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Counter Terrorism Strategies in Select European Union Countries: An Evaluation

*Dr. Sanghamitra Sarma **

ABSTRACT

Since the beginning of the millennium, Europe has increasingly being targeted by terrorists. Terror attacks have been witnessed across the European Union in countries like France, Spain, Belgium, the United Kingdom, Italy, Greece and Denmark. This has led to the question of examining the existing counter-terrorism mechanism particularly in those countries which have seen relatively more terrorist activities than the others, countries where radicalisation has seen greater manifestation than the others and countries which provide the highest number of foreign fighters in the conflict zones in West Asia. For conducting an evaluation of counter-terrorism strategies, three countries, namely Belgium, the UK and France have been selected based on these criteria. The objective of the paper is to make an assessment of the current counter-terrorism strategies which Belgium, France and the UK have adopted in response to terror incidents and thereby arrive at the examination of any need for a revamp in these strategies.

Keywords: *European Union, Counter-terrorism Strategies, Belgium, France, the UK, Individual response, Collective responsibility.*

Note:

In the preparation of this paper, a questionnaire was prepared and sent to the following officials. However, the response received was either nil or inadequate.

- 1. Mr. Fabrice Grossir, Police Attache, French Embassy in India left his position in the French Embassy. At present, there is no one who has been charged with examining counter-terrorism affairs in French Embassy, India.*
- 2. Mr. Stephen Kohn, Post Security Manager, British Embassy in India did not respond to the questionnaire.*
- 3. Mr. Arnaud Gaspert, First Secretary, Belgium Embassy in India suggested that the researcher should contact Mr. Thomas Renard, Senior Research Fellow, Egmont Institute, a think-tank linked to the Federal Public Service Foreign Affairs of Belgium. The questionnaire was sent to him, but no response was received from him as well.*
- 4. The researcher also sent queries to the Foreign Policy Offices of the three countries of Belgium, France and the UK. None of them responded.*
- 5. A query was also sent to Dr. Ravi Joshi, Senior Visiting Fellow, ORF. He did not respond.*

The terrorist attacks which the European Union (EU) as an entity and member countries in particular have been facing since the beginning of the millennium indicate that the EU is fast emerging as a vulnerable region for terror strikes. Countries like France, Spain, Belgium, the United Kingdom, Italy, Greece and Denmark had experienced significant levels of terrorist activity in the past. This gives rise to the question of examining specific response mechanism which countries adopt to deal with such attacks. With this backdrop in mind, an attempt has been made here to examine the counter terrorism strategies in select EU countries, namely Belgium, UK and France. The countries have been so selected taking into account the maximum impact which terrorist incidents created in these countries in the recent past. The criteria which have been adopted for choosing the most affected countries include number of terrorists incidents in that country, presence of radicalisation or groups associated with it and countries which have provided the highest number of foreign fighters to participate in ISIS (Daesh) operations in Iraq and Syria. The objective of the paper is to make an assessment of the counter-terrorism strategies which Belgium, France and the UK have adopted in response to terror incidents and thereby arrive at the examination of any need for a revamp in these strategies.

The Problem:

The history of terrorism as a phenomenon in Europe points out to the fact that Europe had long been a target of terrorist attacks. As early as 1789, the word terrorism entered into European vocabulary during the time of the French revolution. But it was only in the 1970s that terrorism manifested itself through extreme left ideology (Red Brigades in Italy, Action Directe in France, Fraktion Roter Armee in Germany) or nationalist-regionalist tenets like the Basque Movement in Spain, Corsican Movement in France and the Sin Fien in Northern Ireland.¹ The attacks of September 2001 in the US, those in Madrid on 11 March 2004 and in London on 7 July, 2005 changed the way in which security threats were perceived. The Brussels attack on May 24, 2014 at the Jewish Museum followed by the Charlie Hebdo shootings in Paris on 7 January 2015, the attacks conducted at a public event in Copenhagen on 14 and 15 February 2015, the Paris killings at the Bataclan and the Stade de France on 13 November 2015 and the most recent Brussels bombings on 22 March 2016 demonstrated the fact that the threat of terrorism understandably looms large today in the EU. The fear and insecurity fostered by these incidents has led to the concern for examining the effectiveness of existing anti-terrorism mechanisms in these countries, keeping in mind the changing and destructive nature of terrorism.

It must be noted here that since 2000, about 5 per cent of all the 107,000 terrorist deaths have occurred in developed countries, members of the Organisation for Economic Cooperation And Development, which includes most of Europe and the US.² The 2015 Global Terrorism Index (GTI) ranks the UK at the 28th position with a GTI score³ of 5.613 while Greece is one place down with a score of 4.976. France, Ireland and Germany are ranked 36th, 48th and 53rd respectively with GTI scores of 4.553, 3.663 and 3.442. Spain and Belgium occupy the 65th and 82nd positions with scores of 2.622 and 1.977 respectively. Denmark stands at the 118th position having a score of 0.091.⁴ This reveals that the UK has been the most affected country in EU to have been targeted by terrorists, followed by Greece, France, Ireland, Germany, Spain, Belgium and Denmark.

As regards the number of foreign fighters who have travelled to Iraq and Syria to join the Islamic State of Iraq and Syria (ISIS), regarded as one of the deadliest terror groups by the Institute of Economics and Peace of Australia, which analyses peace and the economic costs of violence, there are approximately 6000 people from Europe – most of them leaving from France, Germany and the UK. A report released by the Soufan Group (provides strategic security intelligence services to governments and multinational organisations) stated that the number of foreign fighters have doubled since June 2014. While the UK has seen an estimated 760 Jihadists travelling to Syria and Iraq, the number for the same destination is 1700 and 760 for France and Germany respectively.⁵ Britain provided the fourth highest number of foreign fighters from countries where Muslims are not the majority, with about 600 arriving in Iraq and Syria since 2011, according to another report by the Institute of Economics and Peace.⁶ From 2012 to 2015 more than 400 people from Belgium left for Syria and Iraq, making the country the EU capital for foreign jihadist fighters.⁷ The table below will help to convey the official and non-official estimate of people who joined as foreign fighters in Iraq and Syria:

Table 1

Countries	Official Count	Last Update	Non-official	Returnees
France	1700	May 2015	-	c.250
UK	760	Nov. 2015	-	350
Belgium	470	Oct. 2015	470	118
Spain	133	Oct. 2015	250	-
Denmark	125	Oct. 2015	100-150	62

Source: *Foreign Fighters, The Soufan Group, 2015, pp. 7-10, http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf accessed on 22 April, 2016.*

The presence of people who have expressed their allegiance to the ISIS and went forward to fight in the war in Iraq and Syria is an indication of the manifestation of radicalism in Europe as well. Of late, emerging radicalism in Europe is increasingly being viewed as an internal security threat. The then EU Commissioner for Home Affairs, Cecilia Malmstrom remarked on 15 January, 2014 that, “We see that extremism, xenophobia and nationalism keeps growing in Europe [and] we see worrying signals that these groups act as breeding grounds of ideology motivated by violence and extremist views.”⁸ Robert Wainwright, the Head of Europol, estimated recently in February 2016 that as many as 5,000 jihadists had returned to Europe from Syria and Iraq after fighting with, or receiving training from, ISIS forces.⁹ This is another concern which has been linked to the necessity of greater preventive action to counter such trends.

Radicalism in Belgium has been mostly centred on Molenbeek, a district in Brussels. A densely populated region, Molenbeek has a large immigrant population (over half of Molenbeek’s population of about 95,000 are Muslims, mostly Moroccan immigrants and their descendants) and problems such as unemployment (unemployment among people under 35 is 30 per cent), isolated Muslim population and inadequate government services are common in the region.¹⁰ More than 80 Islamist terror suspects were reported to have been living in Molenbeek in 2015.¹¹ Besides, radicalism has also found fertile ground in Antwerp, a major city in Belgium. Antwerp has a very high Muslim population, owing to the fact that 52.4 per cent of all elementary school pupils are of Arabic, North African or Middle-Eastern origin.¹² The now-banned Sharia4 Belgium, a Belgian radical Salafist organisation had been operating from Antwerp. In the largest-ever trial of its kind in the country, a Belgian court in 2015 found a total of 45 members of the organisation guilty of terror-related offences.¹³ In 2015, more than 40 defendants in the city were accused of travelling to fight in Syria or encouraging others to go to war.¹⁴ Radicalism has thus found a sufficient footing in Belgium.

The emergence, growth and development of radicalism in the UK has its own record. British-based Islamist organisation Al-Muhajiroun (AM) was founded in 1983 by Omar Bakri Mohammed. The organisation was eventually banned in 2010 but not before radicalising ‘a wave of British Muslims’.¹⁵ The activities of the AM were carried on by Islam4UK, a web-based organisation which carries out the propagation of its extremist ideologies through the medium of internet. The main motive of Islam4UK was to make Britain an Islamic state and introduce Sharia law. According to a research by the Henry Jackson Society, a counter terrorism think tank, in the 12 years up to the ban on the AM, 18 per cent of people convicted of Islamic-inspired

terrorism had current or past links with the group.¹⁶ Till very recently, radical Islamist groups used to preach openly in the UK. But the situation soon changed after the London bombings of 2005. Many radicals post-2005 were either imprisoned or went underground. For instance, Anjem Choudhary, the co-founder of the AM, currently entices his support for the ISIS through lectures posted online. Active on Twitter with over 32,000 Twitter followers, Choudhary regularly posts statements criticizing Western governments, discussing the latest cases involving detained Muslims, and preaching radical Islamic beliefs.¹⁷ The rise in the activities of the radicals present in Britain indicates the fact that radicalism can have deleterious consequences for civil society in Britain.

Germany and France have the largest Muslim populations among European Union member countries. As of 2010, there were 4.8 million Muslims in Germany (5.8% of the country's population) and 4.7 million Muslims in France (7.5%). Muslims in France mostly live in the 'banlieues', the mostly poor suburbs. The French Centre for Intelligence Research, a Paris think tank estimated recently that a half million Muslim citizens today identify with radical Islam. Meanwhile, Le Figaro, a French newspaper reported a secret intelligence assessment, that 41 of 2200 mosques in France are "now destabilized" by Salafists.¹⁸

The current trends which have been observed since the beginning of the millennium in Belgium, UK and France as well as in other member countries suggest that counter-terrorism should become a focus area for European Union governance. Counter-terrorism, however, for the most part, remains under the national domain of the member states. For instance, France and Britain had specifically stipulated during the negotiations of the Lisbon Treaty, 2009 that the subject of intelligence must not be controlled by the Union. However, a provision in Article 73 of the Treaty had laid down that member states could organize forms of cooperation and coordination between the competent departments of their administrations responsible for safeguarding national security. Nonetheless, national security largely remains the prerogative of individual states.

The Response

Counter-terrorism strategy in Belgium:

The requirement for an institutional framework in Belgium to combat terrorism was felt since the 1970s and 1980s when the country encountered violent activities of the Cellules Communistes Combattantes (an outfit which stood for anti-capitalist agenda) and the Islamic Salvation Front (FIS) in the 1990s. But it was not until 2003 that Belgium

incorporated legal provisions to fight terrorism. Since 2003, the significant laws which are in force in the country are mentioned below:

- The Terrorist Offences Act of 2003 introduced a Title embodying different Articles into the Belgian Criminal Code, each of which deals with different kinds of terrorist offences.
- The Act of 27 December 2005 amended the Code of Criminal Investigation and the Judicial Code in order to improve investigation practices in combating terrorism and serious organised crime.
- The Act of 4 February 2010 on methods of data acquisition by the intelligence and security services prescribed a series of specific methods and exceptional methods for gathering data.
- Besides these laws, Belgium also adopted a National counter-radicalism plan in 2005 which provided for proactive, preventive and punitive measures to combat Islamic radicalism and terrorism.

Further, the division of powers within the institutional framework of Belgium is defined wherein the Prime Minister is responsible for general policy with different ministers being allotted with different areas of security under the Ministerial Committee on Intelligence and Security. On cooperation with EU, Belgium is a party to several bilateral and multilateral treaties such as the European Convention on Extradition (1957) and its two additional protocols and the European Convention on Mutual Assistance in Criminal Matters (1959) and its first additional protocol. Belgium collaborates closely with the European Union in the framework of the Counter-Terrorism Strategy adopted in December 2005 by the EU.¹⁹

The recent terror attacks in Paris in November, 2015 and in Brussels in March, 2016 have raised the demand for fashioning a comprehensive counter-terrorism response in the EU and in member states as well, especially with the increasing evidences of the presence of radicalism in countries like Belgium and France. The Paris attacks on 13 November 2015 by ISIS gunmen and suicide bombers left 130 people dead and hundreds injured. The attacks were suspected to have been masterminded by Abdelhamid Abaaoud, a Belgian national. The investigation of the background of Abaaoud revealed that he had grown up in Molenbeek, Brussels and had a criminal record. He was implicated in four out of six foiled attacks in 2016. He was believed to have joined the ISIS in 2013. Abaaoud was also associated with imparting training to militants in Belgium.²⁰ Another key figure of the Paris attacks, Salah Abdeslam, a French national, who was

born in Brussels was arrested during a police raid in Molenbeek district this year. Five other suspects and another attacker also had a Belgian connection.

The Paris attacks undoubtedly strengthened the link between terrorism and Belgium. However, the importance of Belgium for global terrorism did not emerge in 2015. The country had been steadily attracting terrorists from Action Directe, the Red Army Faction, Euskadi Ta Askatasuna (ETA) and the Irish Republican Army (IRA). Two terrorists associated with the 9/11 attacks were also found to possess Belgian passports.²¹

The Belgian authorities woke up rather late considering the fact that Islamic terrorism in the country was present since the 1980s. The Charlie Hebdo attacks in Paris in January 2015 had served as a wakeup call for the Belgian police who soon launched a series of raids to arrest suspects. The security measures were expanded post November 2015 Paris attacks to arrest the prime suspect, Salah Abdeslam. However, in Belgium, problems of understaffing, small intelligence service considering the importance of the country²², weak federal government, distrust among different law enforcement authorities and flawed gun policy have continued to impede the structural and internal dynamics of Belgium thereby resulting in an inadequate counter-terrorism mechanism.²³

In the aftermath of the Paris attacks, the Belgian government introduced several measures like increasing resources for security and intelligence services, systematic imprisonment of returnees and improving communication between local and federal police on one hand and intelligence services on the other. These measures are soon to be discussed in the Parliament. In total, the Belgian government introduced thirty measures, out of which 12 were announced in the beginning of 2015 after the Charlie Hebdo attacks and 18 following the November 2015 Paris attacks. From the budgetary point of view, in 2015, the government announced 200 million Euros in the fight against terror, whereas in 2016 the amount for the same purpose was 400 million Euros. Besides, structural investments would be carried out for a number of years. To counter the problem of individuals travelling to Syria to acquire radical training, the Ministry of Interior and the External Affairs Ministry have been vested with the power to confiscate the identity cards and passports of such individuals. The Belgian Federal Plan against Radicalisation has been revised and all activities related to terrorism and its financing, including the use of Non-Profit Organizations for terrorist financing are subject to prosecutions and investigations. A Belgian Parliamentary Committee had also been set up to explore the possible gaps in the country's fight against terrorism. A string of other measures were

also taken to step up the fight against terror. Among this were the quick adoption of the Passenger Name Record (PNR) Directive, strengthening of borders, exchange of information through Europol and measures to fight terrorist propaganda and develop a counter-narrative.²⁴ New measures against radicalisation include an anti-radicalisation Canal Plan centred on the Molenbeek area, including seven suburbs along the city's Canal Zone. Belgium has established the Syria Strategic Communication Advisory Team (SSCAT), a project financed by the EU aimed at exchanging the best practices in the area of strategic communication to combat radicalisation. Regarding management of outer borders, the movement of EU citizens at the borders would be controlled on the basis of European Risk Indicators.²⁵ The adoption of these measures was no doubt taken in the right direction, however, considering the terror threat level in Belgium, few other recommendations can be made.

Discussions with experts suggest that Belgium also requires better interoperability between the various databases and uplifting the efficiency of information systems. Public-private cooperation can be enhanced to fight online radical and extremist propaganda. To counter the problem of terrorist clusters in less developed suburbs, anti-radicalisation measures can be stepped up to increase local security. The problem of non-assimilation of immigrant communities in small suburbs of Belgium can be dealt through greater representation of these communities in political bodies.²⁶ An efficient network where intelligence and security services coordinate with the local officials can be a powerful asset in the eventuality of a terror attack.²⁷ Moreover, intelligence is a specialised craft requiring special training for the officers. This helps them to respond effectively to terror threats and attacks.²⁸ At the policy level, it is also very important to understand the ideological, personal or political motives at the global and local levels that motivate terrorists to conduct terrorist attacks. These must be addressed in cooperation with other countries and international actors to evolve a united response to detect and fight terrorism.

Counter-Terrorism strategy in UK:

The UK has one of the oldest intelligence security services in Europe entrusted with examining threats and defending national security of the country.²⁹ Terrorism was eventually incorporated to form a major part of the agenda of the security services of the UK.

Historically, the Secret Service Bureau (SSB) was established in 1909 as a remedy to counter the climate of perceived fear from the Germans. The Security Service or the MI5

dealt with domestic threats whereas the Secret Intelligence Service or the MI6 tackled the external threats to the country. Together they functioned under the SSB. During the World War years, the MI5 had to combat with Soviet espionage and counter Nazi Germany. The MI5 gradually encountered terrorist forces towards the late 1970s. Over the years, different threats like those from the Northern Ireland and the rise of Islamic terrorism have changed the way the MI5 operates. The 9/11 attacks was a watershed as far as UK's counter terrorism strategy was concerned as the government decided to re-evaluate and upgrade its security policy. The Strategic Defense Review adopted in 1998 was updated to deliver more powers to the Armed Forces. In 2006 the cross government counterterrorism strategy (CONTEST) and cross-government counter-proliferation framework were implemented. CONTEST is organised around four core principles, each comprising a number of key objectives:

- Pursue: to stop terrorist attacks in UK and UK's interests overseas;
- Prevent: to stop people becoming terrorists or supporting terrorism;
- Protect: to strengthen our protection against a terrorist attack; and
- Prepare: to mitigate the impact of a terrorist attack.

The CONTEST is expected to adhere to being effective in assessing the progress, proportionate in allocating resources, transparent in its response, flexible in its functioning, cooperative with other agencies and sustainable in its operation. The third version of the CONTEST strategy had set out to identify the threats faced and the priorities for dealing with it, till 2015.³⁰

Another component of UK's counter-terrorism policy is the National Security Strategy which was published in 2008.³¹ This strategy highlights a set of values on which it is based, i.e., human rights, the rule of law, legitimate and accountable government, justice, freedom, tolerance and opportunity for all. The Strategy embodies three mutually supporting National Security Objectives which are protecting the people, projecting the global influence of the UK and promoting UK's prosperity.

One of the gains that the UK has made has been the establishment of a regime of legislation particularly, since the beginning of the millennium. These laws provide the legal framework for suppression of terrorist acts and organisations, strengthening resilience and

preventing the diffusion of terrorist group structures. In this connection, the five significant legislations can be mentioned below:

- The Terrorism Act, 2000 provided the legal basis for prosecuting terrorists and proscribing organisations.
- The Protection of Freedoms Act 2012 repealed the stop and search powers and replaced them with fairer and more specific powers.
- The Terrorism Prevention and Investigations Measures Act 2011 introduced measures to avert and investigate cases of terrorism.
- The Data Retention and Investigatory Powers Act passed in July 2014 provided for retention of communication data.
- The Counter Terrorism and Security Act 2015 contains provisions like preventing people from travelling to Iraq and Syria to fight the war, halt their return if they do and curb the spread of jihadist ideology.
- The Justice and the Security Act 2013 extended the secretive Closed Material Procedures (CMP) into the main civil courts in England and Wales and made the intelligence services more accountable to the Parliament for their actions.³²

In response to the growing presence of extremism in the UK, Prime Minister David Cameron also announced a comprehensive plan in July 2015 containing measures to tackle terrorism. The Prime Minister outlined the government strategy which included the following steps:

- Strengthen the powers of the communications watchdog Ofcom so as to prevent foreign television channels broadcasting extremist messages.
- Make schools more integrated by incentivising them.
- Demand that internet service providers remove extremist materials from websites.
- Consult on introducing lifetime anonymity for the victims of forced marriages.
- Revise the strategy to deal with extremism in prisons.
- More integration of minor groups
- Urge universities to condemn views of extremist speakers.
- Set up a new engagement forum.
- Launch a study probing at how extremism works.³³

In the ongoing war in Iraq and Syria, the UK has launched air strikes in Iraq in September 2014. It has also contributed airborne intelligence, surveillance and reconnaissance capabilities, boosting assistance to coalition operations in Syria.³⁴ In the wake of recent attacks at Brussels, the UK government has decided to invest 10 million pounds to make sure that nuclear material overseas is kept securely. It has also launched a joint exercise with their US counterparts identifying weaknesses in Britain's nuclear industry and train experts from countries including Turkey, South Korea, Japan and Argentina.³⁵ Deradicalisation schemes are very active in the UK. The country has witnessed a rise in referrals of individuals whom public bodies believe are at risk of extremism. Official figures from the National Police Chief Council under the Freedom of Information Act show that approximately 3995 people were reported to the Channel programme in 2015, up from 1681 in 2014.³⁶

It remains the case, as it can be seen from above, that the UK has a comparatively older legal framework to deal with terrorism. Certain concerns, however, can be identified which have not been addressed in the legislative framework. These concerns can be briefly explained below.

Terrorist acts are perpetrated by conditions which facilitate its spread. And hence it is very necessary for policy makers to address these conditions. Apart from this, the existing legislations do not cover other areas like financing of terrorism, role of social media in propagating messages of terrorism and strengthening protection of vulnerable targets. Besides, the military action on Iraq and Syria has come under criticism by pressure groups like Stop the War Coalition which opposes Britain's involvement of wars in Afghanistan, Iraq, Iran, Syria, Libya and elsewhere. The ramifications of military actions may not produce results which are always desirable. The ISIS has already been launching 'vengeful' attacks on Britain since 2015 and from time to time has been issuing warning against Britain and its allies fighting against the ISIS in the Middle East.³⁷ While the UK justifies the armed attacks in the name of self-defence, it must be kept in mind that militarisation of counter-terrorism policy not only puts at risk the democratic values but also threatens the underlying principle of peaceful cooperation on which the EU, of which Britain is a part of, was formed.

Besides, PREVENT, a key part of UK's CONTEST policy has also been criticized for failing to stop radicalisation. The PREVENT part was aimed to check the problem of people, especially the youth from joining terrorist organisations. However, given the current trends

of people from UK joining the war in Iraq and Syria³⁸, reports of teenage school girls from East London joining the ISIS and around 800 citizens, believed to be made up of fighters and their family members entering Syria in the past four years, have questioned the effectiveness of the policy.³⁹ The UK's terror watchdog has also called for an independent review of the government's strategy as it is allegedly sowing distrust among the Muslim communities.⁴⁰

No doubt the UK has a multi-pronged strategy, but the shortcomings, as noted above in the key objectives, need to be looked into if they are to garner the confidence of all sections of the society. A flawed approach can fuel grievances whereas a sensitive approach can help to achieve the targeted goals. While developing counter-terrorism modules, due attention must also be paid on creating opportunities to educate, train and support youngsters who feel alienated from the society as well as facilitate exchanges between neighbours of different backgrounds within local communities. Organisations such as Football for Unity and the Active Change Foundation have started working towards these goals focusing on building a harmonious and united society. Other measures like improving the security of borders and ensuring the safety of travel documents to prevent terrorist travel can curb the diffusion of radicalism.

Counter-Terrorism strategy in France:

Terrorist violence has a long history in France. In fact, terrorist attacks had its origin in the French annexation of Algeria in 1834. The exploitation of native Algerian population for the purpose of accommodating European interests led to a general dissatisfaction among the people. The Algerian resentment was manifest in the form of protests led by upper class French-educated Algerians who were inspired by the Arab nationalism of the 1920s and 1930s. The demand for an independent Algeria was carried under the banner of the Party of the Algerian People (PPA) formed in 1937 by the nationalist leaders. The Front de Liberation Nationale (FLN), another group formed in 1954 fought for the cause of Algerian independence by launching attacks on military installations, police forces and several other French properties. The French government responded by reasserting Algeria's colonial status. The Organisation de l'armee secrete (OAS), a French dissident far-right paramilitary organisation formed as a counter-narrative to the FLN opposed Algeria's independence from French foreign rule. The OAS conducted bombings in 1961 on a Strasbourg-Paris train which has been described by the French media as the "deadliest attack" until the Paris November 2015 attacks.⁴¹ It was not before March 1962 that a cease fire was negotiated between the French government and the FLN and a

referendum was held under General Charles de Gaulle in July 1962. Following the referendum, the French departed from Algeria.

Left-wing radical groups with an anti-capitalist stance such as Action Directe committed series of bombing and shooting attacks in the 1970s and 1980s. The Armenian Secret Army for the Liberation of Armenia (ASALA) carried out bombings in the Orly Airport in 1983 due to the perceived anger against the French government regarding the 'Armenian cause'.⁴²

Terrorism motivated by politico-religious goals emerged in the 1990s. Civil war had started in Algeria during this decade. The Armed Islamic Group, known by its French acronym, GIA, waged a violent war against Algeria's secular military government in 1991. Soon, the repercussions of this event were to be felt throughout the 1990s as the GIA went on strengthening their base in Europe, including France. The French authorities responded by conducting a range of operations against suspected Islamists in France. As a retaliatory attack, Algerian terrorists masterminded the hijack of an Air France Flight in 1994 demanding the release of two leaders of the Islamic Salvation Front (FIS), a political party that was banned by the Algeria government in 1992. French commandos responded promptly by organizing an attack at the Marseilles airport where all the hijackers were killed. This event was followed by the dismantling of networks of Islamists in different French cities. The GIA again conducted bombings at the St. Michel Metro Station in Paris on 25 July, 1995.

Post 9/11, globalised terrorism has been designated as the key strategic threat. This approach is shared by most governments on the European and international stage, which has led to a policy of adaptation and extension of legislation and reinforcement of international cooperation, which also feature strongly in the European recommendations.⁴³

The keystone of France's anti-terrorist laws is the Act of 9 September, 1986, which has been updated from time to time. Legislative intervention with regard to anti-terrorism in France was necessitated by the increasing number of attacks and the need to modify the response towards such attacks. Mention may be made of three important points which particularly signify the strength of the French legal system. They are a) special laws which stipulate fully detailed offences, b) specific procedural rules which allows for the use of special investigative techniques and c) specialised intelligence and investigation services. The French legislation also sets out a clear definition of a terrorist act in Article 421-1 of the Criminal Code. It also has provisions for providing punishments to different terrorist offences. The law of 21 December 2012 makes it possible to prosecute and convict all French nationals or individuals

habitually resident in France who go abroad to attend terrorist training camps, even though no terrorist offence has been committed on French territory. Special procedural rules apply to terrorist offences during the investigation as also special investigation techniques like seizure and searches without agreement of the concerned, video surveillance, authorised tapping of phones, payment of informers etc. The French Courts have been vested with semi-universal powers under anti-terrorist conventions accepted by France and referred to in Articles 689-1 to 689-10 of the Code of Criminal Procedure. Other relevant legislation includes protection for persons who have helped to stop terrorist offences from being committed, granting of exemptions or reduced sentences to persons who perpetrate or are accomplices to acts of terrorism prior to their sentencing, sentence reduction for convicted persons who help to stop or prevent terrorist offences and special compensation to victims of terrorists acts.⁴⁴

In France, the prosecution, investigation and enforcement of penalties, since 2006, are centralised at the Paris Regional Court. The judicial authorities comprise judges specialising in the prevention of terrorism: the prosecuting authorities, an investigating unit, training for judges dealing with terrorist crimes and a judge responsible for the enforcement of sentences. The Ministry of Interior, the Ministry of Defence and the Ministry of Economics, Finance and Industry are involved in controlling and preventing terrorist acts. The Central Domestic Intelligence Directorate (DCRI) is the intelligence agency of the French Ministry of the Interior. The Anti-Terrorist Co-ordination Unit (Unité de coordination de la lutte antiterroriste - UCLAT) centralises information provided by the various services answerable to the Ministry of the Interior, the Ministry of Defence, and the Ministry of Economics, Finance and Industry. Within the Ministry of Defence, the Directorate General of External Security (Direction générale de la sécurité extérieure - DGSE) plays a vital role by supplying information collected outside France. Several departments in the Ministry of Economics, Finance and Industry are also involved in fighting terrorism. The National Directorate of Customs Information and Investigations (Direction nationale du renseignement et des enquêtes douanières - DNRED) collects, analyses and circulates customs information on the funding of terrorism. The TRACFIN (Traitement du renseignement et action contre les circuits financiers clandestins) unit fights against money laundering and financing terrorism and takes action against them. It collects data, compares them with data from other ministries, and, if necessary, passes its findings on to the courts. The FINATER Unit (set up in October 2001 to draft and implement ministerial guidelines on action to curb the funding of terrorism) is involved, among other things, in freezing the assets of the terrorists.⁴⁵

Multilateral instruments which France has accepted include the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and its two additional protocols. At present, it is also bound by some 50 bilateral agreements on mutual assistance in criminal matters. France supports action taken against terrorism by the United Nations. It also clearly voiced its opposition to terrorism in other platforms, for instance in the G8 Summits of 2003 and 2010. The country is also the founding member of the Financial Action Task Force (FATF) which is engaged in fighting issues like money laundering and terrorist financing.

France's counter-terrorism apparatus had been strengthened in the past as a response to multiple terror attacks. Post 9/11, measures like detaining suspects who were linked to Afghan networks like the Al Qaeda in the Islamic Maghreb (AQIM) were taken to step up efforts against possible terrorist attempts. No major attack occurred until the shoot out at the Charlie Hebdo office in January 2015 which was referred to as the 'worst terrorist attack in a generation' carried out by Al Qaeda.⁴⁶ They exemplified a 'calculated assault on the freedom of expression and religion'.⁴⁷ The attacks at one of France's most reputed magazine office brought together four million people – including two million in Paris alone who marched to show their unity. A series of major attacks were conducted in Paris in November 2015 which was termed as 'deadliest' since the Madrid bombings of 2004. The ISIS claiming responsibility for the attacks termed them as 'First of the Storm'.⁴⁸ Soon after a few hours, the government declared a state of emergency which gave the police extra powers outside the normal judicial process. Recent opinion polls have shown that the public is largely in favour of the state of emergency, but human rights groups and lawyers have warned of the risk of abuses.⁴⁹

The brutality of the ISIS attacks and the subsequent occurrence of two major attacks in a year have raised a demand for a new anti-terror approach that lays emphasis on strengthening intelligence and laws.⁵⁰ France's counter-terrorism approach came under severe criticism in the aftermath of the Paris attacks.⁵¹ French law enforcement agencies had information about one of the accomplices of Abdelhamid Abaaoud, the key figure behind the attacks which killed 130 people. Hasna Ait Boulaheem, cousin of Abaaoud was under observation of French authorities in an unrelated drug trafficking case. Yet, no stringent follow-up actions were taken to trail the activities of these two suspects. It was only after the attacks that French officials remarked that they needed better cooperation with allies while improving their capacity to process information received from fellow authorities.⁵² Moreover, since 2012, on three occasions, jihadists known to the French authorities had tiptoed out of their sight to commit terrorist attacks. In May 2015, the fact that French citizen Mehdi Nemmouche, who killed four people at a Jewish museum in

Brussels, had returned from Syria was known to the French authorities. However, the latter failed to alert their Belgian counterparts. France's domestic intelligence agency also interviewed French citizen Mohamed Merah whose extremist tendencies was known to them. The French police shot him in an encounter after Merah successfully killed seven people at different locations in France.⁵³

Pointing to the gaps in the French counter-terrorism strategy, Judge Marc Trevidic, who led counter-terrorism investigations in France for ten years, commented on the attacks stating that there were "security flaws" in the French security agency. He also stated that the biggest problem facing law enforcement agencies in his country was overload of work in the hands of a few authorised officials.⁵⁴

The French have upgraded their counter-terrorism strategy after each wave of attacks.⁵⁵ The attacks in Paris in two subsequent years made an urgent reassessment of the counter-terrorism strategy imminent. A multitude of measures were recently approved by the French Parliament in May 2016. Apart from tightening border controls, Interior Minister of France, Bernard Cazeneuve deployed additional officers and soldiers to the police force. Since the imposition of the state of emergency in France, 10,000 people have been prevented from entering the country.⁵⁶ In a latest series of legislative changes that were approved, greater policing powers empowered the police to hold someone suspected of having terrorism links, without access to a lawyer up to four hours to check his/her identification. The police have also been given powers to use 'deadly powers' against someone who they believe is committing a 'deadly attack' and have authorized them to buy weapons in sting operations to combat weapons trafficking. For someone who has returned from Syria, the law allows that person to be under house arrest for up to a month. Under the law approved on 25 May, 2016, the police and prosecutors now have access to electronic eavesdropping technology that was earlier available only to intelligence agencies. The new law entrusts the prison authorities to search inmates and put microphones and cameras in prison cells to counter radicalism in prisons. Moreover, it has also made it illegal to regularly consult websites that promotes terrorism, except for legitimate, academic or journalistic activities. France is still under emergency rule which enables authorities to conduct police raids without warrants and put suspects under house arrests without prior judicial authorization. Public demonstrations have been banned and websites and groups which disseminate material harmful to public order have been taken off.⁵⁷

The necessity of a well-resourced police and intelligence force to face the multi-faceted reality of terrorism has been recognized by the legislative system of France which has duly favoured increasing the strength of the police force. The institutional mechanism has definitely improved since the Paris attacks. However it is not sufficient to have systems in place but also effective coordination between different constituents of the system in order to advance information sharing and speedy action.⁵⁸ Besides this, mosques which preach extremist ideologies call for surveillance. Prevention of extremist interpretations of faith can be done by creating a counter-narrative to radical propaganda among Muslim religious leaders. They can also be educated further to steer away disillusioned and isolated youths from taking recourse to radical ideas. Thus, deradicalisation training imparted by a Muslim religious leader who understands Islam better and can connect with alienated Muslim youths has more chances of being effective than the training which is disseminated by a French official.⁵⁹ Ideological differences within Islam must also be duly addressed to attain clarity of goals and vision.

Germany, another EU country to be affected by frequent threats of terrorist attacks has condemned Islamist-motivated international terrorism and sees it as a 'greatest threat' and challenge for the security authorities of the Federal Republic of Germany and the West.⁶⁰ The security threat highlighted by the Paris terror attacks has pushed Germany to toughen its counter-terrorism mechanism. The country has introduced new laws meant to mitigate radical Islamists attacks, by making it a criminal offence to travel abroad to receive military training. German Chancellor Angela Merkel also announced anti-terrorism measures recently with focus on two major points. They are strengthening of the security authorities and creating more obligations for private companies to help combat terrorism. The governing coalition has also stressed on cooperation with foreign intelligence agencies, availability of information and analytical capacities. Germany also created a new elite police unit BFE (evidence collection and arrest unit plus) to step up preparedness for German security forces in the event of an attack like Paris.⁶¹

Post 9/11, Germany introduced reforms in its counter terrorism strategies revoking immunity of religious groups and charities from investigations or surveillance by authorities and prosecution of terrorists even if they belonged to foreign terrorist organizations acting abroad. The ability of terrorists to enter and reside in Germany was curtailed as also border and air traffic controls were strengthened. The most important intelligence authorities in Germany are the Federal Intelligence Service (BND), the Federal Bureau for the Protection of the Constitution (BfV) and the Military Counterintelligence Service (MAD). The most important security

authorities are the Federal Bureau of Criminal Investigation (BKA) and the Federal Border Guard (BGS). To prevent money laundering, a new office within the Ministry of Interior is tasked with collecting and analyzing information contained in financial disclosures. Under the supervision of the German Federal Banking Supervisory Office, all financial flows must be monitored for illegal activity.

As seen from the above discussion, terrorism has emerged as one of the most burning issues in contemporary Europe. There can be no hasty or makeshift remedies to a problem which has the capacity of inflicting terror on people on a massive scale. The solution, therefore, must be constructed incrementally. The government response to terrorism need to be centred on more budgetary expenditure towards security, more trained and efficient man power in services and intelligence, improved technology and better organisational capacities.⁶² The greater issue arises when the problem itself does not respect national boundaries and transcends all geographical and man-made barriers in an intricate society like that of Europe, most of the individual countries of which are geographically closely connected to each other. Individual government response to such problems, like terrorism, may not always be successful. In these circumstances, the need for joint action rather than the sum of individual actions count more.

Need for a collective response:

The need for a collective response to terrorism within EU has always been debated and discussed. However, the 9/11 attacks and since then the change in the *modus operandi* of terrorist groups challenged the traditional response to terrorism calling for a unified response to it. The European Council decision of 20 September, 2005 made it mandatory for member states to inform Europol and Eurojust on the matter of their ongoing national investigations relating to terrorist offences. As stated in Article 2 of the Council decision, “Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4 concerning criminal investigations and the information referred to in paragraph 5 concerning prosecutions and convictions for terrorist offences which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to:

- (a) Europol, in accordance with national law and with the provisions of the Europol Convention, for processing; and
- (b) Eurojust, in accordance with national law and where the provisions of the Eurojust Decision so allow.”⁶³

The Eurojust, which was tasked with improving the coordination of investigations and prosecutions between competent authorities in the member states, was strengthened after 9/11 as well. The demand for the engagement of the EU and its institutions in the security affairs of the Union has been much more intensified with the threat posed by contemporary terrorism.

The current threat of terrorism looming large in the EU countries was recently indicated by Europol which stated that the EU faced more than 211 failed and successful terrorist attacks in 2015 and more than 1000 people were arrested for offenses related to terrorism.⁶⁴ The Paris and Brussels attacks were eye-opening events not only for France and Belgium but also for the EU which indicated that systematic exchange of information on counter-terrorism matters between parties (member states and between member states and Europol) need further improvements.⁶⁵

For a reasonable response to the emerging threat of terrorism, the strengthening of the powers of Europol was entailed so as to facilitate the exchange of information between member states and Europol as well as within member states. In view of this demand, the Europol launched the European Counter terrorism Centre (ECTC) in January 2016 after a decision from the EU Justice and Home Affairs Ministers in November 2015. The establishment of the ECTC which is intended to enhance the exchange of information between law enforcement agencies has been set up within the existing structure of Europol. The ECTC will also focus on monitoring and investigation of foreign fighters, sharing intelligence and expertise on terrorism financing, online terrorist propaganda, illegal arms trafficking and enhance international cooperation to increase effectiveness and prevention.

Soon after the Paris attacks, Europol had assigned up to 60 officers to support the French and Belgian investigations. Information received from these two countries resulted in 800 intelligence leads and more than 1600 leads on suspicious financial transactions.⁶⁶

In December 2015, an EU Internet Forum was launched to detect and address harmful material online.⁶⁷ The growing impact of radicalisation has also being perceived as a security threat to the EU and member states and this has led to the need to undermine the recruitment of future terrorists. The Radicalisation Awareness Network (RAN) was established in 2011 with the purpose of preventing individuals from getting involved in radical activities. To reinforce the anti-radicalisation work, the European Commission established the Centre of Excellence at the RAN which supports the EU and individual member countries in fighting terrorism and violent extremism.⁶⁸

The Europol in coordination with member states had also assessed changes in the modus operandi of the ISIS in view of recent terror attacks with a view to provide a better understanding of the threat that these groups pose to the member states.⁶⁹ The assessment led to the requirement of a regular exchange of strategic intelligence among member states and for the EU to focus on a broader range of religiously inspired groups.⁷⁰ In a bid to step up efforts to fight terrorism, cyber crime and other criminal offences and respond faster to threats, the European Parliament recently in May 2016 approved new governance rules that strengthen the Europol's mandate to tackle cross-border crimes and terrorist threats.⁷¹ To avoid information gaps, the new rules made it the duty of member states to provide Europol with the data it needs.⁷² These new rules have no doubt strengthened the Europol's overall capacity to deal and respond to immediate emerging threats related to terrorism.

The Schengen Information System (SIS) used by law enforcement authorities to consult alerts on wanted or missing persons has been improved and updated to make it more efficient and quick in detecting information. The European Commission also aims to encourage Member States to make full use of the SIS together with Interpol's database on Stolen and Lost Travel Documents (SLTD) at the external borders.

The collective measures introduced to tackle terrorism have surely enhanced the ability of member states to overcome their cultural differences and individual decision-making capabilities for a more concerted and unified approach against terrorism. The existing arrangements at the individual level have to be carefully and feasibly combined together to create greater involvement of more actors in the counter-terrorism endeavour. The recent European experiences have raised legitimate concerns about the growth and spread of terrorism which needs to be countered with greater cooperation and coordination.

Conclusion:

In terms of strategy, terrorist threats are constantly evolving. As attack types and methods become more intrusive and the magnitude of challenge of terrorism is constantly unfolding, strategies to combat the problem have to be constantly updated and upgraded. The response to recent terrorist attacks has no doubt been strengthened by member states. The existing strategies can be methodically harmonized with a streamlined edition of counter-terrorism policies which are compatible to deal with the current nature of terrorism. At the same time, the associated policy developments indeed suggest that the need of the hour is a common and integrated approach to deal with EU's fight against terrorism. Member states need to be

vigilant and involved in a constant attempt to anticipate the nature and dimension of the threats, respond to these threats promptly and prevent the carrying out of terror plots. For this to happen, sharing of intelligence and knowledge is indispensable. In the fight against terrorism, thus, a collective effort and decision-making at the EU level would no doubt help in combating it.

*Dr. Sanghamitra Sarma is Research Fellow at the Indian Council of World Affairs, Sapru House, New Delhi.

Disclaimer: The views expressed are that of the Researcher and not of the Council.

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