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PHD THESIS ABSTRACT

Combating and preventing terrorism
at European Union level. From intergovernmental cooperation
towards an integrated architecture of specific institutional approaches

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Words such as **violence, public disorder and the rule of law** denote the challenges and the basis for the functioning of aspects of social, economic and political life, i.e. public conduct subject to sanctions. The role of public order measures, in the sense of their effective implementation by specialized state institutions, cannot be disputed in the construction of a democratic state, as they are a tool for protecting citizens within states and a guarantee that state structures respect the limits of the powers conferred by law. In this respect, public order is closely linked to ensuring respect for political and civil rights and freedoms. On the other hand, essential values such as **national security** are clearly of paramount importance in terms of protecting citizens, and their significance extends to the very existence of the state. Although the implications of failure to ensure national security are major, the design and effective implementation of rules in this area is complex and entails a **high degree of difficulty in identifying instruments to guarantee the security of states**.

Security is traditionally defined in relation to an external threat, which requires responses to be taken in relation to the international environment, and states have various instruments of cooperation, such as international alliances, at their disposal. International or collective defence organizations also operate on the basis of a mandate designed to provide the conditions for international cooperation, to ensure international peace and security and to respect international law. The theoretical approaches to the concept of security reflect the difficulty of dealing with security within states and within the framework provided by international cooperation. They reveal the variety of elements surrounding security and, at the same time, the complexity of identifying a comprehensive response, the main approach being to **evoke the physical nature of the threat, based on defense and state-specific military aspects**. More recent theoretical contributions provide arguments in relation to the **security of individuals**, alongside (national) state security, as well as in relation to other dimensions of security, such as **ontological** security.

The **field of terrorism studies**, part of security studies, but with many multidisciplinary valences, is now taking center stage, whereas years ago it was only a secondary field of social sciences. Terrorism research presents a significant issue in relation to the current dimension and characteristics of the phenomenon and in the current international security context. At the same time, **the importance of the topic** derives from the consequences of terrorism on citizens, communities, societies, states and, ultimately, on any form of political or social organization, since it is aimed at "the serious intimidation of a population and the unlawful coercion of a government or international organization with the intention of provoking or preventing the

performance of a specific political or administrative act..."[1] . The major terrorist attacks in the United States of America and Europe have had far-reaching consequences for the **European Union's (EU) efforts to promote shared responsibility and to ensure the highest possible degree of internal security**. They have also challenged **the European security architecture**, while paving the way for **the integration of specific institutional approaches to combating and preventing terrorism at EU level**.

With regard to the **current state of knowledge of the issue**, we would like to point out that the impact on public opinion, which also stems from the fact that the perpetrators of terrorist acts want to impress and give visibility to terrorist acts, has facilitated the spread of the subject's popularity. In this way, writings on terrorism are numerous, with the clarification that not all of them contribute to an understanding of terrorist activity and responses to it, as the field is exposed to misinformation and controversial presentations on the use of terrorism, including the political valence of the phenomenon. The **literature** contributing to the development of knowledge in the field of reference, although numerous in its treatment of the subject in terms of the Union's contribution to the protection of the area of freedom, security and justice (AFSJ) and the external dimension of European security and defense, is less comprehensive in addressing the specific issue of **terrorism as a central element of the Union's efforts** in this area. At the same time, issues related to the **role of the European institutions in setting the external agenda** have been analyzed in relation to the civilian and military missions under the Common Security and Defence Policy (CSDP). From this perspective, the thesis also addresses the role of the European institutions in shaping internal security policies, using the hypothesis that progress has been possible on the basis of factors associated with both the political and the administrative/birocratic levels.

The paper fits into the broader **theme of European security challenges** and the responses formulated by the competent authorities, both at European and national level. The central assumption is that the European Union is committed to its role as an **essential vector for the security of the Member States and the Union**. The analysis of the institutional approaches and mechanisms developed by the Union to combat terrorism contributes to an understanding of the nuances of the EU's limitations and successes in the field of internal and external security.

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[1] *Directive (EU) 2017/541 of the European Parliament and of the Council of March 15, 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA*

The **fundamental objectives of** the paper are: a) to study how EU counter-terrorism policies, key policy documents, institutional instruments and mechanisms to combat and prevent terrorism relate to each other; b) to assess their effectiveness through a specific quantification system; c) to suggest an integrated model (JHA-CSDP) of counter-terrorism at EU level to improve the effectiveness of the efforts undertaken. The research product has been realized by using quantitative and qualitative research methods, both documentation (quantitative method of **statistical data analysis**) and analysis (qualitative method of **comparative document analysis**, qualitative method of **case study** and **discourse analysis**), drawn from the field of history/international relations and related fields.

The paper is organized into **6 chapters**, each of which is divided into sub-chapters, sub-sub-chapters, sub-sub-sub-chapters, as appropriate. The table of contents reflects the perspective on the treatment of the topic and the research objectives, i.e. the **synchronic view** (the Union level and the individual state level, the security challenges - i.e. threats and crises - and the way European policies relate to these challenges) and, at the same time, the **diachronic view** (the evolution over time of the Union's level of ambition in the field of security and, more specifically, in the prevention and combating of terrorism). From this latter perspective, the attention paid to the succession of negotiations between states allows us to distance ourselves from the interpretation of sequences or punctual moments, which will not take into account aspects relating to the role of the European institutions. The structured organizational framework of the institutions gives the European decision-making process characteristics that highlight their contribution to policy design and shaping. These elements are more clearly captured by the use of appropriate theoretical tools to track the long-term development of the institutions.

The **first chapter** is theoretical in that it describes both the EU's approaches to internal security, peace and stability in Europe, regional and global, and **the theoretical tools used**, together with some **terminological clarifications**. The theoretical options are represented by fundamental concepts from **neoclassical realism, historical institutionalism, ontological security, securitization and de-securitization theory.**

The Union's strategic and planning documents contain objectives related to the two areas that converge to fulfill the EU's security role, JHA and CFSP, with the first of these naming the fight against terrorism as part of the area of police and judicial cooperation in criminal matters. At the same time, the role of the EU in the field of security is affirmed at a practical level mainly by reference to institutional instruments. On the other hand, the unevenness and lack of

homogeneity in the definition of terrorism and the continuous process of supplementing the legal framework, including definitions adopted by states, as new dimensions of terrorism have emerged, is a reflection of the progress made in identifying the serious threat posed by terrorism and the prospect of fully integrating approaches to responding to what has become a trans-national and global threat.

The theory of neoclassical realism provides adequate tools to understand the foreign policy behavior of states within and outside the Union's decision-making process, with a special focus on domestic factors in state politics. Finally, the analysis of the latter provides an insight into the causes of acceleration/slowdown of the integration process in the field of security, explaining elements such as the lack of flexibility and the difficulties that have arisen in the process of coordination between the foreign policies of the EU Member States (MS). On the other hand, the impact that the institutional structure of the EU has on the design and shaping of European policies is traced throughout the paper by resorting to **historical institutionalism**. The beneficial implications in terms of promoting effective security policies from the Union level are explained by the ability of the EU institutional structure to facilitate the overcoming of diverging state interests. The paper presents key moments in which the Union's institutional architecture contributed to the definition of European policies and their consistency. Lastly, given the psychological dimension of the effects of terrorist acts on individuals, **ontological** elements are likely to facilitate the understanding of the specific rationale behind the definition of states' security and, subsequently, the adoption of counter-terrorism measures. The states' response may involve security policies and practices possible under a **process of securitization**, which sometimes have minimal results in terms of *physical security* (or state security), but have important implications for the *security of individuals* (reducing the perception of terror in society).

The second chapter deals with the developments, since 1941, relating to the **establishment of the security and defense dimension of the European construction**. These developments have been marked both by the dynamics of reflecting national interests in the process of institutionalizing cooperation between states and by the diversity of solutions/projects that eventually allowed European integration to be extended to new policy areas. Attempts to regulate, within a common framework, policy areas (defense, security, foreign policy) have been shaped by a fickle course with regard to the nature of European construction, the methods and mechanisms chosen to achieve political unity. The initiatives of the second half of the 20th century revealed the ambivalent positioning of states between:

intergovernmental cooperation and decentralization or common sovereignty - on the one hand, and the federalist vision, global in its ambitions to include under the Community umbrella sectors in which Member States developed common interests, characterized by centralization - on the other.

The potential of the configuration of the two areas - **JHA and CFSP** - on the common approach at MS level on combating and preventing terrorism, with the establishment of the European Union, has been overshadowed by the placing of terrorism and security policy (including defense) respectively on separate levels. The following important developments were: the crystallization of the concept of the European Security and Defence Policy (ESDP) and, more generally, the EU's determination to contribute to crisis management by its own means, as well as the establishment of the objective of developing an area of freedom, security and justice. Chapter 2 presents the sequence to date of the Union's legislative and institutional developments relevant to efforts in the field of countering and preventing terrorism.

Chapter 3, dedicated to the particularities of terrorism on the European continent, was necessary as a result of the realization that **legislative and operational measures, as well as institutional developments**, both at EU and European state level, in relation to the phenomenon of transnational and domestic terrorism, have been influenced by the **proliferation of the phenomenon** and **its implications on political, social structures or on the security of individuals**. For these reasons, the first sub-chapter presents a statistical picture of **the situation of attacks on European territory** since 1992, when internal security was included in the European Community's policy areas, and up to the present. At the end of the chapter, in the section on the European approach to the threat of terrorism, the author's own perspective on **the evolution of terrorism on the European continent in the coming years** is presented**.**

Statistical data complement the analysis of the extent and fluctuations of policies to prevent and combat terrorism across Europe. Aspects such as the number, typology of attacks, ideological motivation/grouping/ideological reason or methods used in carrying out attacks are benchmarks of consistency in the development of response measures in the face of the level and characteristics of the threat, i.e. key moments on the path towards a common approach in this field within the framework provided by the EU. Although numerically, in certain periods the number of jihadist attacks does not rank first in the ranking, **Member States report jihadist terrorism as the most prominent terrorist threat**. This conclusion also takes into account the fact that jihadist terrorism in the period 2014-2022 caused the highest number of people injured

and/or killed, compared to the total figures including casualties resulting from other types of terrorism.

At the same time, the period 2014-2018 was marked by an unprecedented scale in terms of the number of jihadist attacks and resulting casualties, with the increased numbers largely reflecting ISIS activity across Europe. In the recent period, the Islamic State and al-Qaeda have continued their propaganda activity, while carrying out attacks in Iraq and Syria, as well as in other third countries in the Middle East, South Asia and Africa, where groups affiliated to the two organizations are present. Although they have experienced military failures, the disappearance of leaders and other events that have suggested the impression of continued disintegration in terms of focusing attention more on local conflicts and less on the core ideological concepts promoted by the main groups (such as the ISIS identification of the caliphate as a global state), the two terrorist groups have disseminated extremist messages globally and have contributed to increasing the threat of *lone-wolf attacks* by inspiring terrorist attacks that require little preparation, organization or funding.

The European decision-making process, defined by the incremental way of adopting common policies and the complexity of legislative procedures, does not correspond to the type of immediate reaction needed in a crisis situation. This difficulty affecting decision-making in crisis situations has been addressed by the **EU's institutional architecture for responding to major cross-border crises**, with a view to confirming the EU's level of ambition as a security actor. These issues are addressed in **Chapter 4** of the paper**.**

The theoretical debate on the contribution of institutions to the pursuit of global peace and security has indicated, with regard to the EU, that institutions facilitate **European solutions**, together with the argument (promoted by institutionalists) about the capacity of institutions to **provide information from the international environment** (necessary to solve security problems), which implies responsibility for cooperation between state actors. Another argument refers to the **credibility they give to commitments**, as well as the fact that they form **points of coordination**, thus helping to promote reciprocity and the **common benefits of cooperation between states**.

In crisis situations, the relevance and performance of the European institutional framework derives from the capacity to systematize decision-making procedures efficiently (integrated action through the framework provided by the EU) and from the use of existing institutional and operational resources. At the same time, the EU's institutional structure

contributes both to the design and shaping of European security assurance policies and to the monitoring of their application or even the implementation of the measures adopted. The institutions' own ability to contribute to the Union's image as a strategic player on the international stage is framed by their increased influence and autonomy, which is based on the legitimacy acquired as a result of promoting the interests of the MS.

From the above-mentioned perspectives, this chapter deals with how the decision-making process is shaped and the competences of the European institutions in the formulation of security policy. At the same time, this chapter deals with issues related to the EU's coordination capacity in crisis situations, an objective pursued by synchronizing the inter-institutional response and systematizing European decision-making procedures in the event of a terrorist attack (including the proposal of exceptional measures not provided for by existing instruments), with a view to avoiding overlapping competences and ensuring interaction between the institutions and the MS, as well as coordination and complementarity between the efforts of the MS. The chapter also details the role of certain **key actors** in the EU's institutional architecture in shaping EU policies in this area, and in particular **EU agencies**. In view of the heterogeneity of the institutions and actors involved in the decision-making process during a crisis, the involvement of the agencies seems to be from an **intermediate position** between the supranational level of the European institutions and the intergovernmental level ensured by the representation of states in the agencies' boards and the condition of an explicit request from the governmental level for the agencies' operational support in the MS.

As **Chapter 5** shows, **the European Union's management of crises caused by terrorist attacks** can include **exercising the capacity to synchronize the European inter-institutional response**, **leading the political process of formulating the crisis response**, and the ability to **mobilize and coordinate the institutional resources and instruments available to European structures, agencies and MS**. In order to measure the EU's contribution to safeguarding the Union's internal security, this chapter examines situations where there has been a concrete EU response following a terrorist attack on European territory. In this respect, particular attention is paid to the functioning of systematized decision-making procedures (e.g. IPCR) which are designed to provide flexibility and speed of decision in a crisis situation, the application of legal possibilities provided for by the Treaties (such as the *solidarity clause* and the *mutual defence clause*) and the use of existing operational tools (e.g. provided by European agencies).

Given the complexities that define the EU's position as a security provider, in particular the links between internal and external security and the plurality of actors involved, terrorism risk management follows a decentralized and cross-sectoral approach. The activation and functioning of the European crisis response mechanisms clarifies the impact of the EU's strategic coordination role and contribution to the formulation of crisis response. The EU's ability to adapt in practice to the real needs of a state affected by the aftermath of a security crisis has been only partially demonstrated, with the European institutional framework being used only to facilitate the formulation of a consolidated response (only at the time of the request for assistance and aid), and the ceding of the role of coordinating the political process to the Council Presidency (in the situation of the terrorist attacks in Paris on November 13, 2015) was avoided. However, a more important role for the EU's institutional architecture to ensure the implementation of counter-terrorism measures is to be found outside the crisis response mechanisms, in the context of consequence management and support for security measures taken by national authorities in the event of a major terrorist attack.

European states, as fully-fledged players in the fight against security threats, decide on how foreign policy is shaped as well as on the policies and measures implemented on national territory. **The individual states' individual responses to transnational terrorism** influence the EU's efforts as a security player in the international arena. From this perspective, the MS contribute to the objectives of a common approach by participating in the European decision-making process, using the specific instruments of the European architecture or by implementing European approaches in this field.

In order to deal with some of the particular aspects of the measures adopted by MS in the field of counter-terrorism, case studies on France, Germany and Belgium are presented in **Chapter 6.** The analysis has mainly taken into account the specificity of terrorist manifestations and the historical particularities of these countries' confrontation with the terrorist threat, including regulations and measures not directly linked to the common European legislative framework, such as aspects related to the integration policy of aliens and intelligence work.

Thus, the response of the MS is analysed from 3 perspectives: **counter-terrorism measures adopted in particular in the aftermath of terrorist attacks**, **integration policies for the Muslim minority** and the **management of radicalization and extremism**. Also, the intrinsic link between domestic factors and the formulation of foreign policy decisions in this area, through the tools proposed by neoclassical realism, gives the analysis a better understanding of how taking responsibility for increasing stability converges with the goal of

European integration. It can be observed that European states have adopted varied models of integration of cultural diversity with the aim of culturally, socially and politically integrating minority groups. The approaches have also fluctuated over time even within the same state. A common element, which defines the foreign policy actions of the states analyzed, is the participation in the anti-ISIS coalition, overcoming the initial reluctance to use military action to combat terrorism (especially in the case of France and Belgium), in the context of major terrorist events on the territory of these European states.

The interplay of EU counter-terrorism policies, key policy documents, institutional instruments and mechanisms to combat and prevent terrorism has been exemplified throughout the paper by detailing **how the European institutional architecture has functioned in crisis situations**, namely in the context of dealing with the aftermath of terrorist attacks on European territory. The analysis of the invocation of treaty provisions on solidarity and mutual assistance between states, the implementation of systematized procedures and the use of EU mechanisms reveals the **marginal use** to date of the integrated European framework in relation to crisis situations generated by terrorist attacks.

Terrorism crisis management has been carried out through **key institutional players in the European security architecture**, but outside the coordination framework provided by the EU mechanisms that have established systematized procedures for responding to such situations. At the same time, European institutions and agencies have promoted counter-terrorism measures, some with immediate effects on minimizing the consequences of attacks and preventing their spread, most with implications for long-term policies to strengthen AFSJ.

The effectiveness of the European mechanisms developed to manage crises caused by terrorist attacks is therefore **partial**. Overall, however, the Union's role in crisis situations **cannot be defined as marginal**, with institutional arrangements, the contribution of key institutional players and operational support at Union level compensating for partial activation or non-recourse to the European framework for crisis response. We believe that EU procedures in a crisis situation can be improved, for example by **promoting legislative instruments** *exclusively* **applicable in terrorism-related crisis situations**, so that the new rules created provide a higher level of predictability and a stable framework that can be activated when needed. Another conclusion includes the suggestion of the need to establish concrete measures to set up an **integrated counter-terrorism and terrorism prevention framework at EU level,** encompassing both the internal and external dimensions of security, and the conclusions propose a number of institutional measures to set up such an integrated model.

With regard to the MS level, although beneficial for the ontological security of states, **the overlapping of the migration narrative with recurrent terrorist incidents interpreted as threats to physical security** has brought about unfortunate collateral consequences, potentially destabilizing for the European project as a whole. The tightening of integration policies is a source of ontological security for states. This trend is observed also in the context of securitization/macro-securitization processes against terrorism, which have been supported by identity-enhancing measures by increasing restrictions on the *other*, with the aim of restoring ontological security. We observe that states have resorted both to measures to protect physical security, for example by engaging in military campaigns against international terrorism, and to rhetoric and acts to preserve ontological security, sometimes measures targeting both dimensions of security were valid in a unique context defined by the process of securitization of terrorism.

In terms of outlining lines of further research derived from the issues subsumed in the thesis, the paper attempts to create a starting point for future research towards anticipating the possibility of placing activities related to preventing and combating terrorism more at the service of international principles and norms in accordance with international law and/or the application of the acquis developed at Union level. This perspective is particularly useful in the context where States, as subjects of international law, may themselves be promoters of State terrorism or in situations where the unpredictability of national policies does not ensure the necessary complementarity to deal effectively with a common threat such as transnational terrorism and international terrorist networks. Another direction for future research is related to the relationship between security and freedom, in this sense the theoretical and practical elements presented in the paper regarding the process of securitization and de-securitization reflecting the dependency between the two aspects and showing that in some cases the legitimization of security measures has been possible because, in the first instance, the terrorist incident has affected the freedom of individuals.