



The European Union and the fight against terrorism

**Presentation by Gijs de Vries, EU Counter-Terrorism Co-ordinator,
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The attacks on 9/11 have turned the fight against terrorism into a central dimension of international relations. How best to combat terrorism - or, as some would have it, how to conduct the war on terror - has become a defining issue in multilateral affairs as well as in bilateral relations. Terrorism has changed the global agenda. It has also changed the role and functioning of the European Union.

There are few tasks more central to democratic government than protecting public security. To prevent attacks and bring terrorists to justice is among the core responsibilities of any state. It is both logical and necessary, therefore, that in Europe as elsewhere national authorities are leading the fight against terrorism. As today's terrorism is both international and domestic, however, no state can defend its citizens effectively unless it works closely with international partners, both bilaterally and multilaterally. Within the EU this cross-border co-operation has intensified since 9/11, and in particular since the horrendous Madrid attacks in 2004.

Through good co-operation between operational services in recent years several terrorist attacks in Europe have been prevented, and arrests and convictions obtained. A recent example is the sentencing in Ireland on 19 December 2005 of an Algerian suspect, Abbas Boutrab, to six years imprisonment for terrorist offences. The successful outcome of this case was facilitated by co-operation between the police and security services of several Member States, with the involvement of Europol.

To combat the scourge of terrorism Member States have also agreed to expand the role of the European Union. A growing body of law has been created; several new agencies were established; counter-terrorism is playing an increasingly prominent part in EU external relations. The nature of the Union's work is also undergoing rapid change. Traditionally, the role and instruments of the

Union have primarily been geared to legislation and policy making. In the last few years, and particularly since the Madrid attacks in March 2004, the Union has been given new, additional responsibilities of an increasingly operational nature. The Union's structures, processes, and budget will need to adapt accordingly.

One of the instruments created by the Union to facilitate operational co-operation is the European Arrest Warrant. Before the introduction of the European Arrest Warrant extradition between EU Member States was a laborious and slow process, which could take up to a year. In one extreme case an Algerian suspected in the 1995 bomb attacks in Paris, Rachid Ramda, was extradited to France in December 2005 after having spent ten years in British custody. Today, extradition takes less than two months. Isaac Hamdi, one of the suspected bombers in the botched attack in London on 21 July 2005, was extradited by Italy to the UK in 42 days.

Frequent use is being made of the European Arrest Warrant: 3318 EAWs have been issued in 2004 alone, and they resulted in 1073 arrests and 729 suspects being extradited.

Another example of the role of the EU is the work carried out to improve the security of airports and maritime ports through standard setting and European monitoring of these standards.

Intelligence reports indicate that transport infrastructure continues to present an attractive target for terrorists. This is why the EU has acted to improve airport security. In 2002 the Council adopted rules to improve security at the hundreds of airports in Europe. The Commission has been entrusted with monitoring implementation and has recently published a first assessment. As a result of these higher standards, the Commission has reported, the level of security at airports in the EU has been "considerably enhanced". The Commission's inspections also showed that improvements must still be made, for example in relation to transit passengers and luggage handling. In more than half the Member States inspected, the number of national inspectors was judged insufficient. A second series of security standards has been adopted in 2005 with respect to maritime ports. Here, too, international inspections will be carried out by the Commission.

Two additional areas where the EU has intensified its contribution to the fight against terrorism are the operational co-operation between national security and law enforcement forces, and co-operation with partners worldwide. I will say a few words about each of these areas. I will then turn to the work ahead and the EU agenda for 2006.

Operational co-operation

Co-operation among the security services in Europe takes place at three levels: bilaterally, through the Counter-Terrorist Group, and through the Situation Centre in the Council Secretariat. Much operational co-operation takes place bilaterally. The CTG focuses on threat assessment, facilitation of operational co-operation and dissemination of best practice. Since early 2005 experts from Europe's security services and experts from the intelligence services jointly analyse developments in the terrorist threat. For the first time European decision-makers are being provided with an integrated picture of the terrorist threat. SitCen's frequent contributions provide valuable input into the debates and policy-making in the Council.

Police co-operation in the fight against terrorism has intensified in several respects, including through Europol. In 2005 Europol helped co-ordinate the breaking up of a European network of human smugglers (52 arrests), an international network of child pornographers (raids in 13 countries), and several international counterfeiting operations. Europol currently supports around 20 'live' investigations in several Member States into Islamist terrorism and has actively supported British authorities after the 7 July 2005 attack.

To facilitate police co-operation in crisis situations a network has also been created of the special intervention units in Europe's police forces. This ATLAS network could be used in case of hostage situations and other emergencies requiring cross-border assistance. An exercise involving units from Belgium, France, the Netherlands, Germany and Sweden and joint training activities have been organised.

Terrorists continue to target 'soft' targets, including major sports events. European police experts have therefore prepared a handbook of best practices to avoid terrorist attacks during international sporting events. Europol will support the Italian authorities during next month's Winter Olympics (similar arrangements are being discussed for the FIFA World Cup in Germany in June). In co-operation with Europol CEPOL is finalising preparations for counter-terrorism police training courses; the first courses have been planned for 2006.

Eurojust has been providing increasingly important support to national counter-terrorism investigations and prosecutions, including in relation to the attacks in Madrid and London. Eurojust's caseload, which went up more than 50% in 2005, included 11 new terrorism-related cases in the first half of 2005. Through multinational co-ordination meetings Eurojust is assisting national authorities who need to prosecute terrorism-related cases with a cross-border dimension.

Preventing terrorism is not just the work of the police and security agencies. Customs officials have important responsibilities as well. In October 2005 a first joint counter-terrorism exercise was held (Operation Protect) by customs and other national forces from Belgium, Germany, Greece, Italy, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, and with the assistance of Europol. A principal objective of the exercise was to improve controls on the trade in radiological material that could be used to create a 'dirty bomb'. Additional exercises are being planned.

Of course counter-terrorism's first objective is to prevent attacks. But adequate assistance needs to be provided to citizens after an attack. The Commission has started a pilot project to assist the victims of a terrorist attack. EU Member States also need to be prepared to assist each other in case of a major terrorist attack. National emergency services must be able to co-operate quickly and effectively across borders. To support them several European emergency management exercises have been held in recent years; six more are being prepared for 2006. Exercises focusing specifically on response to a terrorist attack will be hosted by Bulgaria, Denmark and Luxembourg, the latter with Belgium, France and Germany. In addition, the EU will run a multinational exercise this year to prepare for the possible evacuation of EU citizens from third countries.

International co-operation

Terrorism has been identified as one of the main security threats facing the Union (European Security Strategy). An important component of the EU's work in combating terrorism is to work with international partners, such as the UN and other multilateral organisations, and third countries.

In the UN the EU has been a driving force behind the recent Convention against Nuclear Terrorism, and efforts continue to promote agreement on a General Convention against Terrorism. While diplomacy continues to be a key instrument of our external action, counter-terrorism is being integrated in EU aid instruments as well. EU experts have joined UN teams on Counter-Terrorism fact-finding missions to Algeria, Albania, Kenya, and Morocco. Member States and the Commission are now close to finalising counter-terrorism assistance projects with Morocco and Algeria - the first time national budgets and the EU budget are being synchronised as instruments of the EU's counter-terrorism policy. A network of national contact points has been created to facilitate co-operation. In addition, the CFSP budget is being used to finance EU non-proliferation policy and to reduce the risks of weapons, including weapons of mass destruction, falling into terrorists' hands. Examples include the EU projects to reduce nuclear and chemical stockpiles in Russia, and to reduce stockpiles of conventional small arms in Ukraine. Aid to the IAEA and the OPCW has been increased. Counter-terrorism capabilities are being included in the Headline Goal process under ESDP.

Separate dialogues on justice and home affairs have been created with the US, Canada and Russia, at political and at administrative level, and counter-terrorism is being discussed regularly with an growing number of other counterparts, including India and Pakistan.

With the US four agreements have been negotiated: on container security, airline passenger name records, extradition, and mutual legal assistance. A high-level dialogue has been set up to discuss border and transport security. American and EU experts on terrorist financing work closely together, as do European and American customs officials. The US Secret Service and the FBI have agreed to post liaison officers at Europol. Co-operation between Europol and Russia is also expected to intensify now that Russia has accepted the necessary data protection rules.

A counter-terrorism declaration and a five year work programme have recently been agreed between the EU and the Euro-Med countries. In addition, counter-terrorism co-operation has been included in the action plans which the EU has negotiated with Algeria, Morocco, Jordan, Israel, the Palestinian Authority and Ukraine. During the Austrian Presidency, co-operation with the Balkans will be a particular priority.

Work ahead

As these few examples indicate, work to implement the EU's action plan against terrorism is proceeding across many fields. Still, a great deal of work still lies ahead. In December, taking stock of progress thus far, the European Council decided to focus the efforts of the Union on four main objectives:

- to prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally;
- to protect citizens and infrastructure and reduce our vulnerability to attack, including through improved security of borders, transport and critical infrastructure;
- to pursue and investigate terrorists across borders and globally; to impede planning, travel and communications; to disrupt support networks; to cut off funding and access materials, and bring terrorists to justice;
- and to prepare ourselves, in the spirit of solidarity, to manage and minimise the consequences of a terrorist attack, by improving capabilities to deal with: the aftermath; the co-ordination of the response; and the needs of victims.

As the full list of priorities for 2006 can be found on the websites of Council and Commission, I will limit myself to a few remarks about work ahead to meet the four strategic objectives.

Prevent

US Secretary Rumsfeld once asked: "Are we capturing, killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting, training and deploying against us?" Some have argued that the forces of moderation are losing the so-called war on terror. I believe that conclusion is premature, and probably wrong. The forces of global jihad, inspired by Al Qaeda, have arguably failed to secure their most important objective: the uprising of Muslim

populations and the overthrow of governments in Muslim countries. On the contrary, in majority Muslim countries, from Afghanistan to Indonesia, millions upon millions of citizens have opted to take part in democratic elections, ignoring exhortations to boycott such "Western" practices. Muslims have voted, and they have not voted for the ideas of Bin Laden.

At the same time, however, processes of radicalisation and recruitment into terrorism continue, including in Europe. As more and more networks of jihadi recruiters are disrupted by Europe's security agencies, it is clear that the conflict in Iraq is complicating Europe's struggle against terrorism. In November 2005, a Belgian convert to Islam, Muriel Degauque, has become the first European women suicide bomber in Iraq.

Countering radicalisation and recruitment into terrorism will require much hard work, in local communities, nationally, and at international level. The EU's contribution, as decided in an action plan agreed by the Council in December 2005, will emphasize the sharing of national expertise by EU Member States. There is much to be gained by a systematic exchange of experiences in relation to recruitment in mosques or prisons, or radical propaganda efforts via the Internet. Implementing this Action Plan will be a priority for the Austrian and Finnish Presidencies. The Commission will finance the creation of a network of national academic and other non-governmental experts.

I have no doubt that violent extremists and terrorist recruiters can be defeated. To win this struggle, however, we must win the battle for hearts and minds. Moderate Muslims hold the key. We need to engage with them on the basis of the values we share: respect for human life, respect for democratic standards, respect for individual liberty and dignity. This means that our policies to combat terrorism must respect the rights and values we have pledged to defend, including the rights of prisoners. As a senior German judge put it some months ago: "A constitutional state cannot defend itself with means that would force it to give up its standards."

Protect

The protection of critical infrastructure will be a priority issue for the EU in 2006. A network of national experts will be set up (CEWIN). Building on its 2005 Communication, the Commission will propose sector-specific measures concerning transport, energy, and cyber security. Other initiatives will concern public-private co-operation - a necessary dimension, as much infrastructure in Europe is owned or operated by the private sector. EU-sponsored research also has a vital role to play. Current EU security-related research includes projects to improve the protection of airliners

against shoulder-launched missiles (MANPADS), and to better detect terrorist threats to railway or metro systems (explosives, chemical, biological, radiological and nuclear substances). The available means (a puny € 15 million) have been heavily oversubscribed: out of 156 proposals only 13 could be financed. We need to do much more. The Commission has proposed to increase the budget for security-related research under the new financial perspectives.

Pursue

Since the Madrid attacks new initiatives have been taken to combat terrorist financing, notably the Third Money Laundering Directive and the regulation about controls on cash transfers. This year, legislation about wire transfers is expected to be agreed. Practical co-operation to combat terrorist financing could be improved further. Opportunities include: expanding the network of Financial Intelligence Units (FIU Net), improving information sharing within and between Member States and with Europol, creating a single national information point for contacts with the private sector, and improving the effectiveness of the implementation of UN Security Council Resolutions 1373 (asset freeze; travel ban; arms embargo).

Europol is ready to provide more support to national services, for example the fight against terrorist financing, but it requires more and better input from national authorities. The three Europol Conventions (2000, 2002, 2003) have still to be ratified by some Member States. Perhaps Europol's structure and procedures could also be simplified.

Similarly, Member States could still make better practical use of Eurojust's services and involve it at an early stage in cross-border cases. All Eurojust national members and correspondents, for example, should be given the competence within their national systems to receive the information relating to terrorist investigations and prosecutions. National authorities should make sure that the Council Decision on exchange of information and co-operation concerning terrorist offences is implemented swiftly by national Ministries of Justice.

Information exchange, both within and among Member States, is clearly critical to the prevention, investigation, and prosecution of terrorist attacks. Information exchange *within* Member States has been the subject of a peer review exercise in 2005. Recommendations have been formulated for each Member State and, for the first time, European best practices were identified. This non-legislative instrument is working well. Several Member States, including Belgium and Finland,

have already introduced new legislation to implement the EU Peer Review. Others, such as Hungary, are taking measures to improve domestic co-ordination.

As far as information exchange *among* Member States is concerned, the European Council has fixed an ambitious objective. In 2004, in the Hague Programme, the European Council stated: "The mere fact that information crosses borders should no longer be relevant. With effect from 1 January 2008 the exchange of such information should be governed by conditions (...) with regard to the principle of availability, which means that, throughout the union, a law enforcement officer in one Member State who needs information in order to perform his duties can obtain from this from another Member State (...)". Work is underway to implement the principle of availability with respect to six categories of data: DNA, fingerprints, ballistics, vehicle registrations, telephone numbers and other communications data, and civil registers.

In practice much information is already being exchanged by law enforcement authorities and security agencies on a daily basis. As mentioned, this intensive co-operation is producing concrete results: networks of suspected terrorists are being disrupted, suspects arrested, and convictions obtained. The directive on data retention is another important step forward. However, to facilitate the cross-border exchange of information (both bilaterally and through European databases) a number of legal impediments still need to be addressed. These impediments include the lack of a suitable, strong framework for data protection. In the fight against crime, including terrorism, it is essential to preserve civil liberties. The more data is exchanged internationally, the stronger the need for adequate protection of people's personal data becomes. Here, and elsewhere, the Council should fix the necessary rules.

Three key proposals have recently been proposed by the Commission. One draft decision sets out the conditions that will allow Europol and national authorities responsible for internal security to gain access to the Visa Information System. In addition, two draft Framework Decisions have been proposed: one on the exchange of information under the principle of availability, and another on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters. Together with the proposals on the Schengen Information System (SIS II), these decisions will significantly strengthen the framework for information exchange in the Union.

Respond

Finally, let me turn to the management of terrorist emergencies, and mention two priorities: capabilities and emergency communications.

Member States have identified the civil and military capabilities which will be available for cross-border assistance. As the Commission has indicated, these capabilities are insufficient in several areas. How to improve the situation is one of the priorities of the Austrian Presidency. One option would be to use the EU budget to co-finance cross-border mutual assistance in crisis situations, as the Commission has proposed.

My second example concerns communications. The single European emergency phone number 112 can now be called from any phone, fixed or mobile, across the EU 25, but in practice the number is not working as well as it should. Some countries have not put in place the resources to handle the languages required, others have not made it possible to locate cell phone callers geographically, and in many countries people are simply not aware the service exists. The Commission has invited national experts to address these difficulties. Progress would help save lives.

Conclusion

The fight against terrorism is, and will remain, primarily the responsibility of national authorities. Member States generally agree that the EU should not establish 'federal' agencies mirroring the FBI or the CIA. Police forces, intelligence agencies, the judiciary, customs officers and other officials all remain instruments of national governments, under the control of national parliaments.

The EU's role is to support these national authorities, not to replace them or to duplicate their work. Still, the role of the EU in the fight against terrorism is a growing one. This is as it should be: terrorism is both international and local, and it must be countered at both levels. Less than 15 years ago, the EU was given initial, limited competences in the field of justice and home affairs. Today, a growing body of policies and laws testifies to the commitment of national authorities and the EU to combat terrorism across borders. Against a background of growing disenchantment with politics, including European politics, opinion polls consistently indicate strong public support for this role of the Union.

As I have indicated, EU instruments such as the European Arrest Warrant or the mechanisms for monitoring of airport security are producing tangible results. But much remains to be done - not only to deliver on the promises Ministers and Prime Ministers have made, but also to adapt to changing circumstances. As the terrorist threat evolves, so must the role of the Union. Until now, the Union's role in justice and home affairs has primarily been the classic one of legislation and policy formulation. Increasingly, however, the Union is expected to engage in support for operational co-operation. This operational dimension poses particular challenges for European agencies such as Europol, Eurojust, and Frontex, but also for the European Maritime Agency, the European Network and Information Security Agency, and others. Do the European agencies have the tools they need, and the governing structures to allow for rapid action? Some progress can probably still be achieved under the current treaty. However, there is a growing tension between the demands placed on the Union and the instruments given to it. Qualified majority voting, stronger democratic and judicial control, and better protection under the ECHR are indispensable to fight terrorism effectively at European level.

There is a second, related question. In the fight against terrorism, much expertise (and capability) resides with national experts. Networks of national experts are a powerful tool to co-ordinate implementation of the EU's counter-terrorism strategy. Several such networks already exist, such as the FIU Net (Financial Intelligence Units) and ATLAS (crisis intervention units), and new ones will be created this year. How best to support these networks - including financially - and how to ensure their transparency, effectiveness and accountability are some of the issues the EU will need to address.

The Union's role in counter-terrorism is thus an evolving one. The difficulties the Union faces should not be underestimated, but neither should its achievements. While the glass is still half-full, its size is increasing.

The EU's role will not be an executive one - directing the work of national agencies - but its operational role - co-ordinating national agencies across borders - will continue to grow. The cross-border aspects of security, from counter-terrorism to the fight against human smuggling and illegal migration, are emerging as core tasks of the European Union. The consequences for the EU treaty will have to be addressed sooner rather than later.
