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How to stop it: has the EU met its goals to halt terrorism?

Abstract: This paper will describe and analyze the goals of the ‘Pursue’ commitment under the European Union (EU) Counter-Terrorism Strategy, which employs the governance of the European Commission, European Parliament, and the Council of the EU to prevent terrorism for European community safety. Given the rise of attacks in Europe, this investigation will reveal insight on the EU’s compliance to security commitments. As one of the commitments in the Strategy, Pursue aims to impede terrorist activity, with goals including pursuing terrorists, coordinating police and judicial efforts, implementing legislation among Member States, impeding the access to weapons and financing for terrorists, and helping national counter-terrorism projects. To analyze whether the EU met, fully or partially, the Pursue goals of the Strategy, this paper will investigate the actions of the EU and its governing institutions following the recent wave of attacks in Europe, starting in 2015 in Paris to 2017 in Barcelona. This paper argues that given the series of events that occurred preceding and following the 2015 to 2017 terror attacks, Member States failed to share information, use important data systems, and decrease the access to weapons, which then aided terrorist activity and movement across borders. However, while there were failures, the Pursue commitment should not be abandoned, as many successes in fighting terrorism can be attributed to it and the Strategy as a whole. A set of important questions arise from this paper regarding the foundations of such an effort to combat terrorism, which can be the focus of further research. These include normative questions, such as whether the EU ought to have a counter-terrorism mandate, given its supranational nature, as well as questions regarding the extent to which such a mandate would require the EU to supplement national efforts without blurring lines of sovereignty.

Introduction

Is Europe under attack? It may not be in the middle of a war zone, but it has not been immune from acts of terror either. Some countries in the EU have experienced more terrorism than others, and these include France, Germany, Belgium, Spain, and the UK.¹ Bombings, trucks, and gun shootings have caused the fatalities of 326 individuals and have left hundreds more severely injured.² While in some cases the veracity of their assertions have not been revealed, the so-called Islamic State (IS) has claimed responsibility for most of these attacks.³ Terrorism is not foreign to Europe, but greater accessibility to social media, and its quick dissemination of news, makes it seem as though the continent is under siege.

Hyperbolic expressions to drum up fear aside, the threats and acts of violence against Europeans are worrying for several reasons. First, it shatters the peaceful image Europe has

¹ “Terrorist Attacks,” Esri, last accessed December 6, 2018, <https://storymaps.esri.com/stories/terrorist-attacks/>.

² Ibid.

³ Ibid.

been maintaining in recent decades; it now must work harder to present a safe community for its own citizens and to the world at-large. One of the early goals of the precursors to the EU was the creation of a non-violent continent.⁴ The deadly World Wars that had been waged led to the “founding principle... that this kind of massacre should never happen again.”⁵ Although the tens of millions of deaths that occurred during these violent events are no match for the contemporary acts of terror, the emergence of a threat is enough to signal that there may be some loopholes in the safe zone of Europe.

Such loopholes have become apparent to the EU and it has taken steps to define a strategy to combat terrorism. First in response to the September 11, 2001 terror attacks in New York, the EU announced that it would more closely begin to develop counter-terrorism plans.⁶ More recently, following the attacks in Madrid and London, in 2004 and 2005 respectively, the European Council adopted the EU Counter-Terrorism Strategy.⁷ The strategy is supported by the three main institutions of the EU: the Commission, Council, and Parliament.^{8, 9} The justification for all of their involvement will be elaborated on later. The Strategy has different commitments that aim to hinder terror acts by attacking every step in the process from preventing radicalization to creating more effective response measures.¹⁰

The measures of the Strategy were put to the test beginning in 2015 when Paris became the victim of terror attacks.¹¹ However, it did not stop there. Europe continued to face attack after attack, with the final one occurring in 2017 as a van attack in Barcelona.¹² In order for this paper to appropriately critique the Strategy’s effectiveness, specifically under the Pursue commitment, it will embark on an explanation of the Strategy, the Pursue commitment, the responsibilities of the EU institutions, the terror attacks themselves, and the measures under Pursue that were rendered ineffective by the attacks.

⁴ George Friedman, “What Borders Mean to Europe,” Stratfor, last modified June 23, 2015, <https://worldview.stratfor.com/article/what-borders-mean-europe>.

⁵ Ibid.

⁶ Nikolaj Nielsen, “More Hype than Substance in EU Counter-Terror Plans,” *EUobserver*, last modified March 21, 2017, <https://euobserver.com/justice/137320>.

⁷ Ibid.

⁸ “Crisis & Terrorism,” European Commission, last modified December 6, 2018, https://ec.europa.eu/home-affairs/what-we-do/policies/crisis-and-terrorism_en.

⁹ “Counter-terrorism Strategy,” EUR-Lex, last modified July 23, 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A133275>.

¹⁰ Council of the European Union, *The European Union Counter-Terrorism Strategy*, by Presidency and CT Coordinator, 14469/3/05, REV 4, Brussels, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

¹¹ “Terrorist Attacks,” Esri, last accessed December 6, 2018, <https://storymaps.esri.com/stories/terrorist-attacks/>.

¹² Ibid.

What is the EU Counter-Terrorism Strategy?

The 17-page public document begins with the EU's 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."¹³ This statement demonstrates that the Strategy hopes to not only combat terrorism in Europe, but that it will also coordinate with others at an international level. The Strategy is divided into four separate, but interconnected, commitments: Prevent, Protect, Pursue, and Respond.¹⁴

However, the Strategy makes it clear that the EU is to only aid with counter-terrorism through these "cross-cutting contributions" and that the "primary responsibility for combating terrorism" ultimately falls on the EU Member States.¹⁵ The four commitments can be fully realized with the cooperation of the EU as it can provide necessary assistance by strengthening national capabilities, facilitating European cooperation, developing collective capability, and promoting international partnership.¹⁶ Justifying the EU's role in counter-terrorism, the Strategy states that it can help facilitate information sharing and cooperation among the different Member States' police units and judiciary.¹⁷ Furthermore, as a supranational organization, the EU can foster relationships with other international bodies, like the United Nations, "to deepen the international consensus" and offer the assistance of EU institutions including Europol and Frontex.¹⁸

Cognisant of the need to create an accountable and transparent method of tracking action under the Strategy and its effectiveness, the Strategy delineates responsibilities as follows: the Council must take on political oversight of the goals, the Council must work with the Commission and the Parliament to achieve "high-level political dialogue," and COREPER, the Commission, and the Counter-Terrorism Coordinator are to keep track of the Strategy's progress.¹⁹ All of these steps are to ensure that balance and a democratic character are ascribed to the Strategy.²⁰

The EU, through this Strategy, communicates that terrorists have abused its lack of internal borders and threatened its interdependence, freedom, and security.²¹ Furthermore, as mandated by the Strategy, the EU will foster cooperation with third party countries in order

¹³ Council of the European Union, *The European Union Counter-Terrorism Strategy*, by Presidency and CT Coordinator, 14469/3/05, REV 4, Brussels, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

to “promote good governance and democracy” such that they can address “the motivational and structural factors underpinning radicalisation.”²²

Prevent

An overview of three commitments will be given now, with Pursue to follow later, because while this paper focuses on Pursue, all of the goals are quite interrelated. First, the Strategy illustrates the objectives of Prevent. Under this commitment, the EU aims to stop terror acts before they even happen. To achieve this, there will be a major focus on the prevention of radicalization.²³ In the 2018 annual edition of Europol’s Terrorism Situation and Trend (TE-SAT) report, it is explained that most jihadist terror attacks are committed by home-grown individuals and groups in Europe, and not in third countries.²⁴ Therefore, the Strategy will “counter the methods, propaganda and conditions” that radicalize individuals in Europe, by groups like IS.²⁵ Further goals include “community policing” to spot radicalizing behaviour and recruitment, the promotion of “education and economic prosperity,” and cooperation with international partners.²⁶

To summarize Prevent’s priorities, they include codifying behaviour of radicalization in order to spot and prevent its rise, addressing radicalization that occurs over the internet, working with international partners in order to promote conditions that prevent radicalization in third countries, and presenting to the public these policies in an effective manner.²⁷

Protect

Protect concerns the defence of Member States; given that the EU lacks internal borders, it must have mechanisms in place that facilitate the sharing and coordination of security-related information.²⁸ Biometrics is one of the kinds of information that this commitment looks to further operationalize within the EU.²⁹ To include biometric information in travel documents would involve gathering greater quantities of data on individuals, with the long-term aim of using such information when identification documents are produced at border controls.³⁰

²² Ibid.

²³ Ibid.

²⁴ Europol, *European Union Terrorism Situation and Trend* (The Hague: European Union Agency for Law Enforcement Cooperation, 2018), 5.

²⁵ Council of the European Union, *The European Union Counter-Terrorism Strategy*, by Presidency and CT Coordinator, 14469/3/05, REV 4, Brussels, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

However, in order for the inclusion of biometrics to be a worthwhile endeavour, it would have to be shared among Member States. As such, the EU must ensure that the authorities of the states within the Schengen Area will routinely access said data through harmonized systems like the second-generation Schengen Information System (SISII).³¹ The management of SISII is also important for the Pursue commitment, which will be discussed. Moreover, the Protect commitment also considers transportation measures for aviation and maritime security, infrastructure protection, and the safety of the EU's external border.³²

Respond

The Respond commitment acknowledges that even if the previous commitments were to be working effectively, the EU “cannot reduce the risks of terrorist attacks to zero.”³³ Much of the measures in Respond deal with cooperation among EU Member States and organizations.³⁴ For example, if an attack in one state also has spillover effects in another state (as a result of cross border effects or jurisdiction) then there must be the immediate sharing of information, coordination, operational support, and military resources.³⁵ Moreover, if a terrorist attack “overwhelm[s] the resources of a single Member State,” the EU institutions will “respond in solidarity.”³⁶ Since the widespread casualties of these attacks produce many victims, Member States will receive the assistance of the EU to ensure that victims have been adequately compensated and supported.³⁷

The Pursue Commitment

The scope of analysis in this paper will be limited to the Pursue commitment of the Strategy. The principal goal is to “pursue terrorists across borders, while respecting human rights and international law.”³⁸ The goals and priorities are to cooperate and share resources in order to aid police forces, the judiciary, and systems that collect data on individuals travelling in the EU.³⁹ Being one of the longer commitments in the Strategy, Pursue offers its own new goals,

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ “Counter-terrorism Strategy,” EUR-Lex, last modified July 23, 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A133275>.

³⁹ Council of the European Union, *The European Union Counter-Terrorism Strategy*, by Presidency and CT Coordinator, 14469/3/05, REV 4, Brussels, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

but also builds on those from other sections as well, with the prime example being its push to develop and use the SISII.⁴⁰

The first goal of Pursue is its overarching theme: to disrupt the chain in terrorist activity by actively pursuing individuals of interest, hindering the progress of recruiters and those who plan the attacks, and putting in place measures that decrease the accessibility of materials, weapons, and funding to terrorists.⁴¹ These goals are to be met with the cooperation of various institutions on both national and EU levels. The EU's role is to support and encourage the "exchange of information and intelligence between [Member States]."⁴²

As the Strategy already asserted in the beginning, it is still the primary responsibility of Member States to coordinate their internal methods to combat terrorism, but this can only occur if they have the tools provided by EU legislative provisions.⁴³ Through Pursue, the EU will maintain constant communication with Member States to ensure the full implementation of EU laws that enhance counter-terrorism tools.⁴⁴ The aforementioned oversight is proof that the EU does recognize that states have a greater ability to coordinate their internal policies, but that these must be supplemented with supranational legislation, which confers more powerful tools.

The next set of goals deal with police and judicial cooperation. Pursue seeks to enhance the "principle of mutual recognition of judicial decisions," as they pertain to the European Arrest Warrant (EAW) and European Evidence Warrant (EEW).⁴⁵ Due to the nature of their processes, the EAW and the EEW require the joint efforts of the courts, police services, and border patrol agents of Member States.⁴⁶ Pursue wants to ensure the "implementation of legislative measures" by Member States that aid such cooperation.⁴⁷

One of the most important measures of Pursue is "putting into practice the principle of availability of law enforcement information."⁴⁸ What happens if an individual with known/ reported links to terror activity or terror cells in one Member State travels to another in the EU? Pursue asserts that the vital information the first Member State has must be shared with others.⁴⁹ Systems like the SISII and the Visa Information System are to deepen the bank of

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

information accessible to internal border officers and allow for Member States to alert one another on “potential terrorists and on individuals deported for terrorism-related offenses.”⁵⁰

Finally, Pursue tackles the availability of materials and weapons, and the avenues of funding, for potential terrorists.⁵¹ Terrorists get access to the materials and personnel they need by communicating through Internet forums, websites, and applications and, as such, the EU will impede their ability to transmit information to each other.⁵² Impending legislation will also tackle the obtainability of weapons.⁵³ Furthermore, the implementation of “EU-wide legislation concerning money laundering and cash transfers” will help with the freezing of assets belonging to individuals with links to terrorism.⁵⁴

The Commission, Council, and Parliament: In Charge of the Strategy

The European Commission, Council, and Parliament work together to increase the transparency and democratic accountability of the Strategy. It is not just a desire to increase accountability that influenced the three institutions to work together; in fact, it is due to provisions and articles of EU treaties that the institutions have responsibilities with regards to counter-terrorism.

The two main treaties that set forth the responsibilities of each institution are the consolidated version of the Treaty on the European Union (TEU) and the consolidated version of the Treaty on the Functioning of the European Union (TFEU). The TEU delineates the tasks of the Commission and the TFEU sets out the cooperation of the Council and the Parliament.^{55, 56} In Article 17, under Title III, the TEU describes the roles and functioning of the European Commission.⁵⁷ As set out by Article 17.5, the Commission must consist of certain members and this includes the High Representative of the Union for Foreign Affairs and Security Policy.⁵⁸ The High Representative’s mandate includes appointing individuals to important positions, and this includes the appointment of the Counter-

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ European Union, *Treaty on the European Union (Consolidated Version), The Maastricht Treaty*, 2012/C 326/01, Maastricht: Official Journal of the European Communities, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>.

⁵⁶ European Union, *Treaty on the Functioning of the European Union (Consolidated Version)*, OJ C 202, 7.6.2016, Official Journal of the European Communities, 2016, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12016E083>.

⁵⁷ European Union, *Treaty on the European Union (Consolidated Version), The Maastricht Treaty*, 2012/C 326/01, Maastricht: Official Journal of the European Communities, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>.

⁵⁸ Ibid.

Terrorism Coordinator.⁵⁹ The Commission's Coordinator is involved with the work prescribed by the Counter-Terrorism Strategy and, as such, is responsible for coordinating policies among the different EU institutions, presenting said policies, and most importantly, "monitoring the implementation of the EU Counter-Terrorism Strategy."⁶⁰

The TFEU has a specific article that deals with the cooperation of the Council and Parliament for "particularly serious crime with a cross-border dimension," of which terrorism is one.⁶¹ Article 83 (ex Article 31 TEU) of the TFEU assigns both institutions "the competence to adopt minimum rules concerning" terrorism.⁶² The Council and Parliament are to supplement the criminal laws of Member States with directives, adopted by special legislative procedure, to ensure a special offense, like terrorism, has minimum rules regarding its criminality.

The Attacks: Terror in Europe

An overview of the terrorist events, beginning in 2015 to 2017, that occurred in Europe will be provided. The relevant details will be described, which will allow for a critical analysis of the success or failure of the Strategy's commitments.

2015: Paris, France

In 2015, Paris was hit with two attacks: one in February against *Charlie Hebdo* and another in November against multiple locations (claimed by IS).⁶³ First, two French-Algerian brothers, who had sworn allegiance to al-Qaeda, entered the magazine's office and killed 11 individuals using assault rifles.⁶⁴ The attack sparked international attention and presented a startling event no one expected. Later, during the night of November 13, a series of six coordinated attacks besieged Paris.⁶⁵ Beginning at 9:20 p.m. at Stade de France, three suicide bombers detonated explosive vests, killing themselves and one victim.⁶⁶ Five minutes later, terrorists with assault rifles killed 15 people at a restaurant and bar, and another five at a

⁵⁹ Council of the European Union, "Counter-Terrorism Coordinator," last modified October 25, 2018, <https://www.consilium.europa.eu/en/policies/fight-against-terrorism/counter-terrorism-coordinator/>.

⁶⁰ Ibid.

⁶¹ European Union, *Treaty on the Functioning of the European Union (Consolidated Version)*, OJ C 202, 7.6.2016, Official Journal of the European Communities, 2016, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12016E083>.

⁶² "Counter-terrorism Strategy," EUR-Lex, last modified July 23, 2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A133275>.

⁶³ Michael Ray, "Paris Attacks of 2015," Encyclopedia Britannica, last modified November 6, 2018, <https://www.britannica.com/event/Paris-attacks-of-2015>.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ CNN Library, "2015 Paris Terror Attacks Fast Facts," CNN, last modified November 12, 2018, <https://www.cnn.com/2015/12/08/europe/2015-paris-terror-attacks-fast-facts/index.html>.

café.⁶⁷ At 9:36 p.m. assault weapons were used to kill 19 people outside a restaurant.⁶⁸ Finally, three terrorists entered the Bataclan hall, shooting and murdering 90 concert-goers.⁶⁹ Apparently, the attacks had been designed in Belgium, with some of the terrorists being Belgian nationals who were IS-sympathizers.⁷⁰

2016: Brussels, Belgium

The IS cell in charge of the Paris attacks launched another one in Brussels in March of 2016.⁷¹ The attacks occurred at the Zaventem airport in Brussels and began in the morning when two terrorists detonated the bombs they had put in pieces of luggage.⁷² Right after this attack, another bomber detonated an explosive device in a train carriage at Maalbeek metro station, which is just down the street from the main EU institution buildings.⁷³ In total, 32 people were killed in Brussels that day as a result of terrorist attacks.⁷⁴

2016: Nice, France

Devastation hit France once more in 2016. In Nice, a crowd was celebrating Bastille Day when a terrorist ran people down in a truck.⁷⁵ The Tunisian-born resident of Nice plowed into the crowd at around 10:45 p.m. and killed 84 people.⁷⁶

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Giulia Paravicini, "Paris Attacks Prompt EU to Share Secrets," *Politico*, last modified January 26, 2016, <https://www.politico.eu/article/paris-attacks-prompt-share-secrets-eu-security-forces-eurodac-schengen-information-system-terrorism-isis-islam-state-bataclan/>.

⁷¹ Paul Cruickshank, "The Inside Story of the Paris and Brussels Attacks," *CNN*, last modified October 30, 2017, <https://www.cnn.com/2016/03/30/europe/inside-paris-brussels-terror-attacks/index.html>.

⁷² Ibid.

⁷³ *BBC News*, "Brussels Explosions: What We Know About Airport and Metro Attacks," *BBC*, last modified April 9, 2016, <https://www.bbc.com/news/world-europe-35869985>.

⁷⁴ Ibid.

⁷⁵ Peter Bergen, "Truck Attacks – A Frightening Tool of Terror, With a History," *CNN*, last modified January 9, 2017, <https://www.cnn.com/2016/07/14/opinions/truck-attacks-tactic-analysis-bergen/index.html>.

⁷⁶ Ibid.

2016: Berlin, Germany

Fast forward to December, when another truck drove into the Berlin Christmas Market, killing 12 people.⁷⁷ The truck had Polish license plates and was traced back to a construction site in Poland.⁷⁸

2017: Barcelona, Spain

Once again using a truck, a terrorist attacked pedestrians in La Rambla, Barcelona. The attack on August 17 killed 13 people and injured over 80 others.⁷⁹

Testing the Strategy

The aforementioned major attacks were the first of their scale to truly test the Strategy's measures. Were the goals and measures truly effective? The Parliament thinks so, by stating that the "reinforced cooperation between EU countries... helped to prevent attacks...[and] limit their impact."⁸⁰ While some of the Strategy's actions worked, the resulting inefficacy of the rest did nothing to halt the terror attacks; in fact, some Member States failed to adhere to the Strategy's mandate, and thereby unintentionally aided terror activity. This paper will analyze the following shortcomings: lack of intelligence sharing between countries, border controls failing to use SISII, and the inability to prevent access to terror weapons.

Several countries failed to share the appropriate intelligence on individuals with suspected ties to terrorism; this applies the most to Belgium. Following the attacks in Paris, President François Hollande revealed that the multi-destination attack had been planned in Belgium, with the attack being connected to an IS cell there.⁸¹ The leader of the group, and one of the attackers in Paris, Salah Abdeslam had been known to Belgian police for connections to terrorist activity.⁸² A Belgian citizen, Abdeslam managed to travel in and out of Belgium without alerting other Member States.⁸³ If the whole point of the Strategy is to pursue those who may be potential terrorists, then why did someone with known terrorist connections travel between Member States and have no one stop him?

⁷⁷ Ibid.

⁷⁸ ABC, "Berlin Christmas Market Truck Attack Witnesses Describe Breitscheidplatz 'Chaos' as 12 killed," *Australia Broadcasting Corporation*, last modified August 18, 2017, <https://www.abc.net.au/news/2017-08-19/truck-ploughs-into-crowded-christmas-market-in-berlin/8176436>.

⁷⁹ Anne-Sophie Bolon, Palko Karasz, and James C. McKinley Jr., "Van Hits Pedestrians in Deadly Barcelona Terror Attack," *The New York Times*, last modified August 17, 2017, <https://www.nytimes.com/2017/08/17/world/europe/barcelona-catalunya-van.html>.

⁸⁰ European Parliament News, "Terrorism in the EU: Terror Attacks, Deaths, and Arrests," European Parliament, last modified July 25, 2018, <http://www.europarl.europa.eu/news/en/headlines/security/20180703STO07125/terrorism-in-the-eu-terror-attacks-deaths-and-arrests>.

⁸¹ Thomas Renard, "After Paris: Five Questions on (Counter-)Terrorism in Europe," Egmont Royal Institute for International Relations, last modified December 5, 2015, <http://www.egmontinstitute.be/after-paris-five-questions-on-counter-terrorism-in-europe/>.

⁸² Ibid.

⁸³ Ibid.

Furthermore, the rest of the attackers (some being French nationals) also travelled from the Middle East to Europe and within and, again, none was stopped.⁸⁴ According to Egmont, many recruiters from IS target Belgian nationals; Belgium has a duty to share its intelligence with other Member States and prevent the cross-border travel of its suspected terrorists.⁸⁵ A major reason why Belgium failed to deliver such crucial information on Abdeslam was not because the country willingly held back information, but because its own police forces lack coordination even among themselves.⁸⁶ Had Belgium recorded the information regarding Abdeslam and his co-conspirators in information systems or even in communication with neighbouring states, the group's travel both to the EU and within it could have been possibly prevented or impeded. Even such a possibility presents the notion that the deadly attack in Paris could have been foiled by relevant police and border authorities.

However, the problems are not limited to a lack of information sharing from the Belgians – it took the Paris attacks and its associated 130 killings to finally force Member States to take border-control information systems, like SISII, seriously.⁸⁷ The Strategy had called for responsible authorities in each Member State to develop a greater use of new data sharing systems that include vital information on individuals who have been arrested, are wanted by the police, or pose a threat to the security of internal and external borders.^{88, 89} Instead of following the Strategy's mandate, at the time of the Paris attacks, only half of the Member States actively used *any* form of collective information-sharing system at all.⁹⁰

Why was the failure to use systems like SISII detrimental for European safety? The answer once again goes back to Abdeslam and the terror cell in Belgium. French police apprehended him following the attacks in Paris, but after being let go, he went back *again* into Belgium where he remained in hiding until his capture (four months later) and extradition to France.⁹¹ Given that he was involved with the same terror cell that plotted the subsequent Brussels twin-bombings, it is fair to assume that he had a hand in orchestrating the Belgian

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Giulia Paravicini, "Paris Attacks Prompt EU to Share Secrets," *Politico*, last modified January 26, 2016, <https://www.politico.eu/article/paris-attacks-prompt-share-secrets-eu-security-forces-eurodac-schengen-information-system-terrorism-isis-isil-islamic-state-bataclan/>.

⁸⁸ Council of the European Union, *The European Union Counter-Terrorism Strategy*, by Presidency and CT Coordinator, 14469/3/05, REV 4, Brussels, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

⁸⁹ Niovi Vavoula, "Detecting Foreign Fighters: The Reinvigoration of the Schengen Information System in the Wake of Terrorist Attacks," EU Migration Law Blog, last modified May 3, 2016, <http://eumigrationlawblog.eu/detecting-foreign-fighters-the-reinvigoration-of-the-schengen-information-system-in-the-wake-of-terrorist-attacks/>.

⁹⁰ Giulia Paravicini, "Paris Attacks Prompt EU to Share Secrets," *Politico*, last modified January 26, 2016, <https://www.politico.eu/article/paris-attacks-prompt-share-secrets-eu-security-forces-eurodac-schengen-information-system-terrorism-isis-isil-islamic-state-bataclan/>.

⁹¹ Sajjan Gohel, "The Challenges of EU Counter-Terrorism Cooperation," Friends of Europe, last modified December 12, 2016, <https://www.friendsofeurope.org/publication/challenges-eu-counter-terrorism-cooperation/>.

plans as well. Other terrorists connected to either the Paris or Brussels attacks traveled to, and within, the EU with fake passports and still went on to commit the major tragedies.⁹² At this point, Member States have failed to follow the Strategy's calls for greater cooperation and information sharing. This led to the free movement of terrorists in Europe. Individuals in the Schengen Area have the right to free movement, but Member States also have the right to temporarily impose internal border controls following threats to public safety and police officers have the right to conduct spot checks if police information has required them to do so.⁹³ Given that SISII did not have the necessary information on the terrorists, the individuals could pass by without being subject to police checks. Although they failed to track him, the Pursue commitment proved successful with the extradition of Abdeslam from Belgium to France.⁹⁴

Nonetheless, the Strategy's failures continue. One of its measures was to deprive terrorists "of the means by which they mount attacks... eg weapons and explosives."⁹⁵ It is quite glaring that this decision was not fulfilled. In each one of the attacks described previously (and a few others not mentioned in this paper), the terrorists either had access to explosive-making devices, the necessary ingredients to make a bomb, or assault rifles. The ones in Nice, Berlin, and Barcelona even found a way around having to use conventional weapons of terror: they used trucks. The two terrorists who carried out the killings at *Charlie Hebdo's* office not only had access to assault rifles, but they also acquired them in Brussels and crossed the France-Belgium border with them to Paris.⁹⁶ The EU failed to hinder the access to black market firearms and to force Member States to share information about weapons smuggling in their states.⁹⁷

A bigger problem with weapons is that terrorists are not using conventional ones. Instead, they have moved to using methods of destruction not solely attributed to terrorism, like vehicles. Could national governments have prevented a suspected terrorist from having access to trucks? Sure, but such an oversight is not included in the Strategy's mandate. Besides, how does one even regulate against the use of vehicles for terrorism? Perhaps the first place to start is for Member States to share intelligence with one another on persons-of-interest, with the bare minimum being over SISII, so that national regulatory bodies can deter access to large and dangerous vehicles for said individuals.

⁹² Ibid.

⁹³ Migration and Home Affairs, "Schengen Area," European Commission, last modified July 7, 2013, https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen_en.

⁹⁴ Sajjan Gohel, "The Challenges of EU Counter-Terrorism Cooperation," Friends of Europe, last modified December 12, 2016, <https://www.friendsofeurope.org/publication/challenges-eu-counter-terrorism-cooperation/>.

⁹⁵ Council of the European Union, *The European Union Counter-Terrorism Strategy*, by Presidency and CT Coordinator, 14469/3/05, REV 4, Brussels, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

⁹⁶ Camino Mortera-Martinez, "After Paris: What's Next for the EU's Counter-Terrorism Policy?" Centre for European Reform, last modified January 27, 2015, <https://www.cer.eu/insights/after-paris-what-s-next-eu-s-counter-terrorism-policy>.

⁹⁷ Ibid.

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It isn't all doom and gloom. Some of the other measures in the Pursue commitment of the Strategy have proven their efficacy. Member States have reportedly arrested hundreds of suspects that would have potentially become terrorists: in 2014, 774 were arrested; in 2015, 1077; in 2016, 1002; in 2017, 1219.⁹⁸ In fact, numerous terror plans have been foiled due to cross-border efforts of the police and judiciary.⁹⁹ In 2017 alone, Member States revealed that 23 terror plans had been foiled.¹⁰⁰ This is to say that the Strategy should not be abandoned or seen as a complete failure. It allows for a promising start.

However, some do question whether the EU should be involved in the efforts to combat terrorism. Specifically, Wade argues that the EU has become a powerful counter-terrorism actor within a space that Member States have neglected, but it does present worrying problems: "unchecked executives... are not always right."¹⁰¹ Measures to combat terrorism are "clearly to be associated with well-established, democratic states introducing exceptional measures."¹⁰² One thing the EU is not is a completely democratic state and whether this presents a democratic deficit is for another debate. Within the context of terrorism, though, it does beg the question of whether a supranational institution should be involved in policing the national police forces. While the EU's Strategy has not been 100 percent successful, this does not mean that the EU should abandon its counter-terrorism position. The Strategy has made it clear that the EU is to supplement the efforts of Member States in areas they lack tools, and even though this paper has taken on the role of critiquing the Strategy, it does not argue that it should be gotten rid of completely and just left to the Member States, which have proven themselves to be somewhat negligent.¹⁰³

To conclude, the answer to the introduction's first question is the following: no, Europe is not crumbling under attacks. However, EU residents are also not living in a European utopia, either. The EU's effort to combat terrorism has been a valiant one, but the Pursue commitment has not fully met its goals. The string of attacks, explored by this paper, were a test of the Strategy and they show that Member States failed to share important information on suspicious individuals, SISII was not effectively utilized, and terrorists still had accessibility to conventional terror weapons (and new ones, too). This paper will not claim that such shortcomings directly resulted in the terrorist attacks, but their harmful consequences can also not be denied.

⁹⁸ Europol, *European Union Terrorism Situation and Trend* (The Hague: European Union Agency for Law Enforcement Cooperation, 2018), 10.

⁹⁹ European Parliament News, "Terrorism in the EU: Terror Attacks, Deaths, and Arrests," European Parliament, last modified July 25, 2018, <http://www.europarl.europa.eu/news/en/headlines/security/20180703STO07125/terrorism-in-the-eu-terror-attacks-deaths-and-arrests>.

¹⁰⁰ *Ibid.*

¹⁰¹ Marianne L. Wade, "The European Union as a Counter-Terrorism Actor: Right Path, Wrong Direction?" *Crime Law and Social Change* 62 (2014), 378.

¹⁰² *Ibid.*, 374.

¹⁰³ Council of the European Union, *The European Union Counter-Terrorism Strategy*, by Presidency and CT Coordinator, 14469/3/05, REV 4, Brussels, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2014469%202005%20REV%204>.

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