

Counter-terrorism Strategies of the European Union Member States: Legal Foundations and Implementation Mechanisms Comparative Analysis

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Abstract: This paper provides a comprehensive analysis of the European Union's counter-terrorism strategies, focusing on their legal foundations and implementation mechanisms. The research examines the historical evolution of counter-terrorism cooperation in Europe from the 1970s to the present day, including pivotal developments such as the formation of the TREVI group, the adoption of the 1977 European Convention on Counter-Terrorism, and the post-9/11 policy shifts. Special attention is given to the 2005 EU Counter-Terrorism Strategy and its four pillars: prevention, protection, pursuit, and response. The study analyzes the institutional framework established for counter-terrorism cooperation, including the role of the EU Counter-Terrorism Coordinator and the European Counter-Terrorism Centre within Europol. The research also evaluates the effectiveness of various EU security initiatives, particularly the 2015 European Security Agenda, highlighting both achievements and challenges in implementation. The paper identifies current problems in EU counter-terrorism efforts, such as disparities in member states' implementation approaches, limitations in anti-radicalization measures, and the challenge of balancing security measures with civil liberties. Furthermore, it proposes specific recommendations for enhancing the effectiveness of the EU's counter-terrorism framework, including the establishment of an independent monitoring system, modernization of anti-radicalization programs, and development of legal and ethical standards for using advanced technologies in counter-terrorism efforts.

Keywords: European Union, counter-terrorism strategy, legal framework, implementation mechanisms, security policy, TREVI group, institutional cooperation, international cooperation, cybersecurity, law enforcement cooperation, security agenda, terrorist threat.

Introduction: Counter-terrorism efforts are being implemented through comprehensive initiatives not only in the international arena but also within regional organizations. In particular, among regional organizations, the European Union plays a crucial role in counter-terrorism. This regional organization has developed and is implementing comprehensive programs and initiatives aimed at ensuring security both within and beyond their territories. Their efforts are directed not only at preventing terrorist attacks but also at combating the root causes of radicalization and extremism.

The issue of counter-terrorism in European Union member states dates back to the 1970s-80s. The initial steps to strengthen cooperation in Europe in the fight

against terrorism were taken in the 1970s. During this period, various European Union member states faced major terrorist attacks on their territories by groups such as the PLO (Palestine Liberation Organization), ETA, IRA, Italy's Red Brigades, and RAF (Red Army Faction). In 1976, following several intergovernmental meetings on counter-terrorism dedicated to terrorist attacks in the early 1970s, the TREVI group was established by European Union member states. TREVI served as a forum for cooperation between interior and justice ministers in the field of internal security, with particular emphasis on counter-terrorism. In 1985, TREVI's scope was expanded to include authority to combat illegal immigration and organized crime.

The 1977 European Convention on Counter-Terrorism

imposed on ratifying states the obligation to apply the principle of 'aut dedere aut judicare' (extradite or prosecute) in cases of terrorist offenses or criminal acts related to terrorism [20]. This obligation was a new development in EU crime fighting, as throughout modern history, terrorism had been primarily viewed as a political crime, and according to this principle, European states could not guarantee extradition in terrorism cases [21].

This requirement was important for several reasons: historically, many countries had refused extradition for political crimes as this was seen as a means of protection from political persecution. Since terrorism often involved the use of violence for political purposes, it was frequently interpreted as a political crime. The convention proposed to consider terrorism as an ordinary crime and remove it from the category of political crimes, which significantly strengthened cooperation between countries [22].

Although the Convention permitted extradition for terrorism charges, member states could still refuse extradition in certain cases: if the crime was political in nature or based on political motives; also, if there was a risk of persecution by the requesting state based on race, nationality, religion, or political beliefs [1]. These provisions were aimed at maintaining a balance between fighting terrorism and protecting human rights.

In the 1980s, some counter-terrorism mechanisms were incorporated into the European Union's legal framework through the Schengen Agreement and the Maastricht Treaty. Counter-terrorism policy and crime prevention initiatives in Europe were particularly developed after the 2001 US events, the 2004 Madrid events, and the 2005 London events. It was during this period that major counter-terrorism initiatives were implemented in Europe.

Following the September 11 terrorist attacks in the US, the European Union (EU) implemented several initiatives to combat terrorism. These initiatives included: an action plan to be implemented by member states and EU institutions to combat terrorism [2]; developing a comprehensive definition of terrorism and those who carry it out - something that had not been done before within the EU [3]; and adopting a fundamental decision defining the EU's approach to terrorism to support the treaty's commitment to creating an "area of freedom, security and justice" [4]

Two action plans adopted in the European region in 2001 and 2002 continued to standardize and strengthen the EU's various established approaches to counter-terrorism. Most importantly, they included active cooperation on police and judicial matters.

Although counter-terrorism efforts appeared to slow down in the European Union during 2003, the European Security Strategy (ESS) was adopted in December 2003[5]. This comprehensive Strategy was developed by the EU High Representative for Common Foreign and Security Policy. It identified five key threats: terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure, and organized crime. The European Security Strategy was "the EU's first strategic document" and marked an "important step" for EU external actions[6]. By presenting a "comprehensive or holistic approach to security," the European Security Strategy gave the Council certain basic authority to develop other strategies, such as the counter-terrorism strategy. Along with endorsing the European Security Strategy, the EU focused immediate attention on four key areas to support the implementation of this new Security Strategy, one of which was terrorism. As the EU's first strategy, the European Security Strategy laid the foundation for more targeted strategies in the future.

As in 2001, the Council adopted a "Declaration on EU Intentions Against Terrorism." Through this declaration, it again planned to further improve EU counter-terrorism actions, assist victims, and develop existing cooperation [7]. Through the declaration, it put forward proposals to identify terrorism as a major threat to the EU in the European Security Strategy. Furthermore, it called for the creation of new "mini-strategies" on terrorism within the Union and the development of "a long-term EU Strategy that would take into account all factors contributing to terrorism" [7]. The declaration also called on member states to "fully and immediately implement" existing legal measures against terrorism [7].

Following the terrorist acts in London in 2005, several initiatives were implemented in the region. First, another declaration was adopted, condemning the terrorist attacks, emphasizing solidarity, and reaffirming the commitment to fight terrorism through faster implementation of the adopted action plans and commitments confirmed in the plans[8]. This declaration also emphasized the importance of developing a "global counter-terrorism strategy."

Immediately after the attack, the Counter-Terrorism Coordinator and the Committee of Permanent Representatives (COREPER) began discussions on how to update the EU approach [9]. Four months after the attacks, the EU and the Counter-Terrorism Coordinator presented a draft Counter-Terrorism Strategy to the Committee of Permanent Representatives. The "Counter-Terrorism Strategy" was adopted in 2005. This elevated the region's counter-terrorism policy to a new, higher, and more effective level. The strategy

encompasses four directions: prevention, protection, pursuit, and response. These four directions reflect the EU's comprehensive and multifaceted approach to counter-terrorism.

The adoption of this strategy in the European Union marked a crucial turning point in EU counter-terrorism policy. First, it formed a unified and harmonized approach to counter-terrorism within the EU. This, in turn, enabled strengthened cooperation between member states and efficient use of resources. Second, the strategy made counter-terrorism one of the EU's priority directions and created opportunities for allocating more attention and resources to this area. The most important legal aspect of the strategy is that it gave the EU authority to initiate legislation in the field of counter-terrorism and harmonize member states' national legislation. This, in turn, led to the formation of a unified legal space in the field of counter-terrorism within the EU.

The strategy achieved significant success in forming a unified approach to counter-terrorism within the EU and strengthening cooperation between member states. As Bures noted, the strategy formed the EU's first comprehensive and integrated approach to counter-terrorism [10]. This, in turn, enabled the EU's counter-terrorism policy to become more coordinated and effective. Another important aspect of the strategy, as Kaunert and Leonard put it, is that it initiated the process of forming "collective security" in counter-terrorism within the EU [11]. This, in turn, forced the EU to pay more attention to counter-terrorism issues not only in internal but also in external policy.

Furthermore, the adoption of the strategy strengthened the EU's institutional structure in counter-terrorism. In particular, the establishment of the Counter-Terrorism Coordinator position and the European Counter-Terrorism Centre within Europol enabled more effective coordination of EU activities in this area.

However, several problems also emerged during the strategy's implementation. First, differences were observed between member states in approaches to implementing the strategy. While some states actively supported and quickly implemented the strategy, others moved more slowly in this process. This slowed down the process of forming a unified counter-terrorism space within the EU.

Second, certain aspects of the strategy, especially measures for preventing radicalization, did not produce the expected results in practice.

Third, the issue of maintaining balance between security measures and civil liberties emerged during

the strategy's implementation.

The European Union's 2005 Counter-Terrorism Strategy marked a paradigm shift in EU security policy. The strategy not only created new institutional and legal foundations for counter-terrorism but also changed the EU's approach in this area from reactive to proactive. The strategy's four pillars - prevention, protection, pursuit, and response - provided a comprehensive approach to counter-terrorism. To further improve the European Union's counter-terrorism strategy and increase its effectiveness, the following comprehensive measures are considered appropriate:

First, it is necessary to create an independent, multifaceted monitoring system to regularly track the strategy's implementation and objectively evaluate its results. This system should include an oversight council with civil society representatives, supervised by a special commission of the European Parliament. Based on monitoring results, analytical reports should be prepared quarterly, and annual public reports should be published. This process serves to increase the strategy's effectiveness and adapt it to new conditions.

Second, existing anti-radicalization programs need to be reviewed based on modern socio-economic realities and scientific research results. This process should involve leading specialists in social sciences, psychology, and criminology, as well as strengthen cooperation with public organizations and local government bodies. Updated programs should consider not only ideological but also socio-economic factors and be adapted to target groups' needs.

Third, it is necessary to develop legal and ethical standards for using artificial intelligence, big data analysis, and other advanced technologies in counter-terrorism efforts. This process should be carried out by an expert group under the European Commission, include study of international experience, and involve broad public discussion. The developed standards should ensure balance between security needs and personal data protection, while also being adaptable to technological development rates [22, 23].

Fourth, it is necessary to review the EU's cooperation policy with third countries in the field of counter-terrorism. The new approach should prioritize not only operational cooperation but also human rights, democratic principles, and the rule of law. Cooperation agreements should include mechanisms ensuring adherence to these principles and also provide for supporting partner countries' socio-economic development.

Fifth, it is necessary to create a special platform within the EU for coordinating counter-terrorism research

activities and implementing results into practice. This platform should ensure regular dialogue and experience exchange between researchers, policymakers, and practitioners, as well as create conditions for testing innovative ideas and approaches. Platform activities should be funded and supported within the framework of relevant EU research programs.

The comprehensive implementation of these proposals will enable raising the European Union's counter-terrorism strategy to a new level, increasing its effectiveness, and providing more effective responses to modern threats.

One of the other important programs in counter-terrorism in the European region is undoubtedly the European Union (EU) Security Agenda adopted in 2015 [12]. The EU's security policy has undergone a long and complex evolution. Initially, European integration was mainly focused on economic cooperation, but over time, security issues also became important. The Maastricht Treaty signed in 1992 established the EU's "Common Foreign and Security Policy," which allowed the EU to play a more active role in the international arena [13]. With the Amsterdam Treaty coming into force in 1999, the "European Security and Defense Policy" was established, which allowed the EU to act more independently in security and defense areas [14]. Several factors influenced the adoption of the EU Security Agenda in 2015. First, terrorist attacks in Europe, particularly the November 2015 Paris terrorist attacks, prompted a review of EU security policy. Second, the problem of foreign fighters who left Europe to join conflicts in Syria and Iraq and later returned became a serious security threat for the EU. Third, new risks associated with digital technology development, particularly cybercrime and cybersecurity issues, made cyber matters a priority in EU security policy. Fourth, security issues related to illegal migration and border crossing became urgent problems for the EU. Fifth, radicalization processes in Europe, especially among youth, concerned EU security policymakers.

The EU Security Agenda adopted in 2015 included several important directions. The program's main focus was on counter-terrorism and preventing radicalization. This direction includes measures to combat terrorist organizations and their financial sources, address the problem of returning fighters, identify and prevent radicalization processes, and counter terrorist propaganda and extremist ideas. This involves strengthening information exchange and cooperation between EU member states, as well as developing cooperation with third countries.

Among other regulations and documents adopted in

this area are the 2005 Council of Europe Convention on the Prevention of Terrorism [15], the 2015 Additional Protocol to the 2005 Convention [16], the EU's 2017 Counter-Terrorism Directive [17], the EU's 2018 Fifth Anti-Money Laundering Directive [18], and the EU's 2021 Regulation on preventing the dissemination of terrorist content online [19], which all incorporated important provisions for counter-terrorism in the European region.

CONCLUSION

In conclusion, while international documents adopted for counter-terrorism in the European region pay great attention to strengthening regional cooperation, combating terrorism financing, and ensuring security, there are also critical views regarding certain aspects of these documents, particularly concerning the definition of terrorism, protection of human rights, and personal data protection. This indicates the need to improve these documents and develop new ones in the future.

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