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From 9/11 to Charlie Hebdo: The evolution of the European Union's Terrorism prevention program

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Contents

Prevent

- *"Terrorism can never be justified. There can be no excuse or impunity for terrorist acts. The vast majority of Europeans, irrespective of belief, do not accept extremist ideologies. We must identify and counter the methods, propaganda and conditions through which people are drawn into terrorism"[1]*

Albeit terrorism has been introduced to most of us on 11 September 2001, the historical background of the European Union's Member States makes clear that this is nothing new. European countries such as Italy, Spain, Ireland, France, Germany and so on have long experienced in the past what we would define as "political terrorism", i.e. intimidating and violent acts inspired by extremist left and right wing ideologies[2].

However, something was different about 9/11. On that day, the international community was presented with the security risks of an ongoing globalized world. The ease with which borders can be crossed, and the psychological impact in the aftermath of the attacks have since then reshaped the conception of world security, influencing subsequent policy measures and major events.

To fully understand who are the actors involved in this process and how they interact and behave on the world scene, we first have to define this phenomena more specifically. However, given its broad and complex nature, there is no definition of terrorism common to all countries.

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[1] Presidency and Ct Co-ordinator. "The European Union Counter-Terrorism Strategy", 1.

[2] EUROPOL, European Law Enforcement Agency. "European Union Terrorism Situation and Trend Report 2014", 35.

In its 2002 "Framework Decision on Combating Terrorism", the European Union defined it as:

"Any serious offence against persons and property that, given their nature or context, may seriously damage a country or an international organization where committed with the aim of: seriously intimidating a population; or unduly compelling a Government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization"[3].

In 2005, the Council of the European Union released the first official "European Union Counter-Terrorism Strategy", defined as a strategic commitment *"to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice"*. Its focus is on four main strands of work, i.e. of 1) Preventing, 2) Protecting, 3) Pursuing and 4) Responding to terrorism[4]. Each strand covers an extremely wide range of actors, policies and interactions. For this reason, this thesis will focus solely on the first point, i.e. Prevention, that is *"to prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalization and recruitment, in Europe and internationally"*.

More specifically, I will analyze the process behind radicalization of individuals in the first part, by looking at the different variables that shape the international, societal, economic, political and personal environment in which potential radicalized individuals find themselves in the different EU Member States. I will also cover the current threat posed by the "foreign fighters" joining the Islamic State in Iraq and Syria (ISIS) and how the EU is responding by trying to establish effective preventive measures.

In the second part, I will discuss the incentives and challenges to information sharing among different actors at the local and international level, such as international institutions, intelligence services, police and states. In particular, why enhanced

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[3] The Council of the European Union, "Council Framework Decision on Combating Terrorism".
[4] The Council of the European Union, "The European Union Counter-Terrorism Strategy", 3.

cooperation is instrumental for success and why it is so hard to be put into place. In the conclusion I will outline a final and general assessment and future perspectives based on the contents of these two parts.

As mentioned above, the EU has already had to deal with political terrorism in the past. However, this thesis, focused on the evolution of the EU's Counterterrorism prevention program from 9/11 to Charlie Hebdo, will focus almost exclusively on religiously inspired terrorism. In fact, the European Member States have collectively agreed that Islamic terrorism today represents the highest threat to national and transnational security in the EU[5].

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[5] Council of the European Union, "The European Union Strategy for Combating Radicalization and Recruitment to Terrorism", 2.

1. Radicalization

In the wake of 9/11, the fight against terrorism inspired by radical Islamist ideologies has become a primary concern for the European Union. Following the attacks that hit Madrid in 2004, London in 2005, and Paris in early 2015, in which the terrorists were individuals born and raised in Europe, it became clear that terrorism and radicalization do not solely have their roots in third countries in the Middle East and North Africa, but within European societies as well. Understanding why relatively well-integrated Muslims in Europe are willing to commit these dreadful acts against the countries in which they are often born and raised, is now considered to be of utmost importance for any effective strategy aimed at fighting terrorism. This process of radicalization can have a deep impact on European societies as a whole, by intensifying terrorist activities and giving rise to inter-group conflicts.
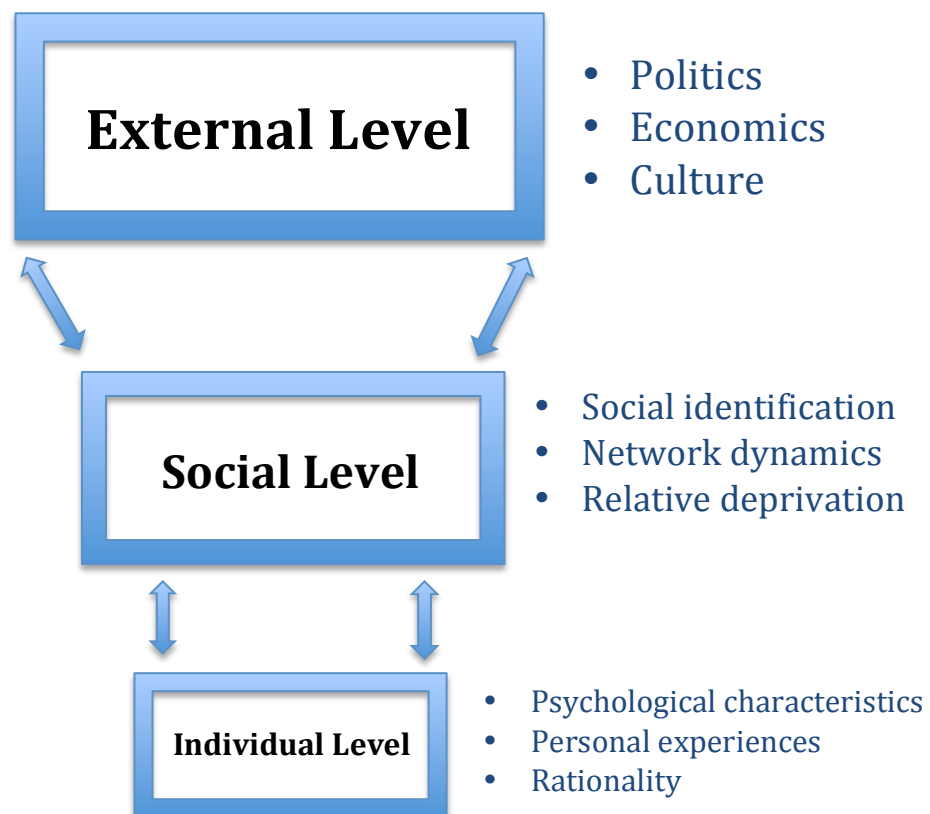
For this reason, before looking at the EU Counterradicalization Strategy, we first have to understand under what circumstances radicalization takes place, as a process in general, and in the European Union in particular.

Trying to understand the motivations and ideologies behind religiously inspired terrorism is not as straightforward as it may seem. The first thoughts that usually come to people's minds usually are: "Why do they do it? Why would someone want to kill innocent people that are not even directly responsible for the grievances that the terrorists are angry about?" Most people would say that they simply suffer from some serious mental disorder. However, as reasonable as this option may sound, it is not the case. Another popular and political explanation is that terrorism root causes are to be found in economic and social problems. In other words, if everyone were to be educated and had well-paid jobs, the problem wouldn't exist. This is not the case either.

If we just try to come up with simplistic explanations to deal with this phenomenon, we will not be able to achieve neither significant results nor even a basic framework

for understanding terrorism. What we need to do to, instead, is to look at all the possible reasons and the intertwined underlying factors that constitute the development of a terrorist mindset that eventually drive him/her to commit violent acts.

Considering any European country as the basis of our investigation, there are three main levels through which radicalization may take place, and different variables within each level, as shown in the scheme below:

External Level
- Politics
- Economics
- Culture

Social Level
- Social identification
- Network dynamics
- Relative deprivation

Individual Level
- Psychological characteristics
- Personal experiences
- Rationality

Each level gives us different kind of explanations and different answers. Depending on any particular individual, some variables will be more relevant than others in terms of how and why that specific person radicalized. However, there is **no** specific profile of terrorists and **no** single explanation of radicalization exists. Radicalization is mostly an

individual process that is brought about by the complex interaction of different factors[6].

For reasons of coherence and specificity, I will report the information regarding individuals or groups that have radicalized or committed violent acts in the European Union only.

1. **External level:** External factors, i.e. the political, economic and cultural contexts of a given country do not have direct radicalizing effects on individuals, but they do shape the environment in which they behave, thus influencing their circumstances and subsequent choices.

a) **Discrimination and marginalization:** The perception of rejection by society is an important push factor, which could lead a person belonging to an ethnic minority to hate the community in which he was born and raised. Increasingly after 9/11, several EU Member States and the media have shown an Islamophobic reaction to terrorist attacks perpetrated on Western soil. This naïve, uninformed and often racist propaganda has the only negative result of leading plenty of well-integrated young European Muslims to feel as "victims" at home on a daily basis. More specifically, extremist right-wing propaganda and incorrect perceptions of Islam significantly contribute to the feeling of rejection and the sense of isolation. It follows a growing separation between Muslims and non-Muslims, which makes radicalization a much easier path to start walking on.[7]

b) **Western foreign policy:** Western intervention in the aftermath of 9/11 is considered by a lot of Muslims as an act of oppression and occupation. This, of course, creates antagonism. Images and TV broadcasts from conflict zones in Muslim lands contribute to this idea and narrative of unjust treatment towards these people. In addition, the West is seen as a supporter of Israel and as having a contradictory foreign policy: Western democratic values are seen as incoherent in regard to the support of non-

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[6] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 5.

[7] Bakker, Edwin. "Jihadi Terrorists in Europe", 50.

democratic regimes in Arabic-speaking countries, such as Egypt and Saudi Arabia, while not recognizing the outcome of free elections elsewhere, such as Palestine in 2006.

"You are those who have voted in your government who in turn have and still continue to this day continue to oppress our mothers and children, brothers and sisters from the east to the West in Palestine, Afghanistan, Iraq and Chechnya.. Your government has openly supported the genocide of more than 150,000 innocent Muslims in Fallujah.. What you have witnessed now is only the beginning of a string of attacks that will continue and become stronger.. We are 100% committed to the cause of Islam"[8].

Nevertheless, 9/11 and the Madrid attacks were planned before the invasions of Afghanistan and Iraq, and other countries that did not support the latter war, such as Belgium, have been subject to terrorist attacks later on. This shows that radicalization has no easy explanation and how it is instead determined by different and varying factors[9].

c) **Socioeconomic background and relative deprivation factors:** A recent report by the European Monitoring Centre on Racism and Xenophobia (EUMC) showed that European Muslims' educational background is averagely lower and their unemployment rates higher than European non-Muslims. Overall, they are mostly employed in the most unsatisfactory and low-paying job sectors. However, deprivation does not automatically lead to radicalization. In fact, the perpetrators of the 2005 attacks in London resulted to have quite good jobs and educational background. Nevertheless, in particular cases, and if combined with other important factors, relative deprivation has proved to be a determinant factor in the past. However, even if this definitely does cause frustration and discouragement, in most situations young Muslims do not undergo radicalization, and instead fall into depression or find other ways that discard terrorism[10].

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[8] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 50.

[9] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 50.

[10] Bakker, Edwin. "Jihadi Terrorists in Europe", 49.

2. **Social level:** social factors put the individual in relation to relevant reference groups. In other words, they better describe how people become radicalized once they get in contact with relevant networks and their ideologies.

a) **Muslim identity crisis:** Many young Muslims born and raised in Europe grew up with two basic identities: their western and secular identity, with which they do not feel very comfortable with, and the traditional Islamic one, which they also do not feel comfortable with, because they were born and raised in a completely different context. It is noteworthy to observe that the majority of those undergoing radicalization are secular initially, and turn to religion only when they are searching for their identity. Western "home-gown" terrorists are *"a lost generation frustrated by a Western society that does not meet their expectations, and their vision of a global Umma is both a mirror of and a form of revenge against the globalization that has made them what they are"*[11]. Individuals suffering the most from this identity crisis may start identifying themselves with the "global Umma" and the cause of radical Islam promoted by terrorist networks. These represent the world in a very black or white way, making everything look very simple and providing a clear identity. This is a very powerful motive for these people. Finally feeling part of a group and out of isolation, their lives start making more sense to themselves[12].

Sociologically speaking, ethnic concentration in particular areas has been identified as a cause of social exclusion, which gives rises to diverging societies that share different and often contrasting values, proving as an obstacle to effective integration.

b) **Opportunity factors:** Would-be radicalized individuals make use of different locations to meet up, for purposes of recruitment and discussion. The most common places are: The Internet, prisons, the mosque, school, university, youth clubs or work and sporting activities. Prisons need to be given particular attention, due to the specific conditions that see individuals isolated from everyone else, family and friends

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[11] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 43.

[12] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 42.

included. Prisons are defined as "crisis" environment that give rise to a need of group identity, group belonging and religious salvation. In addition, here radicalized individuals easily get in contact with other criminals.

c) **Group bonding:** Radicalization is mostly a group process. During various meetings individuals have the opportunity come in contact with radical ideologies, within one's own family or group of friends, usually serving as a solution to societal marginalization. Moreover, the fact that violent acts are perpetrated by "the group" and not by the sole individual makes it psychologically more acceptable for the perpetrators, as they feel less responsible for their actions and they are encouraged by other group members and leaders. Most terrorism is, therefore, a group activity[13].

d) **Desire for activism:** a common theme of the radical Islamist ideology and propaganda revolves around the oppression of Muslims by hostile Western forces. It is the myth of "Good vs. Evil", and it is every Muslim's responsibility to become a soldier (mujahidin) and join the violent Jihad. Radicalism is perceived as the only, simple and most effective "solution" to fight injustice and defend Islam. The idea of becoming a martyr (shahid) is a highly motivating factor, in particular towards the end of the radicalization process[14]. Sageman had described these individuals as *"enthusiastic volunteers, trying to impress their friends with their heroism and sacrifice. Suicide bombers, or shahid as they call themselves, have become the rock stars of young Muslim militants"[15].*

e) **Exit barriers:** Leaving a terrorist group in not easy. Disserting individuals are likely to be beaten up, tortured, or killed. Psychological barriers also play a major role, in terms of future realistic prospects. In other words, once you become part of the group you have already invested and sacrificed so much of your life that leaving is neither rational nor advisable. After you leave behind your job, education, friendships and family, you don't want all that to be for nothing.

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[13] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 45.

[14] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 52.

[15] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 52.

3. **Individual level:** "Is there anything in the background of terrorists which distinguishes them from the rest of us, and that explain why they do what they do? And are there decisive factors that we can use for purposes of investigation?" The short answer to this questions would be, unfortunately, negative. However, similarities at the personal level among individuals that undergo radicalization can be traced back to:

a) **Psychological abnormality:** It is commonplace to define terrorists as people that are all suffering from some kind of mental illnesses. While there are some of them that confirm this hypothesis, this does not hold true for the overwhelming majority of them. Therefore, at least before radicalization takes place, terrorists are generally mentally stable individuals, whose violent acts are driven by factors that, in most cases, are not linked to any psychological abnormality[16].

b) **Personal traumas:** Traumatic experiences such as childhood abuse or warfare experiences could also be a contributing factor.

c) **Adversity and desire of revenge:** The loss of family members or friends is a "trigger event", defined as "an occurrence that, once breached or met, causes another event to occur", which may force someone into radicalization. Losing significant others at the hands of Western drones in the Iraq war is a striking example that can easily serve as a motive for personal revenge, and also used for propaganda by terrorist groups for purposes of recruitment.

d) **Geographical background:** Most terrorists have origins in Arab-speaking countries, especially in North Africa[17].

e) **Criminal records:** the majority of them were reported to have committed crimes in the past, such as small thefts and drug dealing. The time they spent in prison in the aftermath of these crimes was most likely a determinant factor in their radicalization[18].

f) **Sex:** almost the totality of them is male[19].

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[16] Bakker, Edwin. "Jihadi Terrorists in Europe", 47.
[17] Bakker, Edwin. "Jihadi Terrorists in Europe", 45.
[18] Bakker, Edwin. "Jihadi Terrorists in Europe", 48.

1.1 A General Insight into the Radicalization Process

The different factors of the three levels described above interweave at different points in time during the radicalization process. According to the investigation by Tomas Precht, funded by the Danish Ministry of Justice, the process of radicalization in Europe develops gradually according to a sequence of 4 different successive stages[20]. These need to be carefully analyzed before being able to make an appropriate overall judgment and assessment of the European policies adopted to counter the threat of radicalization. First of all, it's important to stress the fact that there is no logic of progression or a specific timeline between the four steps. In other words, for some individuals it may take only a few months to radicalize, while it may take several years for others, or some individuals may even exit the process at its third or fourth phase choosing other alternatives different from extremism.

I'll now turn to the analysis of the four phases indicated in the investigation:

- Phase 1: Pre-radicalization
- Phase 2: Conversion and identification
- Phase 3: Conviction and indoctrination
- Phase 4: Action

[19] Bakker, Edwin. "Jihadi Terrorists in Europe", 45.
[20] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 34.

Phase 1	Phase 2	Phase 3	Phase 4
Pre-radicalisation	Conversion and identification	Conviction and in-doctrination	Action
Background factors 1) Muslim identity crisis 2) Experience of discrimination, alienation and perceived injustices 3) Living environment, neighbourhood and family 4) Personal traumas 5) Relative lack of Muslim public debate on Islamist terrorism in the West **Meeting places (opportunity)** Mosque Internet School, youth clubs or work Prison Sport activities Family and friends	**Conversion** 1) From no faith to religious identity 2) More radical interpretation of Islam 3) Shift from one faith to another (e.g. Christianity to Islam) **Identification** 1) Increased identification with and acceptance of the cause of extremism **Triggers** 1) Glorification of Jihad, activism, "wanting a cause" 2) Foreign policy towards the Muslim world 3) Charismatic person /leader **Meeting places** Same as phase 1	**Conviction** 1) Isolation from former life 2) Increased training 3) Assignment of roles 4) Ready for action **Catalyst** 1) Overseas travel (religious or camp training) 3) Group bonding 4) Local training camp **Meeting places** Private homes Countryside/cars Places difficult to detect	**Action** 1) Preparation 2) Planning 3) Execution **Reinforcement** 1) Overseas travel 2) Group bonding 3) Training camp 4) Videos etc **Key components** 1) Financing 2) Target selection 3) Surveillance 4) Fabrication of bomb or other means of terror 5) Test run **Meeting places** Same as phase 3

Source: Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 34.

Phase 1: Pre-radicalization

Phase 1 defines particular aspects that are present in the background of the investigated individuals, and which have been reported to facilitate the process of radicalization. Several factors apply from the external, social and individual levels, such as personal traumas, desire of revenge, relative deprivation, desire for activism, identity crisis, etc. However, as mentioned previously, only a small combination of the different variables will have a radicalizing effect on a given individual. It's also important to keep in mind that these factors alone do not answer to the broader and more significant question of why some individuals radicalize under these particular circumstances while the great majority does not. For this reason, these variables are

positively correlated to radicalization but cannot be defined as a direct cause of it. In fact, many people have been reported to undergo isolation or non-action as a response to their difficult circumstances, by turning their backs on radical actions and ideologies. As a final remark, individuals entering the radicalization process happen to be rather secular and turn to religion later on in the process.[21]

Phase 2: Conversion and identification

Phase 2 describes the behavioral or religious change of individuals. This can happen in different ways:

- From a secular identity to a religious identity
- From a normal religious identity to radical ideologies
- From one religion to another

This phase is usually influenced by factors at the external level, such as Western foreign policy and discrimination in European societies. At this point, a new identity based on a radical interpretation of religion is being formed, and this shift becomes evident also in these individuals' external appearance and habits, i.e. they start attending the Mosque more frequently and begin to grow a beard / wear Islamic clothes.

Conversion and identification often begins in places like prisons, mosques, online, or in other social settings, including friends and family.

Trigger events, such as divorces, recent unemployment, death of a significant other, etc. may have a strong impact as well. Finally, the prospect of belonging to a group and to feel important also plays a role through this stage of the gradual radicalization

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[21] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 35.

process.[22]

Phase 3: Conviction and indoctrination

At this stage would-be radicalized individuals have almost completely abandoned their former life and identity getting always closer to the cause of radical Islam.

At this point, catalysts such as overseas travel and training accelerate the process and often take place in countries such as Iraq, Pakistan, Afghanistan or other European countries. In fact, it has been reported that among all of the perpetrators of terrorist attacks on European soil, at least one in each group them experienced such training.

Individuals are now fully radicalized, acting and thinking according to the teachings of violent Jihad, i.e. the West as a hostile oppression force and the need for society to be under Sharia law and practices. I twill be just a matter of time for them to come to the conclusion that [legitimate, self-defense] violence is the only possible way to achieve the goals set by such ideology.

Moreover, likeminded individuals have at this point changed their meeting places to more private settings and they show increased security awareness[23].

Phase 4: Action

Phase 4 is, of course, the most critical. At this point the main concern of the radicalized individual is to implement, plan, fabricate explosives or find other means of terrorism. The time period that goes from complete indoctrination to an actual attack usually consists of a few weeks or months. The radicalized individual accepts his duty and the training he received previously is reinforced. Group ties are made more intense, the goal of the group is the individual's goal, and his former life is just a

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[22] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 36.
[23] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 37.

matter of the past. Security is now a top priority, and meeting places shift to cars, private households or other locations that cannot be easily detected, and shortly before committing the attack, group support, videos or other extremist media provide encouragement and moral support.[24]

1.2 The EU Counterradicalization Strategy

"Radicalization and recruitment to terrorism are not confined to one belief system or political persuasion. Europe has experienced different types of terrorism in its history. But the terrorism perpetrated by Al-Qa'ida and extremists inspired by Al-Qa'ida have become the main terrorist threat in the Union. While other types of terrorism continue to pose a serious threat to EU citizens, the Union's response to radicalization and recruitment focuses on this type of terrorism"[25]

The EU Counterradicalization Strategy is set out in "The European Union Strategy for Combating Radicalization and Recruitment to Terrorism".

The EU seeks to achieve a wider understanding of this phenomenon, by cooperating with the Member States and the Muslim communities within European societies. Throughout the process, "the respect for fundamental rights will not be undermined and responses will be effective".

As stated in the strategy, to counter radicalization and terrorist recruitment, the EU seeks to:

- **Disrupt the activities of the networks and individuals who draw people into terrorism**: radicalization doesn't happen overnight. It is a gradual process that requires time and resources. However, the features of today's globalized world, in particular the ease of travel and money transfer, makes the process relatively faster and

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[24] Precht, Tomas. "Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism", 37.

[25] Council of the European Union, "The European Union Strategy for Combating Radicalization and Recruitment to Terrorism", 2.

gives easier access to the acquisition of the needed resources. In this regard, the EU is committed to identify and disrupt terrorist networks and activities that draw people into radicalization. Effective monitoring of the Internet and travel to conflict zones must also be carried out so to prevent individuals getting access to training[26].

- **Ensure that voices of mainstream opinion prevail over those of extremism:** Terrorist propaganda aims to convince individuals that violence is legitimate. To this purpose, it tends to represents ongoing conflicts around the world as a "Clash of Civilizations" between the West and the Islamic world, which brings people into conspiracy thinking and promotes recruitment. In this regard, the EU is committed to empower moderate voices within the European Muslim organizations to disrupt these views and to correct mistaken perceptions of Islam. Moreover, while publicly talking about terrorism, to avoid any link between Islam and violence is a key aspect[27].

- **Promote yet more vigorously security, justice, democracy and opportunity for all:** there are different conditions in society that may increase possibilities of radicalization, such as poor governance, human rights abuse and marginalization. Even though these conditions are not present in the EU at large, they do exist within some segments of the population. For this reason, the EU is committed to challenge inequalities and discrimination, and to promote long-term integration. Internationally, the EU is committed to the promotion of democratic values, human rights and economic growth through political discourse and international cooperation projects, including financial aid[28].

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[26] Council of the European Union, "The European Union Strategy for Combating Radicalization and Recruitment to Terrorism", 3.

[27] Council of the European Union, "The European Union Strategy for Combating Radicalization and Recruitment to Terrorism", 4.

[28] Council of the European Union, "The European Union Strategy for Combating Radicalization and Recruitment to Terrorism", 5.
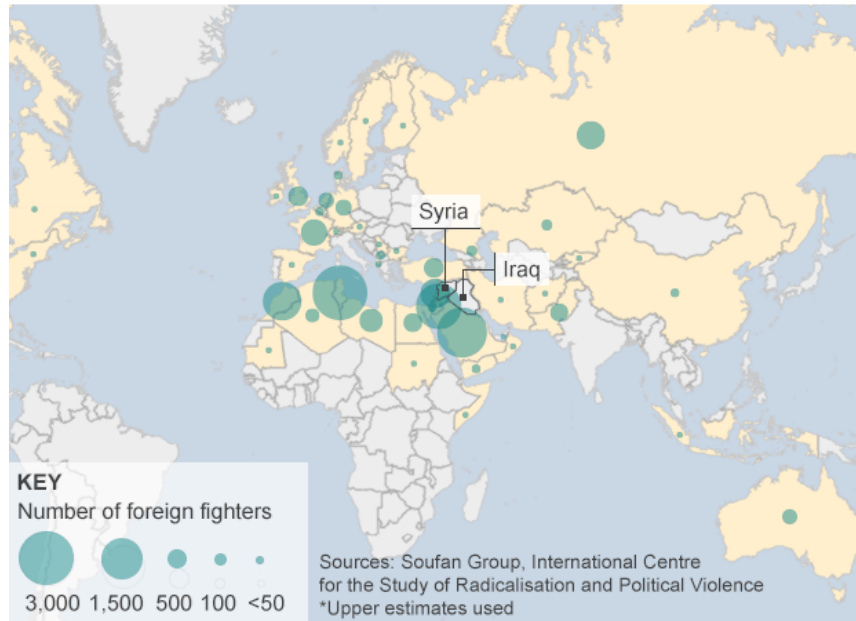
The primary responsibility of an effective counter-radicalization strategy lies within the member states and will be different for each of them according to each country's situation. The European Union plays an important role thanks to which states can coordinate their policies, share information and collaborate. To this purpose, the Commission shows support by channeling its policies effectively, including financial assistance for research[29]. Overall, we can see how the EU concentrates mostly on the external level of the radicalization process. Less attention is given to those factors that constitute the social level, and almost none regarding the causes of radicalization at the individual level. As a result, this responsibility ultimately relies within the Member States, which can use the valuable framework made by the EU to shape policies at the national level.

1.3 Foreign Fighters in Syria

The ongoing civil war in Syria started in 2011 in the context of the "Arab Spring" revolutions. What started as a popular protest soon turned into an armed conflict between President Bashar al-Assad and different other factions. The unrest has not yet come to an end and it probably won't anytime soon. Foreign fighters from all over the world have joined the fight in Syria, including many from the European Union. Their radicalization follows the same timeline that we have analyzed above (Phase 3), and the fear that European foreign fighters could come back to Europe and carry out terrorist attacks on its soil represents an increasing threat for the security of the EU. The following map shows the foreign fighters distribution across the world:

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[29] Translational Terrorism, Security & The Rule of Law. "The EU Counterradicalization Strategy: Evaluating EU policies concerning causes of radicalization", 31.

Origin of foreign fighters in Syria and Iraq

KEY
Number of foreign fighters

3,000 1,500 500 100 <50

Sources: Soufan Group, International Centre
for the Study of Radicalisation and Political Violence
*Upper estimates used

Source: Soufan Group, International Centre for the Study of Radicalization and Political Violence.

As a result, the European Union's counter-terrorism coordinator, jointly with the Commission and the European External Action Service, has developed two proposals to enhance communication initiatives regarding Syria both within the EU and in third countries.

- **1st proposal**: It aims to reduce the stream of foreign fighters through the use of specific campaigns, addressing in particular those young people that are most likely to join the fight in Syria. These motivations, however, are not homogeneous across the EU and this initiative should have different forms and contents in different countries. The EU could facilitate access to the expertise needed for Member States to develop effective communications material to promote these campaigns. Moreover, the international humanitarian relief effort that the European Union is engaged in should be highlighted, and the existing narrative material showing the reality of extremist

actions in Syria and their popular rejection by Syrian communities should be emphasized as well[30].

- **2nd proposal**: It provides for the establishment of a web portal on which volunteer groups or charity organizations can list opportunities that would contribute to the Syrian relief effort cause. The main goal would be to get the attention of young people and to incentive them to engage into activities aimed at supporting the Syrian civil population. Opportunities are already available within the EU, but it is not easy to find them and the web portal would make it easier for people to do exactly that. This must be supplemented by a publicity campaign that should also show the successes achieved by the various associations, to enhance their credibility and increase their membership[31].

Furthermore, many potential foreign fighters get a lot of information and radical ideology from the social media, such as Facebook and Twitter, and for this reason, there is also a need for the development of an effective monitoring strategy on the web. A number of Member States have already set up foreign fighters specific projects, while others are still working on it.

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[30] EU Counter-Terrorism Coordinator in close consultation with the services of the Commission and the EEAS. "Foreign Fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria: state of play and proposals for future work", 3.

[31] EU Counter-Terrorism Coordinator in close consultation with the services of the Commission and the EEAS. "Foreign Fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria: state of play and proposals for future work", 4.

2. Incentives and Challenges to Information Sharing

*"The term **"information sharing"** gained popularity as a result of the 9/11 Commission Hearings and its report of the United States government's lack of response to **information** known about the planned terrorist attack on the New York City World Trade Center prior to the event."*[32]

At the time of 9/11 terrorism was not a high priority, and the European Union did not have a single and coherent counterterrorism policy. However, information sharing was practiced among European intelligences through different meetings and forums. Terrorism cases were mostly dealt with on a case-by-case basis or through bi/multilateral cooperation between Member States. The only organizations that engaged with terrorism were: a) the "Club of Bern", i.e. an intelligence sharing forum between the intelligences services of the 28 Member States (plus Norway and Switzerland), based on voluntary exchange of secrets and with no decision-making power[33]; and b) Europol, i.e. the law enforcement agency of the European Union, in charge of dealing with criminal intelligence and combating serious international organized crime[34]. Particular attention must be given to the latter. In fact, although it is still constrained by wide skepticism, Europol has made great progress in establishing itself as a leading institution in fighting terrorism in the EU. In order to understand its role today, along with its limits and potentialities, a brief description of its historical evolution is necessary.

2.1 Europol

Europol became and independent EU agency only in 2009, after the Lisbon Treaty came into force. Member States haven't shown much enthusiasm at the idea of sharing information with Europol since when it was officially established in 1999, and for this

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[32] http://en.wikipedia.org/wiki/Information_sharing
[33] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 8.
[34] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 9.

reason, it didn't have the right means to operate effectively. However, its role has been much discussed since the events of 9/11 and stronger cooperation between Europol and the intelligence services of the Member States has been significantly emphasized since then. "Member States will share with Europol, systematically and without delay, all useful data regarding terrorism (European Council 2001)"[35]. However, less was done to make this happen and Europol continued to play a very marginal role in this regard. This was mainly due to frequent disagreements between the Member States, which could not agree on the functions, scope and autonomous power that had to be granted to Europol. In other words, "the intelligence community was not eager to work with Europol (De Kerchove, 2008)"[36]. Following the bombings in Madrid in 2004 and the attacks in London in 2005, the need of a wider cooperation and more effective information sharing was reasserted by the European Union, and again, the intelligence community wouldn't cooperate.

Finally, after the Lisbon Treaty entered into force in 2009, Europol gained more importance. Additionally, the Stockholm multiannual Programme – which set out the EU's priorities for the area of justice, freedom, and security for 2010-14 – was adopted the same year [37]. In fact, Europol significantly contributed to subsequent counterterrorism cooperation, and its efforts to collect, store, process, analyze and exchange information and intelligence plays an important role today. For example, its "Modus Operandi Monitor" provides real-time expertise and information to the intelligence agencies of the different Member States, or the European Union Bomb Data System (EBDS) provides significant intelligence on events involving explosives, incendiary and explosive devices, and also chemical, biological, radiological and nuclear materials (CBRN)[38]. In addition, Europol offers training both for analysts and specialists within Europol, as well as for potential trainers in the Member States, dealing with operational, strategic and social network analysis (SNA). It is noteworthy

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[35] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 12.

[36] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 11.

[37] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 12.

[38] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 14.

to see how Europol dissemination of materials, methods and exercises, were later on employed by Member States to develop their own operation analysis[39].

Challenges

The main challenges confronted by information sharing and cooperation consist in:

- Different political, administrative and judicial frameworks prove to be an obstacle to effective information sharing.

  In some Member States police agencies deal with terrorism, while in others, intelligence agencies are responsible for this area. Cooperation between intelligence and police agencies is not easy, as they often require and analyze different kind of information. For instance, where as the police would be more interested in detailed information with prosecutable purposes, intelligence agencies only need general information[40].

- Intelligences services are unwilling to share real-time intelligence on terrorism, as either they perceive their autonomy or authority as breached; because of mistrust; or, they prefer a bilateral and more secure collaboration rather than EU institutional structure bodies[41].

The classic understanding of international intelligence cooperation calls on states as rational actors that assess and decide if to engage in cooperation. However, we have here presented the case of how states constantly call for cooperation for counterterrorism operations, but results just fail to materialize.

We could say that the main challenges in the establishment of an effective information sharing strategy among the intelligence agencies of the Member States is probably due to the high level and discrepancy of specific assets. In this regard, Europol has been

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[39] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 15.

[40] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 15.

[41] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 15.

approaching the problem in a gradual way. For example, thanks to its training programs, it retains the ability to create a quite big and converging pool of intelligence from which Member States can benefit from. In addition, its training programs bring about similar techniques and methods eventually being employed by the Member States, making cooperation easier. Additional difficulties stem from the organizational and bureaucratic culture of intelligence agencies. In other words, limited contacts with other organizations, the sensibility of its information and the reduced mobility of the staff result in a rigid and inflexible organizational structure, reluctant to change and find compromises[42].

There is a multitude of different organizational structures among intelligence agencies, and this holds true especially for counterterrorism operations, set up also according to a given State law and practices. In particular in the European Union, these divergences prove to be an even greater obstacle to information sharing due to the different cultures and languages that constitute it. In other words, different professional cultures give rise to serious communication issues across similar bodies in different states. However, information sharing for counterterrorism operations is of vital importance for national security of every Member State, and challenges to the improvement of existing measures should not be ignored. To this purpose, Europol is the European institution that is attempting to enhance cooperation and reduce mistrust among the Member States, by employing information sharing structures that enable a secure and effective cooperation (such as the Secure Information Exchange Network Application – SIENA), along with common professional training[43].

2.2 Border and Transport Security

European citizens enjoy the right of free movement across different Member States. This historical achievement represents the core of the European Community, by

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[42] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 16.
[43] Laura, Ruxandra. "EUROPOL and Counterterrorism Intelligence Sharing", 16.

promoting intercultural integration and growth. Nevertheless, different issues have been raised regarding the risk that this absolute freedom may pose to European citizens, and several measures have been taken in order to increase security without compromising this European fundamental right. The most important and debated ones are the Schengen Information System (SIS) and the proposal for a EU Passenger Name Records (EU PNR) system. I will briefly describe them by mentioning the most important articles and clauses that they comprise, and then turn to the contrasting views and proposals upheld by different European Members of Parliament (EMPs) to address the issue of border and transport security.

Schengen Information System (SIS)

The SIS must be used to search for information on persons and objects, and in particular on:

- "Persons wanted for arrest and surrender on the basis of a European Arrest Warrant or persons wanted for provisional arrest with a view to extradition"[44].
- "Third-country nationals who must be refused entry to the territory of the Schengen States"[45];
- "Missing persons or persons who, for their own protection or in order to prevent threats, need to be placed under temporary police protection"[46];
- "Persons wanted for judicial procedure"[47];
- "Persons and objects to be subject to discreet surveillance or specific checks"[48];
- "Objects included for seizure or use as evidence in criminal proceedings"[49]

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[44] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 20.

[45] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 20.

[46] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 20.

[47] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 20.

[48] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 20.

[49] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 20.

3.1.3 "Persons enjoying the community right of free movement are authorized to cross the border with limited checks, i.e. verification of their identity and nationality (minimum check). No questions concerning the purpose of travel, travel plans, employment certificate, pay slips, bank statements, accommodation, means of subsistence or other personal data should therefore be asked to them"[50].

3.1.4 "However, on a non-systematic basis, and in order to ensure that the presence of these persons does not represent a genuine, present and sufficiently serious danger to the internal security or public policy or international relations of Member States or a threat to public health, border guards may carry out a further check on these persons by consulting national and European databases."[51]

- "A hit in the SIS or in other databases is not in itself a sufficient ground to deny entry to any persons enjoying the Community right of free movement."[52]

Refusal of entry:

While third country nationals must be refused entry on different bases, among which if "they are a threat to public policy, internal security, public health or the international relations of one or more Schengen States", it works differently for EU citizens:

6.3 "Persons enjoying the community right of free movement may only be refused entry on grounds of public policy or public security, i.e. when their personal conduct represents a genuine, immediate, and sufficiently serious threat affecting one of the fundamental interests of society"[53].

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[50] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 23.

[51] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 23.

[52] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 23.

[53] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 24.

6.3.1 "Consequently, even an alert in the SIS cannot be considered, in itself, as a sufficient ground for automatically refusing the entry of these persons; in such a case, the border guard must always make a thorough assessment of the situation and assess it in the light of the above principles"[54].

If the alert has been entered by another Member State, the border guard must take immediate contact, via the SIRENE Bureaux network or by any other available means, with the responsible authorities of the Schengen State that has entered the alert. The latter must check, in particular, the reason(s) why the alert was inserted and whether these reasons are still valid. This information must be transmitted without any delay to the authorities of the requesting Member State. On the basis of the information received, the competent authorities will make an assessment based on the criteria explained above. On that basis, the border guard will admit or refuse entry to the person in question. If it is not possible to obtain the information within a reasonable delay, the person in question must be allowed to enter the territory. In this case, the border guards, as well as the other competent national authorities, can make the necessary verifications after the person entered the territory and take afterwards, where necessary, the appropriate measures[55].

Proposal for a EU PNR

After the entry into force of the Lisbon Treaty in 2009, the proposal made by the European Commission to establish a European Passengers Name Records (EU PNR) for law enforcement purposes had expired. For this reason, the EC renew its proposal in 2011, which is now being negotiated with the Council of Ministers and the Eruopean Parliament. It proposes:

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[54] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 24.

[55] Secretary-General of the European Commission. "Practical Handbook for Border Guards (Schengen Handbook)", 24.

- "that air carriers transfer data on international flight passengers held in their reservation systems to a dedicated unit in the EU State of arrival or departure. EU States should analyse and retain this data for the purposes of preventing, detecting, investigating and prosecuting serious crime and terrorist offences"[56]

- "to strongly protect privacy and personal data PNR data may only be used for the purpose of fighting serious crime and terrorist offences. Law enforcement authorities in EU States must depersonalise the data one month after the flight and may not retain it for more than five years in total. Sensitive data that could reveal racial or ethnic origin, political opinions or religious beliefs may never be transferred by air carriers to, or used in any way by, EU States. EU States should not be able to access the databases of air carriers. They must request for the data, which is then sent by the air carriers concerned ("push method"). EU States must set up dedicated units to handle the data and keep it secure, as well as ensure that these units are monitored by an independent supervisory authority. Clear rules on passengers' right to accurate information about the collection of PNR data are also provided for, as well as rules giving passengers the right to access, rectify and delete their data and the right to compensation and to judicial remedies"[57]

- "clear rules on how data should be transferred, for example, how many times data may be transferred by the air carriers to EU States and how to secure such transfers, in order to limit the impact on privacy and minimise the costs for air carriers"[58].

Following the terrible attacks that took place in Paris in early 2015, European foreign ministers called for more EU control of the borders and the sharing of airline passengers data to enhance security services' capability of fighting terrorism. The

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[56] General Secretariat of the Council. "Foreign Fighters: follow-up on the Conclusions of the European Council of 30 August 2014", 2.

[57] General Secretariat of the Council. "Foreign Fighters: follow-up on the Conclusions of the European Council of 30 August 2014", 2.

[58] General Secretariat of the Council. "Foreign Fighters: follow-up on the Conclusions of the European Council of 30 August 2014", 3.

question whether we should give up some of our rights like data privacy in order to enforce security is the main question and object of debates right now.

On the one hand, we have the MEPs of the Greens party, who retain that such security measures [EU PNR] are already in place and that they didn't prevent the attacks against Charlie Hebdo. In other words, by enhancing this system that retains everyone's information we would turn Europe into a "surveillance state", while instead we should focus on investigating the risks and suspicions we already have. The reason why there is no enough focus by the intelligence and police services to go after the right information is simply because there is too much of it. The Greens then agree overall on the fact that more information should be shared, in the sense that the EU and the MS need to invest on this kind of structures and collect data on risky and suspicious groups and individuals, leaving out all those that are not considered to be a threat. The main focus, however, should be on working towards the realization of an effective counter-radicalization strategy.

On the other side of the debate we have the Conservatives. In particular, the UK has been in favor of sharing additional sensible information in order to prevent future attacks. The problem, according to their view, is that there has not been enough intelligence sharing, and that any measures that can bring about productive results must be put into place or built upon existing ones. For example, they propose the expansion of the existing criminal code regarding the right to freedom of movement for European citizens in special cases linked to terrorist threats. This, they say, would not amount to compromise freedom, but rather, to the use of existing laws to prevent further threats.

In sum, the greatest struggle is to find a balance between protecting fundamental rights and protecting European citizens' civil rights. This is especially true when the issue of enforcing EU external borders is raised, especially regarding the modification of the Schengen treaty.

According to the Conservatives, there should be a tightening of borders in terms of when people are trying to enter into from the outside, rather than just dealing with movement within. In particular, they make reference to the moment in which there is a

quite large number of European citizens who have made their way all over to Syria in order to take part to fights, and once they want to come back they are far too easily able to gain access back to the EU without their member states actually knowing that they're back. They go on saying that we can actually build on existing measures that MS have themselves in order to control the movement of people without effecting the fundamental right of the fundamental freedom of the movement of people, using existing criminal provisions that the EU already has.

On the other side, the Greens agree that the EU needs to better control its borders in order to know when foreign fighters reenter the EU, focusing mainly and almost exclusively on this kind of information sharing. As a result, the EU needs not to limit the right to free movement, which would mean to give up an historical success reached by the EU, i.e. to cooperate and get rid of internal borders.

2.3 U.S. – EU Counterterrorism Cooperation

The promotion of information sharing with third countries, and the U.S. in particular, has been a top priority of the EU since 2001. Washington welcomed this effort and paved the way for an enhanced cooperation in the fight against terrorism. As a result, several contacts and agreements have been made, including information sharing. However, cooperation in such a sensible area entails different challenges, such as data privacy and data protection, especially regarding airline passenger information. Most importantly, the EU wants to ensure that the U.S. safeguards and guarantees protection for Europeans' personal data; worries that were further fueled after the U.S. National Security Agency's unauthorized disclosures of surveillance programs in 2013 ("Datagate" scandal). Other differences that could limit the effectiveness of the EU-US cooperation may be found in their different terrorist "black lists" of designated extremist groups, or in the different opinions regarding the measures that need to be taken to improve transatlantic transport and border security.

New Law Enforcement and Intelligence Cooperation Agreements

Different accords have been made between the US and EU aimed at improving cooperation in the judicial and police domains. In the aftermath of 9/11, these agreements regarded the sharing of the "strategic" information, such as risk assessments, crimes, threats, etc.; and "personal" information, such as individual addresses, names and criminal records. Negotiations proved not to be easy especially for the latter kind, because the EU regards data protection as a fundamental right that has to be preserved from authorities as much as possible. Later in 2007, an additional agreement was signed, setting common standards for the sharing of classified information. In 2010, an important agreement on mutual legal assistance (MLA) was reached, which opened the European bank accounts and financial information to U.S. authorities during criminal investigations[59]. However, many in the U.S. have argued that collaborating with the EU is useless, because of two main reasons: a) there are already good bilateral relationships established between the CIA and the FBI with the intelligences services of the EU Member States; b) Europol lacks enforcement capabilities and its correct functioning relies solely on the will of the Member States' intelligence services to share information. Instead in Europe, the main concern revolves around how the U.S. pretends information from the EU, but is not as willing to fully share its own with it[60].

Designating Terrorist Individuals and Groups

Ever since 2001, the U.S. and the EU have tried to harmonize their respective "blacklists" of designed terrorist organizations in order to carry out a joint and coordinated fight against them. The EU currently has two separate lists, the first containing the names of the individuals and organizations affiliated with Al Qaeda and

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[59] Archick, Kristin. "US-EU Cooperation against Terrorism". 12.
[60] Archick, Kristin. "US-EU Cooperation against Terrorism". 14.

the Taliban, which was enacted after 9/11; where as the second, also known as the EU's "common terrorist list", refers to individuals and groups that are not affiliated with Al Qaeda. The latter contains more than 80 names of individuals or groups residing both within and outside Europe[61]. The law enforcement applied to the names included in this list will be different depending on whether said individual / groups reside outside Europe (Hamas, Hezbollah, etc.) or inside Europe (ex. politically inspired terrorism). In the first case, the EU Member States have the obligation to freeze the assets of those on the list, and to make sure that they do not have access to financial resources. In the second case, the list merely serves the purpose of strengthening police cooperation, and member states apply their own sanctions. According to European Union Law, to add or remove individuals or groups from the list, member states have to agree unanimously[62]. For this reason, there have been numerous debates and controversies regarding the status of several organizations, and as a result, different countries (including the US) have lobbied the EU to add several organizations, such as the Palestinian group Hamas, the Kurdistan Worker's Party (Turkey), the Revolutionary Armed Forces of Colombia (FARC), and so on. The designation of the Palestinian group Hamas has posed the greatest challenges, since the EU considers it as a political movement established for separate social and political reasons.

Promoting Information-Sharing and Protecting Data Privacy

As mentioned earlier, data protection is of paramount importance for the EU when making agreements with the U.S., which is considered not to have an adequate data privacy policy according to some members of the European Parliament and some civil liberty groups.

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[61] Archick, Kristin. "US-EU Cooperation against Terrorism". 17.
[62] Archick, Kristin. "US-EU Cooperation against Terrorism". 17.

Passenger Name Record (PNR) Data enters into force

The PNR Data has been subject to several debates and controversies within the EU since its first establishment in May 2004. According to this agreement, the European Union agreed to allow different airlines operating in the United States to provide the US authorities with sensible information about passengers' data within fifteen minutes of each flight's takeoff[63].

Nevertheless, this did not guarantee the security of European citizens' personal data, and the European Parliament successfully lodged a case to the European Court of Justice to shut down this agreement. Later on in 2007, the PNR was renewed on a seven-year basis in order to continue with the data transfer. There is a stark difference between the first and this second agreement. First of all, PNR Data can now be accessed by agencies such as the U.S. Department of Homeland Security and several other American governmental bodies that deal with counter-terrorism operations. Another difference is that now the data transfer also includes sensible information such as an individual's ethnicity, religion, and race. Finally, all airlines must transfer data to these governmental bodies at least 72 hours before each flight[64].

U.S.-EU Data Privacy and Protection Agreement

The European Union and the United States both strongly believe in information-sharing agreements as instrumental and of fundamental importance in the fight against terrorism. Nevertheless, American leaders have often been annoyed by the extreme caution and long proceedings of the EU during the negotiations in regard to data privacy and protection. For this reason, new negotiations have officially started in order to achieve a new agreement, the Data Privacy and Protection Agreement (DPPA) that would fortify mutual trust. This accord would be based on a mutual recognition of US-EU protection data systems, by stating that they acknowledge each other's

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[63] Archick, Kristin. "US-EU Cooperation against Terrorism". 20.
[64] Archick, Kristin. "US-EU Cooperation against Terrorism". 21.

capability to protect the privacy and sensible data of its citizens[65]. Through this agreement the US was hoping for Europe to accept US data protection standards once and for all. While it's been affirmed by both parties that substantial progress has been made in this area, Members of the European Parliament insisted that what goes missing in the accord is the European citizens' right of judicial redress in the US for an alleged breach or misuse of personal information. After several debates, in June 2014 U.S. Attorney General Holder finally announced that, *"in support of our desire to bring the DPPA negotiations to conclusion, the Obama Administration is committed to seeking legislation that would ensure that, with regard to personal information transferred within the scope of our proposed DPPA ... EU citizens would have the same right to seek judicial redress for intentional or willful disclosures of protected information, and for refusal to grant access or to rectify any errors in that information, as would a U.S. citizen under the Privacy Act"[66]*. As a result of this declaration, the only steps that are still needed for the adoption of the agreement is a legislative act by the U.S. Congress that would legalize EU citizens' right to judicial redress, and a final approval of the negotiations by the European Union.

Conclusion

Small, but numerous steps have been taken since 9/11 until Charlie Hebdo in order to enhance security within the European Community. To this purpose, many challenges remain to be encountered and as many controversies will need to be solved.
As we have seen in the first part of this dissertation is that, despite the voluminous literature and much research, there is no standard terrorist individual or group that may help shape future policies in order to effectively counter the phenomenon. In fact, radicalization is a very personal process, often affected by factors that are out of institutional control. However, the presence of moderate leading political parties, along with a less Islamophobic media propaganda and a well-thought integration

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[65] Archick, Kristin. "US-EU Cooperation against Terrorism". 23.
[66] Archick, Kristin. "US-EU Cooperation against Terrorism". 25.

policy could significantly contribute to lessen the amount of individuals that undergo radicalization. Whether it s true that individual potential radicalizing features are nearly impossible to detected and be dealt with, the same can't be said for the external environment (political, economic and cultural context) which plays a key role in shaping the opportunities and circumstances encountered by all individuals in society, potential radicalizers included. While the European Union needs to be the main promoter of these changes and given its fundamental principle of subsidiarity, this task and responsibility ultimately rely within the Member States.

As far as the second part is concerned, cooperation and information sharing are fundamental for a successful European counterterrorism prevention strategy, given that the EU now comprises 28 Member States with different police and intelligence organizational structures. Progress has been made after the establishment and empowerment of Europol during the years, as well as the implementation of new security measures, such as the PNR, and the increased cooperation with third parties, such as the United States.

After having looked at these two parts in great detail, we can affirm that, despite much effort and willingness, prevention measures in the EU still lack full efficacy and that, unfortunately, sharp improvements will most likely not be seen anytime soon. Factors such as extremist political parties, public opinion and civil liberties cannot be subject to restrictions that would compromise the meaning of their existence. These difficulties are often referred to as the "risks of democracy", and solutions have to be found according to them. However, this doesn't mean that progress has to be ruled out a priori. In fact, stronger ties among the member states intelligence services, a much stronger role played by Europol, along with a significant effort by Member States governments to address the issues faced by local potential radicalizers (such as unemployment and marginalization) may bring about important and substantial changes that may ultimately prove to be a determinant asset for a safer European Union.

REFERENCES

- EUROPOL, European Law Enforcement Agency. *"European Union Terrorism Situation and Trend Report 2014".* EUROPOL, 2014.

- EU Counter-Terrorism Coordinator in close consultation with the services of the Commission and the EEAS. *"Foreign Fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria: state of play and proposals for future work".* Council of the European Union, 2014.

- Archick, Kristin. *"US-EU Cooperation against Terrorism".* Congressional Research Service, 2014.

- Laura, Ruxandra. *"EUROPOL and Counterterrorism Intelligence Sharing".* National School of Political and Administrative Studies, Bucharest, 2013.

- Translational Terrorism, Security & The Rule of Law. *"The EU Counterradicalization Strategy: Evaluating EU policies concerning causes of radicalization".* www.transnationalterrorism.eu, 2008.

- Precht, Tomas. *"Homegrown terrorism and Islamist radicalization in Europe: from conversion to terrorism".* Danish Ministry of Justice, 2007.

- Bakker, Edwin. *"Jihadi Terrorists in Europe".* Netherlands Institute of International Relations, 2006.

- Secretary-General of the European Commission. *"Practical Handbook for Border Guards (Schengen Handbook)".* Council of the European Union, 2006.

- Presidency and Ct Co-ordinator. *"The European Union Counter-Terrorism Strategy".* Council of the European Union, 2005.

- Presidency. *"The European Union Strategy for Combating Radicalization and Recruitment to Terrorism".* Council of the European Union, 2005.

- The Council of the European Union. "Council Framework Decision on Combating Terrorism". The Council of the European Union, 2002.

Sintesi della tesi

Dall'11 settembre a Charlie Hebdo: l'evoluzione del programma di prevenzione del terrorismo dell'Unione Europea

di Eugenio Benincasa

INDICE

Introduzione

La tesi analizza la "strategia antiterrorismo dell'Unione Europea" che il Consiglio dell'Unione Europea, nel primo documento ufficiale pubblicato nel 2005, ha definito come un impegno strategico "per combattere il terrorismo su scala mondiale nel rispetto dei diritti dell'uomo e rendere l'Europa più sicura, consentendo ai suoi cittadini di vivere in libertà, sicurezza e giustizia".

Alcuni Paesi Europei, come ad esempio l'Italia, la Spagna, l'Irlanda, la Francia, e la Germania, hanno a lungo subito, in passato, quello che si può definire "terrorismo politico", cioè atti di violenza e intimidazione ispirati da ideologie estremiste di sinistra e di destra.

Tuttavia, l'11 settembre è stato diverso. In quel giorno, la comunità internazionale si è trovata di fronte ad un drammatico episodio di terrorismo internazionale, acquisendo immediata consapevolezza dei rischi generati dal nuovo fenomeno. La facilità con cui sono stati condotti gli attacchi alle Torri Gemelle e il conseguente impatto psicologico hanno da allora rimodellato la concezione della sicurezza mondiale, influenzando le successive misure politiche, nazionali e internazionali.

Nel tempo il fenomeno si è evoluto e per comprendere appieno chi siano, oggi, gli attori coinvolti in questo processo, come interagiscono e si comportano sulla scena mondiale, bisognerebbe prima definire il terrorismo internazionale in maniera più specifica. Tuttavia, data la sua ampia e complessa natura, non esiste una definizione di terrorismo che sia comune e riconosciuta da tutti gli stati e organizzazioni.

Nel 2002, l'Unione europea ha definito il terrorismo come: *"Ogni grave reato contro persone e cose che, data la sua natura o contesto, può danneggiare seriamente un paese o un'organizzazione internazionale, quando questi reati sono commessi al fine di: intimidire gravemente la popolazione; o costringere indebitamente i poteri pubblici o un'organizzazione internazionale a compiere o astenersi dal compiere un qualsiasi atto; o destabilizzare gravemente o*

distruggere le strutture politiche, costituzionali, economiche o sociali fondamentali di un paese o di una delle organizzazioni internazionali ".

La strategia antiterrorismo definita dall'Unione Europea è focalizzata su quattro attività principali:

1) Prevenire,

2) Proteggere,

3) Perseguire,

4) Rispondere al terrorismo.

Ogni attività coinvolge una vastissima gamma di attori, politiche e interazioni ma la tesi che ho elaborato si concentra esclusivamente sulle attività di prevenzione del terrorismo di matrice religiosa e sull'evoluzione del programma di prevenzione antiterrorismo dell'UE dall'11 Settembre a Charlie Hebdo.

Gli Stati membri europei, infatti, hanno concordemente convenuto che il terrorismo islamico oggi rappresenta la più alta minaccia alla sicurezza nazionale e transnazionale nell'UE.

Inoltre, ritengo che "fare in modo di evitare le affiliazioni al terrorismo, affrontando i fattori e le cause profonde che possono portare alla radicalizzazione e al reclutamento, in Europa e a livello internazionale", cioè definire e applicare efficaci azioni di prevenzione, ridurrebbe al minimo la necessità di sviluppare le altre attività.

La mia tesi analizza e sviluppa le attività di prevenzione secondo il seguente schema:

✓ nella prima parte della tesi ho illustrato il processo che porta alla radicalizzazione degli individui, analizzando le diverse variabili che determinano il contesto internazionale, sociale, economico, politico e personale in cui gli individui vulnerabili vivono e agiscono. Ho sviluppato, come esempio pratico, l'attuale minaccia rappresentata dai "combattenti

stranieri" o "foreign fighters" che si uniscono allo Stato islamico in Iraq e Siria (ISIS), analizzando le misure di prevenzione con cui l'UE sta rispondendo

✓ nella seconda parte, ho discusso il tema fondamentale, ai fini della prevenzione di episodi di terrorismo, dei vantaggi della condivisione delle informazioni tra i diversi attori a livello nazionale e internazionale, come governi, istituzioni, servizi segreti e polizia. In particolare, i motivi per cui una cooperazione più efficace sarebbe fondamentale per avere importanti risultati e perché sia così difficile da mettere in atto.

✓ nelle conclusioni, basandomi su quanto discusso nelle parti precedenti, ho svolto una valutazione finale sulle politiche adottate e sulle future prospettive di sicurezza in Europa.

1.   PARTE PRIMA

1.1   Il processo di radicalizzazione

In seguito agli attacchi dell'11 settembre e dopo gli attentati che hanno colpito Madrid nel 2004 e Londra nel 2005 , la lotta contro il terrorismo ispirato da ideologie radicali islamiste è diventata una preoccupazione di primaria importanza per l'Unione europea.

Ma è stato soprattutto l'attacco del 7 gennaio 2015 a Charlie Hebdo, compiuto da terroristi nati e cresciuti in Europa, che ha drammaticamente confermato e reso chiaro che il terrorismo e la radicalizzazione non hanno radici unicamente in Medio Oriente o in Africa settentrionale, ma anche all'interno delle società europee.

Cercare di capire per quale motivo dei musulmani, sostanzialmente ben integrati, siano disposti a commettere questi atti terribili contro i paesi in cui sono nati e/o cresciuti, è ora considerato di primaria importanza per qualsiasi strategia efficace volta a combattere il terrorismo.

La radicalizzazione può avere, come conseguenza, un profondo impatto sulle società europee, intensificando le attività terroristiche e dando luogo a conflitti inter-gruppo.

Per questo motivo, prima di analizzare la strategia contro la radicalizzazione dell'UE, è necessario prima capire in quali circostanze la radicalizzazione ha luogo, come processo in generale e nell'Unione europea in particolare.

Comprendere le motivazioni e le ideologie che stanno dietro il terrorismo di ispirazione religiosa non è semplice come può sembrare.

Spiegazioni superficiali e approssimative del fenomeno, come quelle maggiormente diffuse nell'opinione pubblica, non saranno mai in grado di permettere il raggiungimento di risultati rilevanti né di sviluppare un quadro di riferimento per la comprensione del terrorismo.

Quello che è necessario fare, invece, è guardare a tutte le possibili cause e fattori intercorrelati che contribuiscono allo sviluppo di una mentalità terrorista e che portano determinati individui vulnerabili a commettere atti terroristici.

Tuttavia, non vi è un profilo specifico ed univoco del terrorista e non esiste nessuna singola ed esclusiva spiegazione del fenomeno della radicalizzazione. Esso è principalmente un processo individuale determinato dalla complessa interazione di diversi fattori personali e influenze esterne.

1.2   Strategia dell'UE contro la radicalizzazione

L'UE mira ad ottenere una comprensione più ampia del fenomeno della radicalizzazione, attraverso la cooperazione con e tra gli Stati membri e con le comunità musulmane insediate all'interno delle società europee. Durante questo processo, "il rispetto dei diritti fondamentali non sarà compromesso e le risposte saranno efficaci".

Come precisato nei documenti che definiscono e illustrano la strategia antiterrorismo dell'Unione Europea e pianificano il relativo piano di azioni , per contrastare la radicalizzazione e il reclutamento di terroristi è necessario:

- Smantellare le attività delle reti e degli individui che spingono persone verso il terrorismo;
- Assicurarsi che la voce dell'opinione pubblica musulmana moderata prevalga su quella dell'estremismo;
- Promuovere con vigore una maggiore sicurezza, giustizia, democrazia e opportunità per tutti.

La maggiore responsabilità di una strategia efficace contro la radicalizzazione è attribuita agli Stati membri e sarà differente per ciascuno di loro in base alla situazione specifica di ciascun paese.

L'Unione europea gioca un ruolo importante grazie al quale gli Stati possono coordinare le loro politiche, condividere le informazioni e, in generale, collaborare.

1.3 Il fenomeno dei Foreign Fighters

I Foreign Fighters, militanti islamici "europei" che partono dall'Europa per combattere in zone caratterizzate da conflitti interetnici e religiosi, tra le fila di milizie che utilizzano metodi terroristici, non sono un fenomeno del tutto nuovo.

Quella che risulta veramente nuova è la dimensione numerica assunta dal fenomeno nell'ambito dell'attuale conflitto siriano.

La guerra civile, iniziata in Siria nel 2011 ed ancora in corso, ha attratto, soprattutto grazie alla propaganda radicale diffusa in Rete, numerosi combattenti stranieri, provenienti da tutto il mondo, UE inclusa.

La possibilità che i combattenti europei, partiti per partecipare al conflitto siriano, possano tornare in Europa e compiere attacchi terroristici rappresenta una minaccia crescente per la sicurezza l'Unione europea.

Di conseguenza, il coordinatore antiterrorismo dell'Unione europea, congiuntamente con la Commissione e il Servizio europeo per l'azione esterna, ha sviluppato due proposte per migliorare le iniziative di comunicazione per quanto riguarda la Siria, sia all'interno dell'Unione europea che in paesi terzi.

- La 1^ proposta:

  ha lo scopo di ridurre il flusso di combattenti stranieri attraverso l'uso di specifiche campagne, rivolgendosi in particolare ai giovani che hanno più probabilità di unirsi alla lotta in Siria.

- La 2^ proposta:

  prevede la creazione di un portale web sul quale i gruppi di volontariato e le organizzazioni di cooperazione internazionale illustrino le opportunità umanitarie che possono contribuire alla crisi siriana.

2. PARTE SECONDA
2.1 Incentivi e ostacoli per la condivisione delle informazioni

Prima dell'11 settembre la lotta contro il terrorismo non era una priorità e l'Unione europea non aveva una politica coerente per far fronte alle sue minacce.

Tuttavia, la condivisione delle informazioni era già praticata tra diversi servizi di sicurezza europei, attraverso molteplici incontri e forum.

I precedenti episodi di terrorismo erano stati gestiti attraverso una cooperazione bilaterale tra gli Stati membri. Le uniche organizzazioni europee che si occupavano con questo fenomeno erano:

a) il "Club di Berna", vale a dire un forum di condivisione d'informazioni tra i servizi intelligenze dei ventotto Stati membri (più Norvegia e Svizzera), basato su uno scambio volontario di segreti e privo di potere decisionale;

b) l'Europol, cioè l'autorità competente dell'Unione europea alla lotta contro gravi forme di criminalità organizzata internazionale.

Anche se ancora molto limitata nelle sue funzioni e oggetto di ampio scetticismo, l'Europol ha fatto grandi progressi per imporsi come istituzione leader nella lotta al terrorismo in Europa.

Per comprendere il suo ruolo nell'Europa di oggi, è però necessario tracciare una breve descrizione della sua evoluzione storica, con i suoi limiti e potenzialità.

L'Europol è diventata un'agenzia indipendente dell'Unione Europea solo nel 2009, dopo l'entrata in vigore del Trattato di Lisbona. Gli Stati membri non avevano mostrato molto entusiasmo all'idea di condividere le informazioni con Europol fin da quando era stata ufficialmente istituita nel 1999.

Per questo motivo, Europol non ottenne inizialmente i mezzi giusti per operare in modo efficace.

Tuttavia, dopo il Trattato di Lisbona, l'Europol ha acquisito maggiore rilevanza, contribuendo significativamente alla cooperazione antiterrorismo e agli sforzi per raccogliere, trattare, analizzare e scambiare informazioni tra i diversi servizi di intelligence degli stati membri.

I principali ostacoli per un'efficace cooperazione e condivisione d'informazioni consistono in:

- strutture politiche, amministrative e giudiziarie diverse.
  In alcuni Stati membri il compito di combattere il terrorismo è affidato ai servizi di polizia, mentre in altri sono le agenzie d'intelligence che si occupano di quest'attività.
  La cooperazione tra intelligence e polizia non è facile, perché spesso utilizzano tipi diversi di informazioni.

Per esempio, mentre la polizia è più interessata a informazioni dettagliate con finalità di persecuzione, le agenzie d'intelligence hanno bisogno d'informazioni di carattere più generale.

- I servizi d'intelligence non sono normalmente disposti a condividere le informazioni sulle minacce terroristiche in tempo reale.

  Questa situazione è determinata da diversi motivi, come la percezione di una violazione della loro autonomia operativa o a causa di mancanza di fiducia negli interlocutori esterni alla loro attività.

  Per questa ragione, i servizi di sicurezza preferiscono una collaborazione bilaterale, considerata più sicura, piuttosto che fare affidamento sugli organi istituzionali dell'Unione europea.

Lo sviluppo della condivisione delle informazioni con i paesi terzi, e con gli Stati Uniti in particolare, è stata una delle principali priorità della UE dal 2001.

Washington ha accolto con favore questa iniziativa e ha aperto la strada per una cooperazione rafforzata in materia di lotta contro il terrorismo, anche attraverso accordi di condivisione delle informazioni.

Tuttavia, la cooperazione in un settore così sensibile è ostacolata da diversi fattori, quali la privacy e la protezione dei dati, in particolare per quanto riguarda le informazioni sui passeggeri delle compagnie aeree.

Aspetto ancora più importante, l'UE vuole la certezza che le misure di salvaguardia degli Stati Uniti garantiscano la protezione dei dati personali dei cittadini europei; preoccupazioni che sono state ulteriormente alimentate dopo la divulgazione non autorizzata della US National Security Agency di programmi di sorveglianza nel 2013 (scandalo "Datagate").

Altri ostacoli che potrebbero limitare l'efficacia della cooperazione UE-USA si possono individuare nelle diverse "liste nere" di gruppi terroristici estremisti individuati, o nelle diverse opinioni riguardo le misure che devono essere adottate per migliorare il trasporto transatlantico e la sicurezza delle frontiere.

2.2 L'attuale dibattito sulle misure di sicurezza

Dopo i terribili attentati che hanno avuto luogo a Parigi a gennaio 2015, i ministri degli Esteri Europei, per migliorare la capacità dei servizi di sicurezza di combattere il terrorismo, hanno chiesto un maggiore controllo delle frontiere dell'UE e la condivisione dei dati dei passeggeri aerei (PNR dell'UE).

La questione fondamentale in discussione è se si debba rinunciare ad alcuni dei nostri diritti, come la riservatezza dei dati, al fine di rafforzare la sicurezza. Questo tema ha creato un acceso dibattito tra le diverse aree politiche dell'Unione Europea, in particolare tra il partito dei Verdi ed i Conservatori.

I deputati del partito dei Verdi sostengono che tali misure di sicurezza erano già in atto e che non hanno impedito gli attacchi contro Charlie Hebdo.

Un ampliamento delle misure di sicurezza a scapito della libera circolazione in Europa creerebbe uno "stato di sorveglianza", mentre invece ci si dovrebbe concentrare sull'analisi dei rischi e delle informazioni già possedute.

La condivisione dei dati di tutti i passeggeri aerei crea un surplus di informazioni che impediscono ai servizi di intelligence di valutare correttamente quelle giuste.

I Verdi poi sono d'accordo, in generale, sul fatto che l'UE e gli Stati membri dovrebbero investire di più nelle strutture di sicurezza, col fine di raccogliere dati sui gruppi e gli individui sospetti, tralasciando tutti quelli che non sono considerati una minaccia.

L'obiettivo principale, tuttavia, dovrebbe essere quello di realizzare una strategia efficace contro la radicalizzazione.

I conservatori, in particolare i rappresentanti del Regno Unito, sostengono fortemente, invece, la condivisione di ulteriori informazioni sensibili al fine di prevenire attacchi futuri.

Il problema, secondo il loro punto di vista, è che non c'è stata abbastanza condivisione dell'intelligence, e che, per ottenere risultati, devono essere messe in atto nuove misure essere modificate quelle già esistenti.

Propongono, ad esempio, la restrizione dei diritti in materia di libera circolazione dei cittadini europei in particolari casi legati alle minacce terroristiche, come misura finalizzata a prevenire ulteriori minacce.

La facilità con cui cittadini europei, che si sono recati in Siria al fine di partecipare al conflitto, riescono a rientrare in Europa dovrebbe essere limitata e prevenuta con l'inasprimento della regolamentazione relativa all'ingresso nell'Unione Europea.

I Conservatori ritengono, quindi, che sia necessario e opportuno rafforzare misure già in vigore negli Stati membri al fine di controllare la circolazione delle persone senza compromettere il diritto fondamentale della libertà di movimento.

Anche i Verdi concordano sul fatto che l'Unione europea deve controllare meglio i propri confini in modo da sapere quando combattenti stranieri rientrano nell'UE, concentrandosi principalmente e quasi esclusivamente su questo tipo di condivisione delle informazioni. Di conseguenza, l'UE non deve limitare il diritto alla libera circolazione, che comporterebbe la rinuncia di un successo storico raggiunto dalla UE, cioè di cooperare ed eliminare le frontiere interne.

3.   CONCLUSIONI

In conclusione, una strategia europea di successo di prevenzione del terrorismo dovrebbe comprendere una efficace politica di integrazione ed un idoneo ed efficiente sistema di cooperazione e condivisione delle informazioni tra le diverse strutture organizzative di polizia e di intelligence dei 28 Stati membri.

Numerosi piccoli passi sono stati fatti dall'11 Settembre fino a Charlie Hebdo, al fine di migliorare la sicurezza all'interno della Comunità europea.

Ma nonostante la volontà ed i tanti sforzi compiuti in questa direzione, si può affermare che le misure di prevenzione nell'UE ancora manchino di efficacia e che, purtroppo, non si possono prevedere miglioramenti decisivi a breve termine.

In democrazia, fattori come partiti politici estremisti, opinione pubblica e libertà civili non possono essere soggetti a restrizioni o censure che comprometterebbero il significato stesso della loro esistenza.

Queste difficoltà sono spesso indicate come i "rischi della democrazia", e le soluzioni devono essere trovate di conseguenza. Tuttavia, questo non significa che un progresso debba essere escluso a priori.

In realtà, attraverso legami più forti tra i servizi segreti degli Stati membri, un ruolo molto più incisivo svolto da Europol, ed un notevole sforzo da parte dei governi degli Stati membri per gestire meglio i problemi locali dei potenziali radicalizers (come la disoccupazione e l'emarginazione) potrebbero portare a importanti miglioramenti e si rivelerebbero una risorsa determinante per una Unione europea più sicura.

La radicalizzazione è un processo molto personale, spesso influenzata da fattori che sono fuori dal controllo istituzionale. Tuttavia, la presenza di partiti politici moderati, insieme con una propaganda mediatica meno islamofoba e una politica di integrazione ben studiata e applicata potrebbero contribuire in modo significativo a ridurre la quantità di individui coinvolti nel fenomeno della radicalizzazione.

Se è vero che le singole caratteristiche radicalizzanti sono quasi impossibili da rilevare e trattare, lo stesso non si può dire per l'ambiente esterno di una società (contesto politico, economico e culturale), che svolge un ruolo chiave nella determinazione delle opportunità e delle circostanze per tutti gli individui nella società, potenziali radicalizzanti inclusi.

l'Unione europea deve essere il principale promotore di questi cambiamenti e dato il suo principio fondamentale della sussidiarietà, tale compito e le relative responsabilità spettano necessariamente agli Stati membri.