EU ON THE COUNTER-TERRORISM

TERÖRLE MÜCADELEDE AB

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ABSTRACT

This study was conducted to investigate the counter-terrorism initiatives of the European Union. In determining the issue, a systematic and chronological analysis of the EU's counter-terrorism initiatives was taken into consideration. In this context, in the introduction part of the study, the background of the counter-terrorism has been told by emphasizing that terrorism is a threat to international security. After the introduction, the causes of terrorism were examined and then the EU's counter-terrorism initiatives were given in a certain order. The EU's and the world's perception of terror as a terrible threat to humanity and its systematic attempts to prevent it took place after the 9/11 terror attacks. Therefore, the EU's counter-terrorism actions began to be investigated after that date. Other attacks affecting the further acceleration of the process of institutionalization was launched after 9/11; Madrid 2004 and London 2005; and then the EU's initiatives are highlighted under the two other headings. Finally, in the 2010s, the impact of the Syrian civil war on the counter-terrorism activities of the EU and the terrorist attacks carried out by ISIS in the heart of Europe were explained. Findings obtained from the study are given in the conclusion.

Key Words: EU, Counter-Terrorism, Causes of Terror,

ÖZ

Bu çalışma, Avrupa Birliği'nin terörle mücadele girişimlerini araştırmak için yapılmıştır. Konuyu belirlerken, AB'nin terörle mücadele girişimlerinin sistematik ve kronolojik bir şekilde incelemesi dikkate alınmıştır. Bu bağlamda çalışmanın giriş bölümünde, terörizmin, uluslararası güvenlik için tehdit olduğu vurgulanarak, Avrupa'nın terörle mücadele geçmişi anlatılmıştır. Giriş bölümünden sonra, terörizmin nedenleri incelenmiş ve ardından AB'nin terörle mücadele girişimleri belirli bir sıra ile verilmiştir. AB'nin ve tüm dünyanın, terörün, insanlık için ne kadar korkunç bir tehdit olduğunu algılaması ve onu önlemek için sistematik şekilde girişimlere başlaması, 11 Eylül terör saldırılarından sonra gerçekleşmiştir. Bu nedenle de, AB'nin terörle mücadele eylemleri bu tarihten sonra değerlendirilmeye başlanmıştır. 11 Eylül saldırıları sonrasında başlatılan kurumsallaşma sürecinin daha da hızlanmasına etki eden diğer saldırılar; 2004 Madrid ve 2005 Londra saldırıları ve onlardan sonra AB'nin girişimleri, diğer iki başlık altından vurgulanmıştır. Son olarak ise, 2010'lu yıllarda, Suriye iç savaşının, AB'nin terörle mücadele eylemlerine nasıl etki etmesi ve IŞİD'in, Avrupa'nın göbeğinde gerçekleştirdiği terör saldırıları anlatılmıştır. Çalışmadan elde edilen bulgular, çalışmanın sonuç kısmında verilmiştir.

Anahtar Kelimeler: AB, Terörle Mücadele, Terörün Nedenleri, Terörle Mücadelede Kurumsallaşma

1. INTRODUCTION

1.1 Terrorism as a Serious Threat to International Security

In the global context, terrorism has been one of the most actual threats for international security as it caused a massively huge devastation in each part of the world. The definition of terrorism can be explained in two different ways: firstly, by literally meaning of it, terrorism is the calculated use of threat to achieve political objectives through intimidation or fear (Prabha, 2000, p 126); secondly, terrorism is used as a political tool by the powerful organizations in order to realize their particular objectives such as an implementation of chaos theory (Meisels, 2009, p 342). What are the causes of terrorism? Why the terrorist groups primarily target developed regions, Western Europe or US? How can be achieved to prevent terrorist acts? Those questions have been turned to the crucial issues of international debates. In this paper, it has been described terrorism and cooperation in counter-terrorism by European perspective, as well as the factors make EU the most unique target.

1.2 Background: European Solidarity in Counter-Terrorism

Terrorism has been a vital problem in European countries, since the 1970s up until very recently, when numerously radical, terrorist groups acted on violence, civil unrest. The most well-known such separatist groups were the "Basque Euzkadi Ta Askatasuna (ETA is a Basque originated group which struggled to establish an independent state without any dependency on Spain or France) and the "Irish Republican Army" (IRA is an armed movement in Ireland which aimed to achieve an independent Irish republic by using of political violence) (Argomaniz, 2011, p 3). In fact, the Spanish and French cooperation against ETA and British-Irish collaboration against IRA was completely bilateral which limited the effectiveness of those actions. Another radical, leftist terrorist organization was the "Red Army Fraction" so called "Baader-Meinhof" which was established in Western Germany in 1970 (Bauer, 2009, p 261). It engaged in a series of political assassinations, kidnappings and bank robberies until the end of 1988. Considering the fact that, the 1970s was a substantial period that indicated the lack of European members' strength to defeat the terrorist threat in their own countries. The initial step towards counter-terrorism was the foundation of Terrorisme, Radicalisme, Extrémisme et Violence Internationale (TREVI) (Argomaniz, 2011, p 5) intergovernmental forum in June 1976 which aimed to exchange data on terrorist groups, increasing a material base and developing a multilateral networks or communication system between member states. The further attempt to address the terrorist menace was launched with the adoption of 'European Convention on the Suppression of Terrorism' at Strasbourg on 27 January 1977 (European Treaty Series-No.90, 27/01/1977) in order to enlarge the systematic cooperation among European countries. Despite the launching of those sorts of joint actions against terrorism, the main drawbacks such as lack of stabilities and practical implementation and the presence of limited databases made difficult to fight terrorism. A strong consolidation of European states can be observed with the Treaty on European Union, so called "Maastricht and Amsterdam Treaties" that strengthened the areas of police and judicial cooperation by defining specific objectives and creating fundamental institutions. Essentially, the third pillar was adopted on cooperation in the fields of Justice and Home Affairs (JHA) to provide the maximum level of safety for citizens. In 1999, the establishment of European Police Office (Europol) was an efficient step which missioned to operate together with the members in order to act out the international crime and terrorism. It is interesting to note that terrorism was not mentioned in any parts of European structure as a priority till the year of 2001.

2. THE CAUSES OF TERRORISM

Many scholars and researchers have worked upon terrorism in order to define the motivations behind the aggressive behavior or political violence. One of the incentives for terrorism was explained on the basis of structural imbalances such as, poverty, income inequality, level of education and lack of political freedom which lead to terrorist acts. However, those sorts of structural factors have existed through a long period of history as spontaneous discrimination among societies or individuals were natural trend which resulted in evolutionary process such as globalization or failure of former political and economic system. In the other words one of the most relevant reasons for terrorism or aggressiveness as well as political violence is a psychological factor which affected by provocations and policies of developed countries' administrations. In order to portray the accurateness of this argument, it is crucial to look back, precisely decades ago. For instance, D Eisenhower, the President of US expressed in 1958 that there was the campaign of hatred against us in the Middle East not by Governments but by people because the most had perceptions which emphasized the US was supporting harsh and corrupted regime in the region. Anyone could not oppose to

this intuition that US implemented its own policy because of it had significant interest of oil reserves within the region

Another example, after 9/11 the Bush Administration launched the policy with increasing the inspections on people who originated from Muslims within the US. The screaming with rage to denounce the Muslims as leading terrorists of the world, so called political exclusion of them caused the rising of aversion from those to Western world. The groups of people or society who are blamed as the most dangerous criminals start to grow their hate towards Administrations or states which announced them as a head of terrorism. Therefore, the need should be given to find out the source of terrorism before try to exclude them internationally without any logical reason. The key point in this context is that, do not act or intervene in order to increase the threat. If you proclaim the Arabs, Africans or any human beings who are Muslims as an enemy of mankind, they will be affected psychologically or neurologically in order to revenge or give aggressive, counterpart response. Besides this, the US and Western military intervention into Afghanistan or other parts of Middle East, bombing the region to destroy the existing regime and killing lots of innocent people have played a huge role in multiplying the threat of terrorism and creation of background for those acts of violence. Those offensive acts into internal policies of countries always grow the illegitimate violence which actually means terrorism. For this reason, some states also can be called as leading terrorist structures because they also use the violence or physical force under the name of legitimacy. The concept of state terrorism can be argued in different standpoints on the basis of question in which the illegitimate use of political violence means terrorism or not. As Claridge has mentioned: "When a state uses violence as a means of coercing society, rather than defending it, it initiates an abuse of the 'monopoly of the legitimate use of physical force'; and if a state institutes a policy of elimination of entire sections of its own (or another) society it is clearly behaving in an unacceptable and illegitimate manner- beyond the limits of its sovereignty" (Claridge, 1996, p 48,). Consequently, the states necessarily should carry out their external policy within the international framework with taking into consideration the human values and without causing of incitement.

3. POST 9/11 THE LEGAL FRAMEWORK OF EU COUNTER-TERRORISM

The 11 September terrorist attack on New-York and Washington moved EU institutions to build up further legal and effective structures for action. The immediate precautions were implemented by EU to build up three significant legal mechanisms: the Plan of action in 2001, the Framework Decision on Combating Terrorism in 2002 and the Framework Decision on European Arrest Warrant in 2002. On the 21 September 2001, EU declared the "Action Plan on the Fight against Terrorism" (The Action Plan and Declaration, 2005) which called all member states to work in all circumstances such as the solidarity and cooperation with the United States, support on economic prospects in order to recover the slowdown of the economy after 9/11. The most substantial measure was the establishment of the EU Agency for Judicial Cooperation in Criminal Matters (Eurojust) and institutionalization of CT-related cooperation with the Police Chief Operational Task Force (PCOTF) (Devovic, 2012, p 2-3). Eurojust's leading tasks were to improve the coordination on criminal investigations and strengthen the informational research upon dangerous terrorist groups. Furthermore, the Joint Investigation Team (JIM) was created on 13 June, 2002 to enhance comprehensive and operational examination on civilian records.

In spite of the establishment of several legal and judicial structures, the practical implementation on Terrorism was not enough to prevent an international crime and terrorist acts. One of the most logical reasons that bring to inefficient conclusion was the lack of entire participation between EU members. Another barrier was that the attack on US highly-protected construction was perceived as an attack to the whole Western world in theory but not in application. Therefore, the countries which involved building up a security provision for the EU after 9/11 were unwilling to share their informational databases with others because of absence of mutual trust. The possible solution could be in this way that instead of create the swift counter-terrorism organs, the rationale behind 9/11 attack would have to be analyzed deeply in order to find out a ground which brought to one of the huge offenses the world faced in 2001. Interestingly, the Pentagon and World Trade Center were chosen as the potential target. Although, both had incredible protection systems but this essence was not an avoiding factor for terrorists in order to realize their plans in advance. In this context, the need was to look for the causes behind this aggression. One of the relevant reasons to cause it was the US consistent intervention into Middle East region that increased the threat against itself. By having a rooted and imperial past, especially Great Britain and the US involved continuously in Iraq or other mixed areas in order to maintain their dominant position and implement their

policy without taking into account the local population who live there. Such an external policy played an immense role in gaining the considerable amount of aggressive opponent in those regions.

4. POST MADRID 2004: FURTHER MEASURES UPON INSTITUTIONALIZATION PROCESS

The Madrid train bombings have opened a new path for further implementation in the European Council. The Justice and Home Affairs proclaimed the Declaration on Combat Terrorism, which adopted by the European Council on 25 March 2004 (Casale, 2008). The new statement mainly focused on strengthening operational cooperation and enhancing informational flows at the state level, as well as offering crucial guidelines for strategy upon counter-terrorism. On 18 June 2004, the European Council confirmed the revision of existing Action Plan in order to detect more priorities for strategic objectives. This declaration determined seven important matters fighting and preventing terrorism. These included:

❖ Increase the international efforts and joint actions with the UN

❖ Highly protection of financial and economic resources from terrorist intervention

❖ Improve the capabilities of member states upon investigation

❖ Provide the maximum security system in international transport and establish operative border control

❖ In order to form fully-fledged members against consequences of terrorist attacks, enhance the capability of each state

❖ Identify the factors which contribute to emerge terrorists and explore potential reasons behind aggression

❖ Target actions under EU external towards priority. Third countries where counter-terrorist capacity or commitment to combat terrorism needs to be enhanced. (Casale, 2008, page 52).

In Additional to those implementations, the counter-terror area of governance passed into a new path of development after Madrid bombings. Following this trend, the High Representatives addressed to add mission of Counter-Terror coordinator into Council Secretariat. Moreover, the establishment of the Situation Centre (SitCen) under the CSFP High Representative at the Council's Secretariat was considered as major development of institutionalization process. This Centre's task was to present counter-terrorist intelligence analyses with the joint support of member states' Security Services. In general, the growth of operational powers in Europol and strengthening the effective system of Eurojust, as well as the construction of SitCen increased the capacity of EU on counter-terrorism.

5. IN THE AFTERMATH OF THE LONDON BOMBING IN JULY 2005

The July 2005 London bombings, so called 7/7 incident has been the second shock for Europe which resulted in death of fifty two civilians and more than seven hundreds injured. Immediately after explosion, the authorities swiftly denounced four British Muslims but since then whole series of question has been raised regarding 7/7. One of them was a conspiracy theory claimed that the Government actually faked the 7/7 bombings in order to minimize Muslims. According to Peter Clarke's statement, the leader of Metropolitan Police Specialist Operations bearing in names of three of those men closed to the seats of three of the explosions. The UK presidency called for urgent discussion about establishment of individual measures such as European Evident Warrant and Communication Data Retention regulation. It mainly aimed to create a comprehensive access for police powers in order to attain personal communication information.

In terms of EU reaction to the attacks, the "European Union Counter-Terrorism Strategy" was adopted by JHA Council meeting on 30 December 2005 (Council of the European Union, 2005). The strategy consisted of four crucial pillars: prevent, protect, pursue and respond. The *first pillar* referred to prevent people or individuals to become a terrorist and stopping them to include radical groups. For this reason, the EU has prepared an action plan in order to combat radicalization and recruitment into terrorism. The overall priorities for prevent were to limit terrorist activities through the internet, prohibiting ease of travel to conflict zones, developing a social communication strategy and media to explain better EU policies, promoting a good governance, human rights especially outside and within the Union, as well as deepen research on radicalization with sharing analyses among experts. The *second* draft emphasized the importance of protection strategy. It aimed to provide protection of key targets, reducing the impact of possible attack, strengthen interdependency between security structures. The most necessary measures were increasing effectiveness of border control through the introduction of biometrics, the establishment of Visa

Information System and the second generation Schengen Information System for providing easy access to data, protection of critical infrastructure across Europe, developing numerous methodologies for protecting the crowded areas and giving priority to preserve the whole transport system included seaports. The *third* column was the strategy of pursue which focused on finding terrorists across the EU borders, to inhibit their planning, communications and traveling, breaking their finance resources, to access the attack materials with finding out their networks and bringing them to justice. The *last* pillar was concerning a response to attacks. The EU also had a clear understanding of possibility that diminishing the amount of terrorist attacks to zero could be absurd. Therefore, the strategy was based on four fundamental principles: maximum preparing to the consequences of potential attacks by immediate recover of devastation; improve co-ordination with security organizations; full use of Civil Protection Mechanisms; provide the compensation for the victims and their families. These were whole strategic implementations which have been put by EU as leading priorities in the aftermath of London bombings. The EU after the period, especially 2005 has increased the police investigation, establishment of agencies on counter-terrorism. One was the setting up of the European Asylum Support Office (EASO) which founded by EU Regulation 439/2010 to reinforce the cooperation of member states on asylum and enhance the implementation on Common European Asylum System. It aimed to provide technical and practical support to member states and European Commission in order to solve their issues on their asylum and reception systems.

In accordance with the planning structures, the European Border Agency (FRONTEX) (The EU justice and home affairs agencies, 2014) was set up in May 2005 to develop integrated management of the EU's external borders by easing control, sharing information between member states' authorities. Besides this, in 2007, the authorities in border control compromised with US for the transfer of passenger name records data between agencies. As a result of those applications, counter-terrorism has been an institutionalized field within the EU. The most importantly three institutions had vital roles to legitimize the concept of counter-terrorism, to continue a policy at the operational level. These were European Commission, Europol and Eurojust which gave priority to combat against terrorism.

6. COUNTER-TERRORİSM ON THE SYRİAN CİVİL WAR AND ISIS

Another phase of Counter-Terrorism in EU has begun since the Syrian civil war and the rise of ISIS as numerous foreign fighters have appeared in Syria. According to reports by International Centre for Counter-Terrorism-The Hague (ICCT) (Schmid. 2015, p 3), the estimated amount of foreign fighters reached to ten thousand which included those who went there from Europe during 2011-2014. First of all, the question has evoked from the point why would one risk his or her life in order to struggle for the country which was not his or hers. One of the appropriate answers was given by EUROPOL, police organization defined foreign fighters as "individuals motivated by religion, who leave their country of origin in order to train, fights or perform extremist activities in war zones" (Schmid. 2015, p 4). The major impediment for EU was that the majority of people who went from Europe to join the extremist groups were returning to Europe again especially after received terrorist training and coordination. When several terrorist attacks occurred in France in 2015, the investigation reports have defined three suspicious who have come there from Syria. Immediately afterwards, Riga Joint Statement was agreed by member states on January 29-30 2015 (Council of the European Union, 2005) which adopted by JHA. During the meeting, three substantial factors were underlined to combat against terrorism. These included: strengthen the further work on existing institutions such as establishment of EU PNR (Passenger Name Records) framework; addressing to terrorism as extreme radicalization in order to perceive it on national and local level; provided by Europol more effective information-exchange to streamline existing procedures. Another critical strategy was proposed by the Commission on December 2015 to supplement new criminal offences against foreign terrorist fighters in order to reinforce structure on counter-terrorism. In the aftermath of Brussels incidents on March 2016, EU took specific measure to establish EU "Internet Referral Unit" (European Commission, 2016) to prevent the increasing use of internet and social media by extremist groups. The initial idea was recommended by the President of the Commission, Jean-Claude Juncker to form a "Security Union" in order to enhance the coordination system within EU's institutions vis à vis terrorism. The most significant characteristics of Security Union had to be more effective works on terrorism with construction of new groundwork for national authorities and closing the operational gaps. The Paris, Nice and Brussels attacks have compelled EU to pay more attention to internal security structures of member states and looking for causes beyond those offensives.

7. CONCLUSİON

The Treaty of Maastricht and Amsterdam, implementation of Action Plan and the Tampere European Council 15 and 16 October 1999 (European Parliament, 1999) in the field of freedom, security and justice created the foundation for EU institutionalization process on the strategy of external and internal dimensions of areas of terrorism, migration, asylum and border management, transnational crimes included drug traffic and cyber security. The highly improvement over extradition procedures was provided by establishment European Arrest Warrant which accelerated judicial process. Furthermore, the role of Europol upon international police cooperation and the role of Eurojust with dealing judicial cooperation have obviously contributed to boost external collaboration on counter-terrorism. Moreover, the Intelligence Analysis Centre (INTCEN) of the European Union also has immense role in the struggle against international terrorism. Since January 2011, INTCEN (Roell, 2015, p 5) has been part of European External Action Services. Its mission is to provide comprehensively intelligence analysis and noticing dubious circumstances to the high Representative Federica Mogherini and to the EEAC on the basis of Member States's intelligence services.

In general, EU identity, EU's global prominence and regional status are the most fundamental factors in order to achieve coordinated response and legal implementation against terrorism. However, the contemporary terrorist attacks verified that the efficiency of cross-border operational cooperation, information-sharing and joint investigation could not protect major European cities from peril. For this reason, the priority should be given on independently evaluating "what has worked" and "what has not" in order to find out primary obstacles which decrease efficiency. The need for reconfiguration of the existing EU counter-terrorism model should be initial step among law enforcement authorities of the Member States.

To sum up briefly, apart from above-mentioned emphasizes EU and also US should pay attention to grievances which mainly sources of terrorism. If EU endeavor seeking the reasons and sources of terrorist attacks as the first measure and taking into account legitimate grievances, the outcome will enable to EU's judicial and other legal mechanisms predominantly tackling the threat of terrorism.

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