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Fighting Terrorism

The need for multi-level intervention and EU interoperability

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This Food for Thought paper is a document that gives an initial reflection on the theme. The content is not reflecting the positions of the member states but consists of elements that can initiate and feed the discussions and analyses in the domain of the theme. All our studies are available on www.finabel.org

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INTRODUCTION

Counter-terrorism action has been a significant national and European concern for years. Pivotal moments leading to a stronger focus on terrorism in the 2000s included the 2004 Madrid train bombings, killing 193 people and injuring more than 2,000, and the 2005 London bombings, killing 52 people and injuring more than 700. These terrorist attacks led the Council to adopt in 2005 the EU counter-terrorism strategy in order to “combat terrorism globally while respecting human rights, and make Europe safer” (Council of the European Union, 2005).

Nevertheless, it was the terrorist attacks in Paris on 7-9 January, 2015 on Charlie Hebdo offices and a Jewish supermarket that accelerated the need and the will of stronger EU involvement in combating terrorism. The spring 2016 Eurobarometer survey indicated that 39% of citizens viewed terrorism as being one of the two most important issues facing the EU (European Commission, 2016). The same year, a survey for the European Parliament show that 69% of EU citizens considered EU action on terrorism insufficient, and 82% wanted the EU to take more action (European Parliament, 2016). Since then, EU structures and Member States have redoubled their efforts to address terrorism and act jointly on an EU-wide scale, rather than only fighting terrorism and radicalisation nationally.

Already on 11 January 2015, the EU Member States’ interior and justice ministers signed a joint statement called “Paris Declaration”, soon followed by the Council laying out its anti-terrorism priorities in the “Riga Joint Statement” on 29 January (Bigo et al., 2015: 6; Council of the European Union, 2015b). The EU’s response addressed various aspects of the fight against terrorism, such as enhancing the EU’s legal competence on the matter, preventing radicalisation and terrorist content online, improving the effectiveness of border controls, information sharing, and the use of a firearms database (Bigo et al., 2015). The watchwords to tackle these issues are the following: improving the cooperation and coordination between Member States.

The actions taken by the EU led to a better perception of the involvement of the EU in the fight against terrorism. Indeed, as stressed by the 2019 Eurobarometer survey, the number of European citizens considering terrorism as the main issue facing the EU went down to 18% (European Commission, 2019a). However, together with the economic situation and the state of Member States’ public finances, terrorism was still seen in 2019 as the third-most important issue facing the EU (European Commission, 2019b). Consequently, further EU action is needed, especially given that Europeans view the issue as rather a European than a national one: only 6% of citizens cited

terrorism as one of the two most important issues facing their countries, which is twelve percentage points lower than those who found the issue important at an EU level (European Commission, 2019b).

Interoperability is crucial in strengthening the EU's and its Member States' measures against terrorism. In 2019, the EU adopted two pieces of regulation to improve the interoperability of information systems concerning borders and visas, police and judicial cooperation, and asylum and migration (European Parliament, 2019a: 1). These shared structures are set to be fully functional around 2023 (Immenkamp et al., 2019: 8). Meanwhile, the EU's Entry-Exit System (EES) for non-EU nationals, and the European Travel Information and Authorisation System (ETIAS) that specifically concerns non-EU nationals with visa-free travel to the EU, are expected to be launched in practice in 2020 and 2021, respectively (Immenkamp et al., 2019: 7-8). Nevertheless, information gaps still exist between European schemes as well as between European and third countries or international structures fighting against terrorism (Immenkamp et al., 2019: 7). However,

cooperation with international organisation and third countries is still a delicate matter as it raises issues regarding the respect of international norms and principles by the EU (Herlin-Karnell & Matera, 2014: 13).

In sum, at present there are a myriad of European tools, instruments, programmes, structures aiming to address different types of issues related to terrorism. These initiatives illustrate a clear need for more interoperability in order to enable more effectiveness in EU counter-terrorism policy.

The study proceeds as follows. The first section sheds light on the interoperability potential of the EU defence structures related to the fight against terrorism. The second section discusses the European responses to terrorism when the terrorist menace was at its peak in Europe. The third section focuses on border security technology, a crucial facet of EU counter-terrorism policy, linked with the notion of European interoperability. In the last section, the study takes stock of the current situation regarding jihadist terrorism before looking into new forms and sources of terrorist threats.

TERRORISM IN EUROPE AND THE INTEROPERABILITY POTENTIAL OF THE EU DEFENCE STRUCTURES

The scourge of terrorism as a grave challenge to the EU

The European Union needs to protect soft targets from terrorist attacks. Though the term 'soft targets' has no universally agreed definition, it can be used to refer to "places with high concentration of people and low degree of security against assault, which creates an attractive target, especially for terrorists" (Kalvach, 2016: 6). As such, the definition includes places such as schools, public transport, museums, religious sites, or shopping centres (Kalvach, 2016: 7).

Among others, OSCE (2019) has found that terrorists have increasingly used 'soft' targets in recent years in order to "maximise civilian casualties, chaos, publicity and economic impact". In order to tackle this issue, capabilities to combine and analyse large volumes of heterogeneous data have to be improved, and the link between existing EU databases also needs to be strengthened.



Cooperation between EU Member States' agencies is key to combat the threat effectively. Source: European External Action Service

Consequently, the 2015 European Agenda on security and the 2016 Communication on the Security Union both called for “innovative detection tools and technology in protection of these targets” (European Commission, 2017: 4). The Commission emphasised that two aspects needed to be improved in this realm: the sharing of best practice between Member States in “developing better tools to prevent and respond to soft target attacks”, and improving public security and safety as well as a better cooperation and exchange of information and relevant data (European Commission, 2017). As one example of the Commission’s will to address this area, it has funded a pilot project establishing a Centre of Excellence on law enforcement special interventions between Belgium, Luxembourg, and the Netherlands (European Commission, 2017: 5).

Thus, one can perceive from the measures taken to respond to attacks on soft targets that there is a clear will from the European institutions, led by the Commission, and the Member States to work hand in hand. Indeed, the fight against terrorism is definitely a matter that needs to be tackled at the European level. This assertion is

accentuated by the EU treaties themselves: for example, Article 83 of the TFEU lists terrorism amongst the serious crimes with a cross-border dimension for which provision is made for the possibility to establish common minimum rules, and Article 222 of the TFEU incorporates the solidarity clause which states that the EU “shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to prevent the terrorist threat in the territory of the Member States” (Article 222 TFEU, 1.a.).

As a consequence, such a complex and sensitive issue requires a pragmatic approach from the EU by involving and gathering experts and appropriate stakeholders to fight, jointly, against terrorism.

Existing EU initiatives

Aware that the fight against terrorism needs a comprehensive approach and a long-term commitment, European institutions started to take measures since the beginning of the 21st century. After the 2004 Madrid bombings, the EU took the decision to establish a Counter-Terrorism Coordinator (CTC) to monitor the implementation of a counter-terrorism strategy implementation. Gilles de Kerchove was appointed as the first CTC in 2007. (Consilium, 2020a).

The seriousness and constancy of the menace over time forced the EU to enhance their responses to fight against terrorism, whose implementation was accelerated since the Paris attacks in 2015. The month following these attacks, the European Council agreed on a “statement to guide the work of the EU and the

member states in the coming months” (Consilium, 2020b). The latter is based on three pillars: security of citizens, radicalisation prevention and safeguard of EU values, as well as international cooperation.

In April 2017, the Council adopted a directive on control of the acquisition and possession of weapons, reviewing and complementing the previous directive on that matter, whose objective was to “enhance traceability of firearms and to prevent the reactivation or conversion of firearms” (Consilium, 2020b). The directive also aimed at implementing “stricter rules for the acquisition and possession of the most dangerous firearms” and banning “civilian use of the most dangerous semi-automatic firearms” (Council of the EU, 2017a). Finally, in tune with the will to improve the link between existing EU databases, the directive enables the Member States to better exchange information about the firearms in circulation. A month earlier, the Council had adopted a directive on combating terrorism which criminalised training and travelling for terrorist purposes, as well as providing or collecting funds linked to terrorist organisations (Council of the EU, 2017b).

Another outcome of European cooperation was the creation of a unit dedicated to tackle terrorist propaganda online. Established in July 2015, the EU Internet Referral Unit helps to “identify terrorist and violent extremist content online”, and makes information available for criminal investigators (Consilium, 2020b; Europol, 2020). The EU has also put pressure on online platforms to increase its efforts to detect and remove terrorist content: the proposed regulation on ‘preventing the dissemination of terrorist content online’ would oblige platforms to remove illegal content within a one-hour notice after an order by law enforcement authorities (European Parliament, 2020). If companies consistently fail to comply with the orders, they could be fined up to 4% of their

annual turnover; however, filtering uploaded content is not set to become a requirement, and the one-hour deadline is set to be more lenient for small platforms (European Parliament, 2019b; European Parliament, 2020).

Finally, in 2017, the Council amended the Schengen borders code by requiring systematic checks on individuals crossing the EU’s external borders. The measure was intended to address security risks like terrorist fighters returning to Europe. (Council of the EU, 2017b).

Talking about legal aspects, the issue of defining terrorism continues to put the brakes on the full effectiveness of EU initiatives as it has always caused divergences in the international community. Over the last decades, EU has undergone various security threats from politically unstable countries (i.e. Libya) (Dankert, 2017). Due to the freedom of movement through the European Member States, it has become easier to plan a terrorist attack in one state and act upon it in a second state while hiding in a third one. As aforementioned, following the implementation of the EU Counter-Terrorism Strategy, the Solidarity Clause was adopted in December 2007 and, in July 2015, Europol has created the European Union Internet Referral Unit. Nevertheless, all the attempts to join forces on a European and international level can be deemed void when a common legal definition of terrorism is missing.

Consequently, the need to legally define terrorism should be analysed. Greene (2017) points out that the labeller plays a key role when it comes to “who or what is terrorist”, thus being able to control the term. Moreover, there have always been divergences between States when it comes to distinguishing between terrorist and freedom fighters (Friedrichs, 2006). One should also remember that the absence of a universally accepted definition is driven by political and ideological motives of each State. For instance,

due to the dissensions with the Irish Republican Army (IRA), UK advocated for no differentiation between freedom fighters and terrorists (ibid). Therefore, one of the challenges to improve the EU's fight against terrorism is to agree on and enforce a common definition of terrorism.

In addition to the various pieces of legislation, the priority that the EU places on combating terrorism is illustrated by the emphasis it received in both the 2015-2020 EU Internal Security Strategy (Council of the EU, 2015a), and the 2016 EU Global Strategy.

The EU's main financial instrument for the fight against terrorism is the Internal Security Fund (ISF), whose budget was €3.8 billion for the 2014-2020 Multiannual Financial Framework (Immenkamp et al., 2019: 6). The 'ISF Police' that received over €1 billion of funding from the budget had a mandate to combat terrorism and other organised crime (ibid.). The fund was also used to finance bodies such as Europol's European Counter Terrorism Centre, and the Radicalisation Awareness Network Centre of Excellence (ibid.).

In addition to focusing on the internal security threat, the EU combats terrorism on a global scale. For example, the EU together with its Member States is a non-military partner of the Global Coalition to counter Daesh launched in 2014, participating in a wide range of projects on domestic and border security, and radicalisation (Global Coalition, n.d.) In another example, the EU funded the G5 Sahel Joint Force with €100 million to fight against terrorism and support security in the region (EEAS, 2018). One example of international cooperation between European countries is the Takuba Task Force, supported by 11 countries, which assists the Malian military and other international partners with neutralising terrorist groups in Mali and the Sahel region more broadly (Ministère des Armées, 2020).

In sum, cooperation between EU institutions and EU bodies in charge of security, such as Europol, as well as with third countries and third organisations fighting against terrorism, is needed in order to address this multi-faceted and global issue. The programmes and initiatives described above show that the EU is enhancing its legal arsenal and financial measures in an effort to close any security gaps and loopholes that terrorists might exploit. However, the difficulty to apply a common definition of terrorism between Member States continues to be a challenge limiting the impact of the fight against terrorism.

Interoperability of databases: A key element of EU counterterrorism policy

In terms of information systems, interoperability should be understood as “the ability of information technology (IT) systems and of the business processes they support to exchange data and to enable the sharing of information and knowledge” (Dumbrava, 2017: 2).

The 2015 Paris attacks made clear that the lack of interoperability regarding information systems was a serious concern. Before the tragedy, several terrorists had used false identities to move from one Member State to another without being arrested. For instance, Mohamed Belkaïd and Najim Laachraoui, involved in the attacks, were controlled on an Austrian motorway, but avoided arrest because they travelled under false identities (Seelow, 2016). Before the attacks, the 2015-2020 EU Internal Security Strategy had already highlighted database interoperability through information sharing and accessibility as one priority area to address (Council of the EU, 2015: 9).

Later, in response to this major problem, the Commission's April 2016 communication on 'Stronger and smarter information systems for borders and security' identified problems such

as “gaps in the EU’s architecture data of management”, and the “complex landscape of differently governed information systems”, resulting in fragmentation and information gaps (European Commission, 2016b: 3; European Commission, 2017: 2). The need to fix the deficiencies in information management and the interconnectedness of the various information systems was also addressed in the Commission President’s September 2016 State of the European Union speech, and the December 2016 European Council conclusions (European Commission, 2017: 3).

In 2016, the Commission launched a ‘High Level Expert Group on Information Systems and Interoperability’, bringing together EU agencies, Member States and other relevant stakeholders (European Commission, 2017: 3). The group’s interim findings from December 2016 proposed creating a ‘European Single Search Portal’ (ESP), which would enable all existing EU information systems and databases to be searched simultaneously (ibid.). The ESP is one component of the ‘Regulation on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration’ (European Union, 2019). The ‘framework’ established by the directive also encompasses a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID). The inclusion of these elements into a common framework, enhancing interoperability, aims at improving the prevention, detection and investigation of terrorism and other serious crimes (ibid.: 5).

The common identity repository is an innovative element. This new centralised database is intended to hold biometric and biographic data about nearly every non-EU citizen in the Schengen Area, as well as some EU citizens (Chandler & Jones, 2019). The information contained in

the records will include photographs, addresses, names and fingerprints (ibid.). The data in the CIR will incorporate and encompass the data holding up in five different systems, not exclusively related to terrorism (ibid.). Nonetheless, in reducing the complexity of the data infrastructure, the CIR also facilitates the data access of European authorities fighting against terrorism.

As described in the regulation, the cluster of the ESP, shared BMS, CIR and MID ensures the interoperability of a number of EU information systems. The systems included are the Entry/Exit System (EES), the Visa Information System (VIS), the European Travel Information and Authorisation System (ETIAS), Eurodac, the Schengen Information System (SIS), and the European Criminal Records Information System for third-country nationals (ECRIS-TCN)” (European Union, 2019, Regulation (EU) 2019/818: Article 1.1). The underlying logic is that freedom of movement and the Schengen Area per se are not hindering the fight against terrorism, but that the problem is rather the fragmentation and inaccessibility of security data between Member States and European authorities fighting terrorism (European Commission, 2017: 3; Berthelet, 2017). The chosen approach to reinforcing cooperation was a “networked approach” that focuses on connecting national authorities and structures, rather than creating new super-structures that might be perceived to threaten state sovereignty (Berthelet, 2017).

One can also observe that these information systems mostly concern national border officials and law enforcement authorities, and involve the strengthening of coordination between them. As such, it seems that these developments do not imply significant evolutions for the cooperation and coordination of the armed forces. Thereby, the optimisation of the contribution of armed forces in the fight against terrorism remains a national question. For instance, the



The interoperability of EU databases as a key element to enhance EU fight against terrorism

French action plan against terrorism disclosed on July 2018 called for optimising French armed forces in field missions, as part of the “Sentinelle” operation, enhancing their “complementarity with internal security forces” (French Government, 2018: 24).

Europol as a criminal intelligence hub?

After major terrorist attacks in Europe from 2015 onwards, the need of an enhanced intelligence sharing across Europe was highlighted, as there was a clear lack in information sharing between national agencies regarding terrorists that previously committed criminal activities. For instance, in addition to the aforementioned cases of Mohamed Belkaïd and Najim Laachraoui, the Abdeslam brothers, involved in the attacks in Paris on 13 November 2015, were known by Belgian authorities as running “a café in Brussels that was notorious for drug peddling” (Bureš, 2016: 58). Moreover, they had been questioned by Belgian authorities regarding their fail attempt to travel to Syria. Given that neither other Member States’ security agencies nor Europol were informed about it, when Dutch authorities controlled and fined the Abdeslam brothers for possession of prohibited substances, no additional measures were taken

against them. Consequently, it was just after the Paris attacks that French authorities and Europol discovered the Abdeslam brothers’ previous criminal activities (De La Baume and Paravicini, 2015).

Formed in 1998 to handle criminal intelligence and fight international organised crime and terrorism by cooperating with Member States’ authorities, Europol has seen its counterterrorism mandate further enhanced in the wake of the September 11 attacks in 2001. A 2002 Council decision

made it mandatory for Member States to share relevant information with Europol regarding terrorism (Council of the EU, 2003).

In 2015, the European Counter Terrorism Centre was launched within Europol, as a hub for information sharing between Member States about terrorism, by providing “analysis for ongoing investigations and contributing to a coordinated reaction in the event of a major terrorist attack” (Bureš, 2016: 58). The Centre particularly put the emphasis on investigating “foreign terrorist fighters and the trafficking of illegal firearms and terrorist financing” (Consilium, 2020b).

Nevertheless, there are several obstacles to the strengthening of Europol’s counter terrorism coordination. Though Europol does not have a supranational authority and executive powers, and cannot conduct its own investigations, the organisation plays a key role in combating international organised crime and terrorism, notably by enhancing its collaboration with competent Member States’ authorities fighting against terrorism. However, given that in some Member States, police agencies are in charge of counterterrorism whereas in others intelligence services are dealing with the matter, national authorities’ priorities differ and information sharing is therefore not optimal: while police prioritise

specific information useful for arrest and prosecution, intelligence agencies seek to collect a large general body of information (Bureš, 2016: 61). Additionally, cultural differences and language barriers between the member states, as well as competition and reluctance to share information among and amongst hierarchical levels and between services hinder coordination within Europol (Archick, 2002: 9; Bureš, 2016).

Finally, the fear that sensitive data could be compromised is also a barrier (ibid.). One way to address suspicion towards hierarchical structures is flexible, informal horizontal cooperation arrangements, which tend to be viewed favourably among practitioners (Bureš, 2016: 63). In any case, the process of trust-building will take a long time. That is why, according to Bureš (2016), the idea of turning Europol into a ‘European FBI’ seems unrealistic in the short-term.

Nevertheless, one should remember that these issues are not solely a concern for Europol. The reluctance from national agencies to share information, language and cultural barriers, hierarchical issues and the lack of a supranational nature of the structures generally concern European structures fighting against terrorism and may weaken EU measures.

Despite this, Europol’s success and effectiveness are unquestionable. While counter-terrorism policy was for a long time seen as a national prerogative, the European Union is now a genuine actor in this field, notably embodied by Europol. Europol reported in 2016 that between 2011 and 2015, the number of arrests of terrorist suspects multiplied by more than five (Berthel, 2017). The work of the European Counter Terrorism Centre (discussed in the below section), and Europol’s Emergency Response Team which supports Member States in investigations after attacks, are examples of Europol’s contribution to the fight against terrorism (ibid.). Europol’s databases have grown remarkably in the past few years: while in the past, Member States were wary of sharing sensitive data with the institution, information-sharing increased substantially after the 2015 Paris attacks (ibid.).



Europol (<https://www.europol.europa.eu/about-europol/europol-counter-terrorism-centre-ctcc>)

MILITARY RESPONSES TO TERRORISM SINCE 2015

After the London attack in July 2005, the immediate response of EU member states was to accelerate the work on the existing defence framework. At the same time, member states’ governments increased the pressure on the European Union to discuss individual measures such as the European Evidence Warrant (EEW). The EU Counter-Terrorism strategy was adopted in December 2005, and its legal framework produced a long-term strategy to

combat terrorism inside and outside the EU borders containing four new pillars: Prevent, Protect, Pursue and Response (Council of the European Union, 2005).

Preventing is the most challenging pillar of the Counter-Terrorism Policy, and it represents the main aim of all the intelligence agencies: to prevent threat on a country. Since December 2005, the EU Counter-Terrorism Action

Plan implemented more than 25 measures based only on the Prevention Pillar (Consilium, 2020c). The purpose of the new measures and key approaches was to limit the radicalisation of people and the probability of them turning into Al-Qaeda, ISIS or any other theologically inspired terrorist group. The newly adopted pillar also served to combat the causes of terrorism, radicalisation and recruitment, and to prevent the “justification” of terrorism (Consilium, 2020c).

Protecting the infrastructure and strengthening the defence strategy against terrorism is the main objective of the Protection Pillar. The pillar aimed at reducing the impact of terrorist attacks and improving the cooperation between EU internal and external borders. Moreover, it promoted efficient exchange of information between the police and the judiciary inside EU member states. Even though the EU Action Plan listed thirty measures that Counter-Terrorism needed to achieve into the Protect pillar, information exchange between EU member states is still one of the main obstacles of this Action Plan. When the strategy was adopted, the key priority of the EU was to protect efficiently the infrastructure program introduced by the EU Council, as well as improving the exchange of passenger data (including the identity, the biometric information and the passport details of the passengers). As stated by the Pillar, at the international level, the EU member states must collaborate and exchange information about travellers through both civil aviation and sea travel, while at the same time evaluating the existing legislation and implementing the Action Plan measures. The newly created Euro Border Agency (FRONTEX) provides risk management to protect the EU external borders, while the EU also introduced new civil aviation rules and changed many regulations in the matter (Consilium, 2020c).

The main objective of the Pursue Pillar of the EU Counter-Terrorism strategy is combating around the world and within EU borders. This

includes preventing travel planning, intercepting the terrorist communication, infiltrating terrorist support networks, blocking terrorist funding, and bringing suspected terrorists to justice. The EU Action Plan have adopted now more than sixty measures to counter terrorist activities, and eight of these are a strict priority for this Action Plan. These highly prioritised measures include strengthening the EU capabilities for counter terrorism; blocking both terrorist financing and money laundering, as well as terrorist access to weapons and explosives, or chemical, biological and radiological materials; and reinforcing the law enforcement and changing the information between the EU member states and non-EU countries. In addition, the Action Plan comprised steps regarding the evaluation of the current legislation and the ratification of international treaties, as well as the facilitation of police and judicial cooperation between EU countries through Europol and Eurojust (Consilium, 2020c).

Finally, the objective of the Response Pillar was to improve military capability cooperation and police and judicial coordination between EU member states in order to minimise the consequences of a terrorist attack (Consilium, 2020c).

The attacks in Paris in January and November 2015, as well as the subsequent high-profile attacks in Brussels, Berlin and Barcelona heightened the urgency of countering terrorism. Weeks after the Charlie Hebdo attacks in Paris, the ‘Riga Joint Statement’ by the Council’s Justice and Home Affairs configuration in January 2015 laid out a set of anti-terrorism priorities (Bigo et al., 2015). Bigo et al. (2015) argued that the EU’s response at the time presented challenges to both free movement and citizenship, and rule of law. The challenge to free movement arose from the tension between surveilling citizens’ travel information, and the principle of unrestricted travel that goes against the idea of systematic checks that mechanisms like the Passenger Name Record directive – adopted in



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(<https://epthinktank.eu/2019/04/10/eu-policies-delivering-for-citizens-the-fight-against-terrorism-policy-podcast/>)

The cooperation between the EU and international stakeholders is needed to address the issue globally.

2016 – and the Schengen Information System II represent (Bigo et al., 2015: 1-2). Regarding rule of law, the authors pointed to the European Parliament and European Court of Justice’s concerns about whether large-scale surveillance mechanisms meet the requirements of necessity, proportionality and compliance with fundamental rights (ibid.).

In January 2015, the foreign affairs ministers of EU Member States agreed to exchange security information with partner countries in the EU’s neighbourhood in order to fight terrorism. The EU’s key partners in managing ongoing conflicts and countering radicalisation include countries across the Mediterranean, in the Middle East, in North Africa, the Gulf and the Sahel (Consilium, 2020c). The next month, a counter-terrorism strategy adopted by the European Council highlighted cooperation with international

partners as one priority area, alongside ‘preventing radicalisation and safeguarding values’, and ‘ensuring the security of citizens’ (De Kerchove & Höhn, 2019). Specific measures called for by the European Council included combating terrorist financing, checks of EU citizens at external borders, tackling terrorist content online, and promoting cooperation with third countries to address crises and conflicts. Later the same year, the Council also adopted conclusions concerning the strengthening of measures to fight firearms trafficking. (Consilium, 2020c)

Early in 2016, the European Union launched the Europol’s European Counter Terrorism Centre (ECTC), following a decision from the Justice and Home Affairs Council of 20 November 2015. The ECTC is a platform through which member states can increase information sharing and operational cooperation with

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regard to the monitoring and investigation of foreign terrorist fighters and the trafficking of illegal firearms and terrorist financing. After the Brussels terrorist attack on 22 March 2016, the Justice and Home Affairs Ministers adopted a Joint Statement calling for urgent adoption of the PNR directive by the European Parliament in April 2016, swift completion of legislation under discussion and full implementation of agreed measures, particularly in respect of firearms and precursor chemicals used in the manufacture of explosives, as well as increasing the feeding and use of European and international databases in the fields of security, travel and migration and finding ways to secure and obtain more quickly digital evidence, improving early detection of signs of radicalisation.

In November 2016, The Commission presented its recent proposal on the European

Travel Information and Authorisation System (ETIAS) to the Council. ETIAS allowed for advance checks and, if necessary, deny entry to visa-exempt travellers. Ministers considered that the system proposed will strengthen the EU's security and border management policy and they tasked experts to start examining the proposal (Consilium, 2020c).

In 2018, after a number of new terrorist attacks especially in France and Belgium, the Council adopted new rules to strengthen the previously adopted Schengen Information System. The new rules will address potential gaps in the system and introduce several essential changes to the types of alert entered. This will contribute to strengthening the fight against terrorism and serious crime while ensuring a high level of security across and within the European Union (Consilium, 2020c).

BORDER SECURITY TECHNOLOGY AND EUROPEAN INTEROPERABILITY

Questions of terrorism, homeland security and migration have become politically highly contentious in the past years (Quintel, 2019). As the above discussion on the EU's response reveals, one key overall objective has been rearranging and harmonising European databases, in an effort to improve authorities' ability to "sort the unwanted from the welcomed" (Quintel, 2019). The information gaps manifest both at the EU's external borders and within the EU: the examples of perpetrators of attacks travelling within Europe using false identities is an example of the latter.

This section focuses on the EU's external border management techniques, and discusses the contribution these technologies make to combatting terrorism.

Border management strategies around the world have sought to stop the movement of terrorist

group members across poorly controlled borders, and the EU has been involved in shaping a global response to border management issues (UN Office of Counter-Terrorism, 2020a). The growing volume of international travel further calls for effective border management strategies (UN Office of Counter-Terrorism, 2020b). The European Border and Coast Guard Agency (Frontex) has been a key European actor in cooperation and information-sharing with third countries with a view to reforming border control practices in Europe's neighbourhood (Lavenex and Kunz, 2008; Chou and Riddervold, 2015).

In Europe, one key measure adopted was the 'targeted revision' of the Schengen Borders Code from 2017, which brought about a number of anti-terrorism reforms (European Parliament, 2019d).

Regarding the existing instruments, the Schengen Information System (SIS) is a large-scale

and centralised European information system. (European parliament, 2019). The system contains millions of alerts on missing and stolen objects, individuals subject to discreet surveillance and checks, and individuals barred from entering the Schengen Area. (Picum Platform, 2019) National border control, police, customs, visa and vehicle registration authorities, and when it is necessary for their work, national judicial authorities, can access the SIS database; of EU-level actors, Europol and Eurojust have limited access to the database (Atanassov, 2017: 4) Member States are obliged to insert information on return decisions of irregular migrants which work as a back door for terrorists and on the enforcement of these decisions into the SIS, while in the past this had been dependent on national law.

The EU Visa Information System (VIS) is intended to ascertain that individuals staying or entering into the EU's territory have the right to do so. At the same time, one of the stated purposes of the system is to 'prevent, detect and investigate terrorist offences' (European Commission, 2020b). Relatedly, the Entry/

Exit System (EES), scheduled to become operational in 2022 (European Commission, 2020a), will be used to monitor the cross-border movements of temporary visitors to the Schengen area and to automatically estimate the period of time they are permitted to stay. The EES system will also be used to facilitate the automation of border controls, through the storage of biometric data and the use of 'e-gates' at border crossings – although the feasibility of using such technology at all border crossing points remains to be seen. Data held in the EES will also be available to law enforcement authorities under certain conditions (Eu-Lisa, 2019). Thirdly, national authorities have access to the European dactyloscopy database (Eurodac), which helps to apply the Dublin Regulation. This Regulation establishes the criteria and the structure for determining a Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. (unhcr.org)

But the Schengen Information System remains the most important one concerning border control. However, these systems were not often



Source: European Union (<https://www.europarl.europa.eu/committees/fr/internal-border-controls-within-the-schengen-product-details/2020/S98CAN55041>)

used to report and alert on foreign terrorists, the information recorded were incomplete and the absence of biometric identifiers allowed terrorists to travel under false identities. Moreover, definitions and standards regarding with regard to foreign terrorist differed from one country to another. In order address these problems the Commission made legal and technical improvements with regards to information exchange. It also created a common risk indicator to be used at border checks (European Commission, 2016). And, in December 2016, the Commission made it mandatory

for Member States to provide alerts on people linked with terrorism (European Parliament Briefing, 2017) to improve the interoperability between the states.

In sum, optimal prevention of terrorism requires interoperability between European information systems related to external border management, given risks such as identity fraud. The EU has recognised the need to address any ‘blind spots’ in EU border management, and new developments such as the Entry/Exit System can be anticipated in the near futur

THE THREAT OF TERRORISM IN EUROPE: STATE OF PLAY

The persistent threat of jihadist terrorism

In its 2019 Terrorism Situation and Trend Report (Europol, 2019), Europol highlighted that Europe has experienced a decrease in the number of people killed and injured by jihadist attacks compared to 2017. In 2018, 13 people died as a result of jihadist attacks and 46 were injured, while in 2017, a total of 62 people had died in ten attacks (Europol, 2019: 9). Moreover, Europol observed a decreasing number of travels for terrorist purposes, with the figures remaining rather low. Nevertheless, the threat is still topical in Europe: when one takes into account not only completed, but also failed or foiled attacks, the number of attacks reported by EU Member States in 2018 alone was 129, of which 24 were jihadist (Europol, 2019: 12). 511 out of the 1,056 arrests made on suspicion of terrorism in 2018 were related to jihadism (Europol, 2019: 15). Jihadist organisations mainly financed themselves via *Hawala* banking, while the misuse of credit systems, non-profit and charity organisations also played an important role (Europol, 2019: 9).

While the online presence of the Islamic State (IS) remains high due to “unofficial supporter

networks and pro-IS media outlets” (Europol, 2019: 9), its territorial presence has diminished, in particular following their recent military defeats in Syria and Iraq. With its territorial defeats, the Islamic State lost its major propaganda assets and currently only publishes a weekly newsletter, called Al-Naba. Moreover, the apparent ideological unity shown by the IS these past months hides strong inside divisions between its more and less radical supporters regarding the question of *takfir*, that is, whether other Muslims should be declared as unbelievers (Europol, 2019: 36). This dispute notably led the central IS Media Department to come back to its previous radical posture.

However, the decline of ISIS does not signify a decline of all jihadist organisations. On the contrary, it led to a resurgence of Al-Qaeda. Outside Europe, Al-Qaeda continues to be influential in conflict areas, by exploiting political grievances at local and international level and building alliances with local tribes (Europol, 2019: 8). Its nominal head, Ayman al-Zawahiri, insisted several times on the importance of jihad in Africa, especially in Western-Africa, and called for an “uprising against Western occupying powers in the region”, who are considered as “an occupying force corrupting

Islam” (Europol, 2019: 37). Notably, the jihadist organisation can locally count on AQIM (Al Qaeda in the Islamic Maghreb) and Jama’at Nusrat al-Islam wal-Muslimin (JNIM, ‘group in support of Islam and Muslims’) (ibid.). Furthermore, Al-Qaeda continues to exploit Western news agendas in order to promote its ideology. For instance, it presented the French “Gilets jaunes” movement as a consequence of an expensive French neo-colonialism and neo-imperialism respectively in Africa and in the Middle East (Europol, 2019: 37). Groups splintered from Al-Qaeda also contribute to the terrorist threat; a notable example of these is Hay’at Tahrir al-Sham, which became Syria’s most prominent jihadist group in 2018 (Europol, 2019: 38).

In the context of the COVID-19 pandemic, jihadist groups have strengthened their apocalyptic discourse. Meanwhile, there have been fears that the repatriation of troops from Iraq and Syria could facilitate the spread of jihadist groups. (Costa, 2020)

Right-wing terrorism: An increasingly topical threat?

Right-wing terrorism, which draws from fears related to Islam and a perceived loss of national identity (Europol, 2019: 60), has developed into a prominent threat in the past years. While it uses some of the same methods as jihadists, Koehler (2019: 1) writes that far-right terrorism is unique in certain key aspects. For instance, while jihadist terrorism more specifically targets the foundations of Western civilisation, right-wing terrorism focuses on fundamental aspects of democratic culture, namely tolerance and pluralism. Moreover, it tries to weaken trust in democratic states’ rule of law and monopoly on violence (Koehler, 2019: 12). In addition, contrary to jihadists, right-wing terrorists infrequently claim responsibility for their

actions and connect their terrorist attacks to a genuine and sophisticated form of strategic communication (Koehler, 2019: 10). Finally, there is no such thing as a unique or universal right-wing terrorism in Europe but various forms of it coexist amongst and between countries, according to local, regional and national specificities, and even overlap (Ravndal, 2015; Koehler, 2016; Koehler, 2019: 10).

Europol (2019: 60) finds that “the right-wing extremism scene varies significantly between and within EU Member States”. In its 2017 Terrorism Situation and Trend Report (TE-SAT), Europol attributed only 3 percent of failed, foiled or completed terrorist attacks to the extreme right (Europol, 2017). Moreover, in 2018, only one right-wing terrorist attack was reported in the EU, happening in Italy (Europol, 2019: 60). However, despite this low number of attacks, the threat is real in Europe, and far-right extremist terrorism has been an increasingly serious concern recently. 44 arrests related to right-wing terrorism were made in the EU in 2018, of which 32 were in France and 8 in Germany; additionally, Slovakia charged fifteen individuals with right-wing extremist activities (Europol, 2019: 60-62). In 2017, thirty right-wing extremist attacks were reported in Europe, an increase of 43% from the 21 attacks reported in 2016 (Jones, 2018).

Koehler (2019: 1, 7) argues that extreme-right violence risks being under-classified, as it is rarely prosecuted as terrorism. He notes terrorist threat assessments that exclude extreme-right violence risk being incomplete, which would undermine the effectiveness of counterterrorism policies (Koehler, 2019: 7). As such, Koehler advocates for revising the legal definitions of terrorism, and clarifying the relationship between the concepts of ‘terrorism’ and ‘hate crime’.

However, after the February 2020 shootings in two shisha bars in Hanau, Germany that followed

other right-wing acts of violence in Germany in recent years, the country's Minister of Justice Christine Lambrecht called 'far-right terror' "the biggest threat to our democracy right now" (Eddy, 2020). German security officials say that 12,000 German citizens are known right-wing extremists (ibid.). Subsequently to the attacks, German authorities decided to enhance police presence in sensitive areas such as airports and mosques (ibid.).

In fact, the 2019 and 2020 right-wing attacks in Germany are in line with the trend observed during the previous years. In 2018, for the third year in a row, the number of people arrested for reasons of right-wing terrorist activities in Europe has slightly increased: 12 in 2016, 20 in 2017, and 44 in 2018 (Europol, 2019: 70).

Other threats

83 attacks by ethno-nationalists and separatists were recorded in Europe in 2018, representing by far the largest proportion of failed, foiled or completed attacks in the EU (Europol, 2019: 12). However, this type of attacks has decreased compared to 2017, when 137 attacks were committed. The UK, France and Spain have historically faced the largest number of ethno-nationalist and separatist attacks, which also was the case in 2018, with 56, 20 and 7 attacks committed, respectively (Europol, 2019: 68).

The UK still experiences a threat presented by republicans in Northern Ireland, with groups such as the New Irish Republican Army (NIRA), or the Continuity Irish Republican Army (CIRA) opposing the Northern Irish peace process and striving for a united Ireland. In Spain, separatist terrorist activities have been comparatively scarce in the past few years: for example, the Basque separatist group ETA has committed no terrorist attacks since August 2009, and in May 2018 it declared that its structures would be disbanded (Europol, 2019: 54). Nevertheless, the

topical question of what to do with the prisoners related to ETA has contributed to renewed tensions in the Basque Country. Indeed, around 250 ETA-linked prisoners are dispersed across Spain, with very few of them are imprisoned in the Basque Country, and in France (The Local, 2019).

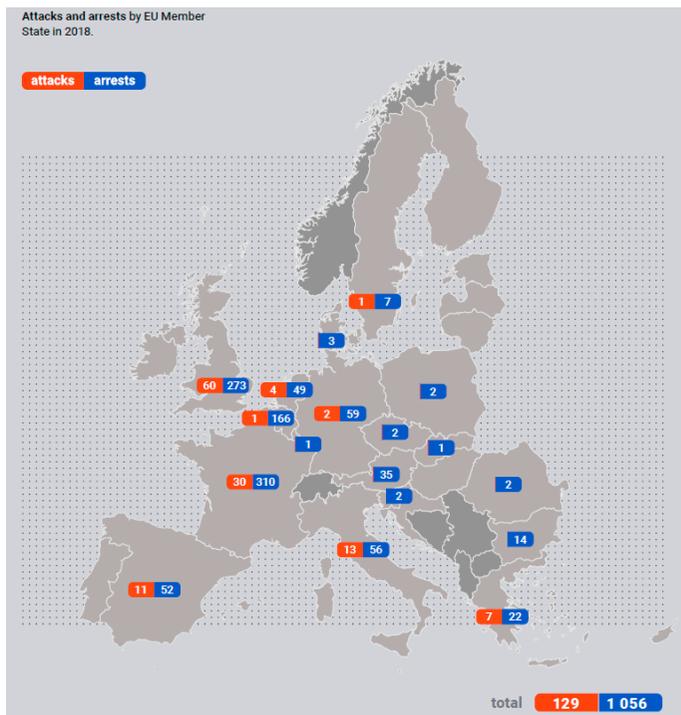
The Kurdistan Workers' Party (PKK) committed no attacks within the EU in 2018, but the PKK apparatus in Europe organised logistical and financial aid to HPG, the military wing of the PKK; moreover, recruitment activities took place (Europol, 2019: 54). Within the EU, one related security threat is tension between Kurdish and Turkish nationalists, which has led to acts of violence especially in Germany (ibid.).

Regarding left-wing and anarchist terrorism, 19 failed, foiled or completed attacks were reported in the EU in 2018, with each of these being in either Greece, Italy or Spain (Europol, 2019: 56). Extremists groups linked to left-wing and anarchist groups usually try to perpetrate attacks during big events that are highly covered by the media in order to gain attention (ibid.).

Finally, to complete the circle regarding the different forms of terrorism that the EU and its Member States have to address, one should not forget 'lone wolfs', whose acts are much more difficult to anticipate and predict. However, as stressed by Europol in its 2019 report, "single-issue activism continued to be largely limited to online campaigns and nonviolent demonstrations by decentralised groups" (p. 63) and only one attack of this form of terrorism was classified in the EU in 2018.

In sum, the terrorist threat is multifaceted, which makes it more challenging for European authorities to face it. Even though Europol showed that the number of attacks and victims of terrorism on EU soil "dropped significantly" from 2017 to 2018 (Europol, 2019b), the menace is

still topical and threatens Member States' security, as it has lately become more complex and thus more difficult to apprehend. This was underlined by Kristian Bartholin, Deputy Head of Counter-Terrorism at the Council of Europe, who stated that "there are fewer attacks that are successfully conducted but that doesn't mean there are fewer attempts. There are a number of attacks that are constantly being foiled" (Davies, 2019). Therefore, in the fight against this diverse, cross-border threat, the interoperability of databases discussed in this paper is one key instrument for gaining success.



Source: Europol, European Union Terrorism Situation and Trend Report 2019 (<https://www.europol.europa.eu/activities-services/math-reports/terrorism-situation-and-trend-report-2019-ec-stu>)

Terrorist attacks and arrests in EU Member States in 2018.

CONCLUSION

The European Union has responded to the international terrorist threat by updating its counter-terrorism strategy, and seeking to improve synergies between the different criminal and border management databases. The EU's main function in addressing terrorism is harmonisation and coordination, although it has also provided financial support for counter-terrorism activities (Immenkamp et al., 2019: 1).

The several high-profile attacks that have struck Europe in the recent years have contributed to counter-terrorism and security more generally

rising higher on the EU's political agenda (De Kerchove and Höhn, 2019). In turn, the counter-terrorism initiatives launched are an important driving force of European integration in the field of security (ibid.).

Reinforced cooperation between EU countries and information sharing between Member States' law enforcement authorities have helped to prevent attacks within EU borders, or at least they have limited their impact. While the threat of terrorism remains high, information sharing and other elements of the European

counter-terrorism response reduce Europe's vulnerability. The many new rules and instruments adopted since 2015, addressing subjects such as harmonising definitions of terrorist sanctions, information management between border officials, and firearms regulation, represent a significant progress in the fight against European terrorism (De Kerchove and Höhn, 2019). Still, a lot of challenges to be addressed remain.

Many of the recent measures are due to be implemented during the term of the current European Commission: for example, the Entry/Exit System is expected to be operational in 2022, and the current Commission's tenure also sees the implementation of the 2019 'Regulation on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration'. Among other challenges ahead, De Kerchove and Höhn (2019) list the improved use of biometric data, and the need for stronger Europol support for Member States in counter-terrorism investigations. Accordingly, they call for sufficient investment in counter-terrorism in the EU budget.

A major challenge in the fight against European terrorism will be to develop and implement an ambitious vision on mobilising disruptive technologies to a greater extent for security and justice matters, while fully assessing the threats they might pose. Securing a sufficient budget, as well as creating an adequate governance adapted to the fast-moving environment of new security technologies, will be surely key to the EU success in counter terrorism. And beyond that, these measure seem also necessary to achieve increased European interoperability and cooperation in the realm of security and defence.

Despite some "comforting" data on the reduction of terrorism attacks in respect of the years between 2015 and 2018, it's a common mistake

to measure the terrorist threat by the number of attacks carried out, as security officers say. To understand the scale and nature of the threat we must not only study successful attacks, but also look at the plots hampered by counterterrorism efforts.

While toughened European counterterrorism efforts may have weakened the capabilities of the radicalised networks, this is not yet above suspicions. Indeed, the decrease since the 2015 attacks was followed by a dramatic peak in 2017, with the highest number of plots since jihadists began attacking Europe more or less 25 years ago. Compared to any given year before 2015 and in spite of massive spending by European governments to reduce terrorist activity, the number of plots in Europe is still high.

The activities of radicalised attackers and would-be attackers in 2018 show that the terrorist group Islamic State remains highly inclined on assaulting their enemies in Europe in any way possible. In fact, most terrorist's perpetrators are linked to the group, or active supporters of it. Moreover, most of them also have ties to domestic extremists and foreign fighters, and typically chat with members of the Islamic State on social media apps.

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Created in 1953, the Finabel committee is the oldest military organisation for cooperation between European Armies: it was conceived as a forum for reflections, exchange studies, and proposals on common interest topics for the future of its members. Finabel, the only organisation at this level, strives at:

- Promoting interoperability and cooperation of armies, while seeking to bring together concepts, doctrines and procedures;
- Contributing to a common European understanding of land defence issues. Finabel focuses on doctrines, trainings, and the joint environment.

Finabel aims to be a multinational-, independent-, and apolitical actor for the European Armies of the EU Member States. The Finabel informal forum is based on consensus and equality of member states. Finabel favours fruitful contact among member states' officers and Chiefs of Staff in a spirit of open and mutual understanding via annual meetings.

Finabel contributes to reinforce interoperability among its member states in the framework of the North Atlantic Treaty Organisation (NATO), the EU, and *ad hoc* coalition; Finabel neither competes nor duplicates NATO or EU military structures but contributes to these organisations in its unique way. Initially focused on cooperation in armament's programmes, Finabel quickly shifted to the harmonisation of land doctrines. Consequently, before hoping to reach a shared capability approach and common equipment, a shared vision of force-engagement on the terrain should be obtained.

In the current setting, Finabel allows its member states to form Expert Task Groups for situations that require short-term solutions. In addition, Finabel is also a think tank that elaborates on current events concerning the operations of the land forces and provides comments by creating "Food for Thought papers" to address the topics. Finabel studies and Food for Thoughts are recommendations freely applied by its member, whose aim is to facilitate interoperability and improve the daily tasks of preparation, training, exercises, and engagement.



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