



Masterclass - EU Counter-terrorism



Structure

Part 1: General characteristics and stakes of EU counterterrorism policy

- 1) (idea 1) A late action
- 2) (idea 2) The complexity of EU counterterrorism policies
- 3) (idea 3) Internal and external policies to fight terrorism
- 4) (idea 4) The linkage between migration policy and counterterrorism
- 5) (idea 5) The complexification of counterterrorism policies due to the porosity of certain borders


Part 2: European Counterterrorism in International relations

- 1) (idea 6) The European delegation of counterterrorism to neighbouring countries
- 2) (idea 7) The European Neighbouring Policy: the European way of counterterrorism


Part 3: Counterterrorism and the EU internal contradictions

- 1) (idea 8) The numbers of actors complicates counterterrorism at EU level
- 2) (idea 9) Counterterrorism linked to the debate around strategic autonomy
- 3) (idea 10) Fight terrorism and maintaining the European values of Human Rights

Case study: The EU implication in the Sahel region



**Part 1: General
characteristics and stakes
of EU counterterrorism
policy**



Idea 1: European action in the fight against terrorism has been late

After 11/09/2001: intensification of the will to fight terrorism and to stabilise the EU's close neighbourhood with the launch of the European Neighbourhood Policy (ENP). After enlargement, the issue of the EU's new external borders was not immediately put on the agenda, and EU policy towards its neighbours was limited to bilateral agreements despite significant instability in the east and south. The transformation of perceptions and the importance of the fight against terrorism are pushing the EU to regroup its policies towards its neighbours under a common architecture. But there is no innovation in the ENP instruments, which is referred to as political bricolage (Delcour, 2006).

Following a series of attacks since 2015, 12 February 2015 - Joint statement by the members of the European Council, new specific measures mainly in three areas:

- ensuring the security of citizens
- preventing radicalisation and protecting values
- cooperating with partners at international level

Idea 2 : Counter-terrorism is complex and multifaceted

The EU to the terrorist threat is a broad field of action :

- Prevention of radicalisation
- The terrorism list
- The exchange of information
- The EU Counter-terrorism Coordinator
- The suppression of sources of terrorist financing
- The gun control
- The digital justice
- The fight against foreign fighters
- The cooperation with the non-member EU country

Idea 3: EU counter-terrorism policies can be divided into internal/external policies

-An efficient counter-terrorism policy must coordinate internal and external policies. While controlling the border is fundamental because 'terrorism hotspots' are outside of the EU, there are also important efforts to make within the EU.

-Many European terrorists who have committed attacks in Europe did not leave their country to set up their plans. Europe has thus developed a strong intelligence cooperation to better catch European terrorists before they commit an attack or they leave Europe to go to 'terrorism hotspots'.

Idea 4: The EU links the fight against terrorism with migration control

- idea that migration should be controlled and asylum rights reduced
- use of biometric data
- human rights issues

Idea 5: Some European borders are more porous than others

While the EU has to control its physical borders, it is also important to also have a hand on the digital borders. Indeed, as most of the terror attacks in Europe have been committed by European citizens, European countries have developed strategies to avoid the spread of terrorist ideology propaganda in the cyberspace (Internet).

Meanwhile, there have also been many cases of EU citizens trying to go to 'terrorist hotspots' - such as Syria - and to then go back to Europe to eventually commit a terror attack. Therefore, Europe had to improve its approach not only in terms of border entries but also border exits.



**Part 2: European
Counterterrorism in
International relations**



Idea 6 : The EU delegates a part of its counter-terrorism actions to neighbouring countries

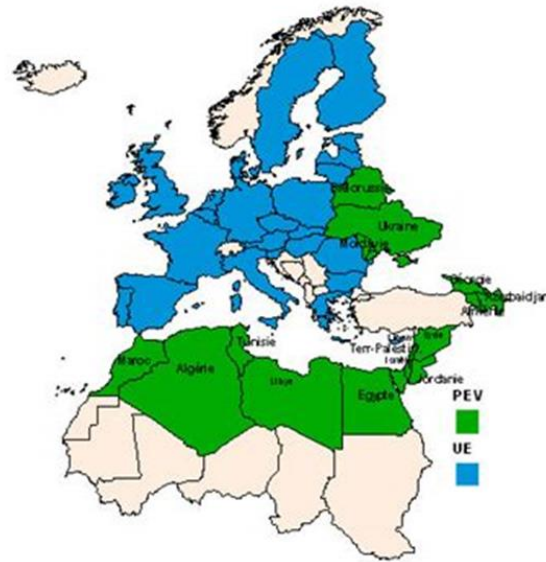
-In order to effectively tackle the question of border security and counter-terrorism, the EU strengthened its cooperation with neighbouring countries.

Indeed, as many terrorist are passing through those countries to enter Europe, it is important that they coordinate their effort with the EU to become more effective in fighting terrorism.

-Europe has developed partnerships with several countries in the fight against terrorist at its borders among which Morocco, Tunisia, Algeria and Turkey.

Idea 7: The ENP as a tool in the fight against terrorism

- Idea of creating a security cordon around the EU
- Philosophy: European integration has stabilised the European continent. Involving Europe's neighbours in some of Europe's policies





**Part 3: European
Counterterrorism in
International relations**



Idea 8: The uncertainties of EU external policy are reflected in the number of actors

Different counter-terrorism frameworks at the EU level: different decisional actors:

- inter-governmental cooperation ; the European Council ;
- the supranational model ; delegation to the European Commission ;
- the neogovernmental model (EEAS; high representative of the EU).

Decision making in the EU goes through all these actors. The question of who takes the final decision must be answered -> Creation of the EU Counter-terrorism coordinator.

Idea 8 B: The multiplication of actors complicates counter-terrorism at the EU level.

The inter-governmental and neo-governmental frameworks tend to prevail in counter-terrorism. This results in a process of “agenci-fication”, the creation of EU agencies (Frontex, Europol, EUrojust). to handle policies. The goal of agenci-fication is to avoid delegating more competences from the MS to the EU.

With all the actor and the different counter-terrorism frameworks at the EU level, cooperation, coordination and common policy are hard to reach and hard to discuss. This effectively means the actual implementation of EU Counter-terrorism policy is tricky.

Idea 9: At the European level, the fight against terrorism is subject to the debate on European strategic autonomy

Counter-terrorism is a CSDP (Common Security and Defense Policy) + NATO (North Atlantic Treaty Organization) issue (CSDP is not supposed to compete with NATO)

BUT ambiguity :

- Germany + Eastern Europe: the defence part of the CFSP (Common Foreign and security policy) is provided by the transatlantic alliance
 - US: wants an increase in European capabilities within NATO
 - France wants to develop NATO's strategic autonomy
- + debates on the level of the European army

Idea 10: The EU struggles to reconcile the fight against terrorism with respect for human rights

-> Conflict between the fight against international terrorism and the protection of human rights within the EU => cases which have shown that the fight against terrorism poses serious problems for the protection of human rights, such as legal protection.

-> UN Resolution that preceded the Kadi I and Kadi II cases: Sanctions measures (freezing of funds, prohibition to travel on the territory of the MS) extended not only to terrorists but also to persons linked to them, who could represent risks => the problem was that the sanctions have immediate effects on the accused, even before the accused has had the opportunity to appeal to the Court of justice of European Union.

-> CJEU reaffirmed the primacy of EU law values over international law and the primacy of human rights protection

Idea 11: Human rights and intelligence cooperation

EU's implication and questionable counter-terrorism behaviour of Member States: the EU action in the fight against terrorism is supposed to be based on the absolute primacy of the rule of law.

But recent revelations have shown that foreign and European intelligence services may have been complicit in extraordinary renditions and unlawful detention:

- Use by Member states of foreign information obtained by torture (CIA and Guantanamo Bay's interrogations)
- Information exchanges with foreign services and the use of such information: question of did the detainee "voluntarily" gave consent to the interrogation => fight with legal principles of human rights

Case study: The EU implication in the Sahel region

1. Financing counter-terrorism
2. Lack of cohesion between European MS
3. The EU acts in the Sahel region but has no coherent policy