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Countering Terrorism in the EU
The New Agenda 2020-2025 and its Impact on Armed Forces Interoperability

FINABEL
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Following the wave of terrorist attacks that shook Europe in 2015, policymakers in the EU realised the necessity to outline a comprehensive strategy to trace the path to fight against political extremism. Whether fuelled by ethnonationalism, religious, or ideological reasons, everyone wants to avoid the hundreds of deaths that plagued that year, and the following ones.

In December 2020, the European Commission unveiled the new EU Counterterrorism Agenda to guide the fight against terrorism from 2021 to 2025. It follows the EU Security Union Strategy valid for the same period. It builds on the experience and expertise of member states (MS), many of which, especially in the past few years, have faced significant challenges from terrorist organisations. Key focal points in the new agenda are interoperability and collaboration among MS. This applies to every level of European security (law enforcement, cyber, media, intelligence, etc.), even the armed forces. They are involved in every pillar in the agenda (anticipation, prevention, protection, and response) and continue to ensure the security of MS through their operations, both at home and abroad.

This paper is the result of an observation that counterterrorism issues need to be discussed at a larger scale both in the geographical sense (EU MS, their neighbourhood and overseas interests) as well as in an institutional sense (cross-branch cooperation and responsibility-sharing). This plan outlined by the European Commission is significant when it comes to the very role of our armed forces in internal and external security matters and in relation to law enforcement.

We trust that, through this work, one can gain insights into the importance of national armies in counterterrorism but also of the cooperation between those of EU MS on this matter through the Counterterrorism Agenda and Security Union Strategy. What this paper discusses is significant ground-laying work undertaken in EU institutions to build a long-lasting and shared European preparedness and security environment.*

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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

Terrorism, in all its forms, is not a new phenomenon. Almost every corner of the world has experienced some type of it in the past 150 years. Given its historical, political, and economic importance, Europe has been at the forefront of the fight. Nevertheless, countering extremism has never been an easy task. Throughout the years, terrorists have shifted ideology, found new symbols to identify with to gather, and evolved their methods according to the emergence of new technologies and states' responses against them.

The EU's role in the fight against terrorism has become especially prominent in the past ten years, confirming the great threat posed by Islamic extremism and the emergence of new, violent far-right ideologies. These groups now employ different tactics from their predecessors and exploit means of mass communications, such as the internet and social media, to spread fear and diffuse their message to sympathetic audiences.

Following the 2015-2016 wave of deadly attacks against several MS perpetrated by jihadi terrorists, the EU realised the need to update its counterterrorism policy and increase the capacity at every level involved in the effort (e.g. law enforcement, judiciary, military; etc.). Last year, in 2020, the Union unveiled the New Agenda 2020-2025 for Counterterrorism, focused on the interoperability of different agencies and institutions. The agenda boasts four pillars (anticipation, prevention, protection, and response) to increase MS' security through operations at home and abroad.

To highlight the importance of this reform and explain the path that led to it, we will introduce a brief history of terrorism and counterterrorism in the EU. This will be divided into three sections: before 9/11, between 9/11 and 2011, and after 2011. Our second chapter will outline the internal dimension of the EU's counterterrorism policy resulting from years of experience. We will touch upon every level involved in the fight against extremism. Thus, we will start the first section of this chapter by talking about the work of intelligence agencies, then that of law enforcement, the online sphere and social media, and finishing off with international cooperation. Building on this knowledge, the third chapter revolves around a case study on Mali and EUTM/EUCAP Sahel to provide a real-life example of how the EU's counterterrorism policy is effectively implemented beyond its borders. Finally, in the fourth and last chapter, the actual content and effects of the New Agenda 2020-2025 for Counterterrorism will be outlined and explained, following its four pillars.

Terrorist Activity and Counterterrorism before 9/11

The multiple faces of terrorism need to be contextualised to grasp the rationale for adopting counterterrorist measures. A key distinction, specifically concerning the pre-9/11 era, lies between domestic and transnational terrorism. Whilst the former's incidents are homegrown and directed, with key agents (including targets, victims, and perpetrators) all belonging to the venue country, the latter results in international externalities that are more complex to identify. Preceding 9/11, terrorist activities were prevalently associated with the first category, with a few exceptions such as the Euskadi Ta Askatasuna (ETA) case that will be considered subsequently. In contrast, since 2001, a hybridisation process has characterised terrorism in its intrinsic homegrown nature directed towards international targets. The issues in countering such a phenomenon have increased exponentially, but methods undertaken, even before 9/11, have also encountered difficulties. The first country to witness modern terrorism was Russia during the 1880s, soon followed by Western Europe, the Balkans, and Asia. This initial 'global' terrorism can be classified as the 'Anarchist Wave', with assassination campaigns against prominent officials as a primary strategy, followed by the overlapping variations of such activities.[1] The 1920s fostered the 'An-ti-Colonial Wave', then came the 'New Left Wave' and finally the 'Religious Wave' dating back to 1979. However, this qualitative distinction can hardly be associated with quantitative data, as empirical research on terrorism has only truly developed since 1968, when event databases started recording the key variables of terrorist incidents.[2] Such data highlights how specific cycles of terrorist activity are defined by peaks and troughs and have different attack modes in quality and quantity, resulting in different countermeasures. Even though the first waves were primarily domestic, transnational attacks rose from 1968 to the 1980s, reaching approximately 500 attacks per year. The following decade, marked by state-sponsored terrorism, culminated in the mid '90s, when incidents precipitated to a maximum of 200 per year following the decline of left-wing terrorism.

On the other hand, only 26% of transnational terrorist attacks ended in casualties before 1990, whilst this proportion augmented to 41% after 1990.[3] There are many examples of terrorist activity before 9/11. Still, just a couple of cases will be illustrated to identify counterterrorism trends and contrasts during the hybridisation of terrorism for our research.

ETA: the Case of 'State Terrorism'

The 'Basque Homeland and Liberty' was founded in 1959 as a nationalist and separatist organisation which evolved into a para-

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1. D.C. Rapoport, (2003), 'Generations and Waves: The Keys to Understanding Rebel Terror Movements', UCLA International Institute, [online] Available at: https://international.ucla.edu/media/files/David_Rapoport_Waves_of_Terrorism.pdf

2. Todd Sandler, "The Analytical Study of Terrorism: Taking Stock" Journal of Peace Research 51, no. 2 (2014): 257-271.

3. Martin Gassebner and Simon Luechinger, "Lock, stock, and barrel: A comprehensive assessment of the determinants of terror" Public Choice 149, Nos 3-4 (2011): 235-261.

military group that utilised violent bombing, assassination, and kidnapping campaigns. The interesting feature of the case is the transborder nature of the Basque country (located between northern Spain and southwestern France), which necessarily required a higher degree of bilateral counterterrorism cooperation. The first step was taken under the Spanish Antiterrorist Policy that, after a period of general amnesty granted to all political prisoners, marked a turning point with the entry into force of Law 21/1978 which gave the police new powers of detention.[4] Without the ethos of a democratic society enforcing new measures, security agencies often resorted to mistreatment and torture. The stringent counterterror policies were further exacerbated by the Socialist government, which in

1982 fostered the operations of the Grupos Antiterroristas de Liberación (GAL), a clandestine state-sponsored paramilitary group established to assassinate ETA members. Notwithstanding, the government policy was never formal in this regard, and the Secretary of State for Security and Minister of the Interior were ultimately prosecuted for allegations in the organisation of the GAL. Anyhow, as previously mentioned, the breakthrough in combating ETA was only achieved through transnational cooperation. In 1984, the Acuerdos de la Castellana formalised a Franco-Spanish agreement allowing systematic deportations and extraditions of ETA members in Southern France. Only with the police operation 'Bidart' that the French police, aided by the Guardia Civil's intelligence, finally arrested the ETA's complete executive committee.[5] This success clearly underlines how crucial cooperative transnational response is in countering terrorist activity as it shifts across borders.

Red Brigades: the Self-Demise of an 'Army Unit'

While ETA evolved into a paramilitary group, the Red Brigades set up an 'armed avant-garde' to bring forward their extremist Marxist-Leninist Communist ideology in Italy. In 1974, the Strategic Directorate (DS) established a compartmentalised structure consisting of an Executive Committee, a 'field unit'

4. Javier Argomaniz, Oldrich Bures, and Christian Kaunert, "A Decade of EU Counter-terrorism and Intelligence: A Critical Assessment" Intelligence and National Security 30, Nos. 2-3 (2015): 191-206.
5. Javier Argomaniz and Alberto Vidal-Diez, "Examining deterrence and backlash effects in counter-terrorism: the case of ETA" Terrorism and Political Violence 27, no.1 (2015): 160-181.

(made up of urban and regional divisions), and brigade fronts. The layout resembled a proper army unit with the DS acting as a military command supplying protocols and guidelines.[6] Surprisingly, Italian authorities did not implement a differentiated set of counterterrorism measures with respect to those applied against any other leftist terror organisation until the death of Prime Minister Aldo Moro. Security forces mobilised with an information and military campaign, but the absolute decline in popular support of the Red Brigades ultimately led to their defeat. More importantly, the experience improved the Italian counterterrorism approach, which promptly responded to the new threats of the Brigades' successor: the Communist Combatant Party (BR/PCC) in 1984. A robust media campaign complemented by increased funding for source payments allowed the police to infiltrate and map the BR/PCC network, quickly arresting all members and preventing future attacks.

Even though the Red Brigades required a national response, international recognition was a key pressurising element in increasing resilience. The overall trend dominating counterterrorism responses pre-dating 9/11 relied on illicit state-sponsored activity, such as in the ETA case (or in the case of the Irish Republican Army), and the application of deterrence and backlash.[7] Raising punishment thresholds and enhancing law enforcement and intelligence agencies powers and resources have been crucial to fight terrorist organisations. This allowed Italian authorities to rapidly dismantle the backlash effects that had triggered the New Brigade emergence. However,

as hybridisation increased and transnational activities expanded their reach, counterterrorism was faced with the impending need for multilateral collaboration. As the New Fundamentalist Wave approached, 9/11 called for new instruments envisaging multifaceted strategies.

Terrorist Activity and Counterterrorism from 9/11 to 2011 E

By 9/11 and from that day on, the terrorist threat to Europe became more adaptive and transnational, irrespective of national boundaries. Between 9/11 and 2011, the focus of European counterterrorism was directed at the threats posed by Islamist ideologists. In the years that followed the New York attacks, the old continent became increasingly aware that the threat was posed by loose networks and cells already present (if not homegrown) in Europe. The terrorism threat was no longer actively directed by Al Qaeda from Pakistan or Afghanistan, but a self-driving vehicle inspired by the Jihadist ideology.

The decade following 9/11 was mainly characterised by the flourishing of institutions, bodies, and policies at the European Union (EU) level devoted to the fight against international terrorism. In October 2001, the Counterterrorism Group, an unofficial group of thirty European intelligence agencies was set up; in November 2001, the Council adopted an Action Plan on Combating Terrorism; in 2002, the EU implemented the Framework Decision on Combating Terrorism; in 2003, the Council adopted the European Security Strategy, according to which terrorism repre-

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6. Victor H. Sundquist, "Political Terrorism: An Historical Case Study of the Italian Red Brigades." Journal of Strategic Security 3, no.3 (2010): 53-68.
7. Ibid.

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sented the, at the time, biggest threat to the security of European citizens.[8] In 2005, after the Madrid and London attacks shook the continent, the EU adopted its first "overarching counterterrorism strategy".[9] In addition to the creation of new institutions and bodies, the EU acted as coordinator of the policies implemented by the MS, and as supporter of operational work conducted on the field by the national authorities.[10] Between 2002 and 2011, the concerted action promoted by the Union and supported by European leaders helped dismantle and thwart an impressive number of cells and plots.

As a response to the attacks which took place on its soil, the EU, "from a position of total irrelevance", acquired an increasingly active role in the fight against international terrorism.[11] Argomaniz, Bures & Kaunert identify three main explanations for this: first, the attacks in Madrid and London changed the perception of the terrorist threat into a "European threat".[12] The bombings caused the public to pressure the governments to take action, and the transnational nature of the threat forced EU leaders to push for concerted action at the Union level. If until then, the threat posed by separatist groups had only affected some specific countries, now an attack could happen anywhere. This perception limited the freedoms that the EU aims at guaranteeing to all its citizens.[13] Secondly, another factor that made the EU assume a prominent role in the fight against terrorism were the Lisbon Treaty reforms, which gave the Union more instruments and competencies, such as the possibility to sign agreements with third countries and "the development of internal institutional and legal capabilities".[14]Pressure from external actors, such as the U.S., represents one last factor contributing to enhancing the EU's will to fight terrorism.

In the 2001-2011 decade, the counterterrorism efforts made by the EU focused on acting within the Union borders. Academics disagree on the effectiveness of the EU's external action in this period. Some believe that the EU did not obtain good results for the main reason that MS were reluctant to engage with European institutions on these matters.[15] [16] Others, in contrast, affirm that through political dialogue and economic assistance, the EU became a valued partner in the fight against Islamist terrorism.[17]

In sum, the 9/11 attacks spurred the growing role of the EU as a key supranational actor in the fight against terrorism. The establishment of a number of institutions, the implementation of a substantial number of policies and, more partially, the intervention abroad contributed to give the EU a more proactive role in the fight against terrorism.

The New Wave: The Evolution of Terrorism from 2011 Lorenzo Vertemati

8. Argomaniz, et al., "A Decade of EU Counter-terrorism and Intelligence: A Critical Assessment"
9. S. Voronova, (2021), 'Understanding EU counter-terrorism policy', European Parliamentary Research Service (EPRS). [online] Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659446/EPRS_BRI(2021)659446_EN.pdf
10. Argomaniz, et al., "A Decade of EU Counter-terrorism and Intelligence: A Critical Assessment"
11. Ibid.
12. Ibid.
13. Jörg Monar, "The EU as an International Counter-terrorism Actor: Progress and Constraints," Intelligence and National Security 30, nos. 2-3 (2015): 333-356.
14. Argomaniz, et al., "A Decade of EU Counter-terrorism and Intelligence: A Critical Assessment"
15. Ibid.
16. Rick Coolsaet, "EU counterterrorism strategy: value added or chimera?" International Affairs 86, no. 4 (2010): 857-873.
17. Argomaniz, et al., "A Decade of EU Counter-terrorism and Intelligence: A Critical Assessment"

Compared to the 2000s, the 2010s saw an increase in terrorist activity in the EU, marked especially by Islamic extremist movements. They specifically represented a risk to civilians, who became these groups' preferred targets. Attacks rose significantly in number from 2015, initiated by the Charlie Hebdo massacre in January in Paris. They were mostly perpetrated by Foreign Terrorist Fighters (FTFs) coming from war-torn regions like Syria. In just two years, between 2015 and 2016, 30 jihadi attacks caused 285 deaths collectively. After the Islamic State in Syria and the Levant's (ISIL) call for its supporters to commit small-scale acts of violence at home in mid-2016, and with the decrease in number of FTFs entering the EU, the terrorist threat mutated into lone-wolf actors that were radicalised at home. The July 2016 Nice attack, perpetrated by a French resident with a rented vehicle, followed soon after.[18]

Mandate

After years of passivity on the counterterrorism front, and facing these numerous new threats, the EU started, especially from 2015, to pass legislation related to the renewal of its counterterrorism policy. Immediately after the Charlie Hebdo attack, three Council Conclusions were passed between January and February by the Justice and Home Affairs (JHA) Council, the Foreign Affairs Council (FAC), and the Informal Heads of State Summit to serve as the new official mandate for the EU's involvement in counterterrorism.[19] [20] They symbolically granted the EU the power to legislate in counterterrorism. Moreover, the 2015 European Agenda on Security COM 185 ensured EU cohesion in the various policy domains of counterterrorism. The Agenda on Security also provided the Commission with a strategic mandate to justify further measures. [21] This new mandate was further revised after the 2016 Brussels attacks with the creation of the Security Union, announced only a day later. This initiative has allowed concerted policy action and follow-up on legislation, while using infringement procedures against non-compliant EU MS.[22]

Policy Development
I. Information Sharing and Operational Cooperation

In the policy domain, the main changes applied to the spheres of information sharing and operational cooperation. Directive 2017/541 (CT Directive) was proposed in December 2015, a mere two weeks after the November 2015 Paris attacks. The new CT Directive extended the classification of the types of terrorist activity representing an offence, especially to impede, arrest, and prosecute FTFs attempting to travel for combat training to Syria. Given law enforcement's inability to track FTFs' movements in and out of the EU, the Passenger Name Records (PNR) Package was passed in April 2016 to allow the collection of data on air travel pas-

18. Christine Andreeva, "The EU's counter-terrorism policy after 2015 - 'Europe wasn't ready' - 'but it has proven that it's adaptable'." ERA Forum 20 (2020): 343-370.
19. Council of the EU, (2015). 'FAC Meetings'. [online] Available at: https://www.consilium.europa.eu/en/meetings/fac/2015/02/09/
20. European Council, (2015). 'Press Release: Informal meeting of the Heads of State or Government Brussels. Statement by the members of the European Council'. [online] Available at: https://www.consilium.europa.eu/en/press/press-releases/2015/02/12/european-council-statement-fight-against-terrorism/
21. Andreeva, "The EU's counter-terrorism policy after 2015," 348.
22. Ibid 349.

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sengers by airline carriers and their dissemination to the authorities.[23] [24]

Less than two months after the Bataclan attack, a January 2016 JHA Council Decision created the new European Counter Terrorism Centre (ECTC). Subordinated to Europol, it provided a channel for information sharing and operational cooperation. Europol's mandate as the EU's central law enforcement agency was further revised by Regulation 2016/794 from May 2016. It enabled the agency to respond more rapidly to emerging international terrorist threats and organised crime.[25] [26] The second-generation Schengen Information System (SIS-II) upgrade improved cross-border law enforcement investigations by spurring efficient exchanges of information between police and intelligence agencies across the EU.[27]

Possibly the most ambitious initiative in this domain was the proposal on interoperability of information systems to connect migration authorities and law enforcement's databases and create a record of third-country nationals and asylum seekers staying in the EU. Thanks to the work of the High-Level Expert Group on Information Systems and Interoperability, a multi-level consultation process organised by the Commission, the interoperability package was enriched with the establishment of new information systems, such as the Entry/Exit System (EES).[28]

The 2015 migration crisis highlighted the value of Frontex with its front-line officers' role in intelligence gathering. A new Frontex, the European Border and Coast Guard, was launched in October 2016 with double the budget and staff of its predecessor and provisions for more extensive information exchange with Europol and certain national authorities. The agency was also provided with executive powers on the deployment of a 10,000-strong Rapid Reaction Force of its own agents in operations[29] (and European Council on Refugees and Exiles, 2019). After the Bataclan attacks and thanks to the Paris Prosecutor's involvement, Eurojust started facilitating all cross-border, counterterrorist investigations. The agency, which hosts and coordinates the Joint Investigation Teams (JITs), also fosters inter-institutional dialogue to promote cooperation and coherence. Europol also established an instrument of bilateral information exchange with the US around terrorist financing: the Terrorist Financing Tracking Programme (TFTP). It enhances the ability to map out terrorist networks, track money flows, identify and locate operatives and their financiers, and uncover terrorist cells.[30] [31] In the context of heavily financed attacks in the EU, in July 2016, the Fifth Anti-Money Laundering Directive 2018/843 was pro-

23. Ibid.
24. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, [2016], OJ L 119, 4.5.2016, p. 132–149. https://eur-lex.europa.eu/eli/dir/2016/681/oj
25. Andreeva, "The EU's counter-terrorism policy after 2015," 350.
26. European Commission. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan to support the protection of public spaces, COM (2017) 612 final, 18 October 2017, (2017). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX-%3A52017DC0612
27. European Commission, COM (2016) 880 final, Report from the Commission to the European Parliament and the Council on the evaluation of the second generation Schengen Information System (SIS II) in accordance with art. 24 (5), 43 (3) and 50 (5) of Regulation (EC) No 1987/2006 and art. 59 (3) and 66 (5) of Decision 2007/533/JHA {SWD(2016) 450 final}, [2016], 21 December 2016. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/ european-agenda-security/legislative-documents/docs/20161221/ report_on_evaluation_of_second_ generation_sis2_en.pdf
28. Andreeva, "The EU's counter-terrorism policy after 2015," 353.
29. Ibid 355.
30. Andreeva, "The EU's counter-terrorism policy after 2015," 356.
31. Europol, (2018). 'EU Terrorism Situation & Trend Report'. [online] Available at: https://www.europol.europa.eu/sites/default/files/documents/tesat_2018_1.pdf

posed to curb illicit cash movements and provide enhanced data access to the Financial Intelligence Units (FIUs). These are facing new challenges from the 'value transfer systems' like *hawala*, which operate in informal bases and outside of the conventional banking system.[32] [33] [34] Other repressive security measures were passed after the 2015-2016 attacks to limit access to explosives, firearms, and CBRN (chemical, biological, radiological, and nuclear) materials. The Firearms Directive 2017/853 from May 2017 tightened controls on firearms acquisition, possession, and transfer. Regulations 2017/214, 5, 6 adopted in November 2016 restrict access to, and use of, seven explosive precursor chemicals.[35] [36] (European Commission, 2019; and European Parliament, 2019). In April 2018, the Commission proposed a regulation to strengthen the security of EU citizens' ID cards and reduce the risk of fraudulent and forged ones. But after the impediment of FTFs journeys to Syria and the diffusion of firearms and explosives had been the judiciary's major concerns between 2011 and 2016, the focus shifted to the use of battlefield evidence. That is because large amounts of evidence, collected by troops deployed on the ground in conflict regions, lacked reliability and were classified or confidential.[37] In November 2018, Eurojust announced the establishment of a European Judicial Counter-Terrorism Register under its supervision. Seven MS launched this intergovernmental initiative to enhance cooperation measures in terrorist attacks investigations and make them more transparent, secure, and quick. The judiciary was also able to establish support for terrorist attacks' victims through the 2017 CT Directive, which pledged further resources in medical and psychological healthcare, legal support, and emergency mechanisms of assistance (European Parliament Research Service; and Eurojust, 2018).[38] [39] Another issue is the institutionalisation of the use of e-evidence: electronic data that digital service providers (including overseas ones) render to law enforcement and prosecutorial authorities for investigative purposes voluntarily. The new legislative act should harmonise and streamline the process in terrorist investigations. Finally, the European Public Prosecutor's Office's (EPPO) role in counterterrorism investigations is debated. Its mandate as supervisor of the EU's collective financial interests could be enriched with the coordination of cross-border and multi-level investigations.[40]

II. Radicalisation

To combat radicalisation, the EU launched the Internet Referral Unit (IRU) in July 2015, six months after the Charlie Hebdo attacks, highlighting the threat posed by online terrorist propaganda. Set up by a JHA Council Decision as subordinate to Europol, the IRU tackles terrorist propaganda on the internet,

32. Andreeva, "The EU's counter-terrorism policy after 2015."
33. Europol, (2018), 'EU Terrorism Situation & Trend Report.' [online].
34. European Commission, (2018). 'Press Release, Statement By First Vice-President Timmermans, Vice-President Dombrovskis and Commissioner Jourovà on the adoption by the European Parliament of the 5th Anti-Money Laundering Directive'. [online] Available at: https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_18_3429
35. Andreeva, "The EU's counter-terrorism policy after 2015," 357-358.
36. European Commission, (2018). 'Eighteenth Progress Report towards an effective and genuine security union, SWD'. [online] Available at: https://ec.europa.eu/homeaffairs/sites/home-affairs/files/what-we-do/policies/european-agenda-security/20190320_com-2019-145-security-union-update-18_en.pdf
37. Andreeva, "The EU's counter-terrorism policy after 2015," 358-359.
38. European Parliament Research Service. 'My security, My EU rights and freedoms: Victims of terrorism.' [online] Available at: https://what-europe-does-for-me.eu/en/portal/2/P09
39. Eurojust, (2018). 'Use of information collected from the battlefield.' [online] Available at: https://www.eurojust.europa.eu/use-information-collected-battlefield
40. Andreeva, "The EU's counter-terrorism policy after 2015," 359-360.

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consults MS, and reports violent content. Overall, it covers a domain of counterterrorism that is mostly absent at the national level.[41] In December of the same year, the EU Internet Forum was set up to target terrorist content and hate speech online. In particular, it brought Europol, governments, and technological companies together to cooperate in the fight against radicalisation.[42] In September 2018, through lobbying by the Commission, a regulation on preventing and disseminating extremist content online followed. It tackles illegal content by introducing obligations for online service providers pursuing extremist propaganda, such as the requirement to remove extremist content within one hour from publication.[43] [44]

Concerning offline radicalisation, the EU launched the Radicalisation Awareness Networks (RAN) Centre of Excellence in October 2015 to connect national practitioners, civil society, and the academic community to develop best practices. It was coupled with a High-Level Expert Group on Radicalisation mandated with enhancing coordination between stakeholders and practitioners, and delivering pragmatic recommendations on systematic exchanges between MS, practitioners, and researchers, and on stronger support structures at the EU level.[45] [46]

Another good practice extended by national initiative was the Syria Strategic Communication Advisory Team (SSCAT), which gathers strategic information and shares good practices on dealing with radicalisation and propaganda. A similar project was started by Belgium in 2018 and endorsed by the High-Level Group on Radicalisation dubbed European Strategic Communications Network (ESCN).[47] [48]

III. External Dimension

Among the previously mentioned 2015 Council Conclusions amending the EU's counterterrorism mandate, the February FAC Conclusions acknowledged the external dimension of the terrorist threat. They empowered the EEAS to enhance external action on counterterrorism, especially in MENA countries and the Western Balkans. Combined with the March 2015 Gulf and Regional Strategy on Syria, Iraq, and Daesh, the EEAS has conducted Counterterrorism Dialogues with partner countries to increase confidence and capacity in security measures, and with local and regional parties to improve intelligence cooperation. The Counterterrorism Dialogues involve participants from EU institutions and agencies who, additionally, identify good practices for the internal coherence of the EU's counterterrorism apparatus, build common priorities, and foster shared approaches among parties.[49]

IV. Critical Infrastructure Protection, Transport Security, and Cybersecurity

These last issues have been less affected by the new counterterrorism strategy of the EU. An

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41. Ibid.
42. Ibid.
43. Ibid.
44. European Commission, (2018). 'Information on the NIS Directive'. [online] Available at: https://ec.europa.eu/digital-single-market/en/network-and-information-security-nis-directive
45. Andreeva, "The EU's counter-terrorism policy after 2015," 361.
46. European Commission, 2018, 'Information on the NIS Directive' [online].
47. Andreeva, "The EU's counter-terrorism policy after 2015," 362.
48. European Commission, 2018, 'Information on the NIS Directive' [online].
49. Andreeva, "The EU's counter-terrorism policy after 2015," 362

Action Plan was adopted in October 2017 to support the protection of public spaces through the development and gathering of guidance and good practices.[50]

Concerning digital infrastructures, MS usually cooperate through voluntary exchanges of good practices and the harmonisation of their approaches to cybersecurity. The Commission also proposed a recommendation on the Cybersecurity of 5G Networks focused on operational cooperation. It followed the first EU-wide legislation on cybersecurity: the Directive on Security of Network and Information Systems (NIS) 2016/1148. Adopted in July 2016, it sharply improved the security of the online domain in the EU. Additionally, the 2013 Cybersecurity Strategy was reviewed in 2017, leading the Commission to propose the Cybersecurity Act in September. It is still in discussion, but it would turn the EU's Agency for Network and Information Security (ENISA) into the Union's official cybersecurity agency if approved. Finally, it might introduce a new EU certification scheme for cyber-secure products.[51] [52] [53] [54]

THE INTERNAL DIMENSION OF EU COUNTERTERRORISM

Intelligence

The exchange of intelligence among MS and between European countries and third countries, international organisations and institutions happens daily at the multilateral and bilateral levels. However, for reasons explained below, such exchange sees European national security services often prioritising bilateral agreements over the exchange at the Union level via institutions such as EUROPOL or INTCEN.

The establishment of agreements and networks for the exchange of intelligence in Europe dates to the years following the Second World War and the '70s, when UKUSA (1946), the NATO Special Committee (1952), the Club of Berne (1971), and the Kilowatt Group (1977), among others, were established. The purposes of the different agreements varied, but most of them focused on exchanging intelligence regarding the Soviet threat during the Cold War. The focus on counterterrorism developed over time: it started in the '70s and '80s with the threat posed by Algerian terrorists, the Red Brigades, the RAF, and the IRA, and expanded in the 1990s. However, before 9/11, cooperation remained confused, uneven, and often ineffective.[55] 9/11 worked as a wake-up call for

50. European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action Plan to support the protection of public spaces, COM (2017) 612 final, 18 October 2017, (2017). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX-%3A52017DC0612
51. Andreeva, "The EU's counter-terrorism policy after 2015"
52. European Commission, "the protection of public spaces"
53. European Commission, Commission Recommendation of 26 March 2019 on Cybersecurity of 5G networks, C(2019)2335 final, 26 March 2019, (2019). https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=58154
54. European Commission, (2017). 'State of the Union 2017—Cybersecurity: Commission scales up EU's response to cyber-attacks.' [online] Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_17_3193
55. Stéphane Lefebvre, "The Difficulties and Dilemmas of International Intelligence Cooperation," International Journal of Intelligence and Counterintelligence 16, (2003): 527-542.

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Western security services, which began to re-organise and expand,[56] [57] as they were provided with more resources, "augmented statutory powers", and vested with much higher expectations.[58] Aldrich argues that they have also become more interventionist, if not violent, as they moved beyond mere "finding" towards "fixing" and "enforcing".[59] This contributed to blurring the lines between the respective roles of intelligence services and law enforcement agencies.

After 9/11, national security services were encouraged by their respective governments and international organisations to enhance the exchange of intelligence with regard to international Islamist terrorism, strengthen the already existing alliances, and create new bilateral ones with so-called "non-traditional partners", such as for example Libya, Syria, or Pakistan. The requests to enhance exchanges with other services were never fully realised, as there are risks that not all intelligence services are willing to take. Intelligence services are known for often being reluctant to share their 'secrets' with foreign partners for three obvious reasons: first, because the nature of intelligence is inherently secretive; second, the work of the intelligence community is "at heart a manifestation of individual state power"[60] and third, because once intelligence is shared, an agency loses control over it. Information can indeed be manipulated or handed over to third parties. The highest risks are encountered when dealing with the secret services of non-democratic states. These are often accused of human rights abuses, such as torture and other violations of international humanitarian law that could tarnish the reputation of Western services.

Such priorities and preferences are visible at the European level. It has been difficult to build a common network for the exchange of intelligence where all national security services provide equal input into the counterterrorism domain. It is indisputable that the EU has gained a more operational role in counterterrorism. However, challenges related to transparency and accountability still prevent national services from fully exploiting multilateral networks and institutions at their disposal.

Law Enforcement

As a crucial security policy within the EU, counterterrorism faces various complexities concerning law enforcement, as its measures encompass areas across all three pillars. A cross-pillar character implies that general and *ad hoc* institutions tailored for counterterrorism law enforcement may encounter complications or deadlocks when combining supranational and intergovernmental logics.

Within this framework, one can distinguish 'vertical' organisations as formally established agencies operating through centrally coordinated channels to ensure uniform response and law enforcement across the Union. On the other hand, 'horizontal' institutions provide for informal networks or partnerships

56. Richard Aldrich, "International intelligence cooperation in practice" International Intelligence Cooperation and Accountability (2011): 18-42.
57. Adam Svendsen, "On 'a Continuum with Expansion'? Intelligence Co-operation in Europe in the Early Twenty-first Century," Journal of Contemporary European Research 7, no. 4 (2011): 520-538.
58. Martin Rudner, "Hunters and Gatherers: The Intelligence Coalition Against Islamic Terrorism," International Journal of Intelligence and Counterintelligence 17 (2004):193-230.
59. Aldrich, "International intelligence cooperationin practice."
60. A. Lander, 2004

set up to foster anti-terrorism governance arrangements.[61] Even though the former are regarded as direct extensions of executive power of the MS due to their intergovernmental character, they are also cumbersome because of the highly bureaucratic mechanisms required. This inevitably undermines their effectiveness, as counterterrorism measures necessitate rapidity even in law enforcement due to the urgency of the issues involved. Conversely, horizontal arrangements are a lot more flexible with a pragmatic approach, but their informal character lacks accountability and therefore raises concerns about legitimacy. The trade-off between effectiveness and legitimacy in this regard is unavoidably spurring formal institutions to increase their operational reach. [62]

Among these, the European Police Office (Europol) has become the main European Law Enforcement Organisation supporting MS' cooperation in fighting terrorism, drug trafficking, and overall international organised crime. Its mandate has included counterterrorism since 1999, but its competencies have extensively increased following 9/11 and large-scale terrorist attacks such as in Madrid (2004) and London (2005). Measures adopted to improve effectiveness primarily focused on creating an Operational Centre providing a 24/7 service information exchange. The Counterterrorist Task Forces (CTTF) aims to collect counterterror information and intelligence to analyse and develop into a strategy to assess and react to the threat. Furthermore, the specialised unit was requested to collaborate with its US counterparts by exchanging liaison officers and strategic-technical information. On the judicial side, the EU Agency for Criminal Justice Cooperation (Eurojust) provides for a cooperation body structured vertically through national delegates with national public prosecutor agencies since 2002. Alongside strengthening anti-terrorism MS magistrates' cooperation, Eurojust also fosters collaboration with American magistrates. Approximately 6% of its cases involve terrorism, and key tactical meetings have allowed European networks to deal with potential threats. Despite enhanced competencies and cooperation, these bodies are regarded as weak counterterrorism actors, even in the application of law enforcement.[63] Especially Europol's mandate cannot be fully operational as long as MS do not allow the delegation of supranational powers. Lack of trust in conceding such powers is triggered by the diverse legal, judicial, and administrative frameworks in each state where there is no shared consensus on the use of police rather than intelligence agencies to deal with counterterrorism.[64] This implies concerns with law enforcement techniques not fully responding to current challenges. Law enforcement encounters considerable limitations without complementation provided by exceptional measures, based on electronic surveillance and intelligence gathering.

The use of monitoring and surveillance aiming at preventive justice in the EU has given rise to other legal challenges endangering constitutional standards and the balance between

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61. Ludo Block, "Decentralization trends in European Union Police Cooperation: Implications for Efficacy and Accountability," Centre for European Studies (2007). [online]. Available at: http://dx.doi.org/10.2139/ssrn.1101680
62. Monica den Boer, Claudia Hillebrand, and Andreas Nölke, "Legitimacy under Pressure: The European Web of Counter Terrorism Networks," Journal of Common Market Studies 46, no.1 (2008): 101-124.
63. Christian Kaunert, "Europol and EU Counterterrorism: International Security Actorness in the External Dimension", Studies in Conflict & Terrorism 33, no.7 (2010): 652-671.
64. Oldrich Bures, "Europol's fledgling counter-terrorism role," Terrorism and Political Violence 20, (2008): 498-517.

the right of defence and privacy. Directive 2016/681 on the use of passenger name record (PNR) data for the prevention, detection, investigation, and prosecution of terrorist offences, provides the means to establish a new database of records on the movements of EU citizens and residents by air. With this, revising the Firearms Directive (91/477/ECC) to tighten controls on firearms possession is part of harmonising criminalisation of offences linked to terrorism to implement UNSC Resolution 2178 (2014) the additional protocol to the CoE Convention on the Prevention of Terrorism. The use of such policy initiatives is in radical contradiction with the Schengen area rationale hindering intra-EU mobility for foreigners, residents and citizens in the EU. 65 Acknowledging the importance of the correlation between cross-border movement and terrorism redefines public policy, shifting law enforcement towards overall surveillance and intelligence-oriented approach.

The Online Sphere and Social Media

Intrinsically tied to counterterrorism measures in law enforcement is the online realm. This tight relationship is primarily fostered by the misguided perception that the only way to counteract terrorism on the internet is by enacting government policy that must then be complied with by all digital and social media companies.[66] Furthermore, most efforts tend to be primarily country-based, ignoring the transnational nature of the web. Especially when looking at the EU and potential cooperation, it is important to identify the diverse policies and mechanisms adopted by MS and the reaction of the private sector regarding social media.

Social media poses a substantial counterterrorism challenge, as many platforms have proven to be well-suited recruiting centres enabling propaganda and spreading information. Personal contact is no longer necessary for radicalisation, implying an acceleration

65. Didier Bigo et al., "The EU and its Counter-Terrorism Policies after the Paris Attacks", CEPS Papers in Liberty and Security in Europe, no. 84 (2015).
66. Brian Fishman, "Crossroads: Counter-terrorism and the internet", The Strategist 2, no. 2 (2019).

of network development for terrorist activity. Among the first methods used by governments against such activity was counter-messaging to refute or undercut propagation of terrorism-related content. Countering Islamist ideology, however, requires mastering its language, traditions, and ideas making such a response very limited in its reach.[67] For this reason, removing terrorist messages entirely became a more widespread practice. Due to the controversies raised by the content of the messages, European constitutions especially have equipped MS with the means to ban speech that incites hatred or discrimination of minorities. For instance, both Germany and France have criminalised the Holocaust denial and adopted the same rationale by generating prohibitions towards expressing any degree of intolerance of specific groups. In 2017 in fact, Germany's *Netzwerkdurchsetzungsgesetz (NetzDG)* required all 'hate' or 'terrorist' speech to be taken down by companies within 24 hours. This involved a network of 1,200 people in Germany checking content on Facebook [68] and France and the UK announcing the possibility of adopting a similar legal liability towards social media companies. Anyhow, as mentioned, relying too much on government policy cannot provide for a comprehensive response to online threats. Private actors and social media companies can be a lot more effective in taking action, especially to avoid any association of sponsors and advertisers with compromising material. The dreadful attacks of 2015 and 2016 resulted in increased European pressure on several social media giants such as Facebook, Twitter, and Google. 125,000 accounts labelled as 'promoters of terrorist acts' were suspended by Twitter the following year. The European Commission agreed upon a code of conduct to be respected by Facebook, Twitter, YouTube, and Microsoft users disabling access to any content that appears not compliant with the code. An EU united front in such regard was crucial to incentivise efforts from private companies highlighting the limits of single MS action. Transnational cooperation was further enhanced after the attack of 2017 when the 'Global Internet Forum to Counter Terrorism' was created to "share technical solutions for removing terrorist content, commission research to inform their counter-speech efforts and work more with counterterrorism experts".[69] Some of the techniques put in practice by the platform owners involve using propaganda instruments such as 'hash sharing' against the groups, as it allows the identification of terrorist content that can be easily barred from all other platforms. A more advanced approach entails using artificial intelligence to feed on profiles and posts, diffusing extremist principles and information to eradicate the terrorist 'nucleuses'.[70]

Another concern is raised by encryption. Whilst encryption ensures secure web browsing and protects data, it also protects the spreading of terrorist content. The French National Assembly, for example, had proposed legislation imposing substantial sanctions on

67. Desmond Butler and Richard Lardner, "US misfires in online fight against Islamic State," Associated Press, 31 January, 2017, [online]. Available at: https://apnews.com/article/social-media-tampa-islamic-state-group-media-archive-b3fd7213bb0e41b3b02eb15265e9d292
68. Emma Thomasson, "Facebook makes German marketing push as hate speech law bites," Reuters, 19 December, 2017, [online]. Available at: https://www.reuters.com/article/us-facebook-germany/facebook-makes-german-marketing-push-as-hate-speech-law-bites-idUSKBN1ED1BW.
69. Julia Fioretti, "Social media giants step up joint fight against extremist content," Reuters, 26 June, 2017, [online]. Available at: https://www.reuters.com/article/uk-internet-extremism-idUKKBN19H20R
70. Hamza Shaban, "Facebook wants to use artificial intelligence to block terrorists online," The Washington Post, 15 June, 2017, [online]. Available at: https://www.washingtonpost.com/news/the-switch/wp/2017/06/15/facebook-wants-to-use-artificial-intelligence-to-block-terrorists-online/

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companies unwilling to collaborate with the state to decrypt messages of investigated users following the Paris attack. The same year, the Investigatory Power Bill imposing a decryption mandate was drafted in the United Kingdom.[71] The matter is obviously highly controversial as it may conflict with constitutional rights and individual privacy and therefore is unlikely to gain major support.

The controversies presented by online counterterrorism mechanisms entail policymakers only having a limited reach in many areas of internet-based terrorist activity according to boundaries set by national constitutions. This partly explains deficits in fully integrating a European response mechanism against the digital menace.

International Cooperation on Counterterrorism

Before 9/11, cooperation at the intelligence and law enforcement levels among MS and between European countries and other Western partners already existed. However, the events of 9/11 pushed to enhance such cooperation as the threat had become transnational and had established networks that crossed countries' borders. The transnational nature of the threat was facilitated in Europe by the freedom of movement of citizens and capital and by the "differences in national anti-terrorism laws and capabilities [as well as] existing gaps in police and judicial cooperation."[72] 9/11 and the attacks in Madrid and London made clear that these challenges could be overcome only with more coordination and cooperation among MS and between European countries and "non-traditional partners".

The Treaty on the Functioning of the EU does not give the EU exclusive competence in the counterterrorism domain, and states can individually conclude agreements with third countries on matters related to counterterrorism.[73] Therefore, there has often been reluctance by the national authorities of the MS to conclude agreements at the multilateral level of the EU with third countries in the field of counterterrorism[74] [75] Although Article 216 of the Treaty on the Functioning of the EU allows the Union to "conclude an agreement with one or more third countries or international organisations where the Treaties so provide or where the conclusion of an agreement is necessary to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties" and "agreements concluded by the Union are binding upon the institutions of the Union, and on its MS" (Article 216, TFEU) most of the existing agreements with third countries remain at the bilateral level. The extent of cooperation with third countries depends on the importance and interests of the partners and the concerns of European states regarding human rights' protection.[76] There are indeed non-democratic countries that have abused or violated human rights, such as resorting to torture to force suspect terrorists to talk. Monar (2015) identifies three types of cooperation with

71. Alex Hern, "UK government can force encryption removal, but fears losing, experts say," The Guardian, 29 March, 2017, [online]. Available at: https://www.theguardian.com/technology/2017/mar/29/uk-government-encryption-whatsapp-investigatory-powers-act
72. Argomaniz, et al., "A Decade of EU Counter-terrorism and Intelligence: A Critical Assessment"
73. Monar, "The EU as an International Counter-terrorism Actor"
74. Ibid.
75. Seniz Bilgi, (2016). "Intelligence Cooperation in the European Union: An Impossible Dream?". All Azimuth 5, no. 1 (2016): 57-67.
76. Monar, "The EU as an International Counter-terrorism Actor"

third countries: law enforcement and judicial, capacity-building, and cooperation with and within international organisations. Since the EU considers terrorism a criminal offence which requires a law enforcement response, most of the agreements have been focused on enhancing the law enforcement and judicial capacity of the Union and its partner countries. In the law enforcement and judicial domains, the US remains the strongest partner for the EU.[77] However, after 9/11, more agreements with 'non-traditional partners' were signed, especially with those countries from which the terrorist threats originated: Somalia, India, Pakistan, Turkey, and Balkan states. Specifically, EUROPOL has strategic agreements with Albania, Bosnia-Herzegovina, Macedonia, Montenegro, Serbia, and the United Arab Emirates, and both strategic and operational agreements with Croatia and Ukraine.[78]

Cooperation with less developed or non-democratic states has mostly come in the form of assistance and capacity-building. In other words, the EU has contributed to reforming their security and judicial apparatuses by teaching counterradicalisation strategies, training police officers, prosecutors, and judges, and by providing resources and funds for the building of new critical infrastructure. [79] A successful example of this form of cooperation was developing the Pakistani NACTA for countering terrorist activities conducted in the Punjab and Khyber provinces. Lastly, the EU has cooperated with international organisations like the G8, the Council of Europe, and the UN by ratifying and implementing conventions and creating new instruments devoted to the fight against international terrorists. Cooperation in all forms has not always run smoothly: the EU has often encountered reluctance by third countries to carry out reforms, a lack of coordination among MS, legal complexities, and the preference of certain countries for bilateral agreements.[80] However, thanks to enhanced cooperation, the EU has been able to dismantle a good amount of terrorist networks and cells and prevent many attacks from happening since 9/11.

THE EXTERNAL DIMENSION OF EU COUNTERTERRORISM: EUTM/ EUCAP SAHEL AND COUNTERTERRORISM IN MALI

As we have seen, the EU and its MS have a long history of combating and, sadly, experiencing terrorism. As the latter has changed and mutated many times throughout history, so has the EU's counterterrorism policy. As was already mentioned, the Union has stepped up its efforts to counter violent extremism in the aftermath of 9/11. Notably, it publicly committed itself to combating the phenomenon on several occasions through the adoption of

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77. Ibid.
78. EUROPOL. 'Partners and Agreements'. [online] Available at: https://www.europol.europa.eu/partners-agreements
79. Monar, "EU as an International Counter-Terrorism Actor"
80. Ibid.

several key documents such as the 2003 European Security Strategy, the 2005 EU Counterterrorism Strategy, and the 2010 Internal Security Strategy.81 In the previous section, we discussed the effect this shift has had on the EU's internal counterterrorism policy. In the last decade, however, several policy instruments have allowed decision-makers in Brussels to eye the external dimension of the practice. Thus, with the signing of the 2009 Lisbon Treaty and the adoption of the CSDP, the EU has moved to prevent and combat terrorism on foreign soil before it reaches European shores. The main geographical focus was on third countries related to an actual or emerging terrorist threat with the potential to carry out attacks in the EU or threaten the latter's citizens and interests. Some of the countries that have most recently made it on the list lie in the Sahel.82 Given the rich political, historical, and socio-economic ties bridging Europe with the region, and the fact that the US has generally ignored its importance, it seemed like the perfect training ground.

The EU was already active in the area. Since 2010 it has supported the Special Program for Peace, Security, and Development in Northern Mali (PSPSDN), President Ahmadou Toumani Touré's plan to reassert government control over the area.83 Here, the activity of several terrorist groups such as Al-Qaeda in the Islamic Maghreb (AQIM) was eroding government capacity and legitimacy. Subsequently, illegal activities like narcotics trafficking were on the rise. The Union was already providing Mali with more than €20 million for "transportation, peace and security, humanitarian and agricultural aid, climate change programs, water and energy, assistance to migrants, and culture."84 Additionally, the EU underwrote roughly 25% of the PSPSDN's budget of €16.34 million for the period 2010-2011.

This strategy, however, was hindered by the lack of coordination and alignment of interests and activities of individual MS, which, on occasion, actively undermined EU policy.85 The bureaucracy of the Union was mired in conflict and disagreements. Lucia highlighted such ideological and political differences in her study of European Union External Action (EEAS) and Director General for International Cooperation and Development officials.86 Their conflict over the European Commission's leadership, development capital allocation, and priority-setting hampered the EU's use of military instruments to pursue its objectives and fostered resistance to coordination practices. The result was disengagement with local, West African partners, prioritising the EU's security concerns, and undermining regional organisations such as the Economic Community of West African States (ECOWAS).

To make matters worse, the Union's approach to the broader Sahel was compartmentalised with different special representatives focusing on different states in the same region. Its re-

81. Mackenzie et al., "The European Union Counter-terrorism Coordinator and the External Dimension of the European Union Counter-terrorism Policy," Perspectives on European Politics and Society 14, no. 3 (2013): 325-338. [online] Available at: https://doi.org/10.1080/15705854.2013.817810
82. Council of the European Union, (2011). 'Council Conclusions on a European Union Strategy for Security and Development in the Sahel'. [online] Available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/120075.pdf.
83. Ricardo René Larémont, "Al Qaeda in the Islamic Maghreb: Terrorism and Counterterrorism in the Sahel." African Security 4, no. 4 (2011): 242-268.
84. Ibid., 259.
85. Richard Downie, (2014), "EU and US Policies in the Sahel and the Horn of Africa: The Search for Sustainable Approaches." Istituto Affari Internazionali.
86. Elisa Lopez Lucia, "Performing EU agency by experimenting the 'Comprehensive Approach': The European Union Sahel Strategy." Journal of Contemporary African Studies 35, no. 4 (2017): 464.

sources were even handled by the Commissioner for Development rather than the actual agencies involved in the area.[87] Nevertheless, a Strategy for Security and Development in the Sahel was adopted in March 2011 for Mali, Mauretania, and Niger, and extended to Burkina Faso and Chad in 2014. It preceded the 2015-2020 Sahel Regional Action Plan (RAP) adopted in April 2015 by the EU's Foreign Affairs Council. Both programs privileged the fight against violent extremism, although, in the latter, the strategy appeared more focused and human-centred, perhaps thanks to the experience of the previous four years. [88] [89] [90] [91]

The Counterterrorism Coordinator (CTC) office in the Council of the EU played a key role in drafting and implementing the Sahel Strategy. Already in May 2012, it was supporting an increase in the EU's counterterrorism effort in the Sahel and emphasised the need to reduce the risk of fundamental human rights violations by encouraging the adoption of a criminal justice and law enforcement-based approach.[92] [93] Already prior to the 2010s, it supported the use of different European Commission instruments like the Instrument for Stability (IfS) around the world, and before the launch of the Sahel Strategy, it was involved in dialogues with

87. Rem Korteweg, "Treacherous sands: The EU and terrorism in the broader Sahel." European View 3, (2014): 257.
88. Council of the European Union, 'Council Conclusions on a European Union Strategy for Security and Development in the Sahel.'
89. Council of the European Union, (2014). 'Council Conclusions on Implementation of the EU Strategy for Security and Development in the Sahel'. [online] Available at: http://www.consilium.europa.eu/media/28735/141577.pdf.
90. Council of the European Union, (2016). 'Council Conclusions on the Sahel'. [online] Available at: https://data.consilium.europa.eu/doc/document/ST-10393-2016-INIT/en/pdf
91. Bernardo Venturi, "The EU and the Sahel: A Laboratory of Experimentation for the Security-Migration-Development Nexus." Istituto Affari Internazionali 17, no.38 (2017): 1-20.
92. Lucia, "Performing EU agency by experimenting the 'Comprehensive Approach',"464.
93. EU Counter-Terrorism Coordinator. 'EU Counter-Terrorism Strategy – Discussion Paper',[online] Available at: Council Document 9990/12, Brussels, (23 May 2012): 20–22

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African countries to articulate its details. [94] [95] [96] The CTC's standing and autonomy have, additionally, allowed it to identify and push its own policy priorities, and persuade MS to adopt EU counterterrorism legislation into their own national legal order. [97]

But why was the Sahel Strategy so focused on Mali? What convinced European policymakers to allocate most of the resources devoted to the region to this country? As previously mentioned, terrorist activity in Mali grabbed the attention of the EU following the instability and insecurity created by the resurgence of jihadi groups, trafficking networks, and separatist movements. These terrorists are the violent expression of political and socio-economic frustration rather than sheer religious extremism. Corruption and ethnic tensions create a path towards radicalisation that transforms terrorist groups into social movements, which partly draw their legitimacy from international presence and sponsorship of the state's military.[98]

This environment gave rise to the Tuareg rebellion against the central government in January 2012 in Northern Mali. Islamist groups quickly overtaken the campaign that marched on Bamako and ushered in a military coup in March 2012. France, a major player in the region, launched Operation Serval and Operation Barkhane in 2013 and 2014, respectively, to counter these threats.[99]

However, the religious extremists terrorising the area are not only local. Regional Salafist groups like Ansar al-Sharia and global jihadist movements such as Boko Haram also cooperate and form temporary alliances, blurring boundaries. These groups are aided in their efforts by a lack of government presence in rural areas, which allows them to move freely across the region's porous borders, and control territory and transport routes.[100] [101] Illicit cross-border flows also include migrants, arms from Libya, and drugs from Latin America. Other regional problems related to terrorism include organised crime, piracy in the Gulf of Guinea, and energy security[102] [103] Collectively, these illegal activities directly impact EU MS and their capital.[104]

Mali's collapse radically increased the flow of EU diplomatic and financial resources to the Sahel and triggered the launch of two CSDP missions in the area. The EU Training Mission (EUTM) Mali was launched in January 2013 to increase Malian armed forces' military capacity, while the EU Capacity Building Mission (EUCAP) followed in January 2015 after being tested in Niger to support the broader security sector reform (SSR). Additionally, the new EU Special Representative (EUSR) to the region pledged to contribute to its development with a further €5 billion.[105] [106] Of course, different MS contributed to different extents to the missions, highlighting diverse

94. Council of the European Union, (2008). 'Implementation of the EU Counter-terrorism Strategy – priorities for further action'.
95. Council of the European Union, 'Council Conclusions on a European Union Strategy for Security and Development in the Sahel'.
96. European External Action Service. 'Strategy for security and development in the Sahel'. [online] Available at: https://eeas.europa.eu/archives/docs/africa/docs/sahel_strategy_en.pdf
97. Mackenzie, et al., "The European Union Counter-terrorism Coordinator and the External Dimension of the European Union Counter-terrorism Policy." 336.
98. Brice Didier, "The regionalisation of counter-terrorism strategies in the Sahel: the G5 as a challenge for transatlantic relations," College of Europe, (2018): 1-4.
99. Lucia, "Performing EU agency by experimenting the 'Comprehensive Approach'," 460.
100. Korteweg, "Treacherous sands: The EU and terrorism in the broader Sahel," 252-254.
101. European External Action Service, "Strategy for security and development in the Sahel."
102. Isaac Kfir, "Organized Criminal-Terrorist Groups in the Sahel: How Counterterrorism and Counterinsurgency Approaches Ignore the Roots of the Problem." International Studies Perspective 19, (2018): 344-359.
103. Moda Dieng, "The Multi-National Joint Task Force and the G5 Sahel Joint Forces: The limits of military capacity-building efforts." Contemporary Security Policy 40, no. 4, (2019): 489.
104. Downie, "EU and US Policies in the Sahel and the Horn of Africa."
105. Ibid., 45-46.
106. Council of the European Union, (2014), Council Conclusions on Implementation of the EU Strategy for Security and Development in the Sahel.' [online].

interests in cooperation. France was the leading player, boasting the highest level of engagement in every operation.[107]

The different interests of participating countries forced mission officials to rely on cooperation practices almost immediately. They were both collaborating with each other within the EU-funded PARSEC program to strengthen the security of the Mopti and Gao regions and of border areas, and with ECOWAS in early warning, intelligence sharing, and arms control.[108] [109] [110] EUTM Mali also cooperated with the French GTIA Désert mixed combat group from May 2013 on. Finally, MINUSMA was the first UN peacekeeping mission to deploy a dedicated intelligence unit, the All-Source Information Fusion Analysis Unit (ASIFU), which was only staffed by European troops.[111] [112]

While both the EUTM and EUCAP Sahel Mali missions were created to fight terrorism, the latter was the most comprehensive one in its approach, since it tackled most of the wide-ranging problems affecting the region's security sector. EUCAP Sahel Niger troops have fought Boko Haram in Mali since 2012 through a mix of militarised counterinsurgency and social control and policing practices. Already with this first EUCAP mission, security officials started grasping the need to couple coercive violence with civilian forms of law enforcement. Counterterrorism training in tactical entry and counterinsurgency was coupled with bureaucratic activities like workshops on legal procedures and human resources practices (Frowd and Sandor 2018, 77). The latter became especially prominent after Boko Haram stepped up its violent activities in December 2014. Legal training for its military and security institutions was actively requested by state officials. It came in workshops on practices of social control and criminal investigation, and humanitarian techniques such as medical evacuation and refugee support. The very treatment of repented former jihadists shifted from policing-style procedures to forms of pastoral care. Despite largely coming from military and law enforcement backgrounds, EUCAP Sahel officials demonstrated the validity of civilian approaches rooted in the reinforcement of symbolic violence. They were effectively 'security diplomats'.[113]

EUCAP Sahel enjoyed a much larger budget than other CSDP missions. It was thus able to provide much more assistance to recipient countries in the area but was always careful about how the capital was used. The mission instigated, for example, the development of specialised regional security coordination units tasked with crisis response known as *postes de commandements mixes.* They combined intelligence, law enforcement, and military practices and were in direct communication with regional governors and councils. EUCAP Sahel also provided communication equipment, vehicles, and offices.[114] The mission was also active on the home front,

107. Silvia D'Amato, "Patchwork of Counterterrorism: Analysing European Types of Cooperation in Sahel." International Studies Review, (2021): 11.
108. Lucia, "Performing EU agency by experimenting the 'Comprehensive Approach'," 462.
109. Luca Raineri, and Fransesco Strazzari, "(B)ordering Hybrid Security? EU Stabilisation Practices in the Sahara-Sahel Region." Ethnopolitics 18, no. 5 (2019): 549-550.
110. Council of the European Union. (2017). European Union stabilisation action in Mopti and Segou (Council Decision (CFSP) 2017/1425). Brussels: EU Council.
111. UN, "Lessons Learned Report. Sources Information Fusion Unit and the MINUSMA Intelligence Architecture: Lessons for the Mission and a UN Policy Framework", Semi-Final Draft for USG Ladsous' Review, (2016).
112. Michael Shurkin, (2014), 'France's War in Mali: Lessons for an Expeditionary Army.' RAND Corporation. [online] Available at: http://www.rand.org/content/dam/rand/pubs/research_reports/RR700/RR770/RAND_RR770.pdf

113. Philippe M Frowd and Adam J Sandor, "Militarism and its limits: Sociological insights on security assemblages in the Sahel." Security Dialogue 42, no.1-2 (2018): 77-78.
114. Ibid, 76-77.

sharing working procedures and promoting initiatives at the European level. Within the EUCAP Sahel umbrella, EUROGENDFOR was involved in operational cooperation in Mali and promoted the sharing of procedural protocols among different European law enforcement agencies. Similarly, the Counterterrorism Monitoring, Reporting, and Support Mechanism (CT MORSE) program supported local subnational security and police forces' access to economic support and shared projects. [115] Moreover, in June 2016, the Rapid Action Groups - Surveillance and Intervention (GAR-SI) was launched in the Sahel to pool the expertise of multiple European forces to enforce different counterterrorism-related activities based on the principles of prevention and reaction.[116]

Beyond the CSDP missions lies an additional, but equally important effort by the EU to build up capacity in the security sector of Mali and the rest of the Sahel countries. The G5 Sahel was created in February 2014 to coordinate and monitor regional cooperation initiatives while bolstering security and development. The EU, and France especially, played a major role in the security organisation's establishment. It was conceived with military ambitions focused on counterterrorism, coupled with social cohesion and policing missions. Compared with EUTM and EUCAP Sahel, the organisation significantly expanded the geographical focus of counterterrorism opera-

tions beyond Mali and Niger.[117]

Given the initial success of the project, the EU provided the G5 with €50 million and pledged an additional €100 million to set up the G5 Joint Force, a 10,000-strong multinational force to lead cross border operations against Islamic terrorism, organised crime, and human trafficking. The EU's High Representative, Federica Mogherini, took a personal interest in the project and visited Mali in 2017. Her visit followed that of French President Emmanuel Macron, who in July of that year participated in the Joint Force's establishment.[118] [119] Supporting both Operation Barkhane and MINUSMA, the project was upheld by both the UN and African Union, in contrast to US reluctance. The EU also helped set up the Sahel Alliance in the same year, the G5's 'coordination hub' tasked with covering the development side of counterterrorism policies.[120] Since May 2018, the Joint Force is also supported by EUTM and EUCAP Mali, which, in turn, enjoyed a significant budget increase.[121] The G5 has, arguably, led to a Europeanisation of France's Sahel policy through its multilateral nature.[122] It is thus evident how the EU shifted its counterterrorism policy, especially in the Sahel, towards less militarised, more bureaucratic approaches stressing procedural efficiency, community involvement, and civilian control. In fact, both global and local security actors work strategically to avoid the appear-

115. D'Amato, "Patchwork of Counterterrorism," 15.
116. EUROPEAN COMMISSION. (2016). "Annexe IV a`l'Accord Instituant le Fonds Fiduciaire 'European Union Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa', et ses regles internes." Document d'action du Fonds Fiduciaire ` de l'UE a`utiliser pour les decisions du comite´de gestion.
117. Didier, "The regionalisation of counter-terrorism strategies in the Sahel," 2.
118. Kfir, "Organized Criminal-Terrorist Groups in the Sahel," 355.
119. Reuters, "EU Commits 50 Million Euros to Combat Militants in West Africa.", 5 June 2017, [online]. Available at: http://www.reuters.com/article/us-africa-security-sahel-idUSKB-N18W2GV
120. Didier, "The regionalisation of counter-terrorism strategies in the Sahel," 3.
121. Dieng, "The Multi-National Joint Task Force and the G5 Sahel Joint Forces," 489-490.
122. Didier, "The regionalisation of counter-terrorism strategies in the Sahel," 3.

ance of militarisation.[123] [124] The Union has integrated its counterterrorism activities within the Instrument contributing to Stability and Peace (IcSP) and increased funding dedicated to them by 450% since 2013.[125] The European Defence Fund (EDF), DG DEVCO, and the Emergency Trust Fund for Africa (EUTF) have, since 2014, committed more than €5 billion to the Sahel. These differentiated commitments have also supported multi-level and multi-agency information sharing. Still, the EU's overall strategy in the region seems short-sighted and fragmented, hindered by a lack of understanding regarding local social and economic dynamics, and the political economy of the security sector.[126] [127]

THE NEW COUNTERTERRORISM AGENDA 2020-2025

Efforts to counteract terrorism have varied widely among MS with varying degrees of involvement, depending on national interests and security. The attacks on European soil over the last decade have reminded that terrorist threats are still pending. New technologies have made it easier to develop and manage transborder attacks, highlighting a supranational response. A collective EU level approach supported by information-sharing networks and interoperable databases is gradually being put into practice. Realigning security environments beyond the misguided dichotomy of off- and online is also among the top priorities to provide police and judicial authorities with the means to enforce law comprehensively in all areas. The Commission has proposed an approach that includes MS coordination with the European Parliament and the Council but also involves a bottom-up component engaging society as a whole. The key steps to working around are anticipation, prevention, protection and response.

Anticipation

Anticipation is perhaps the primary among all other actions as it allows to avoid or mitigate terrorist impact entirely. It is centred around threat assessment, which requires multi-level but also multi-disciplinary cooperation. Thus, this long-term counterterrorism policy calls for strategic intelligence centred around the EU Intelligence and Situation Centre (EU INTCEN). The internal security it provides focuses on supporting risk assessment capability together with situational awareness. Planned providing trained protective security advisors to support critical infrastructure in MS is among the Commission's proposals. Furthermore, joint training and exercises are determinants to strengthen European resilience.

Research Programme Horizon Europe pro-

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123. Frowd, and Sandor, "Militarism and its limits," 75-76.
124. Council of the EU, (2015). 'Main results of the Foreign Affairs Council.'[online] Available at: https://www.consilium.europa.eu/en/meetings/fac/2015/02/09/
125. Counter-Terrorism Monitoring, Reporting and Support Mechanism (CTMORSE). "IcSP: Countering Terrorism." http://ct-morse.eu/about/icsp-countering-terrorism/.
126. Venturi, "The EU and the Sahel: A Laboratory of Experimentation for the Security-Migration-Development Nexus," 12.
127   Lucia, "Performing EU agency by experimenting the 'Comprehensive Approach'."

vides for the advanced research integration within security policy. This aims at developing an enhanced impact directed output, especially in relation to law enforcement and the security policy cycle. Here, European bodies can assist both the Commission and MS to ensure research relevance and focus. Europol's new mandate undoubtedly allows for a strong contribution coming from its side especially regarding CT law enforcement. Combining on- and offline activity at this stage is fundamental. Artificial Intelligence (AI) equips the EU with innovative solutions to identify online terror content, symbols, and accounts while preventing their dissemination. Adequately trained algorithms based on quality data sharing can ensure minimum bias in verifying terrorism content through the application of AI. Even though well-established anticipation reduces the need for further action, it is often not sufficient. Therefore enhancing resilience in all areas is crucial at the EU level.

Prevention

Just like anticipation, the prevention of the occurrence of attacks also has a future outlook. This step centres around a community-focused approach enabling the avoidance of extremism and radicalisation at the root. Support for local actors must account for the threat posed by Europeans themselves, notwithstanding the absence of conflict zones potentially triggering terrorism involvement. One of the fastest ways to radicalise a community is virtually surrounding it with extremist ideological content. In the first place, regulation to address the issue would ensure prompt removal of such content from online platforms. The proposal of a Digital Services Act from the Commission also entails horizontal rules application which allows users themselves to police. A large transnational ensemble such as the online community is key to identify all traces of illegal content.

The EU Crisis Response Protocol coordinates cross-border collective response to viral dissemination of terror-related ideology to complement such regulation. In this context, Europol's Internet Referral Unit requires reinforcement of monitoring competencies to implement the Protocol at all times. However, beyond engaging among MS, online counterterrorism must maintain a united front internationally. The Global Forum for Counterterrorism increases operational response beyond European borders through minimum global standard-setting. Other than on the internet, prevention must occur within three main critical spheres defining the propensity for criminals to engage in terrorist activity. The first step focuses on prison risk assessment regarding inmates and terrorist offenders. Then, the Radicalisation Awareness Network Rehabilitation Manual provides tailored support for the rehabilitation of such individuals. Last, standardisation of indicators for the effectiveness of reintegration programs would allow a complete and harmless reintroduction of the inmate into society.

Protection

To concretely reduce vulnerabilities and protect EU citizens, it is crucial to upgrade information systems filling the security gap concerning the return of foreign terrorist fighters. Internally, public space and critical infrastruc-

ture must implement security measures in project planning, as promoted by the Commission, in a virtual architectural book on urban design setting minimum obligations. More importantly, however, considering that many terrorists involved in the 2015 Paris attacks had illegally returned from Syria, border security is of primary concern. Approximately 5,000 out of the 50,000 individuals that have moved to Syria for jihad-related reasons are estimated to originate from the EU. Therefore authorities must be able to identify whether terrorist suspects are attempting to cross external borders. Support from Europol concerning law enforcement and Frontex & EU-Lisa at an operational level is necessary to guarantee a macro-regionally coordinated protection in border security.

In 2020, the Schengen Forum set the premises for the launch of the Commission's Schengen Strategy, proposing the Borders Code review to strengthen police cooperation and information exchange. It is necessary to address the interoperability of information systems, as that ultimately determines the efficiency and effectiveness of systematic checks of external borders. An interoperable framework grants the means to instantly share data with officers and border guards acting on protection mechanisms along borders. The Entry/Exit System (EES) automatically registers travellers from a third country and thus can facilitate the detection of identity fraud and potential terrorists. A complimentary role is played in conjunction by the Advance Passenger Information (API) and Passenger Name Record (PNR). The Commission will propose to revise the API directive to streamline its data for countering terrorism, making it co-

Source: https://www.consilium.europa.eu/en/infographics/interoperability/
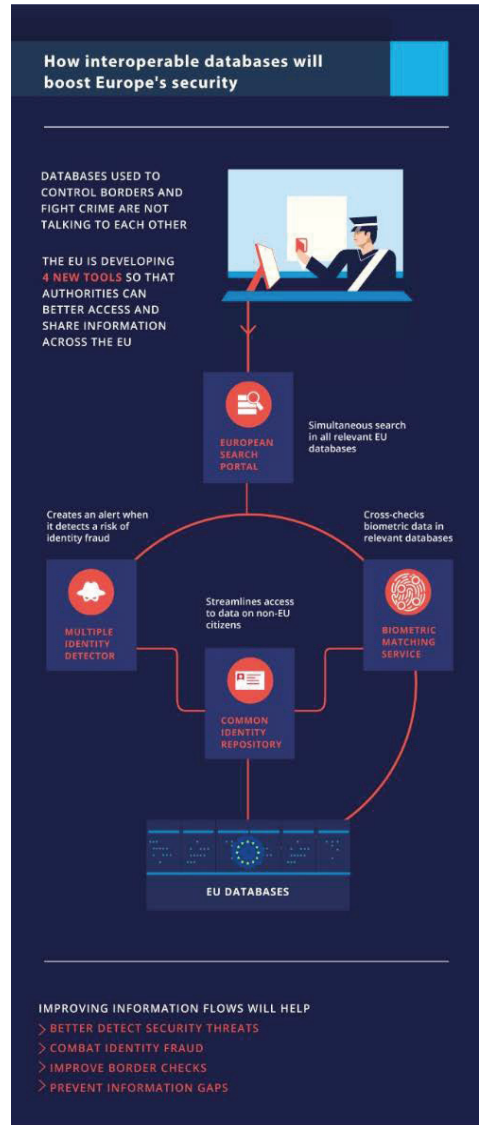
herent with both the EES and PNR systems. The latter provides criminal intelligence leads for law enforcement. The Commission's main

concern is ensuring the compatibility of PNR transfer of data with European legal requirements for full implementation of the PNR framework. This process is vital to maintain global and bilateral cooperation, especially with the US.

Denying terrorists the means to attack is at the base of protection. A system that allows for refusal to grant authorisation for the acquisition of firearms under the Firearms Directive will eliminate the possibility for individuals to complete such purchases in other MS after they have been denied the chance to do so. National Firearms Focal Points should ensure Cross-departmental cooperation exchanging information and intelligence. However, chemical, biological, radiological, and nuclear (CBRN) materials pose an even larger threat. The Commission is currently finalising restrictions to access such materials and supports an 18-country joint action to strengthen preparedness and response to CBRN attacks and strengthen cross-border cooperation.

It is also necessary to consider that existing counterterrorism sanctions implemented according to UN standards are powerful instruments when fully adopted. The use of travel bans and asset freezing combined with EU measures can provide for a substantial counterterror basis if comprehensively enforced at an EU level.

Response

Finally, enabling adequate response mechanisms with the CT operational support of European agencies fosters EU level resilience. Enhancing Europol's mandate, allowing for cooperation with private parties is a first step towards effective data sharing to stop terrorist abuse of platforms and transnational services used for recruitment and planning attacks. Europol overcomes jurisdictional border issues that may hinder the prosecution of such activities. Additionally, they can support national CT investigations, such as Task Force Fraternité in response to Paris and Brussels attacks. Law enforcement networks supported by the Commission also promote the mobilisation of land force operations. The networks develop channels for cross-border communication and resource pooling combined with joint training and exercises aiming at responsive military interoperability during and after attacks. This has specifically occurred inter-regionally, with the European Regional Development Fund concerning police and security services cooperation.

Even though the agenda focuses on strengthening macro-regional counterterrorism, ultimately, a global response determines true success. Cooperation with Interpol, the international criminal police organisation, is fundamental to gather battlefield information and detect illicit border crossing. As proposed by the Commission, a concrete cooperation agreement would allow access to Interpol databases, enabling EU bodies to perform operational tasks. Furthermore, bilateral agreements with key partners, such as the US, provide further safeguards for EU citizens. The EU-US Terrorist Finance Tracking Programme Agreement that will soon be reviewed is useful for transnational response effectiveness. Cooperation with the US also takes place in the digital sphere addressing cyber terrorism based on an international framework as an outcome of the Budapest

Convention on Cybercrime.

Moreover, one must not overlook battlefield evidence revealed by armed forces during private party operations in conflict zones. Such data is of paramount importance during prosecution. Therefore the Commission fully supports the use of battlefield-based information for MS to detect foreign terrorist fighters. This practice is best performed in conjunction with the EEAS and non-EU countries (the US in particular) by integrating battlefield evidence from international sources within the European security architecture.

CONCLUSION

The present paper, in its entirety, has made very much clear that the attacks on 9/11 represented a turning point not only for the U.S., which was directly affected by them, but also for the EU and the citizens of its MS. The attacks in New York left an open wound in the Western world, which could only be healed by engaging more deeply in actions to prevent such events from happening again. Although some European countries had already experienced acts of terrorism before 9/11, and most of them were successful in hunting them down eventually, the nature of the threat that developed from the late '90s was so different that new measures to counter it became necessary. From 9/11 on and especially since the attacks in Madrid and London, the old continent saw the mushrooming of new institutions, the creation of new instruments, and the implementation of strategies and policies designed to counter the Islamist terrorist threat. Cooperation among MS, EU institutions, international organisations, and third countries grew exponentially in the different fields of intelligence, law enforcement, and justice. Old partnerships were strengthened, new agreements with 'non-traditional partners' were signed, and new branches of already existing institutions were created.

As the threat kept evolving and changing its tactics, the EU adopted new *ad hoc* measures. For this reason, the EU, often blamed for only responding instead of preventing, implemented anti-radicalisation measures and other policies aimed at stopping the spread of the ideology before it could take a more practical direction. This has contributed to the fact that there have not been any major attacks on European soil since the Bataclan attacks and the Brussels bombings. In the same framework of prevention, the EU decided to also engage in external actions, intervening directly through military operations in those countries where the major threats are currently coming from. The mandate of most of its operations abroad focuses on counterterrorism and involves development assistance, capacity-building, and humanitarian aid. However, the counterterrorism clause is always present. It represents a crucial field of action for the EU to preserve the stability and security in the area it aims to represent.

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Countering Terrorism in the EU

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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