis above, provided results equaling those of the French. There is no obvious gain to the trade-off, and the impact is simply too big. In the case of the internal policy, the criteria separating the two policies is the Hardline approach framework.

²³⁶ Step 3 in the Hardline approach: *The government and security forces must at all times act within the law. If they fail to do this, they will undermine their democratic legitimacy and public confidence in, and respect for, the police and the criminal justice system.*

²³⁷ Wilkinson, P (2011): "Terrorism Versus Democracy: The Liberal State Response", London and New York: *Routledge, Second Edition*, p75.

²³⁸ *Ibid.*

4.3.2 External cases

In both external cases the policy approaches had a significant amount of inherent differences. The German policy approach is a non-use of force only-supportive, in contrast to the French policy approach which is both a supportive and use of force approach. The Barkhane mission is by itself fully under French control, contrasting the German participation in the coalition against Daesh which sees Germany adhering to Coalition command. The effects of Barkhane mission is on almost all points different from those of the German policy approach, as the Barkhane sees negative impact on all three effects. Both policy approaches were analyzed in the context, in which they operate. The Barkhane mission is located in an area with severe political unrest, and the options for local partnerships are at best questionable. These partnerships are also the most notable difference compared to the partnerships of the German operation, which sees its partnerships being of non-questionable character. The Barkhane mission is the perfect example under this conceptual approach as the criteria for an effective external approach are all not fulfilled. In contrast to the perspective of General Lecointre²³⁹, the context and actions and results of the partners to the Barkhane matters greatly. While fully recognizing that the G5 has seen lack of funding and training, he states that the G5 is operating under an established legal framework, despite multiple accounts of partners to the G5 violating human rights as proven in the analysis. The reasoning behind the argument made by General Lecointre is that the Barkhane mission in itself, judged solely on its own results has been effective. The reason why the conceptual approach does not follow this approach is as stated in the approach, that it becomes too easy, and with a too high degree of uncertainty to state success, based on a fraction of a mission. In this case, the General alleviates the Barkhane mission of responsibility in regard to the worsening situation in the Sahel. This is due to political reasons, as seen before in other examples.²⁴⁰ Whatever the reasoning, it contrasts the German policy approach, which fully accepts its part to the coalition, and as such the responsibility of the results. It is by all means fair to argue that the German approach is of a much lighter character than the French, and thus the outcome would be different in any analysis. This, however is not the case with the conceptual approach. As shown in the analysis, the external policy approaches are judged by indicators chosen for the concept, but with goals and aims chosen by the policy approach. This means, had the Barkhane been able to achieve its

²³⁹ The Defense Post (2019): "Jihadists losing grip in Mali but peace will take time, French armed forces chief says" [Online] Last Accessed 5th May 2019, Retrieved from The Defense Post: <https://thedefensepost.com/2019/03/25/mali-operation-barkhane-g5-sahel-lecointre/>

²⁴⁰ For other examples see for instance: Hegemann, H, & Kahl, M (2015): "Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports", *Studies in Conflict & Terrorism* 38:3, p205.

goals, the result of the analysis would change. It is also fair to argue that the ambitions of the two policies are different, as the French policy approach requires more of the French security forces to succeed than the German policy approach does of the operation. However, this is relevant for the effects. Making external CT policy is a complicated task, as especially shown with the Barkhane partnerships section of the analysis. To partner with local questionable partners, can have a wide array of side effects. This is something to take into account before initiating and during the construction of the policy.

5. Discussion

In this section the trade-off located in the analysis is discussed. After that the section moves into the limitations to the study, and addresses the limitations set out in the methodology.

Lastly a discussion on further avenues for research based on this thesis and how these are relevant to potentially pursue.

5.1 Trade-off

A reoccurring argument regarding the effectiveness in this conceptual approach is the trade-off of limiting civil liberties for security made by the policies. As the breakage of the hardline approach has had such a large impact on the effectiveness in the analysis, it is thought-provoking to take the perspective of trade-off as key decider of effectiveness. In the French internal case, it was clear that the breakage of the hardline effect was caused by security personnel which did not stay within their legal framework and thus causing the exercising of the measures to constitute an overreaction. As proven in the analysis, the overreaction and especially the ethnic profiling was not shut down by the government immediately and as such it is fair to argue that the government accepted a trade-off with loss of civil liberty over perceived security. In the external Barkhane case, it was not only, but the negative backlash effect as a result of partnerships to the mission. As proven in the analysis, multiple of these partners was proven violators of human rights and civil liberties. As also stated previously, the French government was informed regarding the nature of these partnerships before the Barkhane was initiated, and again it is fair to argue that a trade-off was consciously made. In contrast, neither the internal nor the external German policies suffered from negative effects due to a trade-off.

Germany did indeed trade-off civil liberties for perceived security, but it is the scale of the trade-off which differs greatly to that of French policy.

The question is then, how come the difference in level of trade-off makes such a big difference for the effectiveness of the CT policy?

For the internal French CT policy, the trade-off of such a scale has enormous impact. Starting with the consequences of ethnic profiling. In his book, Grayling argues how radicalization and recruitment to Islamic organizations can be caused when the individuals are not a part of the society in which they are placed.²⁴¹ Specifically he uses the example of French Algerians living in France who feels alienated from the mainstream culture surrounding them, and thus seeks towards a singular Islamic identity as shield.²⁴² Grayling uses it as a potential danger of identity thinking, but essentially it is the alienation from the mainstream culture which is the mechanism. It does not take much argument to state that being ethnically profiled is an alienation from the mainstream culture. Especially when France is known for handling immigration with *“the aspiration has been for everyone to be considered first and foremost French, with the eye of officialdom studiously blind to differences of ethnicity, creed and originating culture.”*²⁴³

By contrast individual consequences such as exemplified here by ethnic profiling, and related security force violence are not likely to be found in the German internal approach. As least not to the same extent, due to the lessor trade-off.

As hard as it is to prove the trade-offs effect on individuals, it is more beneficial to use the reports found in the analysis from Human rights watch on France.²⁴⁴ These reports make it clear on a higher level, the trade-offs between German and France differ as there are no such equal reports of German nature. With that said, the trade-off by the internal German policy, is also a removing of civil liberties.

²⁴¹ Grayling, A (2010): “Liberty in the Age of Terror: A Defence of Civil Liberties and Enlightenment Values”, London: Bloomsbury, Chapter 4.

²⁴² Grayling, A (2010): “Liberty in the Age of Terror: A Defence of Civil Liberties and Enlightenment Values”, London: Bloomsbury, p91.

²⁴³ Ibid., 94.

²⁴⁴ See again: Human Rights Watch (2016): “France: Abuses Under State of Emergency”, [Online] Last Accessed 25 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/news/2016/02/03/france-abuses-under-state-emergency>, & Human Rights Watch (2018): “France: Stop Ethnic Profiling, Protect Asylum Seekers' Rights and Review Counterterrorism Law”, [Online] Last Accessed 25 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/news/2018/06/28/france-stop-ethnic-profiling-protect-asylum-seekers-rights-and-review>, & Marquis, C, & Jeannerod, B (2017): “Urgent Action Needed on Ethnic Profiling in Police Checks in France”, [Online] Last Accessed 25 April 2019, Retrieved from Human Rights Watch: <https://www.hrw.org/news/2017/02/28/urgent-action-needed-ethnic-profiling-police-checks-france>.

In her analysis, Zeugmann analyses the US and German trade-offs post 9/11, and finds that Germany accepts trade-offs which violate its constitution.²⁴⁵ Zeugmann finds in her analysis that both the US and Germany are willing to accept a higher trade-off and take larger political chances based on the level of scotopic fear. In the case of Germany, attacks across Europe and the attacks on 9/11, saw the German government with opportune conditions for enhancing its security plans.²⁴⁶ The trade-off in itself is not all negative. Finkelstein et al, conducted a survey in the US post 9/11, in which they found that all groups that were a part of the study, including, self-identified liberals, moderates and conservatives were willing to make trade-offs for a lowering of risk related to terrorist attacks.²⁴⁷ Finkelstein uses among others the theoretical model on trade-offs between civil liberties and security created by Viscusi and Zeckhauser from 2003.²⁴⁸ In short their surveys demonstrate via the model that individuals are more or less concerned about loss of civil liberties for safety, based on their own perspective on terrorism risk and hindsight biases. E.g. they find that nonwhite respondents are more reluctant than caucasians to support ethnic targeting.

Combining these studies, the argument must be that the level of accepted trade-offs is of a subjective character, be it individually or governmental based. Using this perspective on the German and French case in this thesis, it is arguable that the higher acceptance of trade-off from the French government is a result of fear for attacks. In the analysis the numbers, to some extent, proved that the French government had more to fear than the German, however, that is also the characterization of an overreaction.

It is the overreaction which constitutes the breakage of the Hardline approach and thus the limitations for trade-offs in this conceptual analysis. These limitations created by the hardline approach are a conscious choice made by the author and thus also of subjective character. The question then is; Who is to set the boundaries for trade-offs? And what requirements are there to these boundaries?

For internal CT policy it will become harder to argue anything, besides that the boundaries of acceptance of trade-offs and the requirements to these are set by the government. Without going into

²⁴⁵ Zeugmann, C (2008): "The Trade-Off Between Civil Liberties and Security in the United States and Germany after 9/11/01", *Hamburg: Druck Diplomica Verlag GmbH*, p84.

²⁴⁶ Zeugmann, C (2008): "The Trade-Off Between Civil Liberties and Security in the United States and Germany after 9/11/01", *Hamburg: Druck Diplomica Verlag GmbH*, p85.

²⁴⁷ Finkelstein, E, A, et al (2017): "Trade-offs between Civil Liberties and National Security: A discrete choice experiment", *Contemporary Economic Policy Vol 35(2)*, p292-311.

²⁴⁸ Viscusi, W & Zeckhauser, R (2003): "Sacrificing Civil Liberties to Reduce Terrorism Risks", *The Journal of Risk and Uncertainty 26(2:3)*, p99-120.

a debate on the UN charter article 2.4²⁴⁹, the sovereignty of the state is total. By this thought, whatever internal trade-offs are made, is of an acceptable nature. This line of thought should not be accepted. Human rights and to a larger extent civil liberties have been created for a reason. Especially, but not exclusively, human rights are not to be violated.

When an internal policy approach of a state is criticized by organizations such as Human Rights watch, the level of acceptance has gone too far. Morality has to impact CT policy. This is why the Hardline approach is used in this conceptual approach, and this is where, in this case the effectiveness of a policy is either positive or negative. In the French external case, the morality is thus related to the choosing of partners to the Barkhane mission. It is a fair argument that the French government had little to no choice in choosing these partners, or at the very least it was a case of going with the lesser evil. By not a long stretch this could have a positive impact on the Hardline approach. Taking the ‘‘best’’ available option should be awarded and should hypothetically not be substance for negative claims. However, the Barkhane mission builds itself around a partnership with the G5. When both the US and and peacekeeping operations are active in the region. Without opening another avenue, one would have to argue that the region sees engagement from partners of a completely different nature than that of the G5. This contrasts the German external approach, who joins a coalition, where partners are of a very different nature. It is clearly a conscious decision to join the ‘‘secure’’ partner established coalition and not engaging in another format. With the US active and peacekeeping operations ongoing in the area, the Barkhane should have been primarily built to partner with these instead of the G5. And with that argument it is thus clear that conclusion on the partners chosen should stand, and that the morality of going with the lesser evil does not change the effectiveness under this conceptual approach. It does, however, have to be clearly stated, that the scope of this thesis might not uncover the actual reasons for the choice made by the French government in regard to Barkhane, and as such, the conclusion on partnerships and effectiveness is solely in the perspective of the conceptual approach.

5.2 Limitations to the study

As important it is to prove what the study is about, it is essential to state what it is not about. The study does not represent a theory. The conceptual approach is not designed to attempt any theory creation, nor provide answers to the big question of how to do effective CT policy. The conceptual approach is designed to provide lessons learned and to gain insights into the criteria of how to

²⁴⁹ United Nations Charter, Article 2 (4).

determine a CT policy. The approach is thus a framework to be applied to individual policies with the goal of gaining insights into the effectiveness of the policy, not attempt answers as how to make a policy more effective nor how to build an effective CT policy. The concept utilizes existing theories and concepts, but does not attempt to include all theories or concepts existing within CT, terrorism or effectiveness of terrorism. The conceptual approach does not attempt to prove the validity of the three included effects, but instead to use them combined to provide example of how the effects can be used validly. The cases used in the conceptual approach do not represent all internal or external CT policies, neither in general or for Germany or France. The policies are chosen examples of active CT policy, which are combined with other CT policies and measures in the respective countries, and as such the policies are not representing the complete coin that is the entire France or Germanys CT policy. The policies from each country are two parts of the same coin and is chosen as one internal and one external as to exemplify a part of each side of the coin. As stated in the concept application, the size of the individual policies, effects the outcome of the analysis. For the analysis carried out in this thesis, there is a difference between the size of the internal and external policies. The internal policies are smaller, as they are not carried out in an international environment with international cooperation. This means that the factors to the analysis are limited to a fixed framework of the country, where the CT policy is carried out. This is not a general note CT policy analysis, as internal policies are often linked to regional policies. E.g. German or French CT policy are linked to EU CT policy or even UN CT policy.²⁵⁰ However, this analytical avenue has not been explored in the analysis of this thesis, and this limitation is essential as to understand the scope of the analysis and the conclusions. This limitation does not invalidate the project as it is the quality of the case and how they are analyzed not the quantity of observations that is relevant in a process tracing study.²⁵¹ However, as a further avenue, to come closer to providing answers to the big question of effectiveness of French and German CT policy, one will have to conduct an analysis in which the connection to EU and UN CT policy is also analyzed. For this thesis it was a necessary limitation, as it would require comprehensive research on both EU and UN CT policies extending the project beyond the scope of keeping the application of the conceptual approach in focus. For this project, this avenue could potential degrade the quality of the observations used and thus influence the purpose of

²⁵⁰ For examples of German and French CT policy being related to EU CT policy see for example: EU Terrorism Situation and Trend Report (2017): TESAT 2017 [Online] Last Accessed 10 May 2019, <https://www.europol.europa.eu/tesat/2017/>.

²⁵¹ Gerring, J (2007): "Case Study Research", *Cambridge University Press*, p180.

providing support to the argument, that this conceptual approach could provide insights or lessons learned. To analyze the CT policies in the perspective of their cooperation could be useful to attempt conclusions on overall effectiveness of the policies. In general, the limitations are necessary as to keep the project manageable and do not imply that other CT policies of France and Germany not chosen, or these policies' connection to the EU, UN etc. are not worthy or relevant for analysis.

Most importantly, nothing in this case should be interpreted as an attempt to identify the silver bullet or the creation of a universally applicable best practice. The conceptual approach has the aim of contributing to the body of research with a conclusion on criteria, which can be used to determine a CT policy as effective.

An example of how this thesis and the conceptual approach contributes, is found in way it handled the indicators. As stated in section 4.5, the indicators and attributions problems are relevant for this study. The analysis managed to utilize the number of arrests, and it proved to work for this conceptual approach as it, the number of arrests, was a direct aim and result of internal policies and connected emergency laws applied. Especially in the German case, the numbers of arrests are as shown in the analysis connected to a specific extension of legal framework for the police force. This case does not claim that the numbers of arrest is a general trustworthy indicator, however, the use of the indicator in this analysis proved that the indicator can be gainfully used outside the limitations set by Dongen.²⁵² This understanding of CT measures is arguably contrasted in the conceptual approach and in the analysis. The understanding that certain measures are able to create positive results but negative in others, are exactly the argument why the conceptual approach uses all three effects combined. The de-radicalization argument is related to cost of being or becoming a terrorist. As shown in the German which has a large focus on de-radicalization, the policy approach is effective due to the combination with emergency laws, and other legislative initiatives which greatly raises the costs of becoming a terrorist. It is clear that even the German policy approach does not prevent radicalization despite being argued as effective, but that is not either necessary. The concept approach does not provide a best practice solution, but it does provide an example of lessons learned. The lesson learned is that a combined conceptual approach provides insights, not necessarily answers, but insights useful for creating, implementing or analyzing CT policy useful for future CT policy endeavors.

²⁵² Dongen, T, V (2009): "Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism", *Economics of Security*.

5.3 *Avenues for further research*

This section discusses potential avenues for further research within the topic, and related to this thesis. This thesis provides foundation for further research within the field of effectiveness in CT, but also raised questions regarding external partners and context to the individual policies. For extending or expanding this thesis, the first avenue potential avenue could be combining the CT policies with EU, UN and/or potentially other regional actors such as the AU, could provide promising insights into the effect of specific measures. Combining national CT policy with international actors can help understand or justify the indicators chosen by the state creating and conducting CT policy. Combining national policy with international actors can help one understand the reasons as to why a policy is created and conducted in the way it is. This conceptual framework does not focus on creation, and as such the layer of regional actors could provide a promising extension of this thesis. Choosing this avenue could give valuable insights into the trade-off aspect too. It is clear that the partners/regional actors, which the Barkhane was created to partner with, must have had an influence in the formation of the Barkhane. Putting a focus on the external environment in which national external and/or internal policy is created, can arguably provide understandings and potentially answers to some of the major criticisms of effectiveness as measurement in CT policy. This is because the criticism towards effectiveness in CT found in the literature has a specific focus on the indicators, and how these are influenced by context. Furthermore, the criticism focuses on how the diversity in measures complicates the potential for creating lessons learned or examples of best practice. To understand the foundation and potential backlashes accepted by the practicing state, could potentially help solve or provide insights into how to overcome the ‘‘attribution problem’’²⁵³. Especially the potential backlashes (trade-off) accepted by the state, can be uncovered by understanding the context of the policies.

When focusing on the context alongside the policies, it is an interesting avenue to argue that in the case of the Vigipirate policy, or the Barkhane mission, the French government had has aims and accepted backlashes(trade-offs) beyond those stated in the policy papers. By the use of context, one could potential find reasoning changing the level of trade-off accepted when applying this conceptual approach. But also, the use of context could open an avenue into effectiveness in CT research with a more comprehensive fixed frame for analysis of effectiveness. This could give further insights into

²⁵³ Hegemann, H & Kahl, M (2015): ‘‘Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports’’, *Studies in Conflict & Terrorism* 38:3, p203, & Dongen, T, V (2009): ‘‘Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism’’, *Economics of Security*, p634.

solving the attribution problem, and even potentially provide more valuable and reliable knowledge able to solve the interpretations problem.²⁵⁴ Further promising avenues could be to research the implications of the lack of a universal terrorism and/or CT definition. With Hoffman's argument that the term terrorism is grossly overused²⁵⁵, it is fair to argue that a large part of the distortion referred to by Hegemann & Kahl and Dongen²⁵⁶, is due to the distorted nature of terrorism and CT studies. Bruce argues that '*social structure and order, governance of society and politics are dependent on good communication*'²⁵⁷ He also argues how the definition will affect communication and response to the issue.²⁵⁸ To follow the avenue of providing answers towards the definition of terrorism could potentially start a snowball effect, in regard to, how effectiveness in CT policy is researched. This would contrast the classic approach, which is also used in this thesis, where the individual author settles on either his own, or an already existing definition, and not necessarily understand/focus on, the potential consequences this has to the study.

This avenue of search for a definition has been researched to a large extent as shown in section one. However, the avenue which could prove most ground-breaking as a potential extension of this thesis would be the one, which researches the influence the lack of definition has specifically on the effectiveness of CT. This avenue would be extraordinarily interesting from a critical perspective, with a starting point of how the lack of a definition is potentially misused. Several times throughout the literature used in this thesis it is hinted at how the lack of definition, the wideness of measures, indicators etc., is either misused or used to obtain goals.

Another interesting avenue for further research could be to expose CT policies with terrorism type specific aim to the conceptual approach. To some extent the Vigipirate plan and the TBG have been primarily used against Islamic terrorism but not exclusively. It could hold potential value to investigate if the conceptual approach could provide insights, lessons learned or best practice, when the focus shifts from internal-external policy to anti-Islamic, anti-homegrown or potentially as specific as lone wolf terrorism. Taking such an approach would allow the researcher to face the

²⁵⁴ Dongen, T, V (2009): "Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism", *Economics of Security*, p634.

²⁵⁵ Hoffman, B (2017): "Inside Terrorism". *New York: Columbia University Press*, p23.

²⁵⁶ Hegemann, H & Kahl, M (2015): "Constructions of Effectiveness and the Rationalization of Counterterrorism Policy: The Case of Biometric Passports", *Studies in Conflict & Terrorism* 38:3, p203, & Dongen, T, V (2009): "Break it Down: An Alternative Approach to Measuring Effectiveness in Counterterrorism", *Economics of Security*, p634.

²⁵⁷ Bruce, G (2013): "Definition of Terrorism Social and Political Effects", *Journal of Military and Veterans' Health*, p26.

²⁵⁸ Ibid.

attribution problem from a different perspective and thus potentially provide relevant lessons learned or even best practice within that field of terrorism.

6. Conclusion

This thesis set out to investigate *What are the criteria of an effective counter terrorism policy?*

To answer the research question, this thesis attempted to create a conceptual approach based on existing concepts/mechanisms, via combining them in a conceptual framework. This conceptual approach was able via two cases, to prove its use and although not comprehensive enough to attempt any best practice claims, it succeeded in providing contributions to the lessons learned of CT policy. It is clear that one has to avoid using success and impact as wording for analysis as these does not showcase both sides of the coin. When using effectiveness one can grasp both sides providing an understanding of the policy being a trade-off. As such the answer to the research question is twofold. The criteria for an effective terrorism policy are found in the trade-off. To break it down to pure basics; A state can disregard the trade-off, remove civil liberties or even human rights and kill off terrorism. This however is not an actual possible solution as the protection of civil liberties and freedom is the goal of CT policy. The criteria of an effective CT policy are thus finding a balance of trade-off which protects the values of the society and not compromise civil liberties while providing safety. For this purpose, this thesis used utilized the Hardline approach by Wilkinson. The hardline approach was used as a moral guideline in the analysis process and reveal differences in the level of trade-off between the cases. The Hardline approach however does not stand alone. In order to locate the Trade-off, the criteria of CT policy were found within the three effects Deterrence, Incapacitations and Backlash. These effects all individually adds to the effectiveness judgement and thus contributes to the location of the criteria of an effective CT policy. Therefore, the answer to the research question is twofold. The trade-off might be decisive, but to locate the criteria needed to understand the trade-off, the conceptual approach with all three effects and predetermined indicators has to be applied.

By any measurement this conceptual approach is based on the subjective judgement of the author and should be read as such. The judgement is based on the limitations the conceptual approach sets and therefore, should the conceptual approach be applied on a different set of cases, the limitations to what can be considered effective will have to be adapted. The conceptual approach on the other hand does not need adapting. The application of the three effects including the Hardline approach is the constant. The CT policies chosen for analysis combined with the conceptual framework serves as

reminder that a trade-off is always made. Not only in internal but also in external CT policy endeavors. Conducting CT policy is a very demanding and highly moral demanding task and should to any extent be handled as such. Overreacting can as in the words of Wilkinson:

*‘‘destroy democracy far more rapidly and effectively than any campaign by a terrorist group ..’’*²⁵⁹

²⁵⁹ Wilkinson, P (2011): “Terrorism Versus Democracy: The Liberal State Response”, London and New York: *Routledge, Second Edition*, p75.

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