Justice & Home Affairs

International terrorism

Assigned readings for this session:
- *Carrera, Guild & Mitsilegas (2017), 1-15*
- *Khandekar, G. (2011), pp. 16-30*
- *Coolsaet (2010)*

Eu

Prüm

Regulation 2016

International terrorism

Overview milestones of EU's counterterrorist policy

Critical issues

Debate

Legislative milestones of CT policy

- *Terrorists list*
- *Definition terrorist offence, ... etc.*

Debate

'the EU should not have more CT powers '

- *Critical issues*

- *Benefits and harms of EU intelligence in CT policy*

- *EU's ambivalence in counter-terrorist policies*
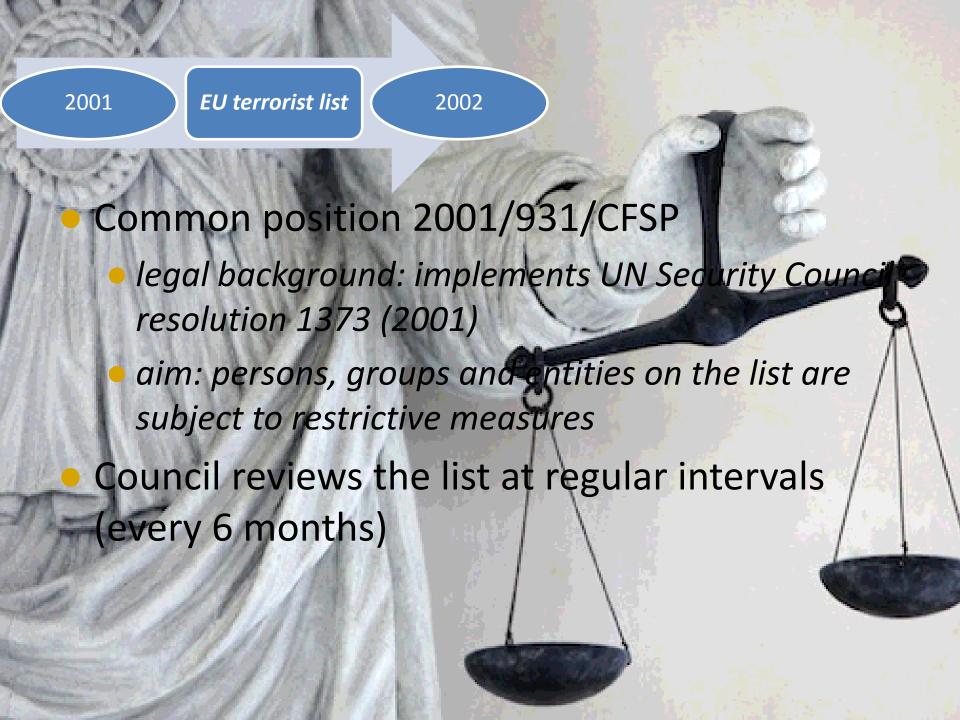
Institutional milestones of CT policy

- *Counterterrorism Coordinator*
- *Counter Terrorism Centre*

- Common position 2001/931/CFSP
  - *legal background: implements UN Security Council resolution 1373 (2001)*
  - *aim: persons, groups and entities on the list are subject to restrictive measures*
- Council reviews the list at regular intervals (every 6 months)

- Framework Decision 2002/475/JHA on combating terrorism)
  - *for harmonization (of substantive criminal rules)*
  - *also a legal tool enabling EU decision making in fighting terrorism ('what is on the list and what not')*
- Its conception of terrorism combines two elements:
  - *objective element (defining instances of serious criminal conduct such as murder, bodily injury, hostage taking, etc.);*
  - *subjective element (these acts are committed with the aim of "seriously intimidating a population" or "seriously destabilizing or destroying fundamental [..] structures of a country")*
- The EAW was adopted on the same day (13 June 2002)

- Counterterrorism Coordinator (2004)
  - *placed under the EU's High Representative for the CFSP*
  - *tasked to improve EU oversight and accountability for all counterterrorism efforts*
- its tasks include:
  - *analysis of counterterrorism measures in EU*
  - *advising and recommending on counterterrorism legislation and*
  - *coordination of the counterterrorism policy among EU institutions*

- Strategy Plan *of 2005 was first long-term policy agenda on counter-terrorism*
  - *introduced by UK Presidency (a few months after the London attacks)*
- It's a tool for reviewing the measures already adopted and identifying future action
  - *it organizes them under four pillars: prevent, protect, pursue, and response*
- Under the 'pursue pillar', for example:
  - *fall measures such as EAW, EIO and latest money laundering directive*
- Currently the strategy is under revision in *the 2020 Counter-Terrorism Agenda*
  - *envisaging action for improvement across the four pillars, notably in relation to single-man attacks*

- *European Counter Terrorism Centre (ECTC)*
  - *an operations centre (for intelligence only) at Europol*
  - *launched on 25 January 2016; following a JHA Council decision in 2015*
  - *a 'hub' at Europol for sharing information and expertise between member states, focusing on such issues as:*
    - *terrorism financing (through the Terrorist Finance Tracking Programme and national Financial Intelligence Units);*
    - *online terrorist propaganda and extremism;*
    - *foreign fighters;*
    - *illegal arms trafficking*

- *Passenger name record - Directive 2016/681*
  - *aim: use of (PNR) data for prevention, detection, investigation and prosecution of terrorist offences and serious crime*
  - *was adopted also in light of the phenomenon of returning 'foreign fighters'*
  - *it was a response tailored to the network nature of these (single-man) activities*
  - *it also includes the obligation of providing personal information by air carriers/airline companies*

- Directive on combating terrorism (2017/541)
  - *revising 2002/475 Framework Decision on terrorism*
  - *like PNR, also a response to the issue of returning foreign fighters*
  - *it includes new definitions criminalising acts such as*
    - *undertaking training or travelling for terrorist purposes;*
    - *organising or facilitating such travel;*
    - *receiving training and travelling abroad for terrorist purposes [e.g. to join a terrorist group];*
    - *recruiting for terrorism;*
    - *spreading terrorist propaganda, including on internet;*
    - *providing funds for terrorism.*

Critical Issues

- *Intelligence capacities as EU's major selling point*

- *EU's ambivalence in counter-terrorist policies*

EU's Intelligence as major selling point *EU's ambivalence*

On the hand EU, "views terrorism principally as a crime" (Khandekar 2011: 5) and adopts "so far 'hard' counter-terrorism responses" (Carrera 2017: 4).

EU databases (see Council's 2016 Roadmap on 'interoper-ability' of existing EU informa-tion systems) and Commission Report of 2017.

EU's ambivalence between two sets of policy priorities:
- while there is approval of soft approach to countering radicalisation
- in reality there is only focus on 'hard' counter-terrorism responses

": 6)

"the wider the interoperability and the circle of actors wi... ...ant some act... ...informat... (Carrera ...

The result is that there are different views hindering effective EU CT policy, since member states don't share the same experience of terrorism (Khandekar 2011: 2)

Content-related question for next 'travel debate'

As a key security player, the UK should be given possibilities to join in the JHA activities of the EU.

<u>Leading question for debate of last lecture:</u>

Should internal borders be reinstated in the EU?

Also focus on EU response on reception Ukraine refugees

Content-related question for this 'travel debate'

Given the differences in perspective and approach to terrorist threats, the EU should not have more CT powers

END

Santino Lo Bianco PhD
Email: s.lobianco@hhs.nl