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Bárbara Campos Diniz

**FROM LANGUAGE TO PRACTICE:  
Contemporary Counterterrorism in the European Union and the United Kingdom**

Belo Horizonte  
2021

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Dissertação apresentada ao programa de Pós-Graduação em Relações Internacionais da Pontifícia Universidade Católica de Minas Gerais, como requisito parcial para obtenção do título de Mestre em Relações Internacionais.

Orientadora: Profa. Dra. Rashmi Singh

Co-orientador: Prof. Dr. Jorge Mascarenhas Lasmar

Área de concentração: Inteligência, Estratégia e Contraterrorismo

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*“Power is actualised only where word and deed have not parted company, where words are not empty and deeds not brutal, where words are not used to veil intentions but to disclose realities, and deeds are not used to violate and destroy but to establish relations and create new realities”.*  
Hannah Arendt, *The Human Condition*, 1958

## RESUMO

O terrorismo não é um conceito novo. Tem estado no vocabulário, no dia a dia de milhões de pessoas. Desde os ataques terroristas de 11 de setembro, o terrorismo se tornou um inimigo comum no sistema internacional. Após o ataque e a Declaração de Guerra contra o Terrorismo pelos Estados Unidos, vários estados e organizações começaram a desenvolver ou atualizar sua estrutura de contraterrorismo. Os atentados de 2001 mudaram a magnitude e a urgência com que o terrorismo era anteriormente combatido. A União Europeia, como organização regional, também começou a não apenas atualizar, mas também a expandir seus esforços de contraterrorismo ao longo dos anos, visto que a segurança de seus Estados membros é um de seus principais interesses e objetivos. Dos 27 estados membros, o Reino Unido tem o maior número de ataques terroristas e está entre os "três primeiros" em termos de prisões e julgamentos devido a acusações de terrorismo. Por causa das mudanças no contraterrorismo, esta dissertação teve o objetivo de compreender como a linguagem do contraterrorismo na UE e no Reino Unido empregada nas políticas de contraterrorismo criou e aumentou as práticas de contraterrorismo em ambos os níveis. Além disso, as duas hipóteses que orientaram a pesquisa (i) as experiências individuais que um Estado-membro da UE teve com o terrorismo produzem um conjunto de suposições, crenças, conhecimentos e verdades específicas sobre terrorismo e terroristas que se refletem na constituição de uma linguagem de contraterrorismo. Por sua vez, quando uma linguagem de contraterrorismo é sistematicamente empregada em políticas de contraterrorismo, ela criará e / ou aumentará um conjunto de práticas de contraterrorismo; e (ii) a linguagem regional do contraterrorismo é um amálgama das línguas individuais do contraterrorismo produzidas pelos Estados membros. Assim, o emprego de uma linguagem regional de contraterrorismo nas políticas também cria e / ou aumenta as práticas regionais de contraterrorismo. Uma vez que a linguagem, políticas e práticas regionais de contraterrorismo são consolidadas, há um processo de (re)internalização desse novo discurso pelos Estados membros que, como resultado, mudam suas linguagens, políticas e práticas de contraterrorismo. A dinâmica entre o contraterrorismo regional e doméstico é um processo constante de co-constituição e reconstituição; foram respectivamente corroborados e parcialmente corroborados. Através dos resultados e da análise, foi possível observar que uma parte significativa do quadro de contraterrorismo da UE foi baseado no quadro de contraterrorismo britânico. Assim, as linguagens e políticas de contraterrorismo europeias e britânicas são semelhantes em natureza, divergindo nas próprias práticas de contraterrorismo. Além disso, o último capítulo apresentou uma análise do processo Brexit e seus desafios e consequências para o contraterrorismo regional e doméstico.

Palavras-chave: Terrorismo; Contraterrorismo; Linguagem; Políticas Públicas; Prática; Brexit.

## ABSTRACT

Terrorism is not a new concept. It has been in the vocabulary, the daily lives of millions of people. Since the 9/11 terrorist attacks, terrorism has become a shared enemy in the international system. In the aftermath of the attack and the Declaration of War on Terrorism by the US, several states and organisations started to develop or update their counterterrorism framework. The attacks in 2001 changed the magnitude and the urgency in that terrorism has been previously fought. The European Union, as a regional organisation, also started to not only update but expand their counterterrorism efforts throughout the years as the security of its member states is one of its main interests and objectives. From the 27 member states, the United Kingdom has the highest number of terrorist attacks, and is in the 'top three' in terms of arrests and trials due to terrorism charges. Because of the changes in counterterrorism, this dissertation had the objective of comprehending how the language of counterterrorism in the EU and the UK employed in counterterrorism policies have created and augmented counterterrorism practices on both levels. Furthermore, the two hypotheses that guided the research (i) the individual experiences an EU member state has had with terrorism produces a set of specific assumptions, beliefs, pieces of knowledge and truths about terrorism and terrorists that are reflected in the constitution of a language of counterterrorism. In turn, when a language of counterterrorism is systematically employed in counterterrorism policies, it will create and/or augment a set of counterterrorism practices; and (ii) the regional language of counterterrorism is an amalgamation of the individual languages of counterterrorism produced by the member states. Thus, the employment of a regional language of counterterrorism in policies also creates and/or augments regional counterterrorism practices. Once regional counterterrorism language, policies and practices are consolidated, there is a process of (re)internalisation of this new discourse by the member states that, as a result, change their counterterrorism languages, policies and practices. The dynamics between regional and domestic counterterrorism is a constant process of co-constitution and re-constitution; have been respectively corroborated and partially corroborated. Through the results and the analysis, it was possible to observe that a significant part of the EU counterterrorism framework was based on the British counterterrorism framework. Thus, the European and British counterterrorism languages and policies are similar in nature, diverging in the counterterrorism practices themselves. Furthermore, the last chapter presented an analysis of the Brexit process and its challenges and consequences to regional and domestic counterterrorism.

**Key-words:** Terrorism; Counterterrorism; Language; Policies; Practice; Brexit.



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## INTRODUCTION<sup>1</sup>

Terrorism is not a contemporary phenomenon. It has been used throughout history as a means to incite fear and intimidation by governments, rebellious and revolutionary groups, and individuals to achieve a politically oriented set of goals. With the accelerated process of globalisation, by the end of the 20<sup>th</sup> century, the result of the increase of the reach and intensity of networks of flows, the issue of terrorism expanded beyond the constraints of geographical limitations. After the 9/11 terrorist attacks in 2001 in the United States, terrorism was set as a permanent security issue in the international agenda, shaping domestic, regional and international counterterrorism policies and strategies in the first two decades of the 21<sup>st</sup> century.

Within the realm of contemporary socio-political dilemmas, terrorism is perhaps the one that presents the highest degree of semantic instability and the (in)definition between potential and actual threat. This lack of semantic instability translates to a lack of a set objective parameter that allows for public, governmental and international debates on how to better counter-terrorism. This is because the meaning of terrorism itself is frequently modified according to the context and discourse it is employed. Nonetheless, this deviant essence of terrorism does not hinder public perception of the *impression* of knowing what terrorism *is* when portrayed by the media or mentioned by politicians, academics or international leaders.

Much of the contemporary perception of terrorism was shaped by the policies and strategies implemented after the declaration of the War of Terrorism by the Bush Administration in the aftermath of the 9/11 terrorist attacks. According to Jackson (2005), the language of counterterrorism established a dichotomic identity based on the separation of *us* (the good, free, liberal democratic Americans) and the enemy, the *others* (the evil, barbaric, abominable, jealous terrorists). Thus, there are two points to consider: (1) the construction of the language of counterterrorism is dependent on the identity of the party in a specific moment in time, and; (2) there will be a socio-political divide between those that belong and those that do not belong to the party, making the distinction of who is a friend and who is an enemy.

Terrorism is not a new phenomenon in Europe. Neither is counterterrorism. In fact, since the French Revolution in the 18<sup>th</sup> century, terrorism has been present and ever-changing throughout modern and contemporary European history. With the rise of anarchism by mid to late 1800s, several European powers, such as the United Kingdom, Germany, France and Russia

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had already implemented their first counterterrorism policies. As previously mentioned, with the pace globalisation has taken in the 20<sup>th</sup> century, terrorism had spilt over regional boundaries to the international system. The 1972 Olympic Games<sup>2</sup> terrorist attacks in Munich, Germany, marked the transition from local to international, and at the same time raising awareness on the importance of improving regional counterterrorism cooperation.

At the same time, terrorism was expanding outwards across the globe, Western Europe was also experiencing the rise and proliferation of leftists, ethno-nationalists and separatist terrorist organisations in Italy with the Red Brigades<sup>3</sup>, in Germany with the Red Army Faction (RAF)<sup>4</sup>, in the United Kingdom with the Irish Revolutionary Army<sup>5</sup> (IRA), and Spain with the *Euskadi ta Askatasuna*<sup>6</sup> (ETA). The dual movement of geographical expansion and variety of terrorist organisations in a globalised context highlighted the limitations of domestic counterterrorism efforts, thereby contributing to the boost of regional cooperation in the form of the 1977 European Convention on the Suppression of Terrorism by the Council of Europe<sup>7</sup>.

During the 1970s and 1980s, terrorist groups were distinct and easily identifiable organisations, with well-defined political and socio-economical goals, that targeted symbolic individuals and objects that represented the enemy to their cause. The aim of terrorist attacks than was to bring attention to their political agenda, criticisms of the system and emancipation of their people without necessarily causing a great deal of damage or using more violence than required to send a message. Furthermore, independent of the terrorist organisation, at the time, their political goals were quite similar, with the revindication of the rights of independence for their people, the affirmation of their identity and culture, and, subsequently, the recognition of their *self* (CHALIAND; BLIN, 2016).

By the 1990s, terrorism had started to expand and re-dimension itself once more. There was not only a shift in motivations, ideologies and goals, but also the organisational structure

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<sup>2</sup> On September 5<sup>th</sup> 1972, members of the Palestinian group Black September invaded the Olympic Villa in Munich, Germany, and took nine members of the Israeli Olympic team hostage after having previously killed two. Overall, 17 people died that day, including Israeli athletes and coaches, the perpetrators and one West German police officer.

<sup>3</sup> The Red Brigades was a far-left Italian organisation that operated between 1970 and 1988, responsible for numerous political violence incidents.

<sup>4</sup> The Red Army Faction (RAF), also known as the *Baader-Meinhof* group was a German far-left organisation that operated in West Germany between the 1970s to 1990s.

<sup>5</sup> The Irish Revolutionary Army and its subsequent factions are ethno-separatist Irish organisations that have been fighting for the independence of Northern Ireland from the United Kingdom since early 20<sup>th</sup> century.

<sup>6</sup> ETA is a Basque ethno-separatist organisation that has fought for the independence of the Basque nation from Spanish and French rules since late 1950s.

<sup>7</sup> The Council of Europe is a regional organisation founded in the wake of World War II to uphold the rule of law and human rights in the region. Even though it is not part of the European Union's framework, all of its member states are also member of the Council of Europe.

and the intensity of violence used by new terrorist organisations of jihadist, fundamentalist, and Salafist origins (CHALIAND; BLIN, 2016). Furthermore, a new actor was inserted in terrorism dynamics: the lone wolf, that is, an individual radicalised that does not necessarily have any ties with a specific terrorist organisation, commits a terrorist attack by themselves. For Hoffman (2006), terrorism derived from specific interpretations of religious beliefs, tend to be more radical and violent than other types of terrorism because of the inherent differences in core societal values, mechanisms of legitimisation, and perceptions of one's place in the international system. It all affects directly *how* terrorism is being perpetrated and where it is targeted.

Nonetheless, it was not until the 9/11 terrorist attacks in 2001 that the transnational proportions of jihadist terrorism had taken was cemented in the international system. Europe would also be hit with the 'new wave' of jihadist terrorism in the following decades. The Madrid and London terrorist attacks, in 2004 and 2005 respectively, contributed to the recognition of a new type of terrorism in European dynamics that, compared to anarchist, ethno-nationalists and separatist groups present in the regional, had a wider, more diffuse and non-hierarchical structure. Thus, the complexity of terrorism in Europe and the subsequent socio-political consequences presents a challenge to the European Union and its member states demand a new depth to the regional integration dynamics. The analysis a specific issue within regional constraints while marginalising or not taking into consideration a myriad of disruptive factors, such as the persistence of socioeconomic inequalities, the dispersion and diffusion of power, or the growing antagonisms in religions and societies is problematic and insufficient to comprehend the dynamics of terrorism and counterterrorism. The danger of abstracting terrorism from its different contexts and dynamics and isolating it as the enemy that must be defeated in an indefinite war is to neglect the many other challenges it is the result of.

Comprehending terrorism as a threat within specific contexts can result in opposite movements. On one hand, a state and/or society has a clear and in-depth understanding of the challenges terrorism poses, therefore establishing counterterrorism policies according to their specific problem. On the other hand, specific terrorism perceptions and subsequently counterterrorism perceptions may hinder cooperative initiatives. This movement highlights the challenge of achieving a universal consensus definition of terrorism and the complex multidimensional character the phenomenon presents, to which certain subjectivities underlie, constituting a considerable obstacle regarding the development and enforcement of international and regional counterterrorism policies. To understand and critically assess



contemporary terrorism and counterterrorism dynamics within a European context, the conceptual foundation in this dissertation will be based on Traditional and Critical Terrorism Studies and on Counterterrorism Studies. It is here understood that traditional and critical perspectives on terrorism and counterterrorism are not opposites, but rather a continuity of thought, allowing for a holistic approach to the understanding of dynamics of terrorism and counterterrorism in domestic and regional contexts. Because of the generalised fear that goes beyond the targeted society of a terrorist attack, it has become essential to comprehend the changes promoted by terrorism in multiple levels of analysis.

The conceptual issues presented by the lack of a systematic definition of terrorism is also reflected in counterterrorism. Jackson (2005), argues that counterterrorism perspectives vary because of certain specificities imbued on particular languages of counterterrorism, that is, “[...] a series of assumptions, beliefs, and knowledge about the nature of terrorism and terrorists [...] that determine what kind of counterterrorism practices are reasonable and unreasonable, appropriate and inappropriate” (JACKSON, 2005, p. 8). In turn, the language of counterterrorism is employed in policies, strategies, official speeches, interviews, and news media as a part of a counterterrorism discourse.

For Foucault (2002), discourse is a social practice that continuously produces and reproduces truths and knowledge of an object in a reality. Discourses then are translated into social practices, wherein these truths and knowledge become objective reality. Furthermore, discourses change and adapt according to the predominant truths and knowledge a certain object produces. In turn, counterterrorism practices can be understood as a “[...] concrete expression to the language of counterterrorism – in effect it (the practice) turns the initial words into reality. Language and practice [...] are inextricably linked; they mutually reinforce each other, together with the co-constitute social and political reality” (JACKSON, 2005, p. 9).

To empirically understand the dynamics of counterterrorism language and practice, the central objective of the present dissertation is to map and comprehend how the languages of counterterrorism employed in domestic and regional counterterrorism policies can create and augment counterterrorism practices implemented in the European Union and its member states between the years of 2001 and 2018. The focus on researching the European Union was due to its singular internal dynamics, a result of decades of relations and the construction of a European *self* against the terrorist *other*.

Thus, the research question that guides the discussions in this dissertation is: *how have the languages of counterterrorism employed in domestic and regional counterterrorism*

*policies create and augment counterterrorism practices implemented by the European Union and its member states since 2001?* To further structure and guide the analysis and discussions, five contributory sub-questions were established: (1) What are the **types** of terrorisms present within the constraints of the European Union? (2) What are the **elements** that constitute the **languages** of counterterrorism at domestic and regional levels? (3) What are the domestic and regional counterterrorism **policies**? Who produces them? (4) What are the domestic and regional counterterrorism **practices**? (5) Have these counterterrorism policies and practices **changed** with according to terrorism dynamics?

Ergo, the specific objectives of this research are: (1) to identify the constitutive elements of the languages of counterterrorism and how they are employed in counterterrorism policies; (2) to identify how historical contexts imply on perspectives of terrorism and how they translate into counterterrorism languages and practices; (3) to comprehend how different types of terrorisms influence the construction of the languages of counterterrorism;(4) to understand how different languages of counterterrorism generate varied counterterrorism practices; (5) to comprehend how the languages of counterterrorism construct and emphasise the identities of the *selves* and their perspective of the *others*.

Besides this introduction and the final considerations, this dissertation is divided in a total of nine chapters and two sections. The first chapter is dedicated to the establishment of the framework that guided the research and the analysis. It is divided in two main parts: the Rationale, explaining the evolution of terrorism activities in Europe and the first counterterrorism efforts and the Research Design and Methodology that presents the methodological framework applied to the research, the selection of the case studies, the categorising of the locale and the typologies of terrorism, and presenting the databases used to collect the data. Chapter 2 presents the Conceptual Framework discussing the challenges in defining terrorism, its possible root causes and how the lack of conceptual definition directly impacts the establishment a counterterrorism structure as well as the counterterrorism models and how they can be applied through observing specific contextual characteristics of the case studies.

Section I presents the analysis of the European language, policies and counterterrorism practices, and Section 2 presents the analysis of the British language, policies and practices. Both Sections are mirrors of each other, following the same chapter structure of: a chapter presenting the contemporary terrorism trends for both case studies; a chapter presenting the counterterrorism policies and analysing the languages used; and a chapter presenting and

analysing respective counterterrorism practices. Inasmuch, both Sections present an ‘analysis and conclusions’ section to compare and discuss the counterterrorism framework, the terrorism trends, and how both case studies comprehend the phenomenon, translating it to a specific language that, in turn, is applied to the policies that turn into practice, the understanding of the *self* and the *other*.

Additionally, the ninth chapter presents and discusses the consequences of Brexit to both domestic and regional security, specifically on how it will affect counterterrorism as a whole. Brexit was the epitome of a divergence of interests of the British population and part of the decision-makers to the European integration process. Much like entering the EU and agreeing to a plethora of policies, cooperation efforts and access to databases, Brexit is the opposite movement, of negating and exiting an entire complex framework. This chapter presents the timeline from the referendum in 2016 to the official exit in 2020, discussing the British participation on European counterterrorism, highlighting leadership and participation in EU security agencies, up to the challenges that Brexit presents to a new (and questionably more vulnerable) regional and domestic counterterrorism efforts. Furthermore, it analyses the advantages and disadvantages of Brexit, its possible impacts for regional integration and the cooperation efforts in the area of counterterrorism.

# 1 RATIONALE, RESEARCH DESIGN AND METHODOLOGY

## 1.1 Introduction

Immediately after the 9/11 terrorist attacks in 2001, terrorism rose to the top of the international security agenda. Led by the United States and the declaration of War on Terrorism, a myriad of Western<sup>8</sup> states and international organisations have implemented a wide range of counterterrorism measures that have, not only redefined the geopolitics in the international system, but also the perceptions of the *other*, the *foreign*, the ‘*evil*’, and consequently – one may argue – Western *identity* itself. Furthermore, the 2001 attacks gave rise to a new security discourse that follows this new paradigm. Terms such as *terrorism*, *religious extremism*, *fundamentalism*, *enemy*, *jihadism*, have been attributed specific meanings in Western culture, creating generalisations and stereotypes that have contributed to the consolidation of far-right nationalist movements, racism, xenophobia, hate speech and the infringement of human rights in and by several states such as the United Kingdom, France and the United States.

Terrorism is a socially and politically constructed concept, thus it is not perceived and interpreted uniformly, not it is independent of historical and socio-political contexts. There are multiple ways one can define terrorism, most of which are shaped by the context in which terrorism discourses are constructed and communicated to a target audience, whether by terrorist organisations, the media, governments and international organisations (SCHESINGER *et al.* 1983; LAW, 2015). Consequently, the understanding of what constitutes counterterrorism thorough depends on the meaning the term terrorism is given in a specific discourse. The establishment of counterterrorism itself is then compromised and dependent upon historical and political contextualisation.

To understand the changes that both terrorism and counterterrorism have been subjected to over time within the European region, this chapter presents the contextual, methodological and theoretical background that sustains the analysis and arguments put forward in the following chapters. The Rationale briefly outlines the chronological history of terrorism, the role of communication and the emergence of counterterrorism responses throughout the centuries. After that, the Research Design and Methodology presents and discusses the case studies that will be analysed in Chapters 2 and 3, as well as the collection and processing of the necessary data to answers the research question. It is in this section that the hypotheses that guide this dissertation will be presented and discussed. Lastly, the Theoretical Framework

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<sup>8</sup> Western is used here to denote the states that are part of Europe and North America mainly.

presents and discusses the nuclear concepts of this dissertation: terrorism and counterterrorism, their nuances, the challenges that the lack of definition presents to the field and the research and how they will be applied in the analysis of the case studies.

## 1.2 Rationale

Terrorism has been present in the European continent since the French Revolution in the 18<sup>th</sup> century. According to Law (2015), the French Jacobins were the first to use the term terror – in a positive note – to describe the extreme violence towards the enemies on the Revolution. Although there were several historical antecedents of the extreme use of force by a state upon its subjects vying socio-political transformations or the maintenance of the status quo, the Jacobins used terror as an instrument against the French monarchy and then, after the Revolution, as a method to forge a new political consensus, effecting direct social transformation and creating a new model of modern republican citizenship through the symbolic killing of the old system by the guillotine (HAGENLOH, 2015).

By the mid-19<sup>th</sup> century, terrorism had become a popular method of communications by non-state actors as well, much like the anarchists in Europe. Anarchists across Europe started to use terrorism as propaganda of their act, in other words, they were using terrorist attacks as a way to promote their cause, to denounce the oppression of the working masses and to incite these workers to join in their fight against the despotic regimes of *fin de siècle* Europe (LAQUEUR, 2002). The responses of European governments (an incipient form of counterterrorism) and the repercussions in the press were key to expand the scope of anarchism to neighbouring states and continents. In addition to the transnational network of anarchists that was established at the time, movements in Russia and Ireland were the first to take advantage of the rapid advances of communication technologies, such as printed newspapers and international telegraphy as a way of sharing information between intelligence and police agencies and to keep up to date with individuals and organisations that might be working together (SAUNDERS, 2015).

Over time, ‘anarchist’ and ‘anarchism’ became synonyms to ‘terrorist’ and ‘terrorism’. Many actions carried out by nationalists, radicals, socialists and provocateur groups were labelled ‘anarchist attacks’ to validate a worldwide anarchist conspiracy that was used as leeway to the implementation of counterterrorism policies by the end of the 19<sup>th</sup> century (JENSEN, 2015). Thus, all violent acts that were perpetrated by and attributed to anarchists, caused great commotion in the international community at the time and led governments to

institute the counterterrorism measures. At first these measures encompassed the cooperation of police departments that, much like the anarchists, took advantage of the means of communication to share information on suspects and program joint operations. Sketch portraits recorded a series of anthropometric characteristic and measurements according to the *bertillonage*<sup>9</sup> system that could be sent to authorities in other states to identify and apprehend suspects (DE GRAAF, 2015).

Counterterrorism campaigns against anarchism also aided to equip and structure the police in several European countries, symbolising “[...] the modern state to which these police forces aspired” (DE GRAAF; 2015, p. 416). The emergence of counterterrorism by the end of the 19<sup>th</sup> century is closely linked to how anarchism was portrayed in the media and by the state to the people, opening space to governments to implement harsh security measures (including pre-emptive measures) and expand their power (DE GRAAF, 2015).

“[There is] an essential, specific and recurring feature of the fight against terrorism: the attempt to legitimize and style efforts to combat terrorism by framing the supposed terrorist enemy as part of a broader conspiracy, preferably pointing to a transnational threat behind different incidents and requesting international solidarity in the fight against this plot” (DE GRAAF, 2015, p. 412).

According to Jensen (2015), the way that the anarchists exploited the press and news technology at the time was responsible for creating and corroborating the suspicions of a major international anarchist conspiracy. The perpetrators at the time used dynamite to cause explosions in public and symbolic places, steamships to travel from one country to the next, and the telegraph to communicate with other members and/or other groups. Nonetheless, even today it is difficult to determine the existence of a larger anarchist conspiracy, even though some of the responsible parties could count – upon a “[...] certain degree of assistance from national and international anarchist networks” (JANSEN; 2015, p. 116). The use of explosives during terrorist attacks resulted in the criminalisation of the use of explosives in the United Kingdom, Germany, Austria and Belgium by the end of the 19<sup>th</sup> century. In Spain and Italy, for example, strict laws were adopted in the 1890s, resulting in an increase in the use of torture by the police and overcrowding in jails throughout both countries. These truculent methods perpetuated a cycle of protests, police brutality and revenge on the part of the anarchists (JENSEN, 2015).

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<sup>9</sup> The bertillonage system is a way to identify anthropometric measures to identify criminals, that is, measures such as the sizes of the head, arms, legs, as well as other distinguishable feature such as scar and other physical deformities.

By 1898, the first international conference on counterterrorism was held in Rome. With the participation of all European state at the time, the first order of the assembly was to define anarchism as an act that aims “[...] at the destruction of all social order by violent means” (JENSEN; 2015, p. 117). Implicit in this general definition is the notion that all political, religious and social institutions were at risk because of the anarchist threat. Nonetheless, Jensen (2015) emphasises that the same level of hysteria did not apply to other terrorist groups, such as the Russian revolutionaries, that were not classified under anarchism, and thus considered less dangerous. Overall, the conference was seen as an enormous success, largely due to the absence of attacks in the subsequent year, but an important agreement was made on the adoption of the *bertillonage* system by all the signatories and the mutual commitment for the extradition of those responsible for an attempt on the life of a head of state (JENSEN, 2015; DE GRAAF, 2015).

Fast forward a century and the struggle against terrorism in Europe still is very much present, only this time there exists a regional coordinator that aids in the establishment and the implementation of counterterrorism policies: the European Union. The efforts of the member states of the European Union began to take a course towards coordinated and unified counterterrorism strategies even before the 9/11 terrorist attacks in 2001. A common concern related to terrorism issues was present in the bloc’s agenda since the mid-1970s when they established a cross-border police support group with the help of ministers and officials from national ministries of justice to comparing measures taken to combat the IRA in the United Kingdom and Ireland, the Red Brigades in Italy and the Baader-Meinhof in Germany by the TREVI<sup>10</sup> group (KEOHANE, 2005).

Since then, the preoccupation regarding terrorism and the implications related to the prevention and response to the phenomenon have acquired considerable importance in Western states, a trend made even more strident thanks to the 9/11 terrorist attacks in 2001. Following this event, the attacks in Madrid in 2004 and London in 2005 changed the European Union’s position concerning international counterterrorism. The attacks have led to progressive demands on the internationalisation and cooperation to counter extremist ideologies that can lead organisations and individuals to commit terrorist attacks of these proportions, taking into

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<sup>10</sup> The TREVI group was an intergovernmental network of state representatives from the ministries of justice and the ministries of interior outside the European Community framework created during the European Council Summit in Rome, 1975. By the signature of the Maastricht Treaty in 1992, the TREVI group was integrated to the second pillar of the European Union: the department of Justice and Home Affairs (JHA).

consideration the levels of coordination that perpetrators have nowadays with the internet and social media (KEOHANE, 2005; DELAYGUA; VIADA, 2009).

“What is certain is that, until the September 11 attacks, a large part of the fight against terrorism in the European Union was part of the broader framework of the fight against cross-border crime and the concrete measures in adopted anti-terrorist matters were punctual and not coordinated” (DELAYGUA; VIADA; 2009, p. 30).

Countering terrorism in the European contexts presents specificities and singularities that are not comparable to other regions in the international system, considering the overlap of the types of terrorism within its borders. Taking into account the formation of the European Union before Brexit was finalised (31<sup>st</sup> January 2020), there are 28 member states with socio-economic diversity and cultural differences that presents an enormous barrier to a cohesive implementation of comprehensive counterterrorism policies. Furthermore, Delaygua and Viada (2009, p. 32) argue that “[...] any anti-terrorist policy requires a great diversity of instruments, actions and actors, in the context of the EU, this translates into extraordinary efforts and coordination that are not always fruitful”. Joint action by the member states requires a unique cooperation exercise that leads to a problem that is has been an issue since the beginning of the European Union in the 1950s: the relativisation of state sovereignty. Although terrorism is a recognised shared threat among the member states, they are reluctant to delegate even an ounce of their sovereignty in security issues to the EU. According to Keohane (2005):

“This is because security policy - especially when it comes to protecting citizens - goes to the core of national sovereignty, and governments are reluctant to empower the EU to interfere with its existing national security laws and practices. The EU works hard to coordinate national policies to combat terrorism, but it is only now beginning to exercise its policies” (KEOHANE; 2005, p. 8).

Another aspect that might hinder counterterrorism implementation in the European Union is the myriad of resolutions, institutions and legislation that, at times, overlap or clash with each other. This is due to counterterrorism not constituting a specific issue area in the institutional framework, but rather being an issue dealt with in several areas of governance within the European Union. On top of that, member states also have different national structures to deal with terrorism that is not necessarily linked to rule of law and national defence. Furthermore, the European Union is not a sovereign state, thus presenting a challenge to the implementation of counterterrorism policies in a uniform manner. According to Gauri and Kandekhar (2011):

“The EU is not a state and therefore does not have the traditional powers of a state. It is interesting to see the EU responding to this new era of threat without typical assets



serving member states - without its spies, its prosecutors, its police force, or even strong military capabilities. The EU trusts its strong body of values” (GAURI; KANDEKHAR; 2011, p. 18).

According to Cervera (2007), another challenge that the EU faces in terms of counterterrorism cooperation and coordination is that every member state perceives terrorism with unequal importance, that is, there is a varying degree of concern and perception of threat within the organisation. Although the EU maintains a proactive position in countering terrorism, the fact that the counterterrorism practices depend on national authorities means, in general, that they are not optimal in their reactive execution and that, in many occasions, they are carried out in an uncoordinated manner. States with a long history with terrorism, such as Spain and the United Kingdom, tend to have more institutionalised counterterrorism policies and strategies set in place. In comparison, states such as Portugal and Luxembourg, where terrorism activity is practically non-existent, tend to have less institutionalised counterterrorism policies and strategies (KEOHANE, 2005). Therefore, different states present different and specific counterterrorism policies that reflect their approach to mitigating terrorism from the territories. This leads to a great discrepancy between counterterrorism actions taken within the scope of the European Union, increasing the difficulty of establishing a counterterrorism system that works for all member states.

### **1.3 Research Design and Methodology**

The objective of this dissertation is to comprehend how have the languages of counterterrorism employed in domestic and regional counterterrorism policies created and augmented counterterrorism practices in the European Union and its member states since 2001. Ergo, two complementary hypotheses were developed to further guide the research and analysis:

- The individual experiences an EU member state has had with terrorism produces a set of specific assumptions, beliefs, pieces of knowledge and truths about terrorism and terrorists that are reflected in the constitution of a language of counterterrorism. In turn, when a language of counterterrorism is systematically employed in counterterrorism policies, it will create and/or augment a set of counterterrorism practices;
- The regional language of counterterrorism is an amalgamation of the individual languages of counterterrorism produced by the member states. Thus, the

employment of a regional language of counterterrorism in policies also creates and/or augments regional counterterrorism practices. Once regional counterterrorism language, policies and practices are consolidated, there is a process of (re)internalisation of this new discourse by the member states that, as a result, change their counterterrorism languages, policies and practices. The dynamics between regional and domestic counterterrorism is a constant process of co-constitution and re-constitution.

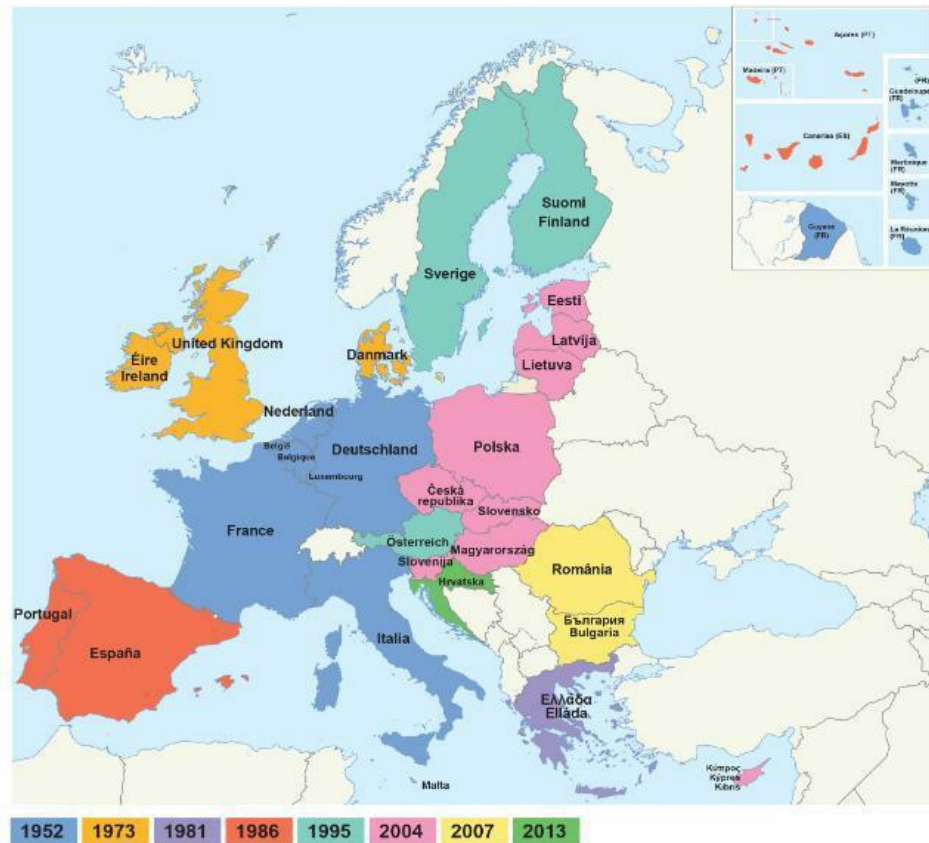
Furthermore, the hypotheses focus on two separate processes: one process is to comprehend how the language of counterterrorism can construct parameters to develop policies and, in turn, how these policies are put into practice; the other process is to understand how domestic and regional languages of counterterrorism influence each other. It is an intricate process that might be unique between the EU and the member states, depending on how close their identities are to each other. Before presenting the analysis in the following chapters, it is important to present the research design together with the methods and techniques employed to analyse the object of this study. The interesting aspect of the European regional integration is the intrinsic relationship between the European Union and its member states. Taking into consideration that those member states are parts that form the EU, the organisation in itself is an actor within the international system. According to the European Union (2018):

“At the core of the EU are the 28 Member States that belong to the Union and their citizens. The unique feature of the EU is that, although the Member States all remain sovereign and independent states, they have decided to pool some of their ‘sovereignty’ in areas where it makes sense to work together. In practice, this means that the Member States delegate some of their decision-making powers to the shared institutions they have created so that decisions on specific matters of common interest can be made democratically at EU level” (EUROPEAN UNION; 2018, p. 7).

Except for the United Kingdom, the only member state that has left the EU on January 30<sup>th</sup> 2020, their organisation has experienced constant growth since its inception in 1952, with a total of 27 member states today, as presented in Figure 1. As previously mentioned, the 9/11 terrorist attacks in the US in 2001 have caused a shift in the international security agenda, recognising terrorism as an imminent threat to states, organisations, nations and peoples. With the aftermath of the attacks and the Declaration of War on Terrorism by the then American president George W. Bush, many states and international organisations developed and/or update their security policies and strategies focused on countering terrorism. The European Union and

its member states were no exception, and from 2001 onwards, have created regional and domestic counterterrorism frameworks. Therefore, the timeline of the analysis in this dissertation starts in 2001 and goes until 2018.

**Figure 1.1** - Historical Map of the European Union’s Enlargement



**Source:** EUROPEAN COMMISSION, 2020.

As observed in Figure 1, in 2001 the EU had 15 member states: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Sweden, and the United Kingdom. These member states make up the *n* of this research. To present an in-depth analysis of the dynamics of terrorism and counterterrorism, two case studies were selected: the European Union as the regional case study and one of the member states from the *n* abovementioned. Focusing on contemporary regional and domestic dynamics and the complex socio-political context in which counterterrorism is indeed a part of, the choice of selecting two case studies opens the possibility of explanatory research with a multiple-case design at different levels of analysis, supporting both similar and contrasting data in replicating the conditions for such comparisons. Furthermore, being able to adopt a multiple-

case design to analyse empirical events enables the replication of pattern-matching, allowing for a linkage of collected information from one case to the other, enhancing and supporting previous results. Inasmuch, an explanatory case study allows the comprehension of data both in a surface and in-depth level to understand the nuances of counterterrorism (YIN, 2008).

Thus, there are three criteria to determine the selection of the member state case study: the highest number of terrorist attacks, the highest number of arrests on terrorism charges and the highest number of trials on terrorism charges. These criteria were established based in the data available at, respectively, the Global Terrorism Database (GTD) from 2001 to 2018 and the Europol TE-SATs reports from 2006 to 2018. It is important to emphasise that the TE-SAT reports are a direct result of the implementation of the EU counterterrorism framework post-9/11 and because of that, the reports differ in the timeline covered by the GTD). Furthermore, 2018 was established as the end of this dissertation’s data collection timeline because the GTD 2019 is not available to public access yet<sup>11</sup>. Besides the EU, the case study selected by applying the criteria described above was the United Kingdom.

**Table 1.1 - Case Studies**

Case Studies	Terrorist Attacks	Arrests on Terrorism Charges	Trials on Terrorism Charges
European Union	3197	10966	5619
United Kingdom	1100	2362	720

Source: Adapted by the author based on the GTD (2001-2018), TE-SAT reports (2006-2018).

It is important to note that the UK is the member state with the highest number of terrorist attacks, but it does not have the highest number of charges and trials, but in the ‘top three’ on these criteria. However, because the number of terrorist attacks has a wider timespan than the data for the arrests and the trials, it was preferred to select the member state on the first position on the list<sup>12</sup>. Furthermore, the GTD<sup>13</sup> provides in-depth qualitative and quantitative information on terrorist attacks, taking into consideration not only the terrorist attacks but it also documents the perpetrators of the attack, locale, victims (both fatalities and wounded), types of attack and weapons used. Furthermore, the data provided by the GTD has a wider timespan (1970-2018) than Europol’s TE-SAT (2006-2018). With the data collected from the GTD it can be understood the *who*, *where*, *when* and *how* of an attack, as well as the profile of

<sup>11</sup> January 2021.

<sup>12</sup> Annexes A, B C and D present the complete data collected for the number of terrorist attacks, arrests, arrests per type of terrorism, trials and trials per type of terrorism.

<sup>13</sup> It is recognised that the GTD has its challenges and problems, such as the very open to interpretation definition of terrorism and the characterisation of terrorist groups, however, it presents an unprecedented source of data material relevant to this dissertation and a myriad of researches done in the field of Terrorism Studies.

terrorism targeted at each member state and the EU in general. According to the GTD, terrorism is “[...] the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation” (GTD, 2019, p. 10), thus allowing for objectivity on categorising terrorist offences absent from the TE-SATs.

**Table 1.2 - Data Sources**

<b>Agencies and Institutions</b>	<b>Document</b>	<b>Information</b>	<b>Indicators</b>
<b>START Consortium</b>	Global Terrorism Database (GTD)	Terrorist Incidents 2001 – 2018	Countries/ Regions
			Perpetrator Groups
			Fatalities and Injuries
			Target Type
			Attack Type
			Weapon Type
<b>Europol</b>	Terrorism Situation and Trend Report (TE-SAT)	Arrests and trials on terrorism-related activities 2006 – 2018	Number of arrests
			Types of terrorism
			Number of trials
			Amendments in legislation

**Source:** Adapted by the author based on the GTD (2001-2018), TE-SAT reports (2006-2018).

Europol’s TE-SAT report perceives terrorism as a “[...] method for attaining political goals” (EUROPOL, 2007, p. 9). This definition reflects the EU’s 2002 Council Framework Decision on Combating Terrorism (2002/275/JHA), where all member states had to align their national legislation with this framework decision. Nonetheless, the Decision did not ignore the subjective perceptions and interpretations on the impact of terrorism, leaving space for interpretation and adaptation to respective domestic scenarios. However, the data provided to Europol and published in the TE-SATs is dependent on the member states that have their particular definitions of terrorism. In turn, the data from the GDT does not present the same level of subjectivity and does not rely on data directly from states and governments to feed into their database.

In the 2007 TE-SAT report (the first-ever published), Europol establishes two distinct levels in which terrorism operates based on Wilkinson (2000): the domestic and the international/transnational. Domestic terrorism is limited to a certain state and/or specific area within state borders whereas international/transnational terrorism is spread throughout multiple

states and regions in the world. The report argues that separating the terrorism threat in these two levels of analysis is difficult and oftentimes inaccurate because “[...] it was not always possible to determine whether terrorist attacks or activities were transnational or domestic from their basis of the reported cases [...]” (EUROPOL, 2007, p. 10).

Furthermore, in their perspective, there is no distinction between international and transnational terrorism. According to the TE-SATs, there is always a level of transnationality even in domestic terrorism, especially in regards to recruitment and the financing of terrorism, thus making it difficult, if not impossible, to differentiate the levels in which terrorism operates. In this dissertation, however, the categorisation of terrorism in the levels of analysis will vary according to their goal. For example, the IRA in the United Kingdom or ETA in Spain are both regarded as domestic terrorism because their objectives are domestic and local. On the other hand, groups such as All Coppers are Bastards, Al Qaeda and the Islamic State can be regarded as transnational terrorism due to their widespread goals in the international system.

Similarly, to Europol’s categorisation, this dissertation regards international and transnational as synonyms, to comprehend *where* the groups act and *who* they target as their enemy, and not necessarily taking into consideration the nationalities of perpetrators and victims of a terrorist attack. Besides these categories, a third was added to the groups that could not be identified as domestic or transnational, thus being *unknown*. Furthermore, defining *what* type and/or ideology terrorism perpetrators follow is also important to understand the dynamics of terrorism in the case studies. With the publication of the TE-SAT reports since 2006, Europol established five terrorism typologies that have been used to categorise the data related to arrests and trials in the EU and the member states, as presented in Table 3. However, when applying these categories to all the attacks and perpetrators groups from the GTD database, it was noted that not all of them fit into the categories provided by Europol. Thus, a sixth category was established: the *unknown*.

**Table 1.3 - Terrorism Typologies**

<b>Typology</b>	<b>Definition</b>
Single-issue	“[...] groups that aim to change a specific policy or practise, as opposed to replacing the whole political, social and economic system in a society” (p. 79).
Ethno-separatist	“[...] groups [that] are motivated by nationalism, ethnicity and/or religion [and] seek to carve out a state for themselves from a larger country or annexe territory from one country to that of another” (p. 79).
Jihadist	“[...] acts that are committed out of a mindset that rejects democracy on religious grounds and uses the historical comparison with the crusades of the Middle Ages to describe current situations, in which it is believed that Sunni Islam is facing a crusader alliance composed of Shi’is, Christians and Jews” (p. 79).

Right-wing	“[...] organisations [that] seek to change the entire political, social and economic system on an extremist right-wing model. A core concept [...] is supremacism or the idea that a certain group of people sharing a common element is superior to all other people. [...] They consider it is their natural right to rule over the rest of the population” (p. 79).
Left-wing (and anarchist)	“[...] seeks to replace the entire political, social and economic system of a state by introducing a communist or socialist structure and a classless society. Their ideology is often Marxist-Leninist” (p. 79).
Unknown	Attacks in which that it was impossible to identify the perpetrators.

**Source:** Adapted from TE-SAT 2020 and completed by the author.

To understand the terrorism dynamics and the challenges faced by the EU and the UK, a descriptive statistical analysis was done to comprehend terrorism trends in the regional and domestic contexts. The descriptive data analysis presents the collected and processed data from the GTD and Europol to construct a better overview of terrorism in the case studies, in other words, the data provided by the institutions are complementary. As previously mentioned, the use of more than one dataset provides an ample and in-depth understanding of *what* is indeed the problem, help indicates if the language of counterterrorism and the subsequent policies and practices are on par with the challenges and provide a good response.

Before presenting the *corpus* of the dissertation, that is, the documents that are the basis of the analysis, it is important to establish the research design to better understand the framework, categories and indicators used in this dissertation. Considering the emphasis that has been given to language and discourse since the Introduction, the analytical framework is the basis of the abstract construct of the objective reality in this research, that is, the language of counterterrorism as the abstract foundation for the policies and practices in the real world. Additionally, if the perception of what entails terrorism and, subsequently, what entails counterterrorism, depend upon specific contexts. Thus, two categories were established: the counterterrorism policies and counterterrorism practices. On one hand, counterterrorism policies are defined as means in which the language of counterterrorism is inserted in social and political structures. On the other hand, counterterrorism practices are the concrete expression of the language of counterterrorism by social actors.

According to Foucault (2002), categories within a specific analytical framework are dependent on a triad of factors: the operational definitions, the analytical unities (context and registry) and a set of indicators. The operational definitions are how a category is inserted into specific social and political structures and also its concrete expression within social reality. The analytical units are divided into two: the context united and the registry units. The context units are the contextual dichotomies wherein a category is inserted, they are the expressions of power relations. On the other hand, the registry units are the discourses produced within the context

by powerful actors. Last but not least, the indicators are the qualitative expressions of specific characteristics of the categories in the empirical data. Table 4 presents the application of all these concepts to the research design of this dissertation:

**Table 1.4** - Overview of the Research Design

Analytical Framework	Categories	Operational Definitions	Analytical Unities		Indicators
			Context	Registry	
Language of Counterterrorism	Counterterrorism Policies	Means by which the language of counterterrorism is inserted into social and political structures	Domestic power relations	Domestic Discourses	Word, assumptions, metaphors, myths, grammatical forms, beliefs, stereotypes, knowledge, perceptions and conceptualisations about the nature of the act and nature of the actor; set key political goals, discipline social behaviour, construction of national identity, marginalisation of the <i>other</i> .
	Counterterrorism Practices	The concrete expression of the language of counterterrorism by social actors	Domestic power relations	Regional Discourses	
			Regional power relations	Regional Discourses	Completion of political goals, reactions, material investments, discipline social behaviour, construction of national identity, marginalisation of the <i>other</i> .

**Source:** developed by the author.

With the case studies selected and the analytical framework properly presented, it is important to establish *where* the languages of counterterrorism can be found, i.e., the domestic and regional counterterrorism policies. Due to the complex nature of terrorism and counterterrorism dynamics, the issue has been discussed and presented in a myriad of policies in the EU and its member-states, four criteria were established to select the documents that will be part of the *corpus* of the analysis: the documents must be focused on counterterrorism, the documents must be comparable, the documents must be framework decisions, and the documents must allude to counterterrorism practices. After this process, document analysis was concluded to understand the elements of the *corpus* selected in the research. According to Cellard (2008), there are five components to the document analysis: the context, the identity of the author, the nature of the document, the main concepts and the structure of the document,



and the authenticity and reliability of the document. It is important to analyse and understand the historical, political and social contexts in which the document is prepared, by whom and for whom the document is intended. To understand the document, it is essential to understand the identity of the author, their interests and motivations presented in the document. The identity of the author enables the assessment of the credibility of the document, the interpretations that are given to facts, the positionings that are described, and the misinterpretations that could arise from the reconstruction of an event (CELLARD, 2008).

It is also important to evaluate the nature of the document since “[...] the openness of the author, the implicit, the structure of a text can vary enormously, depending in which context it is written” (CELLARD, 2008, p. 302). Thus, documents of different natures are structured differently, according to the particular context of every production. The nature and structure of the documents can also present the interests and preferences of a particular group. Furthermore, it is necessary to understand the meaning of the concepts used in the document (further discussed in the following section). Concepts vary in meaning throughout history and according to the construction of the narrative present in the document. Lastly, the source of the document must be authentic and reliable, to ensure the quality of the information presented (CELLARD, 2008). During the development of this dissertation, the collection of the documents that consists in the *corpus* of the research will be through official governmental websites (primary sources) as well as the GTD and TE-SAT datasets (secondary sources).

After the document analysis and the construction of the *corpus* of the policy documents, a methodological triangulation of content and discourse analysis will be developed. According to Denzin (1978), the objective of triangulation is to contribute not only to the examination of the phenomenon from multiple perspectives but also enrich its understanding, allowing for new or deeper dimensions to emerge. Furthermore, Denzin and Lincoln (2000) argue that “[...] triangulation is the combination of different methodological perspectives, different empirical materials [...] that add rigour, breadth, complexity, richness, and depth to any investigation” (DENZIN; LINCOLN, 2000, p. 24).

With the establishment of the corpus, qualitative content analysis will be used to understand and compare the content of domestic and regional counterterrorism policies. According to Silverman (2006), qualitative content analysis is established by the presence or absence of a given characteristic or multiple characteristics of content in the documents that will be analysed. Thus, it is proposed to use the thematic categorical analysis method that is found within qualitative content analysis as a means to identify behavioural patterns and

subjects discussed in the documents selected and based on the indicators of each category. Coding and categorizing the contents of the selected documents are a fundamental part of the content analysis because it allows the researcher to investigate the empirical developments of the contents of the documents (SILVERMAN, 2006).

Furthermore, content analysis will be used as a foundation for the construction of a matrix to understand the relation between regional and domestic policies. Thus, this analysis will present which aspects of the regional policies are present in domestic policies. Furthermore, this analysis will not only focus on the content of the policies but from which sectors of the government they are coming from and if they are reinforcing a particular counterterrorism model: defensive, reconciliatory, criminal-justice or war. This particular application of content analysis also enables the presentation of possible changes – or lack thereof – in counterterrorism policies from 2001 to 2018.

Together with the content analysis, the discourse analysis method will be also used in this dissertation to comprehend the nuances produced by different social, political and cultural contexts wherein the language of counterterrorism employed in counterterrorism policies and practices are implemented. To accomplish this, the dissertation utilises of an eclectic background on discourse analysts, from To Fairclough<sup>14</sup> (2001), discourse “implies a dialectical relationship between discourse and social structure, with a more general relationship between social practice and social structure: the latter is both a condition and an effect for the former” (FAIRCLOUGH; 2001, p.91). Discourse is also outlined by the social structure in which it is built, under the influence of the multiple identity representations around the subject that produces it. Discourse, therefore, is not limited to the representation of the world but gives it meaning, in a practice of constant construction of different forms of meaning.

According to Buzan and Hansen (2009), “[...] language has an influence and structural capacity that “provides social power”. The central claim was that the choice of different metaphors, euphemisms or analogies has fundamental consequences for how reality is understood, and also for which policies should be adopted” (BUZAN; HANSEN, 2009, p. 141). The role of figures of speech such as metaphors, hyperboles and metonymies, is central to understand how discourse is related to the construction of reality. This is because they configure deviations or instabilities in these constructions and allow to analyse what would be “behind”

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<sup>14</sup> Even though Fairclough is Marxist, his contributions to discourse analysis were fundamental to structuring this research and providing the necessary grounds for the comparative analysis in the following sections.

what is enunciated, which would demonstrate the fluidity of the structure itself since they are not independent of each other (RICOUER, 1992).

To understand how the languages of counterterrorism are constructed, it is necessary to understand the elements that constitute the dichotomy of the *self* and the *other*. The dichotomy present in the language of counterterrorism juxtaposes the *self* and the *other* to create and reinforce the identity of the *self*. Therefore, security becomes “[...] a double requirement that the State needs to be safe, but it also needs the threatening *other* to define its identity, giving it an ontological sense of security” (BUZAN; HANSEN, 2009, p. 218). The distinction that Campbell (1998) makes between risk and threat is an interesting way to understand how the terms can be used to convince an audience about the “needs” that an actor has about what is built concerning *other* in, for examples, legitimizing an intervention or the appointment of a group as a terrorist.

The discourse serves as a link between the perception of the actor with their interest, here understood as the practice. The process of building the actor responsible for the speech goes directly through the process of erasing or building the *other* to which they refer. According to the Campbell (1998), “[...] these are all practices of differentiation in the confrontation between the *self* and the *other*, and their modes of configuration” (CAMPBELL, 1998, p. 99). It is only through a particular construction in language, that ‘things’ – objects, subjects, states, living beings, and material structures – gain meaning and a particular identity. Language is not a transparent tool that functions as a means to record information since there is no “true meaning” or objective in linguistic representation that someone can refer to (HANSEN, 2006). The meanings in discourse are not disconnected from the reality it seeks to construct. They are, in fact, an intrinsic part and without which one cannot understand how a structure is built, and in which identities are related, positively or negatively. p.6). Thus, the language of counterterrorism, or rather, the *languages* of counterterrorism, are here understood as:

“[...] a deliberately and meticulously composed set of words, assumptions, metaphors, grammatical forms, myths and forms of knowledge - it is a carefully constructed discourse - that is designed to achieve several key political goals: to **normalise and legitimise the current counterterrorism approach**; to **empower the authorities** and shield them from criticism; to **discipline domestic society** by marginalising dissent or protest, and to **enforce national unity** by reifying a **narrow conception of national identity**. The discourse of the ‘war on terrorism’ has a clear political purpose; it works for someone and something, it is an exercise of power” (JACKSON, 2005, p. 2).

It is important to understand how the processes that give meaning to terrorism unfolded, discovering which characteristics are more commonly associated with it, and how these characteristics contributed to the process of constructing the counterterrorism discourse. To comprehend how the member-states and the EU exercise their power to achieve the political goals highlighted above, two methodological resources presented by Hansen (2006) will be applied: the processes of linking and differentiation, and the research design for discourse analysis. The process of linkage refers to how certain characteristics are connected to create a conceptual whole. Detecting which attributes are conferred in one, but are absent in another, this process demonstrates that the construction of a concept - and an identity - occurs through the relations of the characteristics that delimit and construct its meaning.

Nonetheless, no identity exists or is constructed in isolation, nor can it be created from a single process. Establishing an identity is necessarily setting boundaries to differentiate the *self* and the *other*, constructing meaning through the sum of similarities and the exacerbation of differences. In other words, the process of differentiation of a given concept is establishing what it is *not*, what it does *not want to be*, and what it *will never be*. For Hansen (2006), the linkage and differentiation processes must reconcile both methodological and analytical aspects during the construction and definition of an actor's - in this case, the member-states and the EU - identity. Thus, one must then begin to identify the concepts that indicate the construction of the *other* such as 'bad', 'evil', 'murderer', 'mad', 'non-white', 'foreigner', 'outsider', 'terrorist', and the construction of the *self*, such as 'good', 'innocent', 'victim', 'white', 'civilised', 'local', 'national', 'fair', 'attacked'.

“Identity construction is not, however, accomplished solely through the designation of one particular sign for the Other or the Self but rather through the location of this sign within a larger system. [...] Analytically, the construction of identity should, therefore, be situated inside a careful investigation of which signs are articulated by a particular discourse or text, how they are coupled to achieve discursive stability, where instabilities and slips between these constructions might occur, and how competing discourses construct the same sign to different effects” (HANSEN, 2006, p. 37).

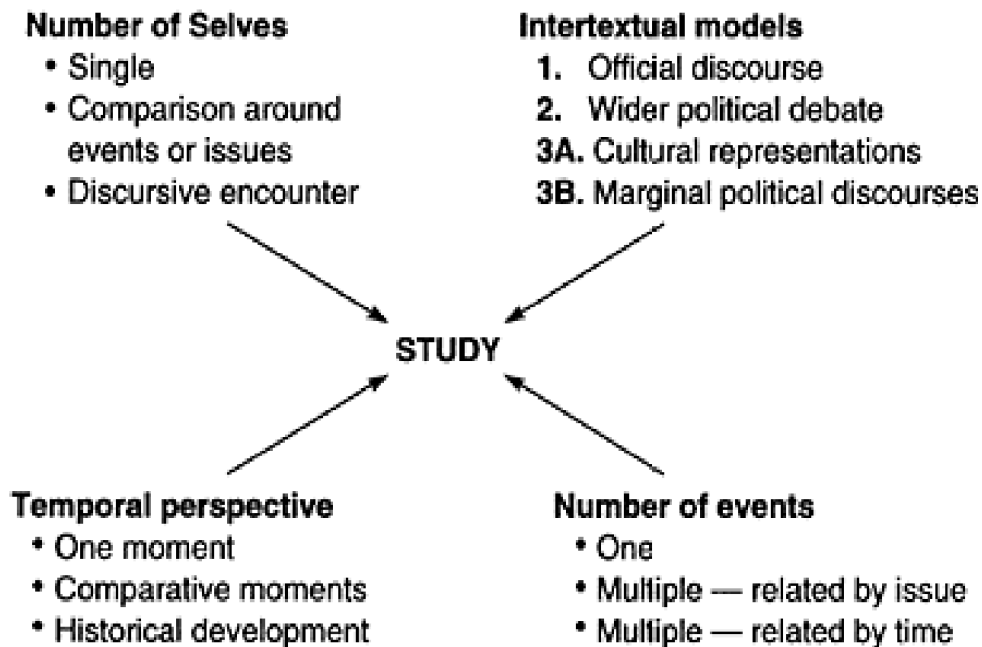
Thus, the structuring processes of linkage and differentiation acquire a crucial role for discourse analysis, as they outline what Hansen (2006) describe as basic discourses “[...] the methodological starting point for discourse analysis is the explicit articulation of identity within a web of signs” (HANSEN, 2006, p. 39). Furthermore, identification of the basic discourses is the foundation to analyse how the construction of the identity of the *self* develops. Discourses search for stability by either approaching or distancing themselves from other discourses and

other identities by three dimensions present in the process of identity construction: spatiality, temporality, and ethics.

“Methodologically, spatial, temporal and ethical constructions are investigated through the analysis of linking and differentiation, but [...] discourses should not be expected to explicitly use the concepts of space, time and responsibility in their formulations. [...] They are analytical lenses that bring to light the important political substance of identity construction, not explicitly articulated signs. [...] They have equal theoretical and ontological status; no dimension is more fundamental than the others, or that can determine the other two. [...] The primary objective of [...] discourses are to articulate the three elements in such a way that they can be based at the same time that they reinforce each other” (HANSEN, 2006, p. 42).

Having discussed the means of identifying the main processes and dimensions that construct in identities based on discourse, the second methodological resource based on Hansen’s (2006) work is her research design for discourse analysis.

**Figure 1.2 - Research Design for the Discourse Analysis**



Source: HANSEN, 2006, p. 67.

Hansen’s (2006) research design presents four-vectors - or four different dimensions - that converge to the construction of the *corpus* of the discourse analysis. As observed in Figure 2, the vectors are the number of selves, the intertextual models, the temporal perspective and the number of events. The number of selves refers to the number of actors that produce the discourse. Thus, this vector identifies how many actors produce discourse and aid in its construction. This is based on Campbell’s (1992) argument that the *self* produces a certain

discourse about itself and the *other*. The construction of the number of selves here discussed is understood in two layers: the first layer is the domestic construction of national identity, thus the number of selves within this perspective is the government agencies that produce counterterrorism discourse; the second layer, the number of selves refers specifically to the number of case studies established earlier on the Research Design.

The advantage of having multiple case studies, or the multiple numbers of selves, is the possibility of constructing a discursive encounter. According to Hansen (2006), a discursive encounter is a technique in which the discourse of the *self* is taken in perspective with the counter-constructions of the *other*. Taking into consideration the first layer of the number of selves, the *self* can be understood as the member-states whereas the *other* can be understood in two ways: as the problem of terrorism and its implications in domestic counterterrorism, and as the European Union, once the actor is outside the realm of national identity. Nonetheless, the EU can also be considered a *self* with the construction of its identity stemming from its member-states. Thus, the discursive encounter technique is important to highlight the domestic languages of counterterrorism and whether the relation between the member-states and the EU is reciprocal in this context.

The second vector Hansen (2006) presents in her research design are the intertextual models, in other words, the delimitation and focus of the *corpus* used in the construction of the discourses to be analysed. Due to the nature of the actors to be analysed in this dissertation, the intertextual model chosen is *model 1* wherein the focus is on official discourses, focused on how these discourses stabilise and the responses it offers to criticisms and attempts at destabilisation, thus the discourse is constantly changing to follow the dynamics of a particular event - in this case: terrorism. Even though *model 1* is considerably limited when compared to *model 2* and *model 3a* and *3b*, it is once more important to emphasise the nature of the actors here studied.

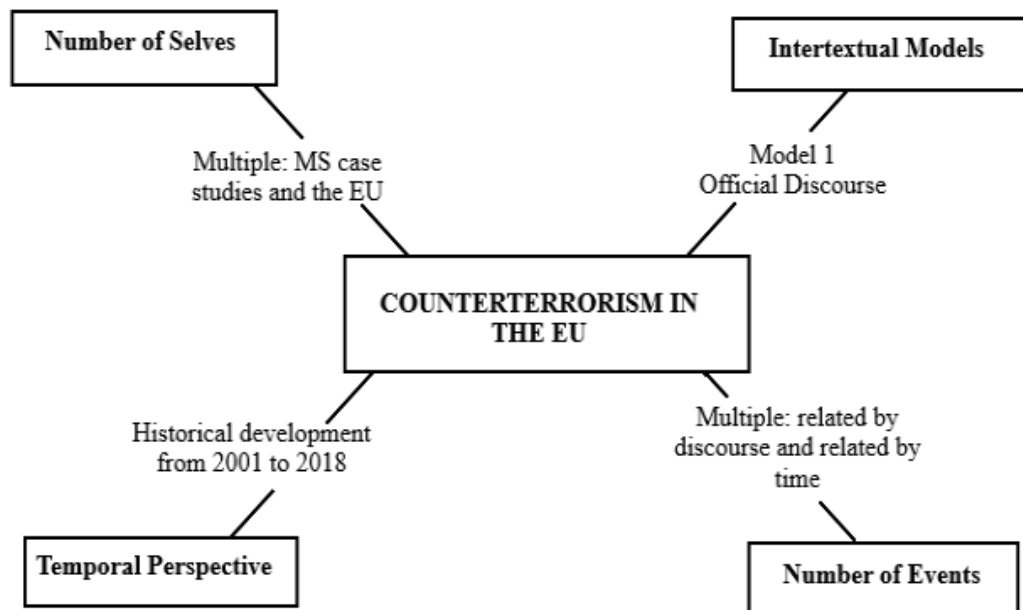
**Table 1.5 – Intertextual Research Models**

	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3A</i>	<i>Model 3B</i>
Analytical focus	Official discourse: Heads of states Governments Senior civil servants High ranked military Heads of international institutions Official statements by international institutions	Wider foreign policy debate: Political opposition The media Corporate institutions	Cultural representations: Popular culture High culture	Marginal political discourses: Social movements Illegal associations Academics NGOs
Object of analysis	Official texts Direct and secondary intertextual links Supportive texts Critical texts	Political texts Parliamentary debates Speeches, statements Media texts Editorials Field reporting Opinion—debate Corporate institutions Public campaigns Recurring intertextual links	The film, fiction, television, computer games, photography, comics, music, poetry, painting, architecture, travel writing, autobiography	Marginal newspapers, websites, books, pamphlets Academic analysis
Goal of analysis	The stabilization of official discourse through intertextual links The response of official discourse to critical discourses	The hegemony of official discourse The likely transformation of official discourse The internal stability of media discourses	Sedimentation or reproduction of identities in cultural representations	Resistance in non-democratic regimes Dissent in cases of models 1 and 2 hegemony Academic debates

**Source:** HANSEN, 2006, p. 57.

The third vector presented by Hansen (2006) is the temporal perspective, considering the duration, the moments and the evolution of discourse over time. The temporal perspective used in this context is the historical development of counterterrorism policies and practices over 17 years (2001-2018). Lastly, the fourth vector refers to the number of events that make up the discourse. According to the author, the very notion of what is considered an event - and what *cannot* be considered an event - is a choice the researcher makes. In this case, the event that ties all the case studies and the proposed analysis together are the contemporary terrorism trends in the European Union. Structuring the discourse analysis through these for vectors helps to identify the factors that may intervene in the construction of the discourse and, consequently, of an identity.

**Figure 1.3 – Research Design Counterterrorism in the EU**



**Source:** Adapted by the author from HANSEN, 2006.

## 2 CONCEPTUAL FRAMEWORKS

One of the biggest challenges when studying terrorism and, as a consequence, counterterrorism, is to navigate through the myriad of conceptual definitions. Different concepts, the lack of homogenous and uniform criteria on the basics concepts that create terrorism and counterterrorism frameworks are bound to cause conceptual confusion evident in any literature review on the subjects. The lack of truly pernicious clarity in investigations based on a wide range of incidents that vary drastically from academic to academic, from decision-maker to decision-maker, from the research centre to research centre, from agency to agency, due to different conceptual divergences, the consequence of varied contexts. Concepts with different meanings imply that the decision on the exclusion and/or inclusion of the same event in the universe of analysis is conducted almost singularly, depending on the research and on the researcher. The implications of these decisions on the results can, therefore, also vary, with different conclusions on similar research problems when, in reality, the conclusions are drawn from substantially unequal universes. The definition debate is important here because the lack of an agreed definition leads to the selection of criteria for statistical data and hence, different statistical results (CHARTERS, 1987; CRENSHAW, 1992).

The concepts in question are so elusive that it is rare not to find research on the subject of terrorism or counterterrorism that does not start without an explanation by the researcher on



their understandings of the concepts to be explored. This dissertation will not be different. As Victoroff (2005) argues, there are rough as many available definitions as there are published experts in the field. To clarify the fundamental concepts of this dissertations, how this research was conducted and the results interpreted, it is necessary to explore the challenges of the conceptual definitions of terrorism and counterterrorism. Understanding the nuances on the conceptual debates provides a foundation for the discussions on the definitions of terrorism and reflects on the counterterrorism framework on the analysis of the case studies in the following chapters. Thus, this section explores the debates on the conceptual definitions of terrorism, the root causes of terrorism and the transposition of these elements to counterterrorism.

## ***2.1 The Conceptual Definition of Terrorism***

To say that there is no consensual definition of terrorism is a truism nowadays. Many definitions are forming an authentic semantic jungle (BERGORRE-BRET, 2006; SLOAN, 2006). In Jenkin's (2004) words, the definition of terrorism is the Bermuda triangle of international discussion, and entire conferences sank in it without a trace. The fact is there is no international – and not even regional – agreement on the conceptual definition of terrorism, affecting the fundamental structure of research and policy-making on the subject. After the inevitable allusion to the absence of consensus, a discussion on the concept of terrorism begins to conclude with an operative definition (BURNS, 2011). There is no intrinsic essence in the concept of terrorism. It is simply another 'man-made social construct', like many other concepts that have not necessarily a consensual definition such as 'power', 'class', 'revolution' (SCHMID, 2004; GOODWIN, 2006). However, what makes the concept of terrorism so elusive?

"Nietzsche provided part of the clue when he wrote that only things which have no history can be defined" (LAQUEUR, 1999, p. 6). Terrorism has a long history and has taken on different expressions. As "[...] the meaning and usage of the word have changed over time to accommodate the political vernacular and discourse of each successive era, terrorism has proved increasingly elusive" (HOFFMAN, 1998, p. 20). It is, therefore, difficult to find a definition that could include the *régime de la terreur* of the French Revolution, the Russian anarchists of the end of the 19<sup>th</sup> century, the ethno-separatist terrorism of the 1960s and 1970s, and all the different types of terrorism that have been emerging in the past three decades. A comprehensive definition would have to be as broad as it is indistinct. Of vague meaning and without practical application, "[a] useful definition needs to

be selective enough to be useful while not excluding relevant actions" (LUTZ; LUTZ, 2005, p. 7).

Besides, the political burden the word 'terrorism' contains also contribute to the lack of a broad conceptual definition. The word 'terrorism' has a negative connotation and nobody wants to be associated with the demeaning term: terrorist. For Hoffman (1998), on one point everyone agrees: terrorism is a pejorative term. Acknowledging and classifying an actor as terrorist promotes their condemnation and 'allows' extreme measures to be taken by states and organisations against them (GIBBS, 1989). If an actor can successfully attach the label 'terrorist' to an opponent, then it has directly or indirectly persuaded others to adopt its moral perception on terrorism (JENKINS, 1980; RICHARDSON, 2007). Gone are the days in which terrorists proudly claimed the title. If in the 19th century, anarchists proclaimed themselves to be terrorists, (Hoffman, 1998, p. 21), in the 20th century, terrorists prefer to be treated as guerrillas, freedom fighters, rebels or martyrs and terrorist organizations insert in their *repertoire* terms such as revolutionaries, freedom fighters or part of a resistance movement (HOFFMAN, 1998; PEDAHZUR, 2006; GUPTA 2006).

Because terrorism has such negative implications, political actors, in particular, cannot agree on a definition where they or ideologically similar movements could be labelled as terrorists. Resistance to an international agreement on the concept of terrorism reflects not only in contextual particularities but also in self-interest agendas. As Schmid (2004) argues, "[...] definitions generally tend to reflect the interests of those who do the defining" (SCHMID, 2004, p. 284). Thus, it is not surprising that the definitions of terrorism coming from government and international organisations restrict the universe of terrorism to non-state groups, thus excluding themselves from the possibility of being labelled as terrorists as well (NATHANSON, 2010). Labelling actors as terrorists as a threat and as an enemy, established as fortifies the perceptions of *self* and *others*. As Schmid (2011) summarises, "[...] those involved in the definition debate have often tried to shape terrorism definitions in a way that suits their needs" (SCHMID, 2011, p. 40). Individual perceptions, therefore, distance the possibility of significant international agreements on counterterrorism.

Merari (1993) argues that there is no point in searching for logic-based definitions on the concept of terrorism because it belongs in the realms of political and social sciences, especially because it carried such a negative emotive connotation. Another reason for the challenge that is conceptualising terrorism, is the ambiguity of political violence. "There are also overlapping 'grey' zones; it is not all black and white, criminal or

legitimate. Context matters" (SCHMID, 2011, p. 44). Furthermore, in the 1970s, Laqueur pointed out that a definition of terrorism did not exist and states that it would not be found in the foreseeable future. Half a century later and the definition is still being discussed. For Fletcher (2006), a definition of terrorism is superfluous. Cronin (2009) also argues that it is impossible to establish a consensual definition of terrorism. Terrorism is seen "[...] differently by different observers and at different points in history. It is a term like war or sovereignty that will never be defined in words that achieve full international consensus (CRONIN, 2009 p. 13). Inasmuch, some academics believe that terrorism can be at least "[...] conceptually and empirically distinguished from other types of violence and conflict" (WILKINSON, 2006, p. 1).

Nonetheless, a consensual definition is essential, as it allows for the development of "[...] shared methods, approaches, benchmarks and appropriate topics of study" (GORDON *apud* SILKE, 2004, p. 6). Without "[...] a useful definition of terrorism, a theory on the subject is not even possible" (ROCHE, 2004, p. 9). Thus, the term will lose all its utility and any war against undefined terrorism will ultimately become unmanageable and unsuccessful (GROB-FITZGIBBON, 2005; BEGORRE-BRET, 2006). The inability to find a definition favours the moral relativism, so present in this debate, and condescends with the cliché that one man's terrorist is another man's freedom fighter and with the duplicity of speeches so many times made, defending that, to be or not to be terrorism, does not depend on a method, a technique, on the way of acting, but on the political objective (JENKINS, 1980).

Even to avoid this relativism, establishing a definition is necessary. It is important to separate justice from the cause, from the methods used because "[...] what makes them terrorists is the nature of the acts themselves" (NATHANSON, 2010, p. 14). In this sense, "[...] of a group meets the criteria for justifiably going to war, its actions may still be immoral if they violate the rules about permissible forms of fighting" (NATHANSON, 2010, p. 18). Despite all the divergences on major divergences, there is a reasonable understanding of some characteristics of terrorism. Firstly, the violence or the threat of violence is always present. According to Laqueur (1999), "the only characteristic generally agreed upon is that terrorism always involves violence or the threat of violence" (p. 6). Furthermore, for Primoratz (2004), "[...] only two things are clear: terrorism is a type of violence, and it is a bad thing, not something to be proud of or support" (p. 10). Terrorism seeks to create a climate of fear, to have durable psychological effects beyond

the direct victims. It is aimed at the people watching, not the direct victims. In the words of Jenkins (1985), terrorism is theatre.

Besides, Tilly (2004) states that the word 'terrorism' is great to mobilise a population because of its strong immorality, and it is counterproductive from a scientific point of view *because* of this perceived immorality. According to the author, terrorism is “[a]n act of using force to achieve a political goal, when innocent people are the targets” (TILLY; 2004, p. 9). Here Tilly (2004) brings an important difference between victims and targets. Victims can be understood as the people that suffered directly and indirectly, however objectively, with a terrorist attack. On the other hand, a target is completely subjective, it goes beyond material damage. Terrorism thrives on media coverage. That is, an organisation may choose a target that symbolises something to their enemy and use force on a very concentrated and effective manner on the target to then to have a rippling effect within society. Targets are oftentimes symbolic; they represent the *status quo* that radical organisations and individuals are fighting against (SCHMID; JONGMAN, 1988).

Therefore, there needs to be a lot of publicity and the symbolic act against immediate victims to reach news media in a resounding way to produce the desired political effects against the enemy. The violence used is not an end in itself, but rather the means to achieve such desired political effect. The use of news media and other forms of communication is premeditated and planned by the group that executed the attack to manipulate, intimidate or coerce an audience through extreme fear (SCHMID; JONGMAN, 1988). Since the early 2000s, a new type of terrorist actor has emerged: the lone-wolf. The lone-wolves are self-radicalised individuals that plan and execute a terrorist attack without being part of a specific organisation and/or network. Even though the number of lone-wolves attacks has been increasing since the beginning of the 21<sup>st</sup> century, Bakker and de Graaf (2011) argue that they are not as statistically significant as terrorist attacks perpetrated by organisations. This is because organisations and groups have a more resource to finance, plan and execute terrorist attacks than individuals (BAKKER; DE GRAAF, 2011).

Furthermore, Tilly (2004) also differentiates terrorists from terrorist acts. The author argues that when referring to someone as a terrorist, it is assumed that this is the person's identity (or part thereof). Thus, the only characteristic that can determine that an individual is, *de facto*, a terrorist – because he is circumscribed enough – is to understand his actions as terrorist acts. According to Tilly (2004), recognising an individual as a terrorist act is extremely, depending exclusively on *who* defined the act itself. This presents the challenge of reification,

that is, treating an ontologically unstable phenomenon, such as terrorism, as if it is something real, tangible and stable rather than something subjective to time and context, highlighting the importance of establishing criteria to comprehend terrorism as the act in itself or the actor that commits the act.

In the end, Tilly (2004) questions if there is something that can be categorised as terrorism, once it is quite difficult for researchers to explain the phenomenon as a well-defined object. As previously mentioned, terrorism is a concept without ontological stability, which leads to the interpretation that the use of certain words or exhortations carry a certain political weight. In fact, if someone were to commit an act in the exact same manner against the exact same target but different people perceived that person as a soldier, or a terrorist, or a freedom fighter or a *guerrillero*, by using different words to describe the perpetrator, there is automatically an impervious noteworthy political undertone reflected behind every one of the concepts (TILLY, 2004). Seymour's (1975) famous argument that one man's terrorist is another man's freedom fighter derives exactly from the ontological instability and lack of clarity of what constitutes terrorism.

Terrorism is not a stable concept. It rather exists as a result of a complex ongoing dialectic between acts of violence in itself within the relations between the perpetrators and their targets. Thus, terrorism is a label in which meaning always reflects the possibility of change and whose use always emanates from someone, speaking from an established context to a specific audience. It is through discourse that the idea of terrorism and its subsequent perceptions are delivered to a social audience and transformed into an exceptional subject that may cause fundamental changes in a state's security organisations. Gallie (1956), argues that terrorism is an essentially contested and socially constructed concept, that is, through discourse, there is a reproduction and/or change in what is referred to and the definitions that are given are nor neutral reflections of a universally accepted constructed social reality.

The meaning of terrorism is in constant reconstruction, which not only describes what terrorism is within a specific time and context, but it is also responsible for reshaping social reality. The labels, lenses and the rhetorical debate surrounding the definition of terrorism points out that the issue lies in the dichotomy of what is, in fact, terrorism and what academics, decision-makers, organisations, society, media, etc., have decided to call terrorism. The first concerns, above all, the pragmatism of military organizations, which turn to this operational resource, caring only for the results to be obtained. The second is inherent to the circumstances of the state and civil society, since it fits into an alleged political utility, and the establishment

of counterterrorism frameworks. Due to the divergence in the classification of this type of crime at the international level, it is difficult to determine what types of violence constitute crimes of terrorism. In this way the International Community is unable to reach consensus. However, due to the increased terrorist threat, some guidelines have been defined on the concept and general characteristics of this phenomenon. Inasmuch as they are not only just words, then their use in a certain context will have objective and subjective consequences in society. Words cannot be perceived as merely words, but rather as political statements that have consequences, particularly in the field of security.

## ***2.2 Root Causes of Terrorism***

There are many studies on the causes of terrorism, however, no consensus has yet been reached. This happens since a consensus on the definition also does not exist - and it is necessary for an analysis of the causes (SCHMID, 2005). Furthermore, causality is a complex concept that, in order to be proven, needs to be tested. However, in the field of terrorism, it is not always possible to put theories to the test, isolating variables, as this phenomenon is always strongly influenced by the context. In addition, causality is difficult to detect, considering that it is unlikely to have control over all variables and involved. In other words, it is complicated to identify which variable is the cause and which is the consequence, and there may be variables involved that were not perceived by the researcher. Thus, it is more plausible to investigate relationships between specific factors and terrorism, instead of strict causal relationships (SCHMID, 2005). All engagement in terrorism is related to factors at the systemic level and individual level (HORGAN; TAYLOR, 2006).

“If we follow this path, it will imply, at least from a psychological perspective, a clearer understanding of the terrorist in his environment, and significantly, in order to do that, a much more explicit combination of political and psychological analyses. In fact, perhaps this analysis also takes the study of terrorism into a broader ecological framework, covering psychological factors within its political context” (HORGAN; TAYLOR, 2006, p. 587).

In other words, terrorism must be understood as a process that encompasses both psychological characteristics and its political and social context. John Horgan and Max Taylor (2006) argue that this process consists of three variables: a configuration of events, personal factors and the social, political and organizational context. The first variable is composed by the influence of the individual's past context, which contributed to his training. The second represents the individual's environmental and psychological context at present. The latter, in

turn, concerns the external context to which the individual is inserted, involving politics and the expression of ideologies. However, the external context would be, for the authors, a variable of greater weight than the context of personal life - that is, the organizational, political and social context, and even its expression through ideologies, would have great capacity to exercise control over the individual behaviour, having, then, a decisive role for the engagement with the terrorism (HORGAN; TAYLOR, 2006).

“In the later development of terrorism, perhaps mediated by personal responses to individual involvement in terrorism, we could hypothesize that the importance of the social / political / organizational context grows in importance in individual decision-making, and the influence of the configuration of events and personal factors decreases. Indeed, our knowledge of terrorist formation suggests that, explicitly (through training) and implicitly (through attribution of meaning), political ideology and organizational factors become increasingly influential in determining the behaviour of the individual and choices made” (HORGAN; TAYLOR, 2006, p. 594).

Therefore, in societies where there is a lack of justice, well-being and security, extremist ideas find more prosperous ground to spread and proliferate (SCHMID, 2005). In order to analyse the variables related to terrorism, the different levels of analysis must be taken into account: individual, group and system. The causes that lead an individual to terrorism are not the causes that lead to the occurrence of this phenomenon in a State. With this in mind, it is possible to analyse the question of causes in the light of *push* and *pull factors*. *Push factors* are those related to the structures of the environment that make room for the emergence of terrorism (such as, for example, poverty, unemployment or discrimination), while *pull factors* are more instrumental, as triggering factors - those that lead to radicalization (for example, group ideology, sense of belonging or perspective of glory) (HASSAN, 2012).

One factor that is repeatedly considered a cause of terrorism at the systemic level (*push factors*) is the lack of democracy. Schmid (2005) argues that it is essential, because through it, leaders can be deposed and criticized. In addition, good administration and social justice are also factors that prevent terrorism, since with that the chance of resistance against corruption and the chance of revolt against leaders who place themselves above the law are minimized. The law should not be used as an instrument of oppression and must respect the weak and minorities - as these conditions would also open space for the radicalization of individuals against the system (SCHMID, 2005). Thus, it is essential to consider the behaviour of the State in the causes of terrorism, since it causes reactions in the behaviour of non-state actors. According to Schmid (2005):

“[...] one reason for this is that the state's monopoly on violence has never been complete. Another is that there was an abuse of power by the holders of state power, including state terrorism. The root causes of terrorism by non-state actors can rarely be understood without also looking at the behaviour of state and state sponsored actors. The State can, both through its weakness (which provides opportunities for revolt) and through its strength (which can cause the abuse of state power and bring about the resistance of civil and uncivil society), contribute to the emergence of terrorism” (SCHMID, 2005, p. 130).

Tilly (1978), in turn, calls attention to another relevant aspect of democracy as a possible precursor to terrorism: freedom of expression. According to him, while in dictatorial regimes repression will suppress political expression and, thus, the incidence of terrorism, in democratic regimes, the lack of this oppression, freedom of expression and political association can lead to this phenomenon (TILLY, 1978). Furthermore, in democracies, the prosecution and prosecution of terrorism become more complex than in autocratic governments, since it is necessary to respect the civil rights of citizens. Finally, freedom of the press in democracies also gives the opposition a voice, opening up the possibility to attract supporters, and, even more, it makes terrorist attacks receive all the attention necessary for their success - which can be limited in autocracies (CHENOWETH, 2016). However, there is not enough evidence to support that the lack of democracy is a direct cause of terrorism (or the other way around), since it does not appear in all non-democratic states and, moreover, democracy does not guarantee its absence. phenomenon, since it exists in democratic states (GAUSE, 2005). “In a widely cited study of terrorist events in the 1980s, political scientists William Eubank and Leonard Weinberg demonstrate that most terrorist incidents occur in democracies and that, in general, both victims and perpetrators are citizens of democracies” (GAUSE, 2005, p. 63). In addition, there are authors who predict a correlation between democracy and terrorism, but do not assume it as causality, as is the case with Robert Pape (GAUSE III, 2005).

“Robert Pape concludes that the targets of suicide bombers are almost always democracies, but that the motivation of the groups behind these attacks is to fight against the military occupation and for self-determination. Terrorists are not driven by a desire for democracy, but by their opposition to what they see as foreign domination” (GAUSE III, 2005, p. 63).

Just like democracy, and the other variables often pointed out as causes of terrorism, religion alone does not explain the phenomenon - it needs, therefore, to be related to other factors - political, economic or social (CLUB DE MADRID, 2005).

“Scholars agree that while religion has been an important factor in recent acts of terrorism, it is rarely the only one. Ideologies, goals and motivations are often



intertwined with those that are economic, social and political. The group's decision to resort to violence is generally situational and is endemic to the religious tradition to which the group is linked. Islam does not cause terrorism, nor any other religion with which terrorist acts have been associated" (CLUB DE MADRID, 2005, p. 27).

What is particular about religious terrorism is its transcendental dimension. Perpetrators consider their acts to be justified in a sacred way, which makes them more prone to higher levels of violence. In this way, religion, in many cases, gives a certain legitimacy to the terrorist act (HOFFMAN, 2006). As for the relationship between poverty and terrorism, there is also little consensus, however, Abadie (2004) does not find, in his studies, an association between economic variables and terrorism. Besides him, Piazza (2006) argues that socioeconomic factors do not lead directly to terrorism and that this relationship "can be complex or, perhaps, illusory" (PIAZZA, 2006, p. 161).

Other authors, such as Martha Crenshaw (1981), consider that terrorism occurs both in the context of violent resistance to the state and in the service of the interests of the State, in this way it would be any and all actions that constitute a political act. Terrorism is an attractive strategy for small organizations of diverse ideological strands - whether religious, political, ethnic - who want to attract attention to their cause, provoke the government, intimidate opponents, attract the sympathy of civilians, impress an audience or promote the adherence of the faithful (CRENSHAW, 1981). Even the most persuasive statements about terrorism are not made in the form of testable propositions, nor are they of comparative origin. Many are partial analyses, limited in scope to left-wing revolutionary terrorism, rather than terrorism, which is a form of protest or a reaction to political or social change. A narrow historical or geographical focus is also usual, and most explanations concern modern phenomena. According to Crenshaw, in general, propositions about terrorism have no logical comparability (CRENSHAW, 1981).

Thus, it is possible to conclude that there is no concrete evidence of a linear relationship between democracy - or the degree of citizens' freedoms -, religion, or poverty / socioeconomic conditions and the incidence of terrorism - however, at the same time, there are several studies that show some relationship, mainly non-linear and indirect. Thinking about it, Piazza (2007) proposes, alternatively, a study of the relationship between failed states and terrorism, pointing out that they provide conditions for the emergence of new terrorist groups and also provide an environment for the emergence of new groups. This is because failed states do not have solid government institutions, failing to provide basic living conditions for their citizens and also failing to control conflicts. In this way, the legitimacy of these governments is questioned and,

in many cases, even challenged by the citizens themselves. In addition, failing to project their power internally, failed states often become a great environment for terrorist groups to put their own power into practice (PIAZZA, 2007).

In this way, failed states can be configured both as an enabling environment for the emergence of terrorism and as a place in which existing terrorist groups see space for action and recruitment - since society, in general, is not satisfied with the conditions of life. In addition, there are conditions, in failed states, for these terrorist groups to obtain operational and financial assets even from state agents or elites - so they can enjoy training and communication bases, or even sponsorship. Finally, as the government is unable to impose or enforce laws, it is possible that it will allow groups to act illegally within its territory, whether by practicing contraband, trafficking or counterfeiting (PIAZZA, 2007).

However, Aidan Hehir (2007) disagrees that there is a causal relationship between failed states and terrorism, so that the former is an exclusive factor of the latter. He argues that this relationship is only a way to delegitimize an enemy or even to serve as a pretext for interventionism and leadership in the West. In addition, the nature of failed states is diverse and can manifest itself as coercive or administrative incapacity - and, moreover, there are a large number of states considered to be bankrupt that do not present terrorism, such as Sudan and Haiti. In addition, there is the presence of multiple terrorist organizations in states that are not bankrupt states. Therefore, according to the author, this relationship is illusory (HEHIR, 2007).

Alan Krueger and Jitka Maleckova (2003), in turn, argue that it is possible to vigorously consider the relationship between the lack of civil rights and terrorism - even more than if compared to the relationship between the same and other socioeconomic factors, mainly taking into account the political character of the phenomenon. (KRUEGER; MALECKOVA, 2003) Attention is also drawn to a possible relationship between political freedom and terrorism, but so that States with a medium level of freedom would be the most prone to terrorist activity (ABADIE, 2004).

“Countries with intermediate levels of political freedom are more prone to terrorism than countries with high levels of political freedom or countries with highly authoritarian regimes. This result suggests that, as happened recently in Iraq and previously in Spain and Russia, the transitions from an authoritarian regime to a democracy may be accompanied by temporary increases in terrorism” (ABADIE, 2004, p. 3).

Finally, Sirseloudi (2004) proposes a list of variables that may be related to terrorism, although it is not known how this relationship occurs and, even if a determined arrangement of these variables is necessary. Among them are: absence of democracy, absence of the rule of law, absence of good governance, absence of social justice, high distributive inequality, failed states, among others. Furthermore, it proposes possible accelerators or precipitating factors, acting as catalysts for the occurrence of terrorism, such as: decline in support, violent political conflicts, successful rival groups, humiliation of groups, threats, elections, among others (SIRSELOUDI, 2004). With this in mind, a thorough analysis is necessary to determine exactly which characteristics of the environment really influence - and whether they directly or indirectly influence, as precursors or catalysts - in the emergence of terrorism. And, moreover, if there is a certain specific arrangement of these variables - so that a combat or counterterrorism strategy can be effective. In addition, the context of each particular event cannot be disregarded in any way, since terrorism may arise in response to different situations (SAWALHA, 2017) Understanding the conditions for this emergence are essential for it to be possible to determine and analyse ways of countering terrorism.

### ***2.3 Counterterrorism and Counterterrorism Models***

According to Paul Wilkinson (2006), counterterrorism is not a universal measure, the type of action is decided taking into account each specific conflict. However, in democracies, civil rights and freedom must be preserved in this process, since the very purpose of counterterrorism is to preserve the democratic principles and civil liberties that are threatened (PEDAHZUR; RANSTORP, 2001). For Martha Crenshaw (1981), the response to terrorism involves the joint work of government institutions (regardless of political currents or levels of government), the media, interest groups and the elite, but likewise, the population. Thus, despite the secrecy inherent in the formulation and implementation of policies on such sensitive issues, public debate should not be excluded. Since the sources of terrorism are multiple, any society or policy that allows opportunities for terrorism is vulnerable. Governmental reactions that are inconsistent, wavering between tolerance and repression, appear to be more likely to encourage terrorism (CRENSHAW, 1981).

Counterterrorism measures also vary according to the timeframe concerning the terrorist attack. There are two responses: short-term responses (those that address an immediate threat or attempt to resolve a particular incident) and long-term responses (those that focus on the future, whether in terms of prevention, deterrence or structural reforms). In addition to the

timeline, government responses are also characterized by being reactive (which tend to be incident-oriented, focusing more on the past than on the future) or proactive (with a focus on the long term, for the possible emergence of new ways terrorism). As a result of new political conflicts, as well as new methods of preventing old forms of terrorism, such as increased defensive measures against possible targets. The reactive tend to underestimate potential side effects and unexpected consequences, which makes it very difficult to find the balance between effectiveness and acceptability (CRELINSTEN, 2015).

Since the nature of the terrorist threat, including the type of group involved, and the cultural traditions of the country in question, are important elements in determining potential effectiveness, providing an overview of the methods used in this fight, their respective advantages and disadvantages, which, despite the last few years, seems to be current and relevant. According to Crelinsten and Schmid (1992), the most common way to differentiate the options for responding to terrorism is to separate them between a soft line and a hard line, or, according to Sederberg (1995), between a conciliatory and repressive response. The conciliatory response is composed of the most common forms are accommodation - including direct negotiations with terrorists and the possibility to grant so-called demands; and reform - usually focused on aspects reported by terrorists without negotiating directly with them. As for the repressive response, its most common forms consist of repressive and war policies, or, according to the designation adopted by Crelinsten (2015), respectively, the criminal justice model and the war model. In the first case, counterterrorism is subject to the rule of law, treating terrorism as a crime. In the second, counterterrorism adheres to the rules of war by treating terrorism as a special form of war or low-intensity conflict.

A coercive response includes many of the repressive and military legal options, while the political response or, according to Crelinsten (2015), the communication model response, may include concessions and possibly accommodation of terrorist demands, although direct concessions are generally more of an immediate end terrorist violence or coercion than to satisfy political demands. Because political recognition is what terrorists generally seek, few governments negotiate with terrorists about meeting their political demands, although some have tried to institute reforms that could lead to terrorist action. First, political commitments can undermine most of the democratic decision-making process. Second, such commitments can trigger potentially terrorist violent reactions from groups at the other end of the political spectrum. Third, they can strengthen the choice of terrorism as a means of achieving political and personal goals. On the other hand, while coercive responses may be effective in the short

term or reduce the coercive capacities of terrorists, they may be less effective in the long run, either by triggering cycles of violence and violence or by strengthening the political capacities of terrorists. encouraging sympathies for their cause, encouraging recruitment to the terrorist movement or provoking public antipathy for the coercive response of the state (CRELINSTEN, 2015).

It is important to note that, in reality, none of these models exist and work purely - there is often a mixture of different models and also adaptations to deal with real problems (ERBAY, 2012). The war model became more evident in the post-9/11 era. Because it treats terrorism as an act of war, and since wars are fought between states, it tends to give credit and raise the status of terrorist groups. It is centred on the maximum use of force to dominate an enemy; however, it must follow the laws of war (it should, but it is not always done) (CRELINSTEN, 2014). The disadvantages of this model are that it usually takes a long time to complete, since its success depends on the defeat of the enemy. This then leads to an extension of war efforts (CRELINSTEN, 2015). Thus, States do not always have the resources to maintain wars for a long time (ERBAY, 2012). Another disadvantage is the “risk of unintended consequences that can increase violence” (CRELINSTEN, 2015, p. 4). First, the excessive use of force that can happen can lead to feelings of revenge among terrorists. So, the first big risk is the chance of retaliation and the use of violence on the same scale. In addition, it can lead to more radicalization of individuals. Another risk is that the use of military responses may create a need for the target to improve its own tactics and increase cohesion, thereby leading to the strengthening of the group. (ERBAY, 2012) The war model also has a great risk of false positives, that is, killing innocent people - since the distinction between combatants and civilians can be blurred (STEINBERG; ESTRIN, 2014).

“Although the use of force against terrorists can be effective in destroying their coercive capacities in the short term, there is also a high probability of creating cycles of violence and counter-violence, revenge and counter-revenge or creating more political leverage for terrorists, creating sympathy which in turn provides a new recruitment field for terrorist organizations” (ERBAY, 2012, p. 12).

When placing military responses above political solutions, there is a risk of “[...] militarization of politics [...]” and “[...] a tendency in society to deal with political problems through the use of weapons [...]” (ERBAY, 2012, p. 5). In trying to defend civil rights and liberal democracies, states can easily end up using the same methods that are against what they are trying to defend. Thus, the approach to war can put civil rights at risk as much as terrorism itself (NEUMAN, 2004).

“The last problem related to society can be called the problem of legitimacy, and it also stems from the potential of military organizations to use excessive force. States blame terrorist organizations for the use of illegal force. But if states use force without considering legality, they risk being morally equivalent to terrorist organizations. In cases where states do not adhere to the rule of law, they risk losing their victim status and losing the legitimacy of their fight against terrorism, both nationally and internationally” (ERBAY, 2012, p. 6).

The criminal justice model considers terrorism as a crime; therefore, it tends to delegitimize terrorists, not to give them any special treatment and focusing on the criminology of actions and not on ideological motives (CRELINSTEN, 2014). In this case, the fight against terrorism is placed under the rule of law - considering the fear that democracies will lose their legitimacy if civil rights are not respected, as they are the basis of that same democracy (JERVIS, 1997). The problem with this approach is that it puts civil liberties above efficiency and that it depends heavily on bureaucracies and state institutions, which can result in a very slow process (CRELINSTEN, 2015). This works in favour of the terrorist, since there is a great concern to avoid false convictions - which then leads to an increased chance of false negatives (considering an innocent culprit) (STEINBERG; ESTRIN, 2014). Both the war model and the criminal justice model act as responses or reactions to terrorism - they deal with it after an attack occurs. The objective of the criminal justice model is to punish those who commit acts of terrorism, which are against the law, while the war model responds to terrorism as acts of war (ERBAY, 2012). Although the model of war offers an effort in prevention (by attempting to incapacitate and deter), it carries several risks - especially of leading to retaliation. Therefore, in most cases it is not effective in preventing terrorism alone. (STEINBERG; ESTRIN, 2014) It is important to note that these models are theoretical and do not exist in a pure way when applied to reality (ERBAY, 2012).

Some of the main measures taken since then involve the ban on financing terrorism, as well as the provision of funds, both by the State and its citizens; the commitment of States to prevent attacks, mainly through the exchange of information; denial of asylum to terrorists or collaborators; and movement control through greater inspection of borders and documents. Furthermore, Jeffrey D. Simon (2013) also points out other measures taken over the years, mainly by the United States, as the terrorist threat grew on the international stage. Among them are: development of bomb interception strategies; evolution of detection technologies, such as airport X-ray machines; implementation of air monitors for detecting biological weapons; expansion of camera circuits in public places; improvement of biometric technologies; as well as expanding the monitoring of activities over the internet (SIMON, 2013). With these

limitations in mind, it can be said that, in order to achieve maximum effectiveness, a counterterrorist strategy needs solid preventive measures. (CRELINSTEIN, 2015) In this way, it can help reduce the number of attacks and also reduce fear - reducing the effect of terrorism. In addition, it is also crucial that the strategy to combat terrorism is in line with human rights (since it is basically undertaken to prevent human rights violations) (WHITE, 2013). There are different ways to put preventive conduct into practice. First, there is short-term prevention and long-term prevention. The first focuses on preventing just one attack, but does not cover terrorism as a whole. The second, on the other hand, focuses on addressing the root causes of terrorism in general. (STEINBERG; ESTRIN, 2014)

“The latter type involves addressing the root causes of terrorism, determining why individuals engage in terrorist activities in the first place, how they become violent extremists or what compels them to join terrorist organizations, as well as how to mobilize governments and publics to support counterterrorist efforts. There is a tension between these two types of prevention. The incapacitation of terrorists through targeted detention or murder can prevent short-term attacks, but paradoxically, it can work against long-term prevention. The use of force against terrorists can lead to retaliation” (STEINBERG; ESTRIN, 2014, p. 166).

Short-term prevention includes what Crelinsten (2015) regards as a proactive counterterrorism (CRELINSTEN, 2015). The proactive approach includes what is considered a third model of counterterrorism, combining the models of war and criminal justice. It is called “expanded criminal justice” and covers the two previous models, resulting in a combination of them. This model uses military force, but is also concerned with not violating legal rules. (PEDAHZUR; RANSTORP, 2001) These alternative tries to combine the armed forces and their effectiveness, however, with less damage to democratic principles. (STEINBERG; ESTRIN, 2014)

““Expanded criminal justice” regards terror as an exceptional phenomenon and, therefore, despite the aspiration to adhere as much as possible to the “rule of law”, the legal limits are extended to allow a more effective response to terrorism, while which renounces some liberal principles and in general abuses freedom of expression and action. However, contrary to the “war” model, the means exercised within the framework of the intermediate model are not sufficient to completely violate the limits of the broad definition of the democratic political system” (PEDAHZUR; RANSTORP, 2001, p.6).

This model includes early detection and proactive means, based on intelligence policies, with surveillance and monitoring (CRELINSTEN, 2015). It also means, among other things, criminalizing acts committed before an attack - such as financing, support and recruitment (LABORDE, 2006). In the long run, preventive measures include *soft power* initiatives designed to address so-called root causes. They incorporate measures aimed at structural factors

to prevent the emergence of terrorism. These measures may include development initiatives, involving economic issues, market regulation, land distribution, and etc; human rights initiatives, concerned with the promotion of civil rights, education, gender equality, inclusion of oppressed groups; and many others. It is essential to prevent individuals from becoming terrorists in the first place, especially through programs to combat radicalization and offering alternatives to terrorism (RINEHEART, 2010). Preventive measures must also include initiatives for social development and also ideals of human security - embracing the promotion of human rights. They also involve persuasive counterterrorism measures, which means communication, in order to induce the public to these alternatives. In this case, messages that terrorism is ineffective and counterproductive try to undermine the terrorists' propaganda and ideology (CRELINSTEN, 2015). "Long-term counterterrorism refers to initiatives that do not promise quick fixes, but are performed over the long term. This includes mastery of "root causes" and the most structural factors that can create an appropriate climate for the promotion and use of terrorism" (CRELINSTEN, 2014, p. 9). Addressing the root causes in a long-term strategy is not a simple task. First because, as discussed at the beginning of this article, there is no consensus on these causes. There are no specific or proven factors that lead to terrorism (SCHMID, 2005). And, even if it did exist, there is no evidence that such a strategy would have an effect - especially when considering that terrorism occurs in solid democracies and not just in weak or failed states (JERVIS, 2005).

"[...] even if political oppression, weak states, poverty and economic inequality were the real roots, "there is little reason to think that we can deal with them effectively". [...] "we cannot point to solid evidence that doing so would make a big difference". [...] Assistance can increase the standard of living, the level of education and the general quality of life in some countries. However, it is difficult to argue that locals would resort to terrorism or political violence without it. In addition, the root cause theories should discuss the fact that local terrorists are radicalized and carry out attacks in democratic countries, as well as in weak and bankrupt nations - and that, while poverty and economic inequality are prevalent worldwide, terrorism is not" (RINEHEART, 2010, p. 38).

Discussions on counterterrorism measures have for two decades identified two approaches to combating terrorism: the hard approach and the soft approach. The hard approach focuses on kinetic measures, which are largely security operations using force, intelligence and surveillance, as well as killing, capturing or detaining terrorists. The soft approach, on the other hand, encapsulating a series of non-coercive tools and programs, seeks to understand and address the radicalization process and involves the community. Although these two have been in the policymakers' toolkit for decades, states have shown a penchant for



a challenging approach. In recent years, analysts have broken these approaches down into three: tactical, operational and strategic. According to Steven and Gunaratna (2004), the fight against tactical and operational terrorism focuses on kinetic and reactive means to kill and arrest terrorists and interrupt their operations. On the other hand, the fight against strategic terrorism, alternatively referred to as the fight against violent extremism, is both preventive and corrective. Overall, combating strategic terrorism aims to combat the threat of terrorism emanating from group members and supporters through: (a) community engagement to build social resilience and combat extremism; and (b) rehabilitation and reintegration to de-radicalize terrorists and extremists.

Furthermore, Wilkinson (2006) argues that counterterrorism cannot be perceived as a universal measure, but it is rather necessary to take into consideration particular contexts. Nonetheless, in democracies, civil rights, freedom and human rights must be preserved in this process since the very purpose of counterterrorism is to preserve the democratic principles that are threatened (PEDAHZUR; RANSTORP, 2001). For Crenshaw (1981), counterterrorism responses involve the joint work of governments, the media, international organisation and civil society. Thus, despite being inherently a security issue, public debate should not be excluded from the formulation and implementation of counterterrorism policies.

**Table 1.6 – Counterterrorism Models**

<b>Model</b>	<b>Defensive</b>	<b>Reconciliatory</b>	<b>Criminal-Justice</b>	<b>War</b>
<b>General Features</b>	Terrorism is a physical and psychological threat	Terrorism is a political problem	Terrorism is a crime	Terrorism is an act of war
<b>Goals and Methods of the State</b>	Protecting potential targets and victims	Addressing root causes of terrorism	Arrest and punish terrorists according to the rule of law	Eliminate terrorism through military force
<b>Legal Aspects</b>	Corresponds in most cases to the elements of liberal democracy, with exceptions when practices undermine civil liberties	Corresponds with the law	Corresponds with the law and is subject to constant judicial oversight	Corresponds to laws of war, or may ignore law entirely
<b>Agents</b>	Police, private security companies, firefighters and paramedics, other state and municipal agencies	Politicians, policymakers, brokers, diplomats	Police and the criminal justice system	Intelligence and military units

**Source:** PEDAHZUR, 2009, p.2.

As seen in the table above, there are four models for countering terrorism: the war model; the criminal justice model; the reconciliatory model; and the defensive model. As previously mentioned, the criminal-justice and the war model are responsive counterterrorism models, that is, states and international organisations develop and implement counterterrorism policies within these models after the attack(s) have already been executed. Furthermore, Padhezur (2009) presents two other models of counterterrorism: the defensive model and the reconciliatory model. The first does not focus on countering terrorism *per se*, but rather in protecting potential victims and targets. It is left for the reconciliatory model to actually try to mitigate the root causes of terrorism that stems from the layers of social, political, economic and cultural grievances of specific groups of people and/or individuals. In this model, it is the job of politicians and the representative bodies of governments to deal with terrorism. It is also important to note that counterterrorism models are what Weber describes as ideal types, in other words, they are hypothetical constructions of social phenomenon that can be observed in the real world. In this case, counterterrorism models are not mutually exclusive, but rather they are applied in varied ways depending on the contexts in which empirical evidence is inserted. Pedahzur (2009) also argues that when a society is threatened, the state is more likely to minimise the use of the reconciliatory model and lean on defensive measures. The author also notices that when countering terrorism is located outside the borders of a state, they tend to prefer the war model rather than any of the others available.

According to Crelinsten (2015), in order to achieve maximum effectiveness, counterterrorism needs to encompass solid preventive measures to help reduce the number of radicalised individuals and the number of attacks. Minimising the attacks means minimising the fear and, consequently, the effects of terrorism itself. Furthermore, it is also crucial that counterterrorism is in line and respects human rights and civil rights, since it is basically undertaken to prevent human rights violations (WHITE, 2013). According to Wilkinson (1986) *apud* Pedahzur (2009):

“The primary object of counter-terrorist strategy must be the protection and maintenance of liberal democracy and the rule of law. It cannot be sufficiently stressed that this aims overrides in importance even the objective of eliminating terrorism and political violence as such. Any bloody tyrant can “solve” the problem of political violence if he is prepared to sacrifice all considerations of humanity, and to trample down all constitutional and judicial rights” (WILKINSON 1986, *apud* PEDAHZUR, 2009, p. 125).

There are multiple ways to put preventive counterterrorism into practice. First there are short-term and long-term preventive actions. Short-term preventive actions focus on countering

the immediate threat but does not cover all the aspects of counterterrorism. On the other hand, long-term preventive actions address the root causes of terrorism in general, in an attempt to understand the radicalisation process and how to mobilise the government and civil society in joint counterterrorism and counter-radicalisation efforts (STEINBERG; ESTRIN, 2014). “There is a tension between these two types of prevention. The incapacitation of terrorists through targeted detention or murder can prevent short-term attacks, but paradoxically, it can work against long-term prevention. The use of force against terrorists can lead to retaliation” (STEINBERG; ESTRIN, 2014, p. 166).

In the long run, preventive measures include soft power initiatives designed to address root causes of terrorism. They incorporate measures focused on structural factors to prevent the emergence of terrorist organisations and radicalised individuals. These measures include the development and implementation of policies regarding economic issues, market regulations, land distribution, human rights initiatives, the promotion of rights, education, gender equality, inclusion of oppressed and/or underrepresented groups in government, etc (RINEHEART, 2010). It is also of the utmost importance the role of communication and social media to present and gain public support to implement these policies. For Crelinsten (2015, p. 9), “[l]ong-term counterterrorism refers to initiatives that do not promise quick fixes but are performed over a long period of time. This includes the mitigation of “root causes” and the most structural factors that can create an appropriate climate for the promotion and use of terrorism”.

Inasmuch, there are possibilities to differentiate between domestic responses and international responses, the first of which includes all legal and administrative policies applicable in a single state, including diplomatic political approximation, such as the strengthening of international legal instruments that deal with terrorism, economic sanctions, such as sanctions against states that support terrorism or actions against drug or arms trafficking, and military approach, such as the use of preventive strikes, retaliation or even large-scale military interventions (CRELISTEN, 2015). The political dimension of counterterrorism is particularly important in democratic societies. If the general public, and especially the media, perceive the differences between short- and long-term gains, and between national policies and international policy concerns, then it may be easier to implement a more flexible counterterrorism strategy that can balance needs for efficiency and acceptability. Although the analysis presented by Schmid and Crenlisten (1992) of the counterterrorism models to which the communication is added, and the suggestion that terrorist offences are considered war crimes in peacetime, is only one of several proposals by several authors to

describe and synthesize the different trends within the structure of this struggle, and keeping in mind that in practice these models often overlap and mix, providing a good framework and a starting point for reflection on the complex problem of the fight against terrorism.

In declaring terrorism as a threat, its fight requires specific measures, all complementary to each other, of which only one can be truly effective with the help of the others. Rees (2006) stated that all these measures must be guided by four political guidelines: the first, and the most important principle, is that there must be a political will to defeat terrorism; the second guideline is that governments should avoid the hyper-reaction that will alienate moderate public opinion, silence important sources of information and get people to equate the state with those who want to destroy it; third, governments must explain and publicize their anti-terrorist program to the general public; the implementation of the necessary reforms must be rapid; the fourth principle is that any grant of political status to the terrorist organization is counterproductive since it legitimizes and encourages terror.

Denial of political status is therefore at the heart of all effective counterterrorism strategies. In the same way, Wilkinson (2003) wrote, referring to what he considers to be the five cardinal principles of an effective response to terrorism for a liberal democracy, which would be: (1) not to give in to terrorism and maintain an absolute determination to defeat it according to law and democratic procedures; (2) not to negotiate or make concessions, even in the face of the most intense intimidation and blackmail; (3) intensify efforts to bring terrorists to justice by capturing and prosecuting them in court; (4) taking firm measures to penalize sponsoring states by providing refugees, weapons, explosives, financial resources and moral and diplomatic support to terrorists; (5) never allowing terrorist acts to block or nullify political and diplomatic efforts to resolve underlying conflicts in regions hit by violent clashes, as in the Middle East.

Although these principles are very general and the most democratic states confronted with terrorism have, in some circumstances, violated some or all of them, Wilkinson (2003) considers that their violation has serious long-term implications, causing extensive political damage. For example, appeasement policies, agreements with terrorists, indiscriminate repression, abuse of legal procedures, etc., harm not only the individuals directly involved, but also the integrity and legitimacy of the entire system, thus being used for terrorist propaganda. Wilkinson's (2003) principles include, in part, Rees's (2006) policy guidelines and, in general, both complement and seem to reflect principles of the highest importance, whose goodness is supported by broad consensus. More important, however, is the fact that they imply the

imperative to always act firmly, but without abdicating values, guarantees and freedoms characteristic of a plurality and liberal democratic societies. This is exactly what Wilkinson (2003) expresses firmly, but without giving up the values, guarantees and freedoms characteristic of liberal and pluralist democratic societies.

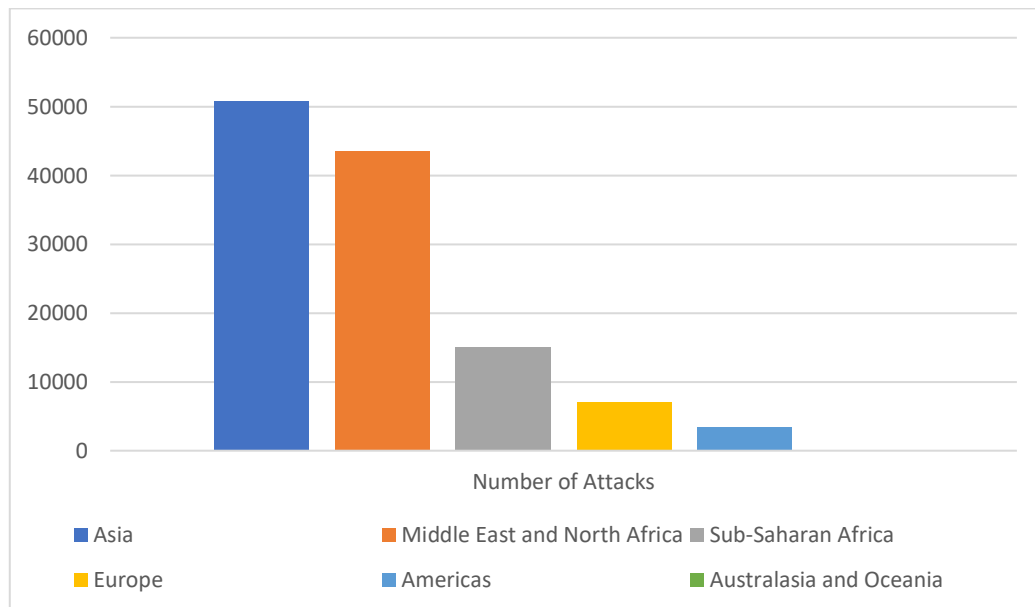
**SECTION I**

**EUROPEAN LANGUAGE, POLICIES AND COUNTERTERRORISM PRACTICES**

### 3 EUROPEAN TERRORISM TRENDS

Before presenting the language of counterterrorism and the subsequent counterterrorism practices created and augmented in the European Union, it is important to trace an overview of the actual terrorism challenges the EU has faced from 2001 and 2018. Therefore, this chapter presents the statistical analysis from the data collected from the GTD and the Europol's TE-SAT. According to the Global Terrorism Database (GTD), there were a total of 119,806 terrorist attacks worldwide between the years of 2001 and 2018. The regions more affected by terrorism, as seen in Graph 1, are Asia and the Middle East and North Africa, victims of 78,6% (a total of 94,174) of all terrorist attacks. In third place comes Sub-Saharan Africa with 12,6% (a total of 15,055) of all the attacks, in fourth comes Europe (including all states in the region) with 5,8% (a total of 7,005) of all the attacks, in fifth comes the Americas (including North, Central and South) with 2,9% (a total of 3,480) of all the attacks, and last but not least, in sixth place Australasia and Oceania with 0,1% (a total of 92) of all the attacks.

**Graph 3.1 – Terrorist Attacks per Region 2001-2018**



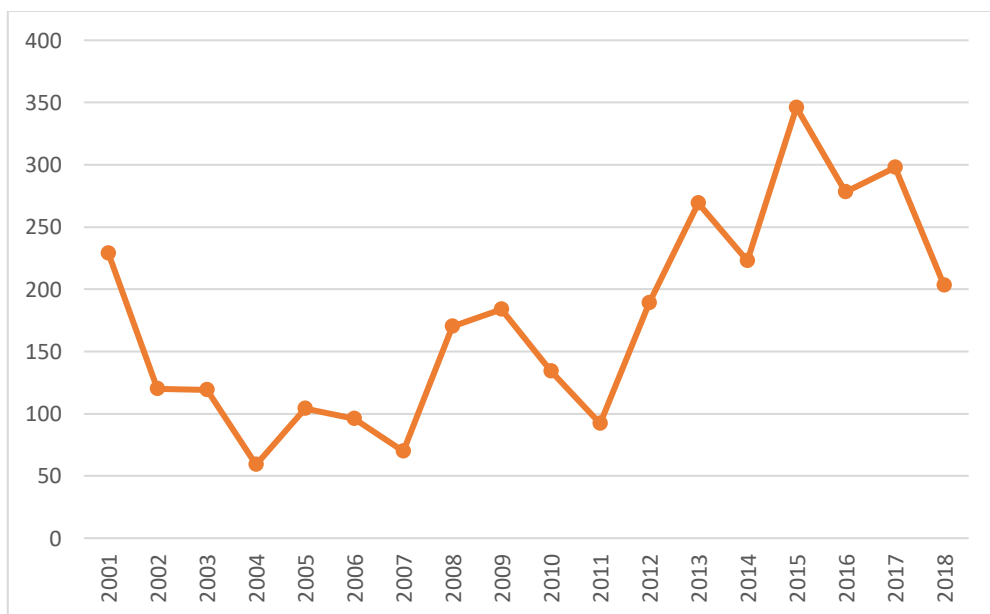
**Source:** START, 2020 adapted by the author.

Even though Europe, or rather a great part of European countries that are EU member states, is the focus of this research, according to the data presented in Graph 3.1, it is one of the regions in the world less affected by terrorism. In comparison to regions such as Asia and the Middle East and North Africa, the terrorism threat in Europe is not as imminent as it is thought out to be. Furthermore, from the 7,005 terrorist attacks that were committed in Europe,

approximately 46% (a total of 3,197) were within the borders of the European Union. In a world scale, this corresponds to 2.7% of all terrorist attacks committed, 0,2% lower than all terrorism in the Americas. Graph presents the number of attacks in the EU between 2001 and 2018. It is interesting to observe that between 2002 and 2004, there was a decrease in the number of terrorist attacks in the EU, reaching its all time low in 2004 with 59 attacks.

With the Declaration of the War on Terrorism by the US after the 9/11 terrorist attacks in 2001, the EU declared its full support to the ally, contributing politically and economically on the Afghanistan war in 2002. That same year the EU established its first counterterrorism policy. With the invasion of Iraq by the US and its allies, the EU faced a tense moment in its regional policies, with the member states being divided into the anti-war campaign lead by France and Germany and the UK, Portugal, Italy and Spain supporting the American endeavours in the Middle East. In 2011, the number of terrorist attacks increased dramatically. That same year the Syrian civil was broke out, and two years later, in 2013 the Islamic State established its caliphate in the Syrian and Iraqi territories. At the same time, it was the start of the refugee crisis in Europe, with a large number of people fleeing the wars in the Middle East, reaching its peak in 2015. That same year, the number of terrorist attacks in the EU reached its all time high with 346 attacks.

**Graph 3.2 – Terrorist Attacks in EU Member States 2001-2018**

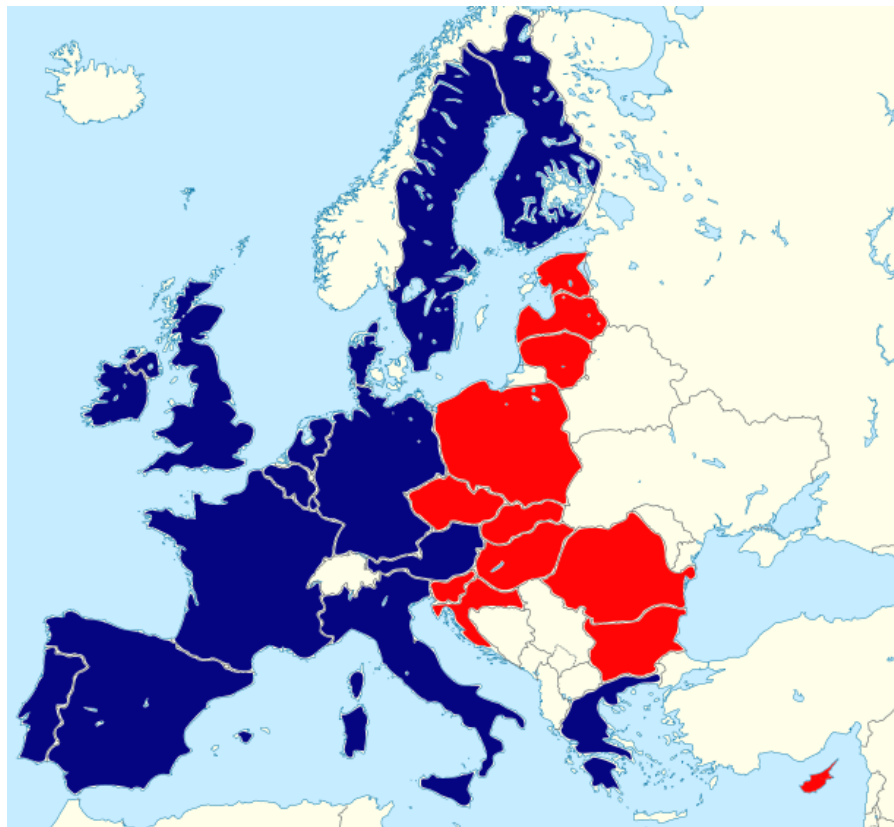


**Source:** START, 2020 adapted by the author.



As mentioned in the Methodology and Research Design section in Chapter 1, the EU has expanded and welcomed a new wave of Eastern members in 2004, 2007 and 2013. Map 1 presents the Western (in blue) and Eastern (in red) EU member states. There are two elements in this map that are quite interesting to observe regarding Eastern states and Greece. The widening movement of the EU and the acceptance of Eastern member states were to reinforce the establishment of democratic institutions in post-Soviet states and to curb Russian influence in the region, providing a buffer zone between Western Europe and Asia and the Middle East. It is the area with the largest (and only) terrestrial EU borders. It is important to make this division between Western and Eastern Europe to understand if terrorism really is a shared threat to all member states or if it ‘behaves’ differently in both regions.

**Figure 3.1** – Map of Western and Eastern Europe



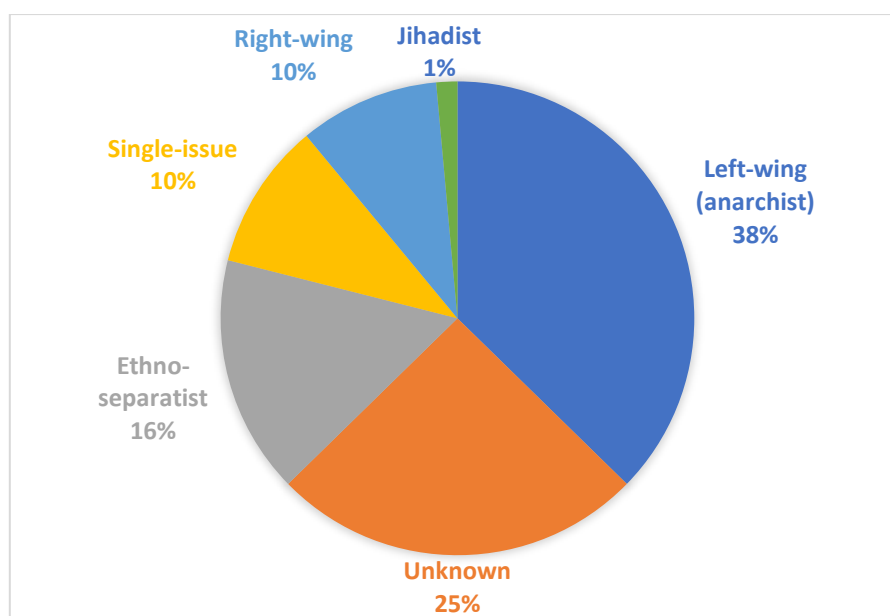
**Source:** developed by the author.

From 2001 to 2018, there were 3197 terrorist attacks in the EU, 1 attack per 140 thousand citizens approximately. Overall, there was an average of 114 attacks per member state and an average of 188 attacks per year. Out of these attacks, 3128 were committed in Western Europe, averaging 184 attacks per year. On the other hand, between the same period, Eastern

Europe suffered 69 terrorist attacks, averaging 4 attacks per year. This means that 98% of the terrorist attacks in the EU were committed in Western member states, and only 2% were committed in Eastern states. Terrorism might be a threat to all of the EU, but it certainly poses different levels of threat to both regions. Interestingly, there were only two member states that did not have any terrorist attacks: Luxembourg and Slovenia. The terrorist attacks culminated in a total of 840 fatalities and 5766 injured. For every fatality, there is an average of 7 people injured. Due to the disparity between attacks in Western and Eastern Europe, 97.7% of the fatalities and 98.7% of the injuries were consequences terrorist attacks in the West whereas 2.3% of the fatalities and 1.3% of the injuries were consequences of terrorist in the East.

Furthermore, the terrorist attacks were committed by 207 organisations and/or individuals, averaging 15 attacks per perpetrators. Interestingly, as presented in Graph 4, jihadist inspired terrorist attacks are responsible for a total of 32 attacks between 2001 and 2018. That is 1% of all terrorist attacks in the EU. On the other hand, left-wing (anarchist) inspired terrorism is responsible for 38% of all attacks, followed by the 'unknown' typology, responsible for 25% of all terrorist attacks. Suffice to say that jihadist inspired terrorism might be a threat to EU member states, but it is not the only one, and by far not the largest one either. As previously mentioned, the 'unknown' category was established in order to take into consideration groups and/or individuals that did not fit in other typologies and groups and/or individuals that have not made their intentions and/or ideologies clear.

**Graph 3.3 – Attacks per Terrorism Typology<sup>15</sup>**



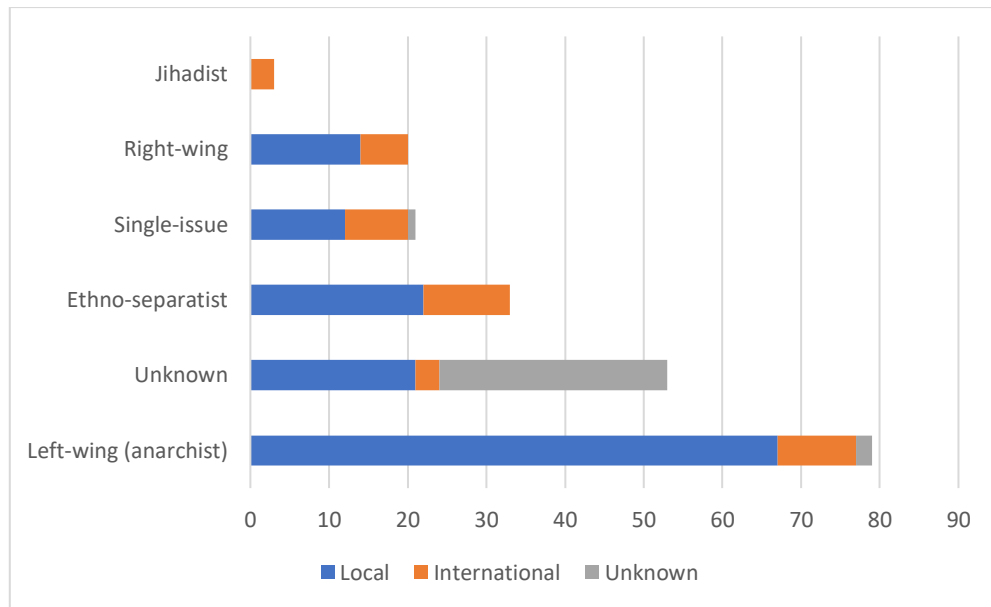
**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

According to the 2006 TE-SAT report, Europol recognises that terrorist groups and/or individuals can with be local, that is, their interest and activities are within state boundaries, or international/transnational, that is, they act in multiple locales and their interests cross state borders, regions and even continents. Graph 4 is the visual representation of the activity locales of groups and/or individuals in the EU per terrorism typology. Most of the terrorist perpetrators are local, that is, they act within state borders according to their interests, goals and political objectives. On top of that, the majority of the local groups are left-wing (anarchists). Once again, the unknown category represents the perpetrators that do not fit in to the other categories and/or have no information available on them. Ethno-separatists' activities on the other hand, can be split in three trends: there are domestic groups that want independence from a state, much like the Irish Republican Army (IRA) and its affluents; there are groups that want independence from two or more states, like ETA and other Basque groups; and there are those groups that want independence from one or more states located *outside* EU borders, like the Kurdistan Worker's Party (PKK) and the Liberation Tigers of Tamil Eelam (LTTE). Jihadist inspired groups and/or individuals on the other hand, are 100% international.

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<sup>15</sup> Annex E systematically presents a list of all the terrorist perpetrators, ideologies, locale, number of attacks and region of attacks.

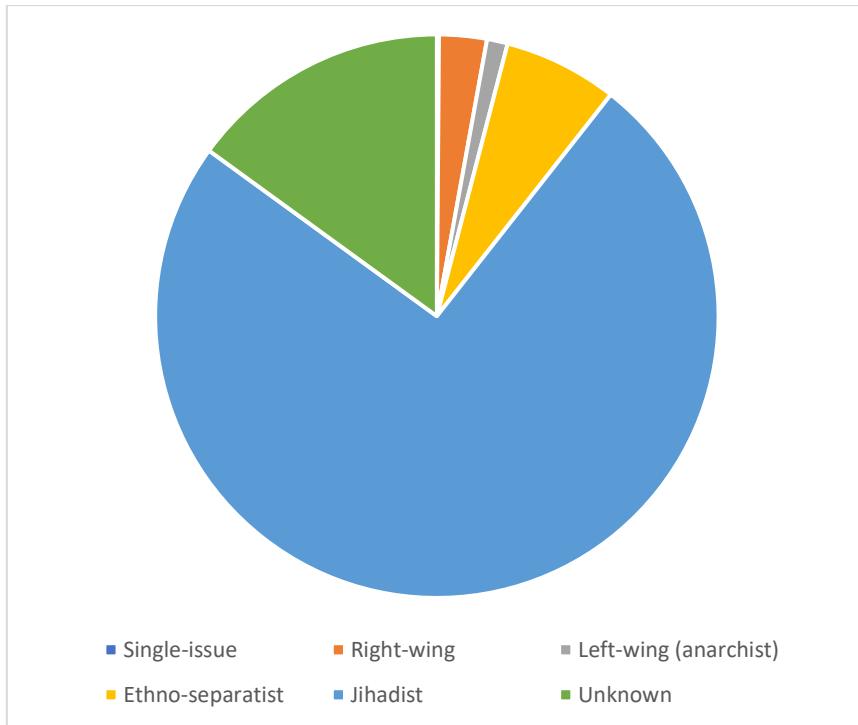
**Graph 3.4 – Locales per Terrorism Typology**



**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

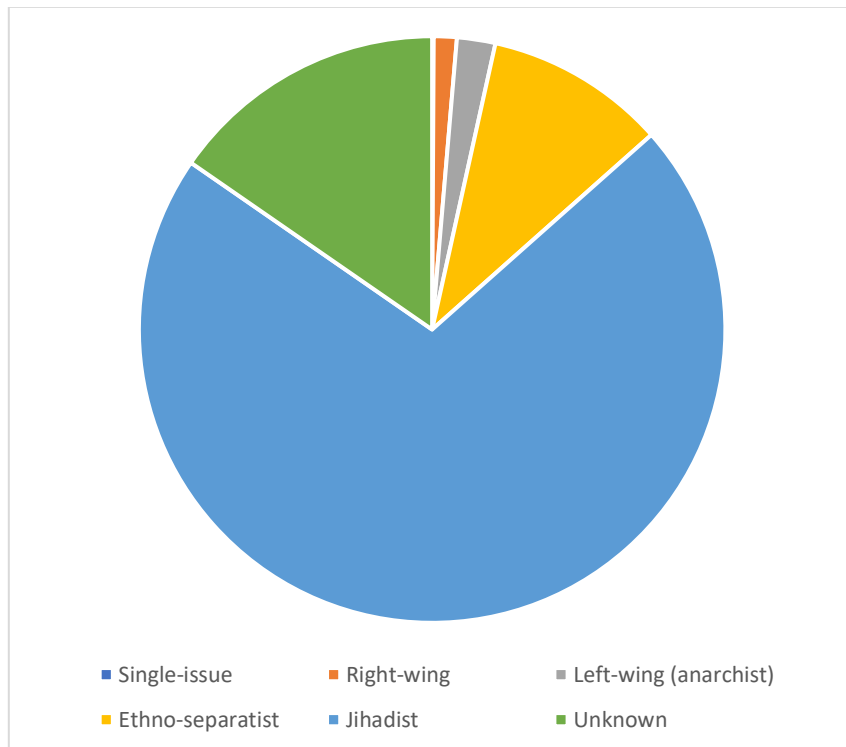
However, when observing Graph 5 and Graph 6 on the number of fatalities and injuries caused by terrorism in the EU, it is possible to understand what makes jihadist inspired terrorism an imminent threat. Even though jihadism is responsible for 1% of all terrorist attacks between 2001 and 2018, it is responsible for approximately 75% of the fatalities and 71% of the injuries. This officially makes jihadist terrorism the deadliest type of terrorism in the EU. On the other hand, left-wing (anarchist) inspired terrorism is responsible for 1% of the fatalities and 2% of the injuries even though it is responsible for almost 40% of all terrorist attacks. Inasmuch, almost 80% of all terrorist attacks have no fatalities and over 82% have no injured. Attacks with one or more fatalities correspond to 20% of all terrorism attacks, whereas attacks with one or more people injured correspond to 18% of the total of the attacks. Overall, fatalities and injuries are within one fifth of all terrorist attack the EU member states have suffered between 2001 and 2018.

**Graph 3.5 – Fatalities per Terrorism Typology**



**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

**Graph 3.6 – Injured per Terrorism Typology**

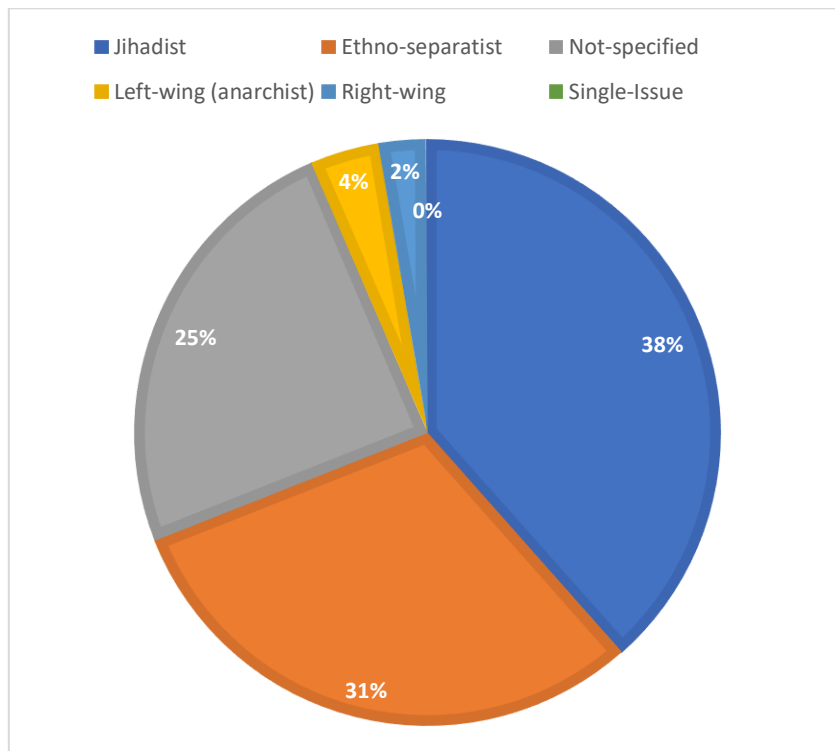


**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

On the attacks themselves, there are three categories that present interesting trends: the types of targets, the types of attacks and the types of weapons used. Because the *modus operandi* of terrorist organisations and/or individuals are similar, it is quite difficult, if not impossible, to determine a perpetrator's target, attack and weapons preferences. In general, 34% of the attacks were targeting private citizens and private property, whereas 16% were targeting businesses, 15% were targeting governments, and 12% were targeting the police. Once more, let us remind that 38% of the terrorist attacks were perpetrated by left-wing (anarchist) groups and/or individuals, but governments and police were the target of only 27% of the attacks. Yet again, another disparity emerges terrorism trends in the EU. Regarding types of attacks, it is no surprise that bombings and explosions were the method used in 49.6% of the attacks, whereas facility and infrastructure damage corresponds to 29.5% of the attacks, and armed assault to 13.7% of the attacks. Together, assassinations, hijackings and kidnappings were the methods used in 3.6% of the attacks. In a similar pattern, 49.6% of the weapons used in terrorist attacks were explosives, bombs and dynamites, 34.4% were incendiary, and 8.2% were firearms.

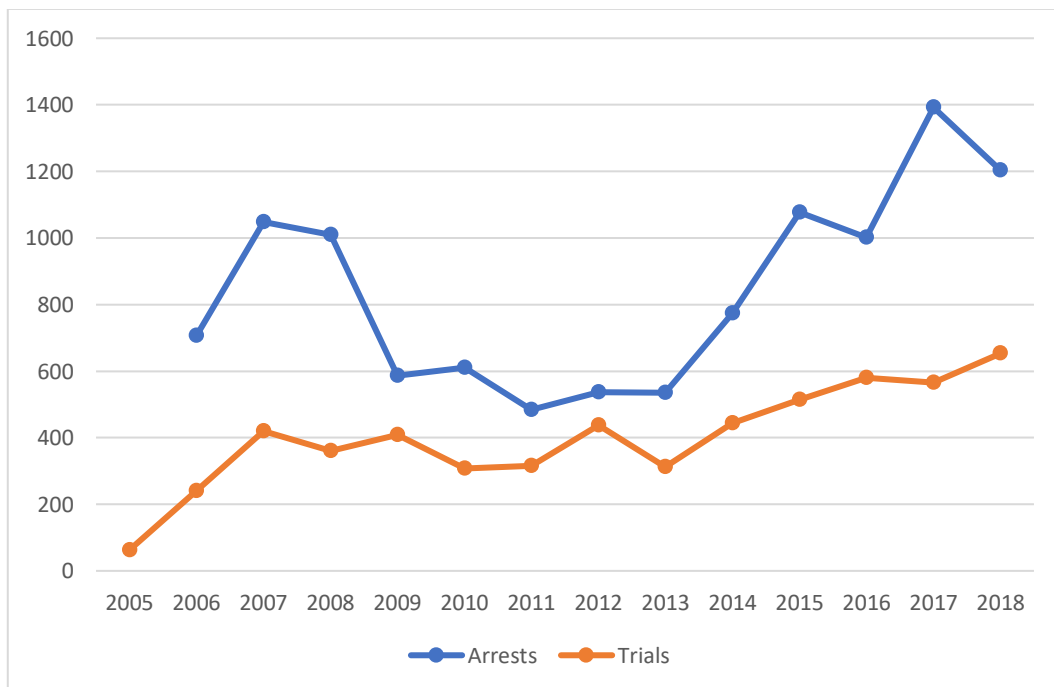
Finally, in the EU's member states, terrorism is regarded as a crime susceptible of legal procedures and a condemnation. In Graph 7 it is possible to observe the percentage of arrests per terrorism typology. Again, it is interesting that jihadist inspired terrorism is responsible for 38% of the arrests in the EU, but only responsible for 1% of the total of attacks, whereas left-wing (anarchist) inspired terrorism is responsible for only 4% of the arrests but responsible for 38% of the attacks. Ethno-separatists on the other hand, have the second highest number of arrests, whereas single-issue perpetrators have virtually no arrests. It is interesting to observe how each of the terrorism typologies end up taking more or less space in the graphs through the progression of the analysis because it culminates in how terrorism 'behaves' in the member states and in where counterterrorism policies and practices are focused on. The number of arrests versus the number of trials in Graph 8 also indicate the institutionalisation of counterterrorism practices not only in arrests, but also in court proceedings. This is the ultimate recognition that terrorism is a threat, it is a challenge that must be dealt with, but only under the rule of law and the respect of fundamental human rights

**Graph 3.7 – Arrests per Terrorism Typology**



Source: START, 2020; EUROPOL, 2020, adapted by the author.

**Graph 3.8 – Arrests and Trials due to Terrorism in the EU 2001-2018**



Source: EUROPOL, 2020, adapted by the author.

As previously mentioned, there is an interesting observation that has to be made on why Greece, even though it is located in Eastern Europe, is regarded as part of Western Europe. There are two core values originated in Ancient Greece that are a part of not only the identity of the European Union and its member states, but Western civilisation in general: democracy and human rights. Being Western values, pillars of European counterterrorism and European law as it will be presented in the next section, it makes no sense in regarding it as Eastern, even within regional constraints. Democracy, the rule of law and the protection of human rights are at the core of many post-World War II international and regional organisations, it is the flag in which the War on Terrorism was declared, it is the recognition of *others* as part of a *self*. Being Eastern, on the other hand, does not resonate with the weight these values have for Western identity. Being Eastern, even within an organisation such as the EU, still makes the states the *others* in some sense, because the sharing of the core values is not as in-depth and prolonged as it is for Western states.



## **4 THE EUROPEAN LANGUAGE OF COUNTERTERRORISM EMPLOYED IN REGIONAL POLICIES**

Terrorism is a socially constructed concept that is disseminated by the European Union as an integral part of a discourse that serves to legitimise and expand the power to redefine socio-cultural values intrinsic to a certain identity and establish the *self* and the *other*. As Jackson (2005) mentions, the language of counterterrorism is the careful construction of a discourse through deliberately choosing of words, assumptions, beliefs and knowledges of terrorism with the aim to achieve political goals such as to empower authorities, discipline society, enforce unity and narrow the identity, and to legitimise and normalise the counterterrorism practices enforced. Furthermore, the language of counterterrorism is not simple nor neutral, but rather a subjective reflection on the realities of terrorism and counterterrorism present in discourse constructed within specific contexts. This chapter presents and analyses the language of counterterrorism employed in regional policies and strategies to understand how (and if) it has evolved over the years, its objectives and the counterterrorism framework established.

### ***4.1 The European Language of Counterterrorism and Policies***

The current European language of counterterrorism within the regional framework is, in essence, the result of a gradual process that has evolved throughout the construction and reconstruction of the European identity in the regional integration process. Concern over terrorism in the region dates back from early 1970s, with individual experiences of some of the member states, such as the IRA in the United Kingdom, the Baader-Meinhof in Germany, ETA in Spain and the Red Brigades in Italy, for example, to the globalisation of terrorism in the late 1990s and early 2000s. The need to improve counterterrorism in the regional and the widespread awareness of the consequences decurrent of terrorist attacks to all EU member states, propelled the issue permanently on the regional security agenda since 1975. One of the biggest challenges since early regional counterterrorism efforts, however, would come from the enforcement of the Single European Act in 1986 that established the single European market and, among other measures, removed the first obstacles to the free movement of goods and people within member states, which came into force in 1995 with the Schengen Convention.

With Maastricht Treaty coming into force in 1992, another set of general regional security measures were introduced, with efforts to deepen cooperation and the creation of the

European Police (Europol), which would symbolise the maximum exponent of cooperation between European police for years to come. Nonetheless, the results from the measures in the Maastricht Treaty were far from ideal, there was no harmony between domestic policies and the stipulated measures in the treaty.

By 1999, the Treaty of Amsterdam came into force and with it, member states agreed to transfer certain powers and specific agendas from national governments, that is, relativising sovereignty within their own territories, to the European Union. Within the myriad of issues that have been transferred from domestic to regional decision-making, emphasis should be given to the agenda and legislation on immigration and asylum, on civil and criminal legal frameworks, and on the enactment of the Common Foreign and Security Policy (CFSP). There was a movement of regionalising key issue in the security area. Due to the inherent diverse and distinct national police, judicial and legal systems, the European Council adopted a principle of mutual recognition of legal procedures that became the cornerstone of judicial cooperation in the EU, in both civil and criminal matters, allowing, among other measures, the simplification of intercommunity extradition procedures. At the same time, it was also decided to create a Unit for Judicial Cooperation (Eurojust), to coordinate efforts between national authorities and assist in criminal law investigations.

However, all this legislative framework and institutional achievements were called into question after the 9/11 terrorist attacks in 2001. The EU is an organisation reliant on member states cooperating and regionally coordinated efforts. Immediately after the attacks in the US, it was discovered that much of the planning and execution of the attack had taken place in Europe. In turn, the then director of Europol, Jürgen Storbeck, demanded the member states to “[...] simply provide us with what we need: information” (SORTBECK *apud* OCCHIPINTI, 2003, p. 149). By September 21<sup>st</sup> 2001, the European Council<sup>16</sup> held a meeting to discuss and approve the development of a complete European counterterrorism framework, constituting the 2001 EU Action Plan Against Terrorism, that has since then, been reviews and updated periodically (RATZEL, 2007; BURES, 2008).

It was only in the following year, with the Council Framework Decision 2002/475/JHA of 13 June 2002 on Combating Terrorism, that the European Council presented the definition of terrorism that would structure the regional counterterrorism framework. According to the Decision, the European Union is “[...] founded on the **universal values** of human dignity,

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<sup>16</sup> The European Council is one of the Executive bodies of the European government, and consists of the ministers of the member states.

liberty, equality, and solidarity, respect for **human rights** and **fundamental freedoms**. It is based on the principle of **democracy** the principle of the **rule of law** [...]" (EUROPEAN COUNCIL; 2002, p. 1, highlighted by the author). Furthermore, the Council argues, "[t]errorism constitutes one of the **most serious violations of those principles** [...] constitutes a threat to democracy, to the free exercise of human rights and economic and social development" (EUROPEAN COUNCIL, 2002, p. 1, highlighted by the author). Terrorism hinders peace and development. Terrorism *violates* their fundamental rights. It is the complete affront to Western liberal democratic values. The statement above presents the European *self* and the terrorist *other*. Europeans have a set of values that is grounded on freedom, democracy, the rule of law and morals and ethics imbued in what they understand as universal values. Terrorism, on the other hand, is the complete denial of the European *self* because it goes directly against their set of values as an *outsider*, as something far away and distinct from their identity. Inasmuch, it is important to highlight that these types of policies were not of the competence of the European Council, but rather only of its member states, thus making an exception on the ordainment of the competences of the EU.

Furthermore, the Framework Decision ensures that it is the responsibility of the member states to define terrorism offences under national law. The goal of terrorism is then defined as "[...] seriously intimidating a population, or; unduly compelling a government or international organisation to perform or abstain from performing any act, or; seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation [...]" (EUROPEAN COUNCIL, 2002, p. 2). Following the statement mentioned above, the definition of terrorism developed by the European Union is ample enough to accommodate particular domestic contexts but also stipulated what is deemed to be terrorist offences such as attacks upon a person's life and property, hostage-taking, kidnapping, manufacturing and acquisition of chemical, biological or nuclear weapons, etc. It is important to establish what is considered a terrorist act to prevent governments to limit freedom of speech from the opposition, to limit public manifestations and to ensure the respect of fundamental human rights and legal principles according to the Treaty of the European Union.

On the other hand, foreign policy considerations, such as the invasion of Afghanistan in 2002 and the Iraqi war in 2003, led the EU to develop its security strategy to ensure the safety of its citizens and to prepare the continent in the face of the global threat that terrorism poses. For Monar (2015), there was a clear shift in the perception of the terrorism threat that, at first,

was perceived as primarily external, was now regarded as an internal high-level threat. This new perception was explicitly regarded in the European Security Strategy entitled “A Safe Europe in a Better World” proposed by Javier Solana<sup>17</sup> and approved by the end of 2003. In this strategy, the EU is defined both as *target* and *ground* for terrorism activities. Understanding the member states as both as it is the case for this particular strategy was advantageous in the long run for the Union as a whole because it recognises that democracies have limitations in countering terrorism. Free speech, public manifestations, and human rights might hinder the ability of a democratic state to act harshly against the enemy. Counterterrorism in liberal democracies is oftentimes within the rule of law, establishing reactive measures within the legal and judicial frame to deal with the issue inside its borders.

Comprehending terrorism as one of the main threats to the EU, the Security Strategy was the first step towards improving the cooperation between the member states on security issues and recognising the Union’s responsibility to contribute to global security and the creation of a safer world. It should be noted, however, that terrorism is at the top of the list of threats, being perceived as an issue that cuts across all other threats such as organised crime, the proliferation of weapons of mass destruction, and regional conflicts. Furthermore, the Security Strategy emphasises the importance of intelligence, arguing that a common analysis of the threat is the best basis for common action, requiring a better sharing of information between the member states and partners such as Interpol and NATO. The Strategy also highlights the importance to integrate different means of countering terrorism, such as the combination and joint actions of intelligence agencies, the police, the military and legislative systems (EUROPEAN COUNCIL, 2003; BIRSAN, 2012).

In the years that followed, two events confirmed this definition of the EU: the Madrid terrorist attacks in 2004 and the London bombings in 2005. Both attacks were planned and executed entirely within the EU and giving practical expression to the crossing of the boundary of an external to an internal threat, leading to a more proactive regional approach to counterterrorism (HERTZBERGER, 2007; BILIK, 2017). An interesting aspect present in the aftermaths of these attacks was the attempt to figure out the organisational ties of the perpetrators. In the Spanish case, at first, the Basque separatist group ETA was promptly accused of being responsible for the attacks by the political party *Partido Popular* (PP). This accusation reverberated in international media as being one of ETA’s bloodiest attacks. It was

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<sup>17</sup> Javier Solana was the Secretary General of NATO between 1995 and 1999, the European Union’s High Representative for Common Foreign and Security Policy and the Secretary General of the Council of the European Union between 1999 and 2009.

during the investigation that terrorism specialists came to the conclusion that the execution of the attacks was not entirely within ETA's *modus operandi*, that they usually warn authorities before an attack is carried, but rather resembled the *modus operandi* of Islamist extremists with ties to Al-Qaeda. Even though a trial was carried out in 2007, who was responsible for the attacks remains unknown.

The British case, on the other hand, presented a new set of challenges to counterterrorism. Rather than being members of a specific organisation, the perpetrators were inspired by Islamist terrorism. The issue with terrorism inspired by a specific ideology and belief is that it heightens the process of self-radicalisation, becoming unnecessary individual participation in a group and/or organisation. Self-radicalisation is oftentimes done in the comfort of one's home, of one's country through online materials, forums, and social media. It is the interpretation of an ideology, religious text or political thought. If, for example, Al-Qaeda has a radical interpretation of jihad and religious texts, individuals inspired by Al-Qaeda have the interpretation of the material.

As an immediate reaction to the 2004 Madrid attacks, the European Council adopted the Declaration on Combating Terrorism, its most important document so far. In addition to insisting that the member states should take the necessary measures to implement the necessary measures to implement a legislative counterterrorism framework, the Declaration established seven strategic objectives to be better developed and added to the next EU Action Plan Against Terrorism: (1) to deepen international consensus and efforts to counter-terrorism; (2) to launch EU foreign policy actions focused on third countries where it is necessary to strengthen their counterterrorism capabilities or commitment to the fight against terrorism; (3) to address the root causes and the recruitment by terrorist organisations; (4) to reduce terrorists' access to financial and economic resources; (5) to maximise the capacity of the EU bodies and member states to detect, investigate, and prevent terrorist attacks and to legally condemn those responsible; (6) to protect international transport and ensure the existence of effective border control systems; (7) to increase the capacity of the EU and the member states to manage the consequences of a terrorist attack (EUROPEAN COUNCIL, 2004).

There are several considerations to be made by the strategic objectives in the 2004 Declaration. First of all, as inherited by the 2001 EU Action Plan Against Terrorism, it is strongly recognised that there is a duality present in Europe as a target and as a hub for terrorist activities. Second of all, the European strategy is divided into three levels: domestic, regional and global. It is domestic because the Union heavily relies on its member states to cooperate

with the Union and with other member states to counter-terrorism as a bloc, united. It is regional because the EU is, first and foremost, worried with countering terrorism within its regional border, making Europe more secure. Furthermore, the Declaration urges member states to adhere to Framework Decisions that have been established since 2001 as a way to promote cooperation. Recognising that counterterrorism must be a cooperative and coordinate effort to maintain the individual member states secure and as a consequence, to maintain the bloc secure, points out an increasing co-dependency in security efforts that was strengthened in the following years, as well as the construction of a specific counterterrorism language wide enough to accommodate the particularities that each member state has.

It is global due to the efforts of the bloc to deepen international efforts to counter terrorism and to aid other countries in developing and strengthening their counterterrorism capabilities. The EU is also preoccupied with terrorism outside its borders, or rather, effective counterterrorism action outside its borders. Nonetheless, there are several issues regarding foreign policies focused on third countries, in other words, countries that are not part of the EU. When cooperating in counterterrorism, states and organisations have to have at least a semblance of what they perceive as terrorism. If state A believes that terrorism is X, and state B believes that terrorism is Y, then cooperation might be difficult in comparison with state C believing terrorism the same as state A. Terrorism perspectives can aid or can hinder cooperation.

However, it was not only after the London 2005 bombings that the EU developed its Counterterrorism Strategy. Driven by the British presidency of the European Council, the strategy was based on the British counterterrorism strategy (CONTEST), but with a different set of goals: to counter-terrorism at a regional and at a global level. The EU Counterterrorism strategy is structured around four pillars, each with its own set of ramifications: to prevent, to protect, to pursue and to respond. This legislative instrument accompanied by a renewed Action Plan would thus symbolise the most important conceptual and political effort on the part of the EU to counter-terrorism, accompanied by, still in 2005, an avalanche of complementary documents and instruments such as the Port Security Directive, a new Directive to include biometric data in all European passports, and the establishment of FRONTEX, an agency to aid in the coordination of border control initiatives. The Counterterrorism Strategy presents the commitment “[...] to fight terrorism globally, respecting human rights, and make Europe more secure, allowing its citizens to live in an area of freedom, security and justice” (COUNCIL OF THE EUROPEAN UNION; 2005, p. 3).

Still, in 2005, the EU tightened its grip on the financing of terrorist activities with the approval of the Third Money Laundering Directive and, in 2006, the on the Transfers of Funds Directive as recommended by the Financial Action Task Force (FATF) a unit specialised in international terrorism financing created by the G8<sup>18</sup> in 1989. In 2006, the EU adopted a Framework Decision of the European Council to simplify the exchange of information between domestic security and intelligence agencies, and the European Program for the Protection of Critical Infrastructure, to make European cities and towns more resistant to terrorist attacks. Every year since the establishment of the 2002 Framework Decision, the EU and its agencies have been developing, updating and implementing its counterterrorism framework, characterised by its ample and intergovernmental reach. Furthermore, all documents produced since then regards terrorism as stipulated in Article 1 of the 2002 Framework Decision.

Over the years, the EU has made extensive progress on the construction of a counterterrorist framework based on the 2002 Framework Decision definition of terrorism and recognising it as a crime against fundamental human rights. To this end, the future of the EU as an organisation needs to tend towards the homogenisation of counterterrorism policies and to harden penalties to consolidate and provide efficiency to the Union's legislations (DEN BOER, 2007). As previously mentioned, the Framework Decision 2002/475/JHA of the European Council on countering terrorism implies the creation of a conceptual definition of terrorist offenses that is applied to all member states. This definition comprises objective and subjective postulations. Objectively, the idea that entails a terrorist offense is qualified as a serious crime that can be from committing an attack, to kidnapping, extortion, murder, the financing of terrorism or the threat of committing any of the actions described. On the other hand, the subjectivity of the definition comes into play as long as the previous actions are being used to intimidate or threaten a population, a government, in international organisations to cause political, economic or social harm.

The definition of terrorism oscillates between the specificity and the breadth of the postulations presented above. Both the Framework Decision and subsequent policies emphasised the important role the states play when classifying terrorism as a crime. For this reason, the EU asks its member states to take action against terrorism within a legal scope in order to both mitigate terrorism and assure the rule of law and the respect for human rights. Therefore, states must carry out proportionate and effective counterterrorism measures,

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<sup>18</sup> The G8 was an intergovernmental political forum active between 1997 and 2014. Its members were: the United States, Russia, Japan, the United Kingdom, the European Union, Italy, Germany, France and Canada.

coordinating their actions against perpetrators and working together for the good of the Union. Since 2002, a myriad of counterterrorism policies have been implemented as in-depths complements of the Framework Decision. By 2005, the EU also established its counterterrorism strategy based on four pillars to counter terrorism from the radicalisation to the aftermath of the attacks.

Just in 2008 that the Decision Framework went under major change. The 2008/919/JHA Council Framework Decision recognises terrorism “[...] as one of the gravest violations of the universal values of human dignity, freedom, equality and solidarity, all other human rights and fundamental freedoms on which the EU is based. It also represents one of the most serious attacks on democracy and the rule of law, principles that are common to the member states and in which the EU is based on” (EUROPEAN COUNCIL, 2008, p. 7). Compared to the 2002 Framework definition, the EU still recognises terrorism as an affront, an opposition to fundamental human rights and the rule of law, values in which the organisation is built upon.

Furthermore, the new Framework highlights the importance of the rapprochement of domestic counterterrorism policies of the member states, stating that the Union’s role is proportionate the right set of tools to facilitate cooperation and coordination to counterterrorism rather than having an active role in countering terrorism. The change in the terrorist threat is also recognised in the new Framework, each increasingly complex that has evolved from structured and hierarchical groups, to smaller less organised groups, to radicalised individuals. The last category, the radicalised individuals, are nourished and converted by radical materials found online, from manuals on how to train from a distance to how to build homemade explosives (IEDs) to other devices that are useful on a terrorist attack. As a consequence of the presence of terrorism related materials online, self-radicalisation and training has become a simplified process, with lower economic costs to an eventual terrorist attack.

The 2008 Framework Decision also contemplates the importance of the member states to see security not only security not only within their borders, but also the security of the EU as a whole. It is of extreme importance and to the interest of all member states that their counterterrorism policies, especially the legislation regarding the criminal charges of terrorism to be in harmony in order to facilitate cooperation and the prevalence of the rule of law and human rights. According to Brown (2009), it is detected that in all the documents related to terrorism, quotes, addresses, interviews, or studies produced by the EU, that no fundamental rights, in one way or another, might be violated through or for the sake of counterterrorism.



This emphasises that no ideals or values upheld by the EU may be “interpreted” as an attempt to reduce or obstruct rights or freedoms of its citizens.

Countering terrorism in the EU is based on a multidisciplinary approach, including the member states, international and regional organisations and the civil society. Counterterrorism works is also divided over a variety of entities, from institutional bodies, to intergovernmental agencies and academic networks. Since the 9/11 terrorist attacks, the European Council has remained the main decision-making institution regarding counterterrorism, outlining the overall strategies and programs. Even so, counterterrorism is fundamentally reserved to the authorities of the member states. The EU is governed by a principle of non-intervention, that is, it does not have the sanctioning powers to force the member states to accept its regulatory decisions. As a counterterrorism actor, the EU is limited to coordination, support for efforts and joint actions, and – to a certain extent – its institutional frameworks condition the harmonisation of domestic legal frameworks as its role.

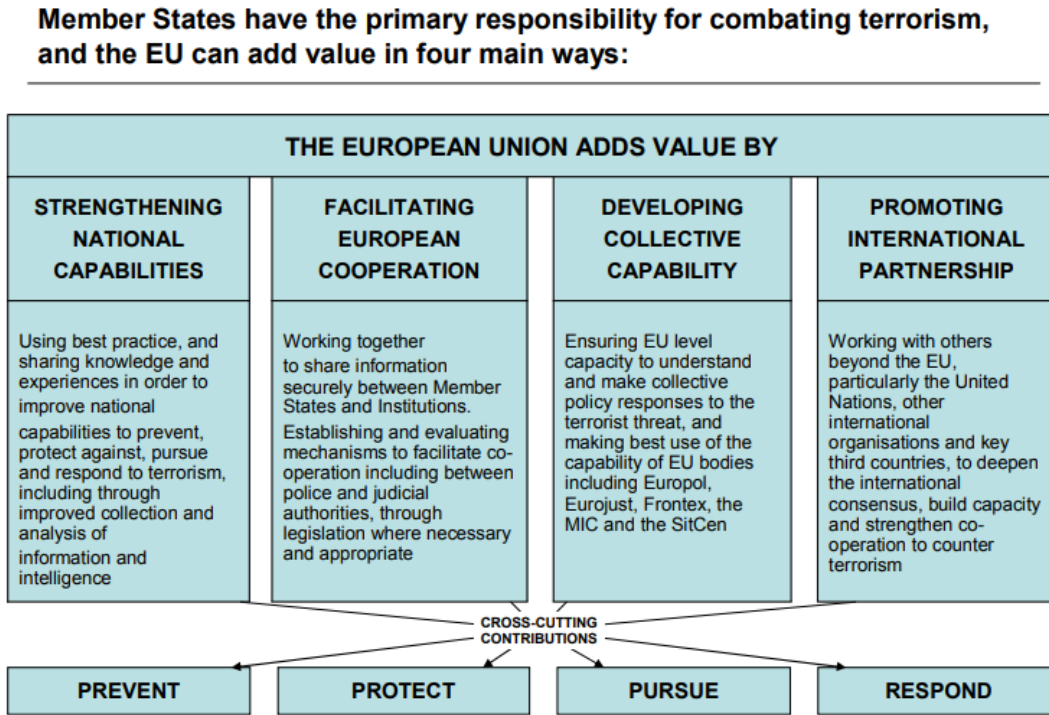
#### ***4.2 The European Counterterrorism Strategy***

The European Union is an organisation based on the rule of law and one of its main objectives is to promote human rights, thus directly reflecting on their language of counterterrorism and, consequently, on its strategy. Furthermore, in the introduction of the Strategy, terrorism is “[...] a crime and is not justified under any circumstances (COUNCIL OF THE EUROPEAN UNION; 2005, p.6). Recognising human rights as a strong shared value with its member states, the EU sets terrorism on the other side of the spectrum, as a violation of these same rights. Thus, counterterrorism is fundamentally based on legal measures that seek to guarantee the safety of the populations of the member states, while guaranteeing respect for human rights and adequate punishment to perpetrators.

Furthermore, the Union has no intervening role in the security of its member states, and is therefore not involved in daily counterterrorism. Its main mission lies in guaranteeing the necessary structures for effective interstate cooperation. Thus, the role of the European Union is, above all, supporting the protection of the states and increase domestic security standards throughout the community, working towards a collective counterterrorism framework. The European Counterterrorism Strategy was adopted by the European Council and the Parliament in 2005 and continues to hold, despite all the legislative progress in recent years, the primary role of the Union’s guideline to counter terrorism. The Strategy is based on four pillars: Prevent, Protect, Pursue and Respond. In addition to the pillars, the Strategy also divides the Union’s

responsibility and the member states' responsibility, as well as presenting how they add value to each the individual counterterrorism framework:

**Figure 4.1 – EU Counterterrorism Strategy Framework**



Source: EU, 2020, p.3.

As presented in Figure 4, the EU emphasises the primary role of the member states of countering terrorism themselves, establishing the EU as a facilitator for collective action as well as regional and international cooperation. As part of the integration process, the EU promotes a ‘harmonisation’ of regional policies, in other words, due to the supranational nature of the organisation; it demands that all its member states adopt framework decisions and legislation internally. In the case of counterterrorism, the EU is tasked with aiding in the creation and strengthening of domestic counterterrorism policies. As previously seen, the definition of terrorism used by the Union is purposefully vague enough taking into consideration the different perspectives the member states have on this particular issue. Nonetheless, the definition is focused enough to prevent great divergences in domestic definitions, thus creating a terrorism definition framework with just enough leeway.

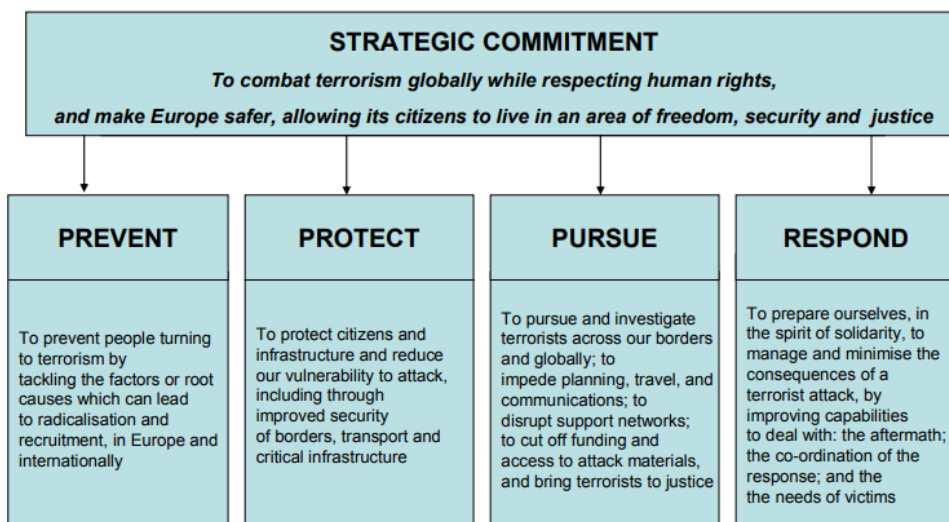
Besides domestic counterterrorist capabilities, the EU is extremely focused on promoting cooperation within and outside the region. As terrorism is regarded as an international issue in the security agenda, the EU as an international actor capable of decision-

making (at least at some degree), paves the way for cooperation with other states and organisations. This effort is due to the fact that any countries in the Union, especially those in Easter Europe, do not possess the same influence in the international system (or even regionally) as France, Germany and the UK. Western European states have been forging alliances for centuries, they have power and influence in the world, such as that other countries in the region do not have, when the EU puts an effort to assure cooperation initiatives for the whole region in benefit of all member states.

Cooperation in the EU is a two-way street. The members all benefit from the established frameworks to strengthen their counterterrorism capabilities, but the Union also demands their help in improving and updating their framework, in other words, they need to be kept up to date on how states deal with terrorism and how terrorism manifests itself in the states to comprehend the ever-changing trends in the region. Agencies like Europol, Eurojust and Frontex are only capable of achieving their respective set of goals initiatives if the member states cooperate and feed their databases with information that could be crucial to the development, change and update of the EU’s counterterrorism framework. Furthermore, the four pillars established in the Counterterrorism Strategy are fundamental to the member states to understand *how* and *where* they should manage and mitigate terrorism in their territories and highlighting their strategic commitment to the region and the organisation.

**Figure 4.2 – Pillars of the EU Counterterrorism Strategy**

**The EU ’s Counter-Terrorism Strategy covers four strands of work, fitting under its strategic commitment:**



Source: EU, 2020, p.4.

Despite the EU already having a strategy to combat radicalisation and terrorist recruitment prior to the Strategy, the first pillar, 'Prevent', is perhaps the most innovative of this structure. Its main purpose is to identify the factors and motivations that incite individuals to the process of radicalisation, to prevent adherence to terrorism. One of the first points of Prevent refers to the strategy implemented by the European Commission to counter radicalisation and recruitment (EUROPEAN COMMISSION, 2008). Prevention of radicalisation and recruitment are two aspects very much on the centre of this pillar, setting as an important cornerstone the identification of the reasons, methods, advertising and the conditions through which individuals are driven into the process (COUNCIL OF THE EUROPEAN UNION, 2005).

The pillar emphasises the importance, in terms of counterterrorism, of understanding the psychological and ideological factors, as well as social and political factors that might compel individuals to adhere to terrorism practices. Regarding ideological factors, the European Action Plans Against Terrorism serves as a guideline to ensure that the opinions of the majority remain away from extremisms, but rather being formulated in practical terms such as enabling the involvement of minorities and foreigners in organisations, to develop a non-emotional lexicon to discuss counterterrorism and develop a comprehensive communication strategy that explains the policies of the European Union (EUROPEAN COUNCIL, 2007).

On the other hand, counterterrorism focused on the social and political aspects of the context are formulated as "[...] promoting security, justice, democracy and opportunities for all" (EUROPEAN COUNCIL; 2007, p.7). Within Prevent, the EU seeks to reduce social conditions that make it easier for individuals to be radicalised and recruited by terrorist organisations. Thus, it is the role of the Union and the member states to identify inequalities and discrimination within their borders, to promote integration, encourage intercultural dialogue and promote the values of liberal democracies and human rights, to assure education and economic prosperity to all.

The Prevent pillar also orient actors to intervene in the recruitment process, comprehending counterterrorism at the organisational level and suggests "[...] breaking the activities of networks and individuals that incite people to terrorism" (EUROPEAN COUNCIL; 2007, p.2). Challenging the networks can be done by cooperation between intelligence services and the implementation of a strong legal counterterrorism framework to prevent individuals from encouraging violence through social media, manifestations and meetings. In parallel, it is necessary the investment in social works to reach out to vulnerable

citizens in key contexts (in prisons, universities, places of religious formation). Finally, the Prevent pillar proposes periodical evaluations and analyses to be carried out in order to improve the perception of terrorism in the EU and the member states throughout the years and to adapt the policies as necessary (EUROPEAN UNION, 2005).

The second pillar of the Strategy, Protect, focuses on the protection of citizens and infrastructures, by reducing the vulnerability to attacks by improving border, transport and infrastructure security (EUROPEAN COUNCIL, 2005). It advocates for the reduction of the vulnerability of an attack to a population or group likely to fall victim of terrorism in addition to limiting the result of the impact of an attack. The Strategy proposes the establishment of collective actions to guarantee security in the borders, transport and other infrastructures at risk. In order to improve the security of transportation, the Member States have identified the vulnerabilities in their respective security systems to improve safety on roads, trains, airports and ports.

Furthermore, the EU has established several policies in key areas to improve the infrastructure safety and measures taken to improve transport safety such as initiatives to improve port and airport security after the failed attack on an aircraft in the UK in 2006, as well as measures to identify structural vulnerabilities to protect critical infrastructures. If, on one hand, the EU has established a myriad of policies to better structure its Counterterrorism Strategy, on the other hand, they also invested in research to develop safety programs in the region within the Research Framework Program to improve detection of targets in the fight against terrorism, cooperation on the non-proliferation of chemical, biological, radiological and nuclear weapons (CBRN weapons), actions to compensate victims of terrorism related crimes and strengthening their rights in the member states (BOSSONG, 2008).

The third pillar of the Strategy, Pursue, focuses on pursuing and investigating terrorist related activities and persons of interest both within the EU and outside it on the basis of successfully obstructing their access to transportation and logistical bases, dismantling their support and planning units, as well as to expedite the extradition and prosecution processes of terrorists (EUROPEAN COUNCIL, 2005). The Pursue pillar's effectiveness directly depends on the support, cooperation and coordination of the member states to be fully operational. Within the pillar's framework, the European Arrest warrant is a key instrument for countering terrorism and other serious crimes. The framework also includes measures on money laundering and regulations on funds transfers and related suspicious activities. Thus, the Pursue pillar allows for the strengthening and the exchange of information through cooperative

regulations and the simplification of the exchange of information between security and intelligence services. The pillar also reinforces the Prüm Convention<sup>19</sup> (2005) in which the security forces of the member states can have access to the criminal databases of other member states, facilitating cross-border police investigations. It also expands and facilitates cooperation through Europol, Eurojust, and Frontex (MONAR, 2015).

Last but not least, the fourth pillar, Respond, pillar aims to create a response mechanism to terrorist attacks. From the EU, the member states have to have the ability to face and be prepared to respond to a terrorist attack and its consequences. To be able to have a concise, planned, well executed common response to this situation, it is necessary to increase response capacity. Therefore, the Response pillar understands that it is necessary to improve: the military capabilities and resources to respond to such situations, including tactical transportation of medical units and campaign logistics; the support funds for victims within the framework of the Strategy for the prevention and counter terrorism; the approval of operating procedures for the coordination of crisis provisions by the European Council.

Additionally, the European Counterterrorism Strategy establishes a well-rounded framework to counter terrorism in every stage of its cycle, from radicalisation to responding after a terrorist attack. It is important to highlight that by the four pillars presented above, the EU demonstrates a comprehension of the radicalisation process and the factors that encourage it to occur, and that several measures are developed focused on these factors, not only of a psychological order but also contextual. Regarding the measures focused on counterterrorism, once again, it is noticeable that the strategy guidelines are based on an understanding of the process leading to terrorism as well as of terrorist organisations. In the strategy, measures are developed focused on the recruitment process and on the external support that organizations receive, and aspects such as structure and leadership are not mentioned. Furthermore, the Strategy is a guideline for member states in developing and implementing their counterterrorism policies to this day.

### ***4.3 Constructing the Language of Counterterrorism and the European Self***

The previous sections presented the context in which the European counterterrorism framework has been established since the 9/11 terrorist attacks. Now it is important to delineate and explore the language construct employed in the policies that, in turn, as will be presented

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<sup>19</sup> The Prüm Convention is directed to law enforcement cooperation. Nowadays it has 14 signatories and is open to the rest of the EU member states.

and discussed in the next chapter, create a set of counterterrorism practices. According to Jackson (2005), the language of counterterrorism is a carefully constructed discourse with deliberate word choices with the goal of achieving a set of political goals such as to empower authorities, discipline society, enforce unity and narrow the identity, and to legitimise and normalise the counterterrorism approach enforced. If one could summarise the objective of the European language of counterterrorism in one word, it would be *cooperation*.

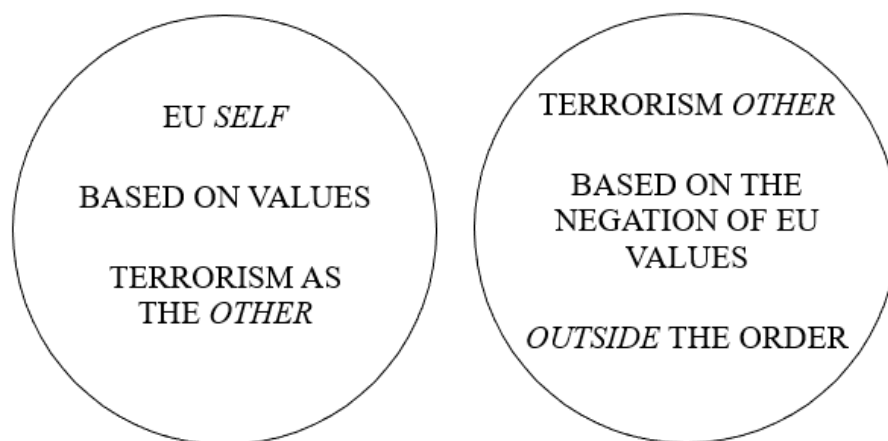
Even though it seems presumptuous to even try to downplay the complexity of the European counterterrorism framework and the policies and strategies that are its cornerstone, one cannot deny that the focus on cooperation efforts have been present since the 2001 EU Action Plan Against Terrorism. The emphasis that the policies and the strategy have been giving to cooperation stems from the fact that it is key to regional integration, in other words, the EU was established as an organisation to promote and facilitate cooperation between member states. On the other hand, the policies and the strategy also indicate an intrinsic dependency of EU-member states relation that is further emphasised by the counterterrorism framework be focused on cooperation. The EU relies on the cooperation of the member states to collect and process data and information related to counterterrorism efforts and to share them with the rest of the members. This reliance further reinforces the EU's role as a cooperation 'facilitator'.

In essence, the European language of counterterrorism itself is constructed on two distinguished values that are intrinsic to European identity: the rule of law and fundamental human rights. In the 2002 Decision Framework, for example, it states that terrorism constitutes one of the most serious violations of these principles. Similarly, in the 2008 Decision Framework, terrorism is described as one of the greatest violations of the universal values of human rights and, democracy and freedom. Because the rule of law has to be upheld at all times, terrorism is understood within the regional policies as a *crime* against the fundamental rights of citizens and member states. By recognising terrorism as a crime, the EU understands that perpetrators should be punished by law, and reinforces the responsibility of the member states to treat terrorism as such, frowning upon and limiting the use of force used against perpetrators.

Furthermore, by the definition of terrorism presented in the Framework Decision in 2002 that has been used as the foundation of the entirety of the EU's counterterrorism framework, it is recognised that member states have individual experiences with the phenomenon – some state like the UK have dealt with terrorism for much longer and with much higher intensity than Luxembourg for example – and therefore have specific definitions based on their contexts. By that, the EU recognises that these particular contextual characteristics do

not provide the necessary ground for a universal (even though, regional) definition for terrorism. When legitimising and normalising terrorism as a crime and giving the proper authority and orderly conduct to the member states to counter the phenomenon, the EU invertedly reinforces a set of values and a set of political goals intrinsic to regional identity. Through the establishment of the framework and cooperation efforts, the EU provides the necessary tools to counter terrorism.

**Figure 4.3** – European Identity: *Self* and *Other*



**Source:** developed by the author.

The EU terrorism definition also reiterates that terrorism goes against the organisation's, and therefore by extent the member states, values: the rule of law and human rights. Imbued in these two values there are two more: democracy and cooperation. The European Union has built its *self* around these four core values that must be preserved by its member states at all times. Any state that is interested in being part of the EU must have all these values not only present in domestic institutions, but they also must be constantly applied through social-political interactions. Stating that terrorism goes against the *self's* values clearly distinguishes the identity of the *other* as the negation of the *self*, as an opposite, as something or someone that are not in conformity with a pre-established system and order. Terrorism on the other hand, is erratic, it operates outside the system and order implemented. Its values go against EU values. On the other hand, by asserting that terrorism is the *outsider*, the *other*, the opposition of the *self*, the EU is able to reassure its own values. It is built on the tension between



the European ideal of peace and the criminal and cruel ideal of the terrorism perpetrators. Right on the definition itself, the language used indicate that attacks should be interpreted as a criminal act against the European citizens and the member states, establishing a starting point for the framework that has been established since then: member states must cooperate to counter terrorism effectively in the region.

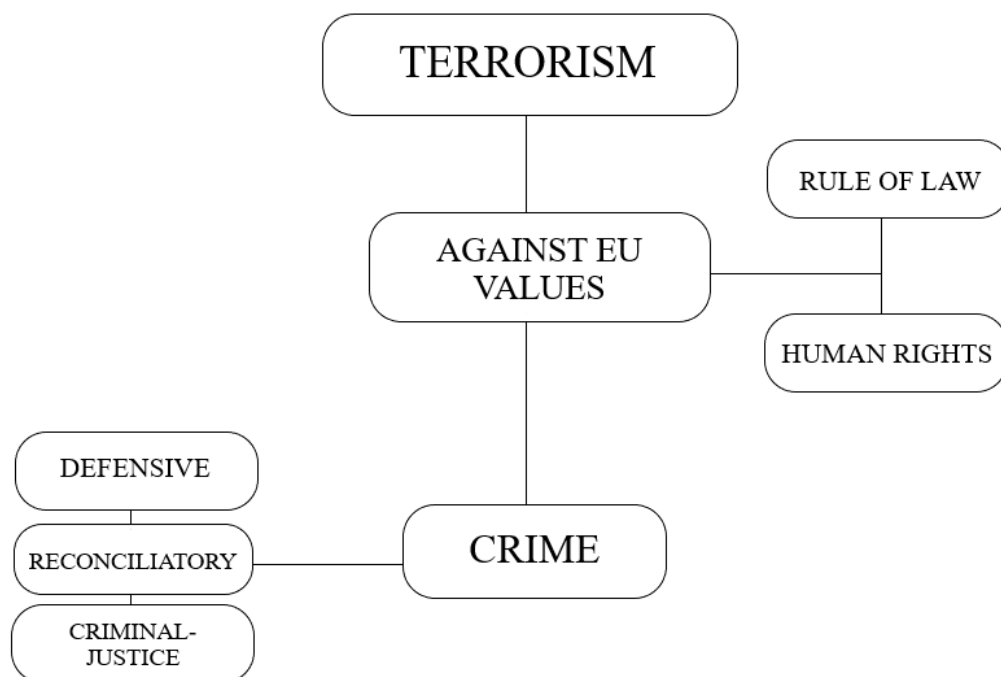
In addition, European counterterrorism is built around three main argumentative axes: the importance of cooperation; the idea that the member states should perceive terrorism as a crime and therefore treat it as such under domestic criminal law; and a new security scenario for the regional and for the world, based on the essential part of the internationality of terrorism, presenting a process of construction of the *threat*. Incorporating terrorism under the rule of law as a criminal offense excludes the possibility of comprehending the perpetrators as the *enemy*, completely denying the possibility of declaring war on the phenomenon itself. It plays with the comprehension that terrorism has no face, no ethnicity, no territory *per se*. It is not completely tangible, but not completely intangible either, it is an idea, and ideas are not easily killed.

It should be noted that these axes are not watertight, but rather intertwined themselves. For example, in the 2002 Decision Framework definition of terrorism, the EU infers that terrorism is the embodiment of its antithesis, of its opposition, detailing in positive adjectives, its principles of human rights and fundamental freedoms. This reinforces the representation of the *other* as a force whose power is destructive, essential to the construction of a ‘villainous’ image of terrorism perpetrators. This contrasts between the EU values and the complete aversion that terrorism has for them, sheds a positive light in regional counterterrorism, that are able to prevent and mitigate the threat, as presented in the four pillars of the strategy, for example. This call for a robust regional counterterrorism framework, and the start of the campaign of cooperation and coordination efforts in the EU.

Furthermore, terrorism is recognised as a threat to the values, as well as to the citizens and to the member states. Because it is recognised as such, the EU has typified terrorism as a crime against the rule of law and fundamental human rights. Recognising terrorism as a crime also reinforces the perception of terrorism as the *other* that is outside the order and simultaneously reinforces EU values. It limits the abuse of power, the excessive use of force, and discrimination on counterterrorism efforts and it enforced the idea of a collective threat that can be mitigate through the establishment of legal, political and social counterterrorism frameworks.

Although the EU recognises that terrorism is not an unprecedented phenomenon, further arguments are presented on the necessity of cooperation and coordination due to the scale and internationalisation of the attacks and radicalisation mechanism, that is, scale and audacity of first attacking a Western ally, such as the US, and subsequently attacking two member states (UK and Spain), in contrast to attacks in more distant states in the Middle East or Africa. However, it is necessary to point out that the definition of terrorism employed by the EU is generic enough for the member states to adjust it based on their specific contexts, but also delimitates and emphasises that terrorism can be either local or international, passing through geographic, ethnic, linguistic, and ideological frontiers.

**Figure 4.4** – European Counterterrorism Language and Practices



**Source:** developed by the author.

When applying the counterterrorism models presented and discussed in the Conceptual Framework in Chapter 2, it is possible to observe that Pedhazur's (2006) argument on the use by multiple models at once is true in the case of the EU. The defensive model is applied in the first pillar of the regional Counterterrorism Strategy. The Prevent pillar focuses on tackling the socio-political and economic issues that surround the radicalisation of individuals and combating the root causes of terrorism. The reconciliatory model is applied by the EU, once it recognises that terrorism is also a political problem with political ramifications. The attempts

of creating and implementing a regional counterterrorism framework that is wide and deep enough to encompass and aggregate the needs of the member states and establish common practices through cooperation, is the primary example of this particular model. Last but not least, the criminal-justice model is probably the easiest one to be observed within the regional framework, but also in domestic counterterrorism too. The EU has constructed its counterterrorism framework based on the maintenance of its values and an institutionalised legal system do deal with the issue. Being able to arrest, trial and condemn and individual for terrorism related activities assures not only the punishment of individuals, but also the upholding of the European values.

## **5 THE EUROPEAN COUNTERTERRORISM PRACTICES**

When the language of counterterrorism is constructed and employed in counterterrorism policies, it is then translated into practices. Counterterrorism practices are a set of actions guided by counterterrorism policies, reflecting European perceptions, values and identity regarding terrorism and counterterrorism. Because the European Union itself is limited in counterterrorism practices, establishing in the policies the its role as to facilitate regional cooperation and the sharing of information and data and the role of the member states as the main counter terrorism actors, this chapter presents three key EU agencies where the coordination and cooperation efforts, that is, the European counterterrorism practice, can actually be observed and analysed.

### ***5.1 Counterterrorism Practices: Europol***

The European Union Agency for Law Enforcement Cooperation, commonly known as Europol, was established in 1992 by the Maastricht Treaty, but it came to be fully operational by July 1999. The agency was created to counter terrorism, combat organised crime, and handle criminal intelligence through the sharing of information and cooperative initiatives between EU authorities and member states. Europol is responsible for ensuring compliance with the law, with its main mission to aid in building a safer environment to the citizens of the EU. Furthermore, Europol is not only an agency that facilitates the cooperation and coordination of joint security projects within the EU, but also cooperates and works together with states and international organisations outside Europe to better fulfil its objectives and the security policies developed by the European Council and the European Commission (EUROPOL, 2020).

According to Bures (2006), Europol's main task is to collect and exchange information with national security and intelligence agencies, serving as a liaison and hub of information to the member states. This is also advantageous to the EU in itself, once the collected information of the member states provides an overview of potential threats and challenges, facilitating the establishment and adaption of common security policies and strategies, therefore operationalising the information collected. However, one of the biggest challenges Europol faces, is that it is completely dependent on the information the member states provide. Thus, if a member state refuses to share information, there are no coercion mechanisms Europol can use to obtain it.

Immediately after the 9/11 attacks in 2001, when it was discovered that much of the planning had taken place in Europe, as already mentioned above, the then director of Europol, Jürgen Storbeck, expressed his demands to Member States "[...] simply hailing - us with what we need: information" (OCCHIPINTI, 2003, p. 149). At the time, the organization was under fire due to the insufficient amount of analytical and strategic work, which is why Storbeck further noted that "if Europol is supposed to do more than just analyse data, then it must be better equipped" (OCCHIPINTI, 2003, p. 149). These demands took a short time to be answered because, at the Council meeting on September 20, 2001, the Council of Ministers of Justice and Home Affairs urged national police and intelligence authorities to quickly send relevant and terrorism-related information to the Europol (BURKOV, 2016). With the adoption of the Action Plan, the EU turned its attention to its implementation through a series of concrete measures, one of which was the strengthening of cooperation and the responsible actors (Member States, Council, Commission, and other agencies at European level), as well as the deadlines, to achieve the various goals necessary to achieve the defined objectives (WAHL, 2010; FÄGERSTEN, 2010; BURES, 2013).

Furthermore, with the implementation of the Action Plan, a unit specialised in countering terrorism, the Counter Terrorism Task Force (CTTF) was established within Europol (EUROPOL, 2002). This unit was made up of officers from the national police and intelligence services, and was tasked with the timely collection of relevant counterterrorist information; conducting strategic and operational analyses, the conduction of threat assessments related to the information provided by the member states (BURES, 2008; BOLSCIA, 2013). Europol was also given the task of opening and expanding the so-called Analytical Work Files (AWFs), fed through information provided by the intelligence and police services of the Member States (BURES, 2008). Furthermore, Europol's role was not only strengthened by deepening cooperation in the sharing of intelligence and support from Member States, but also in its scope, as it was tasked with collecting information rather than just to receive intelligence (DELFEM, 2006; FÄGERSTEN, 2010).

With the establishment of the 2002 European Council Framework on counterterrorism, the Council Decision 2003/48/JHA of December 2002 on the application of specific measures for police and judicial cooperation in countering terrorism reinforced Europol's role in the region. Member states were encouraged to establish a special task force within their police departments to "[...] access and collect all relevant information concerning and resulting from investigations carried out by police authorities on terrorist acts" (EUROPEAN COUNCIL,

2002, p. 12). Furthermore, the Decision stipulated that “[...] each member state must take the necessary measures to ensure that [...] the following information collected [...] is communicated to Europol: (a) the identifying data of the person, group or entity age; (b) ongoing investigative acts and respective specific circumstances; (c) the relationship with other relevant cases of terrorist acts; (d) the use of communication technologies; (e) the threat posed by the possession of weapons of mass destruction” (EUROPEAN COUNCIL, 2002, p. 13).

This Decision also resulted in the appointment of agents and specialized magistrates within the police services and judicial authorities, assigning urgent priority to handling requests for mutual assistance with respect to individuals or groups included in the EU terrorist list; and full access by the authorities of other Member States to information on target people and groups (BURES, 2016). In the latter, Europol had a unique role, as it constituted the “[...] only EU platform for the multilateral analysis and sharing of personal data in relation to organized crime and terrorism, through a secure network subject to strict regulations on the data processing” (RATZEL, 2007, p. 113).

After the terrorist attacks in Madrid in 2004, European leaders reaffirmed their commitment to send more data to Europol, in order to increase their counterterrorism capabilities (EUROPEAN COUNCIL, 2004). This way, and as recommended in the 2004 Declaration to Combat Terrorism, tasking the Counter-Terrorism Task Force (CTTF) with strategic projects related to the financing of terrorism, recruitment, *modus operandi* and operational and strategic analysis (RATZEL, 2007; FÄGERSTEN, 2010). Europol’s counterterrorism responsibilities included the collection of all relevant information regarding the current EU terrorist threats, the analysis of the information collected and subsequent operational and strategic analysis, and the formulation of threat assessments. The development of various threat assessments were the most valuable results of the CTTF, even though its mandate was performed with limited staff and operations (BURES 2008).

According to an interview with the Europol officer, Bures (2013) states that it took about five months to put the work of the CTTF into practice, in order to optimise its results. As such, based on lessons learned from previous counterterrorism practices, Europol approached the member states to understand what they need and what information they can provide to the agency. In 2007, CTTF was transferred to the First Response Network, developed by Europol to assist the member states in investigating terrorist cases, through operational and strategic support (BOLSICA, 2013). This meant that a team of Europol and member state counterterrorism experts could be deployed to assist, operationally and

technically, the member state affected by the incident. In this case, this team would use Europol's operational centre in order to ensure an effective exchange of information between the parties involved (EUROPOL, 2010).

Nonetheless, Europol's role in assisting on counterterrorism has a limited impact on the member states. A good example of these limitations is the refusal of the Spanish police to inform the French police about the explosives used in the Madrid attack back in 2004 (FÄRGERSTEN, 2010). Inasmuch, Europol expressed its dissatisfaction with the lack of aid and cooperation from the member states to the European Council, which prevented the organisation to become a key element in the regional counter terrorism agenda (EUROPOL, 2005). Despite Europol's intelligence and analytical capabilities been strengthened since the Madrid attacks, effective shared intelligence has not increased accordingly. Furthermore, Europol's dissatisfaction with the level of involvement of national intelligence services is present in the following extract from the report:

“Given that Europol is the only European body that provides a complete legal basis for the (operational) sharing of information and intelligence, while safeguarding the protection of sources [...], Europol understood that, within the scope of the Analysis Work File, should act as the central entity for analysis of operational criminal intelligence (in particular for the prevention of terrorism) and operational/investigative support. As there are currently only two experts seconded at CTTF at Europol with the profile of intelligence (and security) services, Europol does not expect structured contributions from intelligence (and security) services. In Europol's view, this does not coincide with the mandate given to CTTF by the European Council's Declaration on Combating Terrorism of 25 March 2005” (EUROPOL, 2005, p. 8).

Interestingly enough, in the report on counterterrorism efforts after the Madrid attacks, the British House of Lords accuses Europol of not claiming a greater role in this area, arguing that “[Europol] is not playing the central role that its position suggests it should. The proliferation of other groups and bodies might not have been necessary if Europol had established itself as the EU's main player in this field. We were disappointed that [...] Europol itself did not claim a more central role” (EUROPEAN UNION COMMITTEE, 2005, p. 28). For Färgersten (2010), even if Europol were not exercising its influence, they would not be able to intensify its capacities, due essentially to the hesitation of national intelligence and security services in providing the agency with the appropriate resources. However, in October 2005 a major transformation took place within Europol when its Information System was made available to national law enforcement agencies, ensuring a faster exchange of information between them (EUROPOL, 2006). This system allows member states to store and share criminal data such as type of offense, offender, means of communication, means of transport,

automatically detecting identical information that may contain possible correspondence (EUROPOL, 2006). For example:

“The German authorities may have information about a particular suspect they are investigating for human trafficking. The German authorities would then send [the Europol Information System] the data they have on this suspect in the form of consultation. Some fields in this data can then correspond to a registration already started by Sweden about a product counterfeiter. The Swedish authorities would then be contacted by the German authorities, so that the two could work closely together to further investigate the various activities of this suspect” (EUROPOL, 2006, p. 17).

Since 2007, Europol has prepared an annual report on the Situation and Trends in Terrorism in the EU (TE-SATs), to present an in-depth data analysis of terrorism ‘behaviour’ in the member states and summarise the updates and implementation of domestic counterterrorism policies. As mentioned in Chapter 1, the report presents five categories of terrorism: single-issue, right-wing, left-wing/anarchist, jihadist and ethno-separatist. Even though these categories are key to identifying what types of terrorism each member state deals with, it is also a recognisable limitation on the reports. Europol has to rely on the information and data provided by the member states to produce the reports and understand regional trends. However, member states are not obliged to share their information, and oftentimes the reports provide inconsistent information because of that, not necessarily reflecting on the actual problem that the regional has been facing.

## ***5.2 Counterterrorism Practices: Eurojust***

As mentioned quite often in this dissertation, the 9/11 terrorist attacks were the confirmation the EU needed to counter terrorism in all fronts (SUTA, 2016). The attacks of September 11, 2001 were a confirmation of a need to combat terrorism on all fronts (SUTA, 2016). As such, in 2002, by Decision 2002/187/JHA, of February 28<sup>th</sup>, the European Judicial Cooperation Unit (Eurojust) is created. According to Zimmermann (2006), the idea behind Eurojust was to create a network for the exchange of relevant judicial information in cases of transnational crime and terrorism, involving two or more Member States. In addition, Eurojust was also established to support and speed up extradition requests. Much like Europol, the Council Decision 2003/48/JHA of December 2002 established that every member state must designate a Eurojust national correspondent for matters relating to terrorism, ensuring that at least the following information is communicated to Eurojust: (a) the identifying data of the person, group or entity;( b) Acts under investigation or prosecution and their specific



circumstances; (c) the relationship with other relevant cases of terrorist acts; (d) the existence of requests for mutual assistance, which may have been addressed to a Member State or drawn up by another Member State, and the results thereof (EUROPEAN COUNCIL, 2002).

Eurojust is composed of a national member seconded by each member state, acting as a prosecutor, judge or police officer (EUROPEAN COUNCIL, 2002). Furthermore, Eurojust's mission is to support and strengthen coordination and cooperation between national authorities competent for the investigation and prosecution of serious crime affecting two or more member states or which requires criminal action based on common bases, based on the operations conducted and information transmitted by the authorities of the Member States and Europol (EUROPEAN UNION, 2007). In particular, Eurojust facilitates the provision of mutual legal assistance in criminal matters at international level and the execution of extradition requests, having competence in the same types of crime as Europol (EUROJUST, 2018). It should be noted, however, that this agency has no operational power (MURPHY, 2012 *apud* BURKOV, 2016).

Furthermore, the agency may also request the competent authorities of the member states to investigate or indict specific acts, coordinate with each other, accept that a country is best located for prosecution, establish Joint Investigation Teams, and to provide Eurojust with the information necessary to carry out its tasks (EUROJUST, 2018). The Council Decision 2009/426/JHA of December 2008, strengthened Eurojust's role, including measures to increase the exchange of information and make Eurojust available 24 hours a day to the member states and other EU agencies, as well as the sharing of information by the member states related to terrorist offenses to the agency. Eurojust also provides competent national authorities with information and elements on the results of the processing of information, including the existence of links to files already filed in the case management system (EUROPEAN COUNCIL, 2008). As such, Eurojust has been publishing since 2008 the Terrorism Convictions Monitor on all terrorism related crimes trialled by the member states' court of law. The annual publication goes beyond the information provided by the TE-SATs, monitoring who has been sentenced and for how long. Nonetheless, much like Europol, Eurojust is completely dependent on the information shared by the member states, which could negatively impact the analysis once the member states refuse to cooperate.

### 5.3 Counterterrorism Practices: Frontex

Since the creation of the Schengen Area by the 1985 Schengen Area and the subsequent freedom of movement, as well as the Madrid attacks in 2004 and the London bombings in 2005, are considered crucial factors for the origin of the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) in October 2004 (NEAL, 2009; FRONTEX, 2018). According to the Council Regulation (EC) 2007/2004, Frontex was created to coordinate operational cooperation between the member states in the management of external borders, to support the member states in the training of national border guards, and the establishment of common training standards, to support Member States faced with circumstances requiring enhanced operational and technical assistance at external borders, and provide Member States with the necessary support in organizing joint return operations (EUROPEAN COUNCIL, 2004).

Inasmuch, Frontex was created with the objective of carrying out an integrated management of the external borders of the EU member states. Furthermore, much like Europol, Frontex also carries out risk analyses with the aim of providing the EU and the member states with the necessary information to improve the integration management of external borders (EUROPEAN COUNCIL, 2004). Although the founding Decision does not reference directly Frontex's role on countering terrorism, further policies within the EU's counterterrorism framework have established a link of responsibility between migratory flows and insecurity, demonstrating that the right to freedom of movement and asylum were being taken advantage of by potential terrorists (NEAL, 2009). With the implementation of the Lisbon Treaty, the intention to introduce changes in the governmental structures of the European Union, by establishing in Article 77, that the EU will have to develop its policy with a view to adopting "[...] any measure that is necessary for the gradual establishment of an integrated management system for its external borders" (EUROPEAN COUNCIL, 2008, p.76).

This way, Frontex promoted a European model of integrated border security that consists not only of border controls but also of other roles. After Frontex's 2008 annual report, it was concluded that more than half of the irregularities found at the external borders belonged to the border between Greece, Turkey and Albania. Based on all these developments, Frontex is currently an agency with several projects in the field of external border security and whose functions are to coordinate operational cooperation between member states in the management of external borders, as well as to support the training of guards these same borders, also defining their training norms.

Furthermore, Frontex is based in Warsaw, Poland, in Eastern Europe. The majority of the control efforts by the EU via Frontex are focused on Eastern European members, those that have terrestrial borders, and thus are more susceptible to invasions and/or easy access to Western Europe. The irony is, as previously mentioned, Eastern member states have the lowest rate of terrorism attacks. Even though Frontex was established to promote cooperation and border control, limiting the migration and refugees from entering Europe, its efforts of limiting the access of terrorist groups and/or individuals are not successful because their main targets are Western member. Furthermore, as also presented, the issue with terrorism the EU is not necessarily cross-border, but rather local groups and/or individuals. Perhaps Frontex's role on counterterrorism would be better on the management of internal borders, that is, the management of borders between member states and to promote more internal cooperation between police and intelligence departments.

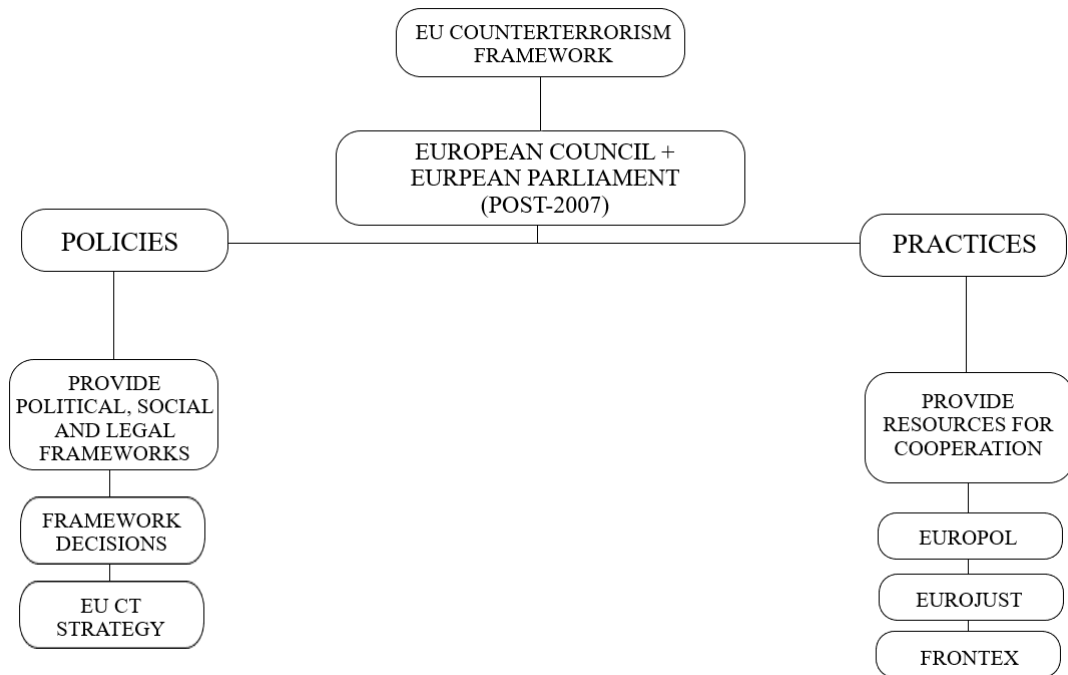
#### ***5.4 From Language to Practice: European Counterterrorism***

Although the sharing of information in countering terrorism and the need for a collective response at regional level are extremely important, the EU's influence on the member states domestic policies has its limitations. In Figure 11, it is possible to see that the regional counterterrorism policies have the objective to provide the framework necessary for the member states to, in turn, internalise and adapt the frameworks to their individual contexts. Furthermore, the framework is ramified, that is, besides the framework decisions and strategies, the EU produces detailed policies to each aspect presented in the general policies. In counterterrorism framework decisions, for example, there are specific articles that deal with money laundering and the financing of terrorism that, in succession, turned into in-depth policies themselves.

Counterterrorism practices in the EU are heavily dependent on the cooperation of the member states and their own intelligence and police services, which may cause conflict of interests between governments and the Union. Another interesting aspect of counterterrorism practices, is that the EU has established its framework with the purpose of universality, however, terrorism challenges differ drastically if comparing Western and Eastern Europe, as presented in Chapter 3. Inasmuch, regional counterterrorism practices are also divided in two sets of agencies that execute these practices, so to speak. The first set of bodies, or rather agencies that put counterterrorism polices into practice are at the EU level, and have been presented and discussed in the previous section. They are: Europol, Eurojust and Frontex, with

varying degrees of practices, but having practices nonetheless. The other set of agencies that put counterterrorism polices into practice are the domestic and police agencies of the member states that have the bulk of the work and the effort to, in fact, counter terrorism in their respective territories. European counterterrorism is extremely limited when it comes to enforcement of practices, being once more dependent on the cooperation of the member states to promote counterterrorism cooperation.

**Figure 5.1 – European Counterterrorism Framework**



**Source:** developed by the author.

Inasmuch, the EU policies created and augmented practices mainly focused on the encouragement of cooperation between the member states, establishing the necessary specific agencies to focus the attention on key issues. Because the EU has no agency to implement any of the counterterrorism policies, that is, they do not have the enforcement power and the personnel to do so (efforts to establish an EU police department and intelligence agency have never been agreed upon by the member states), countering terrorism is exclusively a matter of the member states. The EU facilitates cooperation through the agencies and coordinates joint operations efforts with the member states. Even though the member states are interconnected through the EU, many of them are also part of other international and regional organisations with other counterterrorism efforts that may be more aligned with their interests in cooperating

than through the EU itself. Even though Europol, Eurojust and Frontex are admirable initiatives, their dependency on information and data provided by the member states limits their scope of action and could possibly jeopardise regional counterterrorism.

Nonetheless, the EU has provided the member states with an intrinsic, detailed but adaptable framework to counter terrorism in the region, in conformity with its values. However, not all states are in accordance to the framework and the limitations it introduces on countering terrorism within their borders. The internalisation of values differs from member to member, depending on the depth of the integration process to the EU. Relations between the members states and the organisation are quite unique, coming with its set of challenges. European integration has been a long and slow process, with economic integration opening the path to integration in other areas such as education, health, environment, etc. However, when it comes to integrating security, there is a reluctance by the member states.

Security is almost individual, singular. It is the manifestation of safeguarding more than borders, but the nation, its people, costumes, cultures, values. Being a member of the EU is recognising that there are some values (social, cultural, political) that are shared by other member states. However, a regional identity has its limits. Nobody is European and then Dutch, or English, or French, or Portuguese. First, they are Dutch, English, French, Portuguese and just *after* that they are European. There is a limit to integration because there is a limit to the sharing of identity values. In addition, there are a number of obstacles that prevent the proper functioning of counterterrorism practices. In fact, Färgersten (2010) argues that there are several barriers to cooperation in the scope of intelligence and that it can even be risky, expensive and even dangerous.

The challenges for the enforcement of counterterrorism practices can be divided into political, cultural, organisational, legal and technical obstacles. Regarding the political obstacle, Hertzberger (2007), argues that one of the key issues in regional counterterrorism efforts is the unwillingness by the member states of providing the necessary information to EU agencies, mainly Europol. Since national sovereignty is ensured by the security capabilities of a state, the exchange of sensitive information with other countries or institutions, namely Europol, can be seen as a certain transfer of that sovereignty. Nonetheless, it should be noticed that this reluctance is more visible when sharing information with formal EU agencies. In 2008, the Counter-Terrorism Coordinator, Gilles de Kerchove, declared “[...] the intelligence community [of the member states] was not very interested in working with Europol [...]” (EU COMMITTEE 2008, p. 154).

Bilateral agreements for example, tend to improve the sharing of data and information for both parties in the deal, as in *quid pro quo*. In turn, data information sharing at the EU level generally improves only the information position of one party, in this case the EU information agency. However, it is worth noting that EU intelligence agencies are heavily dependent on the information received by member states to prepare their intelligence reports, so this puts us in a vicious cycle. Despite the importance of coordination at European level for an effective fight against the terrorist threat, member states are hesitant to grant the EU powers (such as investigative and prosecuting) and resources (for example, intelligence). Thus, if the EU is unable to provide national intelligence and security services with a better information position, Member states will have little incentive to submit intelligence at European level.

Domestic political competition also appears to be an obstacle. In some member states, Europol, for example, is seen as a competitive force for national intelligence services, and as such, information is not shared for that reason. Furthermore, unlike other international police organizations (notably Interpol), Europol was not formed through a “bottom-up” approach (by police professionals), but rather a “top-down” approach, that is, by decision of the EU legislative and political bodies. This has some implications for Europol's counterterrorist role. If, on the one hand, Europol is characterized by a certain degree of autonomy in determining the means and objectives of its programs to combat terrorism, on the other hand, the “top-down” approach in establishing this agency can somehow explain the unwillingness of national law enforcement and intelligence authorities to work with (DELFEM, 2006; HERTZBERGER, 2007; BURES, 2008).

According to Müller-Wille (2004) and Howell *et al.* (2007), another explanation for not sharing information with European agencies is due to the so-called “elephant in the room”, that is, the US, with which many EU member states have either bilateral intelligence sharing agreements (that also include terrorism data and information) that do not want to be put at risk or are members of the North Atlantic Treaty Organisation (NATO). For Müller-Wille (2004), for the European states, it seems irrational to share more information with the EU, as this could lead to Washington reducing, or even abandoning these agreements, so as long as there is no credible European alternative to the US, Europeans will not create their own intelligence capacity, fearing a smaller flow of information from the US. Finally, the fact that intelligence that is shared at European level can be passed on to third parties further inhibits member states' willingness to share information with EU agencies. This is another principle of sharing intelligence, called the “third party rule”, which means that any intelligence received and/or

shared cannot be transmitted to another service or country without the express consent of the information source, since the services do not trust third parties to maintain their secret information (HERTZBERGER, 2007; IOANNOU, 2013).

Closely related to the scarcity of political will, is the lack of a culture of trust (HERTZBERGER, 2007; MÜLLER-WILLE, 2006; DEN BOER; WIEGAND, 2015; SUTA, 2016). However, trust is definitely the primary value that enables information sharing. As Walsh (2006) points out, trust is a fundamental element both for the holder of the information, who needs to be sure that the recipient will not use the information received against its interests, and for the recipient, who needs it, the information is correct and reliable (DEN BOER; WIEGAND, 2015; SUTA, 2016). For Müller-Wille (2006), as the collection of intelligence in the field by agents and informants is based on building trust with their sources, the sharing of information between different agencies also requires the gradual development of relationships of trust. This importance of trust in the exchange of information is highlighted in the European Security Agenda, which states that “[...] one of the Commission's priorities will be to help Member states to develop mutual trust, to fully exploit the existing instruments for sharing information and foster cross-border operational cooperation between competent authorities” (EUROPEAN COMMISSION, 2015, p. 3).

This lack of trust is associated with the so-called *esprit de corps*, which means that intelligence services only have absolute confidence in their own work, methods and sources, considering the exchange of information with other agencies as little necessary (POLITI, 1998; IOANNOU, 2013). Färgersten (2010) notes that, in the case of Europol, the reduced mobility of employees, limited contacts with other organizations and the secrecy of their work contribute to the emergence of a very strong organizational culture. In the case of the two main EU intelligence agencies, there have been voices calling for greater cooperation between them, since the sharing of information between them consists only of the information necessary for the preparation of Europol reports, as for example, TE-SAT.

For Bilik (2017), the fact that not all member states provide information to Europol, but all have access to the intelligence products of this agency, shows the distrust that exists within the EU. Despite the EU's various impositions on member states in submitting intelligence to EU agencies, particularly in the area of terrorism, this transmission works on a voluntary basis by States, not least because, being secret information, it would be difficult to ensure that a Member state has not disclosed all relevant information in its possession. Therefore, Müller-Wille (2004) considers that institutions like Europol represent only an “optional bonus” that

Member states can benefit as they wish. Here again, the importance of informal relations between professionals in intelligence and security services is verified, where there is a greater proximity and culture of trust. In a British House of Lords report on Europol, Lord Manson argues that “[...] any structures can be created, but if people and relationships are not happening, the structures will not work” (EUROPEAN UNION COMMITTEE, 2008, p. 16). For Politi (1998), the European intelligence community does not need to be complex or highly institutionalized; stressing that informal cooperation between different professionals would be beneficial. In this sense, Navarro (*apud* HERTZBERGER, 2007) denotes the relevance of introducing measures to improve personal contacts between intelligence professionals, which, consequently, will lead to better cooperation between the national and European level.

Linguistic obstacles are also raised: in a Union of 24 different languages, intelligence professionals who do not speak the same language have greater difficulties in working together, further hampering the construction of a culture of trust it is useless to transmit intelligence to those who cannot understand it (HERTZBERGER, 2007; BOLSICA, 2013). In addition, Müller-Wille (2004) stresses that poor translations of intelligence products may fail to express the true reality of the facts. Notwithstanding, the EU has chosen an approach to understand and define terrorism with enough leeway to its member states to refine and deepen their understanding of the phenomenon according to their individual experiences. Even though it works extremely well in theory, it presents challenges in practice. The lack of a consensus definition in the EU may hinder counterterrorism coordinated efforts once not all member states may recognise an individual and/or organisation as terrorists, or even an attack as a terrorist attack and vice-versa.

Organizational diversity is also seen as an obstacle to contacts for the exchange of information. Some member states have aggregated intelligence and security services, others have separate; some have civil and military intelligence services in a single body, others do not (DELFEM, 2006; HERTZBERGER, 2007). On the other hand, the creation of specific departments to combat terrorism is becoming increasingly common in some member states, but not all of them have them, that is, police officers have different roles, playing a more active role in combating terrorism in some Member states than in others (BOLSICA, 2013; BURES, 2016). The European Commission (2004) calls this “information compartmentalisation”, which makes the procedures for the exchange of information at both the legal and organizational levels different. In addition, in this same communication, the



Commission reveals that another obstacle to the sharing of intelligence is the lack of a clear policy on information channels, resulting in differences in the choice of the appropriate channel for this exchange and in the way information sensitive and confidential should be dealt with. The lack of resources (human, financial and time) at national and European level is also seen as an organisational obstacle to the sharing of intelligence (COUNCIL OF THE EUROPEAN UNION, 2016; SVENDSEN, 2011). This challenge is confirmed by Tranciuc (2011 *apud* SUTA, 2016), where the author notes that the intelligence services of the Member states are so busy with domestic issues that they do not have the necessary resources to respond to requests for information coming EU agencies.

The preference for informal forums, due to their flexibility, practicality and efficiency, makes national intelligence services choose to use these agreements rather than formal EU institutions. Professionals as complex and bureaucratic instruments, not allowing a simple exchange of information, describe formal channels of intelligence sharing. Thus, these professionals prefer the use of informal channels to achieve the desired results, that is, they prefer to share information with people they trust, namely friends or colleagues (HERTZBERGER, 2007; BURES, 2016). Finally, some technical obstacles are also raised, namely interoperability problems of the different databases. This is because national intelligence services have different ways of indexing information (examples: some Arabic names are spelled differently; some member states only provide basic information about the suspects, and others more complex information, which leads to problems when Member states try to connect their databases) (MÜLLER-WILLE, 2004; HERTZBERGER, 2007). In this sense, the European Commission (2005) emphasizes the need for common procedures for the processing, analysis and exchange of information between different services and agencies, arguing that the only viable option in the future will be the creation of inter-operative and interconnected systems at EU level.

**Table 5.1 - Overview of the Main Findings in Section I**

<b>European Terrorism Trends</b>	<ul style="list-style-type: none"> <li>• Europe is not the epicentre of terrorism in the world;</li> <li>• There are more terrorist attacks in Western Europe than in Eastern Europe;</li> <li>• Left-wing (anarchist) terrorism has the highest rate of terrorist attacks, whereas jihadist has the lowest;</li> <li>• The majority of terrorist groups and/or individuals are local;</li> <li>• Jihadist inspired terrorism is responsible for most of the fatalities and injuries in attacks;</li> <li>• Citizens and private properties are the most targeted by terrorism;</li> <li>• Half of the terrorist attacks prefer explosions and bombings.</li> </ul>
<b>European Language of Counterterrorism</b>	<ul style="list-style-type: none"> <li>• Main objective is cooperation;</li> <li>• Terrorism as a denial of the European values of fundamental rights and the rule of law;</li> <li>• Counterterrorism must abide to the European values;</li> <li>• Peaceful and ‘just’</li> <li>• Terrorism regarded as an intrinsic international phenomenon</li> <li>• Terrorism as a <i>threat</i> not an <i>enemy</i></li> <li>• Counterterrorism as a regional collective effort.</li> </ul>
<b>European Counterterrorism Framework</b>	<ul style="list-style-type: none"> <li>• Decision Frameworks</li> <li>• Action Plans</li> <li>• European Counterterrorism Strategy</li> </ul>
<b>European Counterterrorism Practices</b>	<ul style="list-style-type: none"> <li>• Establishment of agencies to facilitate cooperation and the exchange of information and data at regional level;</li> <li>• Counterterrorism practices are mainly responsibility of the member states;</li> <li>• Co-dependency on the member states</li> </ul>

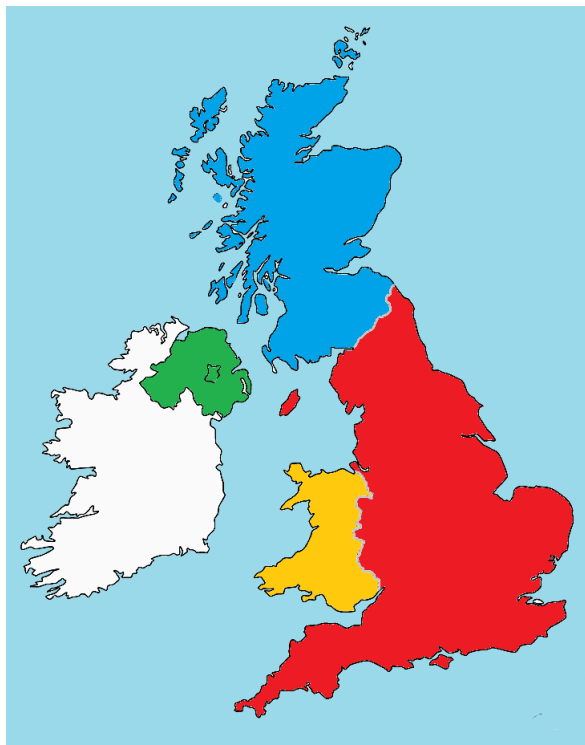
**Source:** developed by the author.

**SECTION II**  
**BRITISH LANGUAGE, POLICIES AND COUNTERTERRORISM PRACTICES**

## 6 BRITISH TERRORISM TRENDS

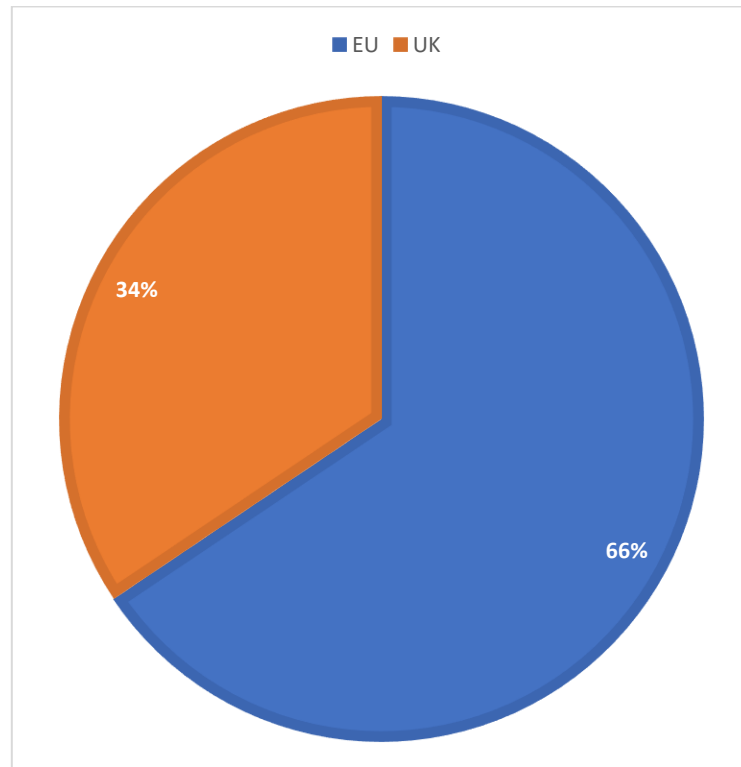
Before presenting the language of counterterrorism and the subsequent counterterrorism practices created and augmented in the United Kingdom, it is important to trace an overview of the actual terrorism challenges the British has faced from 2001 and 2018. Therefore, this chapter presents the statistical analysis from the data collected from the GTD and the Europol's TE-SAT. The United Kingdom is a union of the countries located in the island of Great Britain and Northern Ireland. Composed of four constituent states (England, Scotland, Wales and Northern Ireland), the UK was a member state of the European Union between 1973 and 2020. According to the Global Terrorism Database (GTD), there were 3197 terrorist attacks in the EU member states between the years of 2001 and 2018. Out of this number, 1100 attacks were registered in the United Kingdom, by far the highest rate of any member state. In Graph 9, it is possible to observe that 34% of all terrorist attacks happened in British soil. This means that the UK registered an average of 65 attacks per year, 1 attack per 61 thousand citizens. In contrast, together, the other member states had an average of 11 terrorist attacks a year, almost a sixth of the British ratings.

**Figure 6.1** – Map of the Territories of the United Kingdom



**Source:** developed by the author.

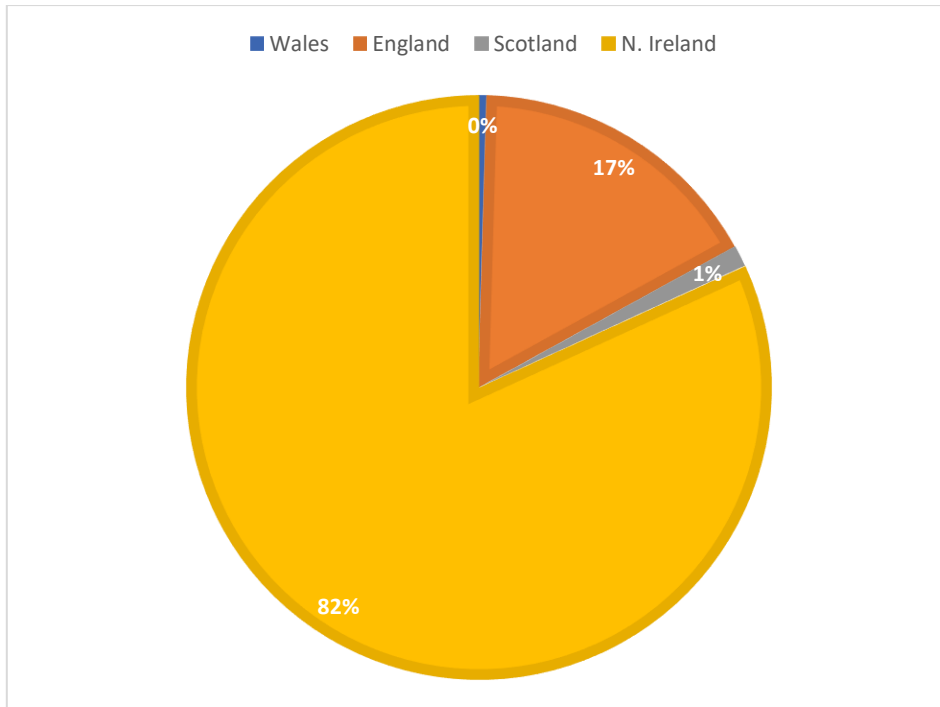
**Graph 6.1** – Comparison of the Attacks in the EU and in the UK 2001-2018



**Source:** START, 2020, adapted by the author.

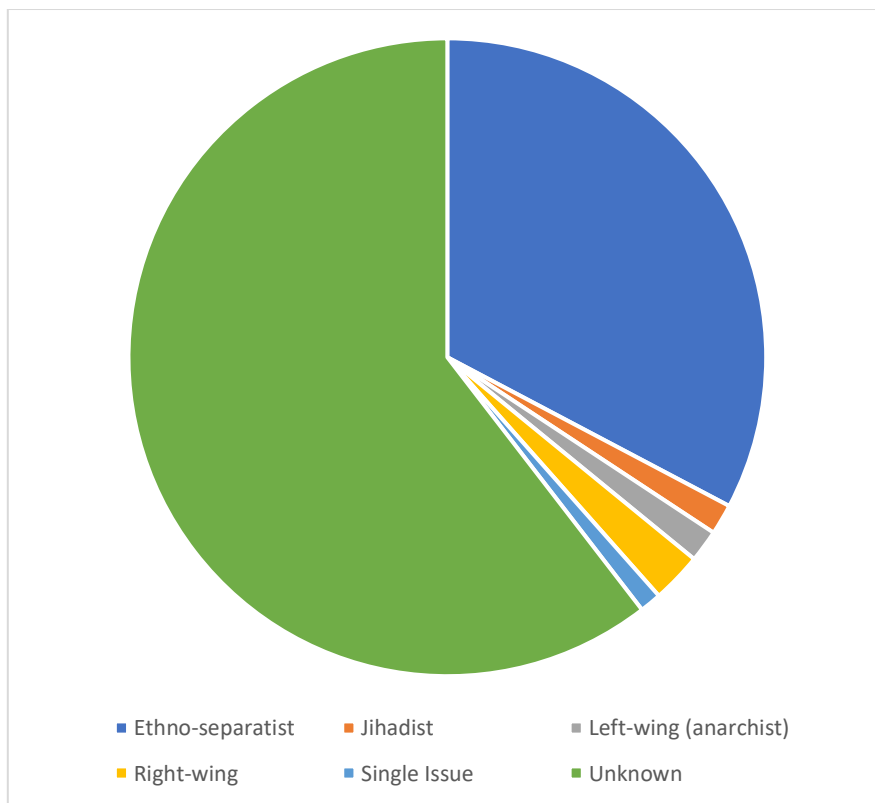
Given that the UK is composed of four different countries, terrorism trends also differ among them. In Graph 10, for example, it is possible to observe that Northern Ireland is the territory with most terrorism activity of all four, with 900 terrorist attacks between the years here studied. England follows up with 182 attacks, Scotland with 13 and Wales with 5. It comes to no surprise that the focus of attacks in the UK are in Northern Ireland due to the political tensions since The Troubles (1960s – 1990s) and the multitude of ethno-separatist groups active in the region. It is interesting to observe the divergences between the British discourse that was created after the 9/11 terrorist attacks and reinforced after the London bombing in 2005 that the biggest terrorist threat the UK was facing came from the outside, when in reality, out of the 49 identified terrorism perpetrators – groups and/or individuals – jihadist inspired terrorism corresponds to 1,5% of all terrorist attacks in the UK as presented in Graph 11.

**Graph 6.2 – Attacks per UK Member State**



Source: START, 2020, adapted by the author.

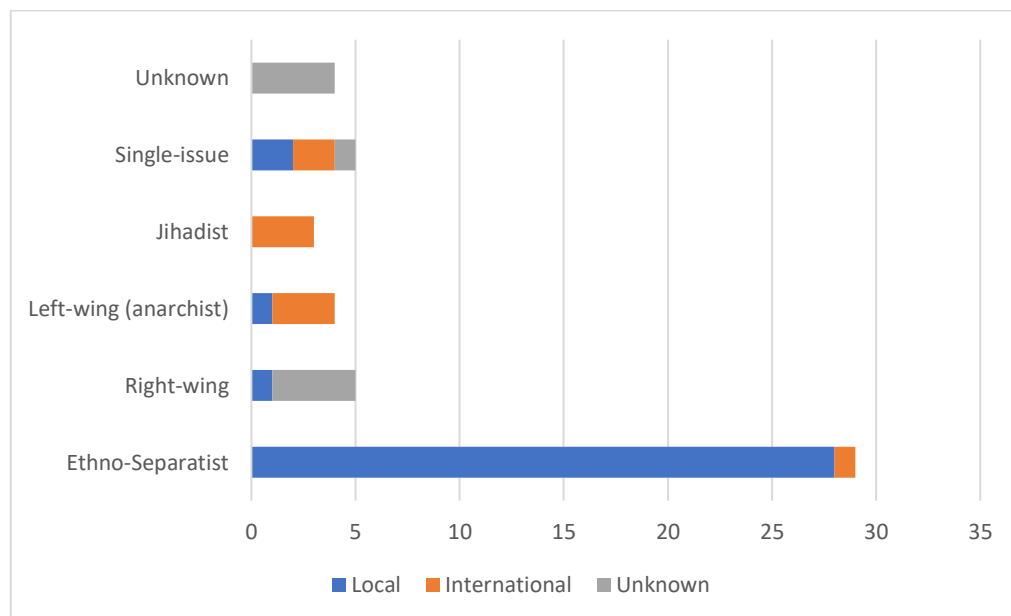
**Graph 6.3 – Perpetrators in the UK**



Source: START, 2020; EUROPOL, 2020, adapted by the author.

A total of 60% of terrorist attacks committed in the UK between 2001 and 2018 were of unknown origins, that is, it was not able to either identify the perpetrator and the organisation they belong or the ideology of the perpetrator did not fit in any of the other categories established by Europol. The limitations imposed by the typology established in this context is an obstacle to an in-depth analysis and the reflection of how terrorism ‘behaves’ in the UK. Besides that, 33% of the terrorist attacks were committed by ethno-separatist perpetrators. Adding to the fact that out of the 49 identified terrorist perpetrators in the UK, 28 of them are ethno-separatists, and that Northern Ireland still is the region that most suffers attacks, it is evident that their fight for independence has been carried out to the 21<sup>st</sup> century.

**Graph 6.4 – Locale of Attacks per Terrorism Typology**

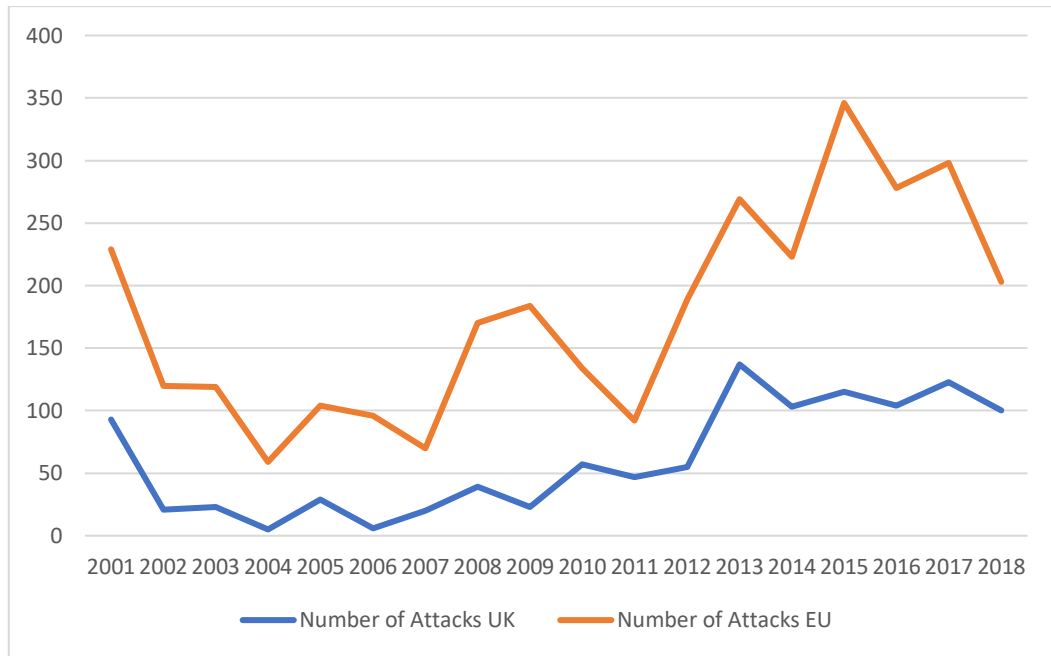


**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

Another interesting divergence between the British counterterrorism framework and the data collected regards the locale of terrorist perpetrators. As mentioned in the presentation and analysis of the policies and strategies, there is an emphasis on how the terrorism threat is international, how it comes from outside the UK. In Graph 12 on the other hand, it is possible to observe that the majority of the perpetrators are local. It is interesting the differences between jihadist and ethno-separatist perpetrators. Whereas jihadists, much like in the case of the EU, are international, most of the ethno-separatists are, in fact, local groups. Left-wing (anarchist) perpetrators have an interesting make up in the UK compared to the EU where they are the

majority of the perpetrators and are local. In retrospect, with the information presented until here, terrorism in the UK is its majority observed in Northern Ireland, it is unknown and ethno-separatists and the perpetrators are in its majority local. It differs extremely to the counterterrorism discourse that the threat comes from the outside when, in reality, it does not.

**Graph 6.5 – Yearly Comparison of Attacks in the UK and the EU**



**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

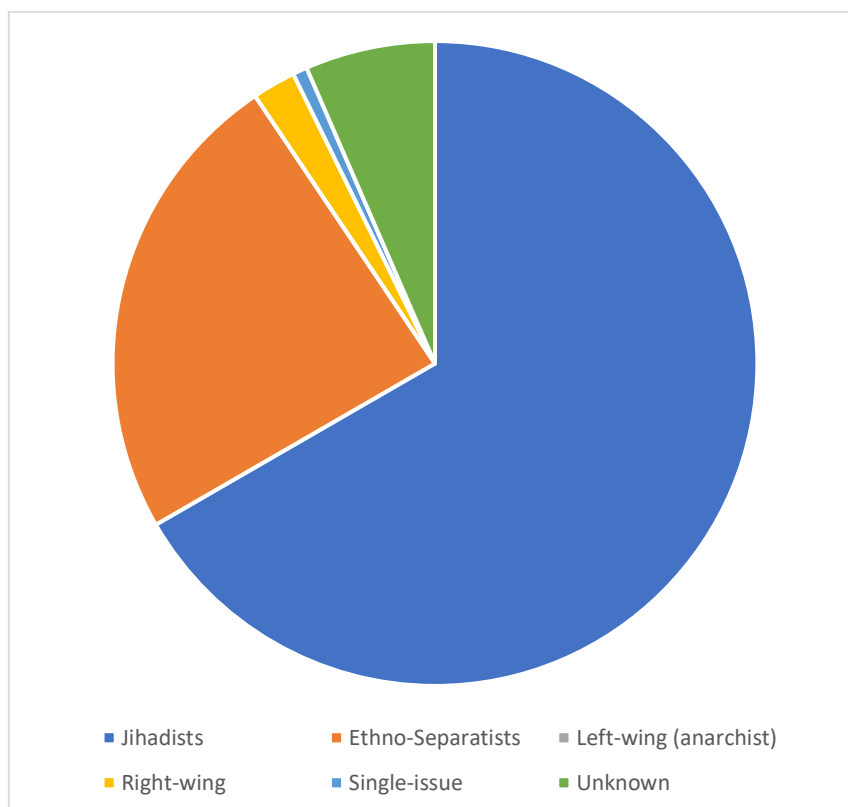
Even though the UK is the member state with more registered terrorist attacks in the EU in the period studied, it is interesting to observe that from 2002 to 2012 the number of attacks in the UK have been consistently under 100 attacks per year. Furthermore, the spike in the attacks registered in the EU in 2011 was replicated within the UK in the following year. As previously mentioned, in 2011 the Syrian civil war started and in 2013 the Islamic State declared its caliphate. It is also in this period that UK registers a considerable number of British citizens going to fight as foreign fighters in Syria. Furthermore, between 2013 and 2018 the number of terrorist attacks oscillated between 100 and 150 a year. It is interesting to note that, with the implementation of more restrictive counterterrorism throughout the years, the number of terrorist attacks in the UK has been increasing instead of decreasing as expected.

However, a trend that has been identified in the EU case study and can also be observed in the UK are the number of fatalities and injured per terrorist typology. Even though ethno-separatist terrorism is responsible for a big portion of the attacks, it is responsible for 24% of



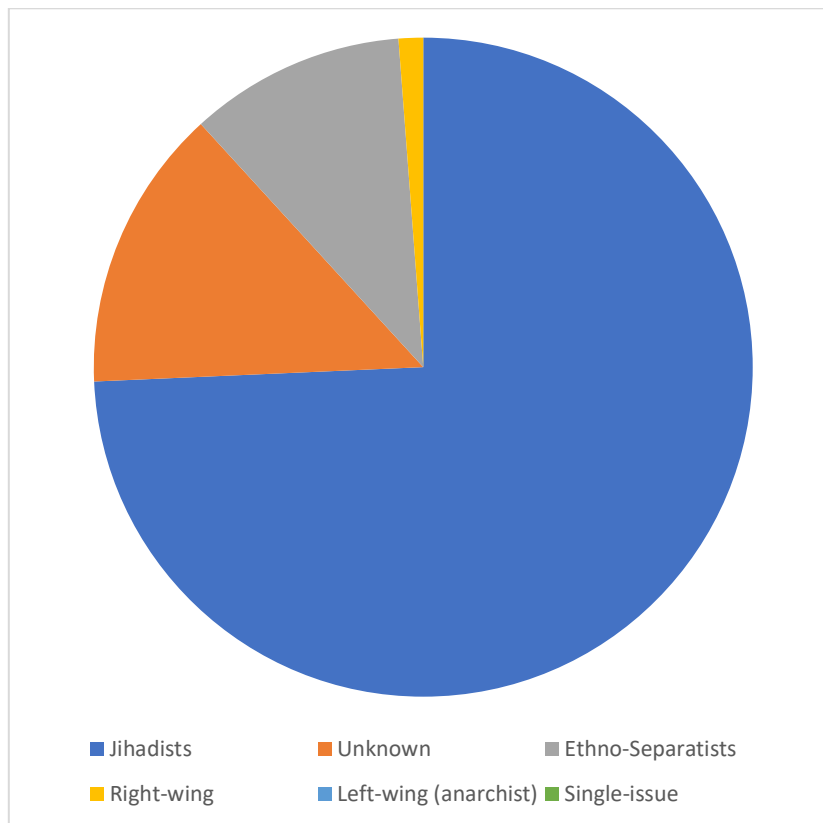
the fatalities and 14% of the injured. What is surprising though is that jihadist terrorism, responsible for 1,5% of the attacks, is also responsible for 67% of the fatalities and 74% of the injured. Even though jihadist terrorism is not the most ‘common’ type of terrorism in the UK, it is by far the deadliest – much like in the regional trend. On the attacks themselves, there are three categories that present interesting trends: the types of targets, the types of attacks and the types of weapons used. Because the *modus operandi* of terrorist organisations and/or individuals are similar, it is quite difficult, if not impossible, to determine a perpetrator’s target, attack and weapons preferences. In general, 45% of the attacks were targeting private citizens and private property, whereas 16% were targeting the police, 8% were targeting businesses, 7% were targeting religious figures and institutions, and 6% were targeting the government. Regarding types of attacks, it is no surprise that bombings and explosions were the method used in 49% of the attacks, whereas facility and infrastructure damage corresponds to 25% of the attacks, and armed assault to 19% of the attacks. Together, assassinations, hijackings and kidnappings were the methods used in 5% of the attacks. In a similar pattern, 49% of the weapons used in terrorist attacks were explosives, bombs and dynamites, 33% were incendiary, and 12% were firearms.

**Graph 6.6 – Fatalities per Terrorism Typology**



**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

**Graph 6.7 – Injured per Terrorism Typology**

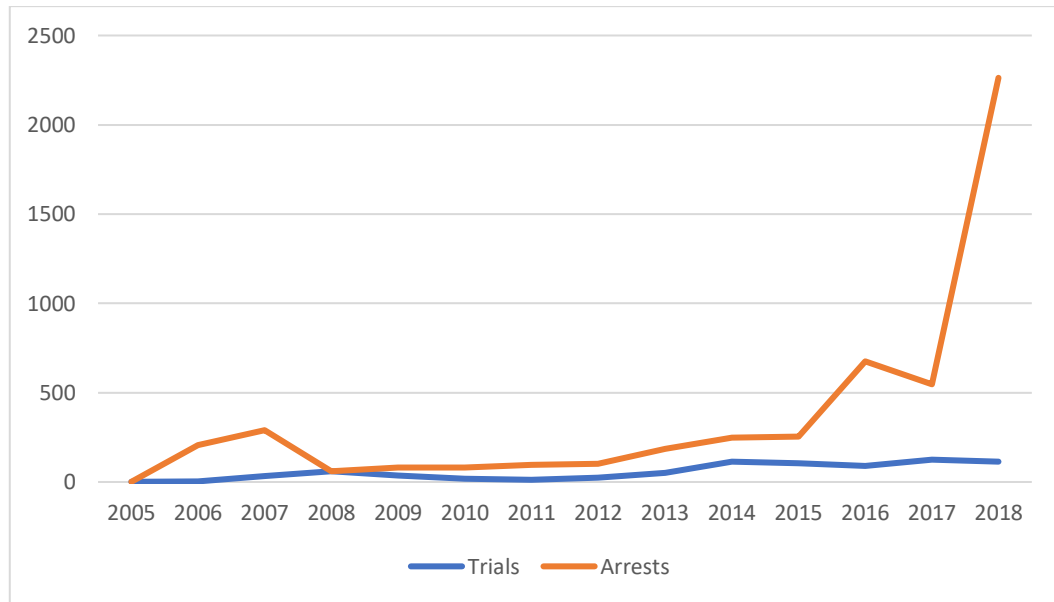


**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

In the previous Section was presented a brief analysis on the number of arrests per terrorism typology. This information was provided by the TE-SAT reports published by Europol between 2006 and 2018. Most of the EU member states provided the necessary information for this detailed assessment save the UK. Because the lack of information provided by the member state, it is not possible to analyse how many arrests on the basis of each type of terrorism was made. An intriguing aspect of the data provided by the UK to Europol was that the number of arrests in Northern Ireland was separated from the total number of arrests in the UK data. The data from Northern Ireland was provided in a footnote and later added to the total number of arrests in Graph 16. Furthermore, the data of Northern Ireland proved to almost double the total number of arrests in the UK. Comparatively, the number of arrests in the UK has been considerably diverging from the number of trials since 2008 onwards. When inserting this data in the context of the counterterrorism policies, it is only natural that the number of arrests has progressively increased with the power police and intelligence agencies have been gaining to monitor and arrest individuals on grounds of terrorism without necessarily having

probable cause. Furthermore, there is another considerable increase in the number of arrests from 2015 onwards. This is the time where talks of Brexit started, with the referendum in 2016, when the refugee crisis was in its all-time high, and when British foreign fighters that were in Syria, started to (try) return home.

**Graph 6.8** – Arrests and Trials due to Terrorism in the UK 2001-2018



**Source:** START, 2020; EUROPOL, 2020, adapted by the author.

Overall, British terrorism trends follows a similar pattern to the regional trend. Even though in the international system Europe is not one of the regions most affected by terrorism in the world, the United Kingdom most certainly is the epicentre of terrorism in Europe. Terrorism is most prominent in Northern Ireland, with England following from a distance. Ethno-separatism is responsible for the second highest rate of terrorist attacks in the UK, and jihadism, much like in the EU, has one of the lowest attack rates, but is responsible for the majority of the fatalities and injuries. Also reflecting the regional pattern, the majority of terrorism perpetrators are local, its main targets are private properties and citizens and the preferred type of attack are bombings and explosions.

## **7 THE LANGUAGE OF COUNTERTERRORISM EMPLOYED IN BRITISH POLICIES**

As previously mentioned, terrorism is a socially constructed concept that is disseminated by the United Kingdom as an integral part of a discourse that serves to legitimise and expand the power to redefine socio-cultural values intrinsic to a certain identity and establish the *self* and the *other*. As Jackson (2005) mentions, the language of counterterrorism is the careful construction of a discourse through deliberately choosing of words, assumptions, beliefs and knowledges of terrorism with the aim to achieve political goals such as to empower authorities, discipline society, enforce unity and narrow the identity, and to legitimise and normalise the counterterrorism practices enforced. Furthermore, the language of counterterrorism is not simple nor neutral, but rather a subjective reflection on the realities of terrorism and counterterrorism present in discourse constructed within specific contexts. This chapter presents and analyses the language of counterterrorism employed in domestic policies and strategies to understand how (and if) it has evolved over the years, its objectives and the counterterrorism framework established.

### ***7.1 British Counterterrorism Policies***

British authorities have been dealing with terrorism for over a century. The first terrorism legislation established was the 1922 Special Powers Act, that was created to alleviate the violent conflict generated by the separation of Ireland and the creation of Northern Ireland under British domain. By 1922, the Special Powers Act that had been previously enacted as a temporary measure, was to become permanent. The Act in itself included several controversial measures granted to the police and armed forces (such as the ability to stop and search any individual suspected of carrying weapons and/or explosive substances and the detention of suspects without a trial, known as the internment measure), and to the British Home Office (such as the imposition of curfew, the closing of licensed facilities and the prohibition of newspapers circulation) (MASFERRER; WALKER, 2013; BLACKBOURN, 2014).

It was not until 1973 that the Special Powers Act was substituted by the Northern Ireland Emergency Provision that not only reinforced the internment measure but also the exceptional trial system without a jury. A year later, the IRA targeted several cities in the United Kingdom as part of their bombing campaign. The violence of this campaign was marked by two attacks in Birmingham that resulted in 40 fatalities and the implementation of the 1974 Prevention of

Terrorism Act by the British government. The new counterterrorism legislation had as a target not Northern Ireland, like the Acts beforehand, but the whole of the United Kingdom. The new implemented legislation worked around three main focus points: (1) measures to prevent Irish terrorist organisation from bombing the UK; (2) provisional detention powers to all British police forces; (3) and the establishment of border control to monitor and prevent the entry of suspected individuals in British territory (MASFERRER; WALKER, 2013; BLACKBOURN, 2014).

Although they were drawn to the intention of being temporary emergency provisions, both the Northern Ireland Act and the Prevention of Terrorism Act were updated annually over the next 20 years by the British Parliament without much hesitation. By mid-1980s onwards, the Prevention of Terrorism Act included measures to counter international terrorism, criminalising a series of actions such as the contribution to a terrorist attack, the assistance in the control of terrorism funds, the possession of articles related to terrorism and/or terrorist organisations, the access of illegal information that would be useful to individuals and/or organisations, and the failure to disclose to authorities information about the financing of terrorism (MASFERRER; WALKER, 2013; BLACKBOURN, 2014).

With the signing of the Good Friday Agreement in April 1998, the promise of peace and the end of the conflict in Northern Ireland provided the British Parliament with normalising the legal situation, repelling the emergency measures that were in force at the time (the 1989 Prevention of Terrorism Act and the 1996 Northern Ireland Emergency Provisions Act). However, an attack in Omagh in Northern Ireland by the Oglagh na hEireann (the Real IRA), that resulted in 29 fatalities, delayed this process. In response to the attack, the British government implemented the Criminal Justice (Terrorism and Conspiracy Act that same year, facilitating the conviction of individuals suspected of being members of a terrorist organisation. In December 1998, the British Parliament began to review the emergency measures in place (the 1989 Prevention of Terrorism Act and the 1998 Northern Ireland Emergency Provisions), and to investigate the threat of terrorism from Northern Ireland and the potential threat that the United Kingdom may face from other types of terrorism (MASFERRER; WALKER, 2013; BLACKBOURN, 2014).

This review was carried out following the *Inquiry Into Legislation Against Terrorism Report* led by Lord Lloyd, the Baron of Berwick, in 1995 after the IRA ceasefire. In this report, Lord Lloyd concluded that the United Kingdom would need “[...] a permanent anti-terrorism legislation that would continue after the end of the Northern Ireland emergency” (LLOYD;

1996, p. 24). Lord Lloyd's inquiry resulted in two volumes and a conclusive report stated that the United Kingdom had to bring in a permanent counter-terrorism policy to deal with internal threats and international threats independently of or in addition to the situation in Ireland. The Lloyd Report presented a new legal definition of terrorism and considered a whole set of newly existing laws, thus forming a basis for future counter-terrorism policies standards.

The proposed British definition of terrorism eventually included actions that pose as serious property risks, actions that seriously interfere with the functioning of electronic systems or endanger public health. To consider all the provisions, it is not relevant to know who the governments or states that are influenced or where the action takes place. Because the direct action of groups, groups that support struggles against repressive regimes, or even strike unions in the health sector can be considered terrorists, with all that entails. Furthermore, the report also recommended several measures that should be essential to counter terrorism in British territory, such as the criminalisation of terrorism-related activities and the strengthening of police power. These recommendations were then adopted in the Terrorism Act 2000, the first permanent counterterrorism legislation in the United Kingdom (BLACKBOURN; 2009, 2014).

The Terrorism Act 2000 was formulated with the goal of being a definitive, long-term legislation. Additionally, the Act aimed to facilitate the transition from a violent conflict area to a peaceful one in Northern Ireland, while highlighting the potential threat that international terrorism posed in the region (BLACKBOURN, 2009). The Terrorism Act 2000 came into force in February 2001, just seven months before the 9/11 terrorist attacks in the United State. At the time, Tony Blair, the then British Prime-Minister, concluded that it was a good time to consolidate counterterrorism measures into a legislation that was compatible with the Human Rights Act 1998 that was created to implement the rights in the European Convention of Human Rights that came into force in October 2000 (BECKMAN, 2013).

The differences between the formulations of the Prevention of Terrorism Act 1989 and the Terrorism Act 2000 were the highlight of much debate in the UK. The definition of terrorism, for example, was extended from “[...] the **use of violence for political ends**, and includes any use of violence for putting **the public or any section of the public in fear** [...]” (UNITED KINGDOM, 1989, highlighted by the author) to “[...] the **use or threat of *action*** where – (1b) is designed **to influence the government or to intimidate the public or a section of the public** and (1c) is made for the purpose of **advancing a political, religious or ideological cause**” (UNITED KINGDOM, 2001, p. 1 highlighted by the author).

The concept of terrorism is quite indefinite and uncertain, it has a universal vocation encompassing a wide range of activities or actions, it may even be considered an act of terrorism, an act that does not involve violence to the person, carried out in any place in the world, in order to influence any government in the world. Although the Terrorism Act 2000 was implemented in accordance to the European Convention on Human Rights as decreed by the EU, the scope of several counterterrorism measures such as the 'stop and search' and detention without charge, was expanded. It was decided to increase from five to seven day the period in which a person suspected of terrorism activity could be detained by British authorities without charge. As previously mentioned, this increased the number of arrests in the UK in comparison to the number of trials, in other words, the arrests do not necessarily translate into trials. Furthermore, the 2000 Act also extended the powers of the Ministry of Home Affairs and the police. Both now could choose an area in the UK and establish a period of time where police officers could stop and search any person or vehicle without needing to reasonable suspect that a person was related to terrorist activity.

In retrospect, the Act retained several of the original counterterrorist measures implemented over the decades in Northern Ireland, but now with a national reach. Measures such as labelling and banning certain terrorist organisations, countering the financing of terrorism, the monitoring of ports and airports were still in place. For Walker (2000), the removal of the exclusionary powers from the legislation, that is, the limitations on the use of force by police officers on individuals, was a very questionable and inconsistent decision taking into consideration the European Convention on Human Rights and interference on the freedom of movement, the freedom of speech and expression. By making temporary measures permanent, the Terrorism Act 2000 reinforce the idea that terrorism-related crimes were tried in a different context from other criminal activities. Additionally, the vast proactive powers granted to police and intelligence services, which were once considered exceptional, have been normalised in British counterterrorism and society in general (DELSOL; SHINER. 2015).

Due to the 9/11 terrorist attacks and several shortcomings to British counterterrorism, the Anti-Terrorism, Crime and Security Act 2001 was passed. The Anti-Terrorism, Crime and Security Act 2001 (ATCSA) was the British government's response to 9/11 and its main objectives were to improve the security of the United Kingdom, to help security services detect and target terrorists and to ensure that agencies law enforcement officers had the necessary powers and information to combat terrorism (HOME OFFICE, 2002). The new legislative measures were thus presented as essential to empower the government with the necessary

powers to fight this threat. This law came into force on December 14<sup>th</sup> of the same year (STANKIEWICZ, 2013). According to official government sources, the urgency in applying new measures was due to the fact that “[...] before September, we already had legislation that hampered the operation of terrorists. [...] However, these measures were designed to combat the threat of terrorism on a very different scale” (HOME OFFICE, 2002, p. 10).

The Anti-Terrorism, Crime and Security Act 2001 granted the Home Secretary the power to certify a non-national individual as a suspect of international terrorism and if he believes that his presence in British territory represents a threat to national security, they may dictate deportation or detention indefinitely and without trial or prosecution whenever deportation proves impossible (NICHOLLS, 2002). An international terrorist is defined as a person who “[...] is or has been involved in the commission, preparation or instigation of acts of international terrorism, [...] is a member or belongs to a terrorist group or, [...] relates to a person who is a member or belongs to a terrorist group” (HOME OFFICE, 2001, p. 2).

The Anti-Terrorism, Crime and Security Act 2001 established a limitation on the resources of foreign citizens detained on suspicion of involvement in terrorist activities by allowing the freezing of assets of suspected terrorists during the time they are being investigated in order to prevent the assets from being transferred or used. It demanded that carriers such as airlines provide information on their passengers and cargo whenever necessary, forced financial institutions of which banks are an example to contact law enforcement agencies whenever they believed there was strong evidence of possible terrorist financing, it allowed media services to withhold information in order to ensure that it can be accessed by law enforcement agencies investigating terrorism or criminal activities, it guaranteed police and security services the power to question public bodies such as schools and hospitals, as well as the right to access personal information during terrorist investigations. From the government's point of view, the collection of information is an important tool for security services and was necessary to safeguard national security and investigate crime. New offenses have also been created that concern the use or development of nuclear, chemical or biological weapons (HOME OFFICE, 2001; WALKER, 2006). The main element of the new legislation was the institution of a new way of dealing with foreign citizens in which security services suspected of committing, organizing or supporting terrorists. In the face of terrorists who cannot be deported, the government created provisions to indefinitely detain foreign nationals considered a threat to national security without bringing them to trial (HOME OFFICE, 2001). Although suspects were often unable to be deported,



they would be free to leave the United Kingdom if they found another state willing to receive them (BAMFORD, 2010).

However, the 2001 counterterrorism measures sparked a lot of controversy inside and outside British borders. According to several British ministers, the Act was intrusive and unnecessary, jeopardising the civil liberties of citizens. Of all the measures included, Part 4 – Immigration and Asylum was the most controversial part, fostering debate in the Parliament, the judicial system and the media. The controversial measure allows the British government to detain foreign citizens suspected of terrorism without formal charge and without trial for an indefinite period of time. International repercussion soon followed and the European Court of Human Rights argued that Part 4 of the 2001 Act violated Article 3 on the prohibition of torture of the European Convention of Human Rights and, consequently, the British government need to find an alternative to deter foreign citizens suspected of terrorist activities in the country (SWEENEY, 2014).

Under normal circumstances, the European Court of Human Rights would ban Part 4 of the Anti-Terrorism, Crime and Security Act 2001 through Article 5 of the European Convention of Human Rights on the ‘right to liberty and security’, which protects every individual’s right to freedom and security as well as prohibits detention without trial. However, David Blunkett, the then Home Secretary, derogated from Article 5 by invoking Article 15 on ‘derogation in times of emergency’, which allows any EU member state to derogate from their responsibilities under the Convention “[...] to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law” (COUNCIL OF EUROPE, 2010, p. 13). According to Blunkett (2001), this derogation was necessary due to the public emergency that resulted from the terrorist attacks on the United States in 2001. This way, the British government managed to declare itself immune from Article 5 of the European Convention on Human Rights and to implement Part 4 of their new legislation without hindrances.

In 2004, the House of Lords – the upper chamber of the British Parliament - tried the Belmarsh Case, where a group of foreign citizens were detained by the British police and considered to be international terrorists under the Anti-Terrorism, Crime and Security Act 2001. The suspects could not be deported, and were detained without charge or trial in the Belmarsh Prison (also known as the British Guantanamo Bay) in London. During the trial, the ten suspects argued that their arrests, in addition to violating Article 5 of the European Convention on Human Rights (right to freedom) were also discriminatory against foreigners, and therefore

violating Article 14 of the same Convention. In the end, most Lords recognised that Part 4 of the Anti-Terrorism, Crime and Security Act 2001, that is, the measure that allows foreign citizens to be detained indefinitely and without charge, was disproportionate and discriminatory, violating their fundamental human rights.

To Lord Bingham (2004), the decision to detain a group of individuals suspected of being international terrorists due to nationality or emigrant status, and not the other characteristic", cannot be justified. Additionally, Lord Hoffman (2004) stated that the real threat to the life of the nation, in the sense of a population living according to its traditional laws and its political values, does not derive from terrorism, but from laws such as these. Consequently, the House of Lords issued a Declaration of Incompatibility<sup>20</sup> that forced the government and Parliament to change the legislation. Accordingly, the Prevention of Terrorism Act 2005 was implemented in March 2005 – four months prior to the 2005 London bombings – with the objective of replacing Part 4 of the Anti-Terrorism, Crime and Security Act 2001. In this Act, non-derogating *control orders* were introduced, a measure that gives the Home Secretary the power to place an individual under house arrest “[...] to protect members of the public from the risk of terrorism” (BRITISH PARLIAMENT, 2005, p. 2).

Furthermore, the Home Secretary can also apply a long list of restrictions on the individual's life, such as forced relocation, mandatory home searches, geographical restrictions, electronic identification, banning visits by certain people, and banning electronic communication. To obtain a *control order*, the Home Secretary must prove in court that they have reason to suspect that the individual is or was involved in terrorist activities. As the name implies, non-derogating *control orders* cannot constitute a deprivation of liberty so as not to violate Article 5 of the European Convention on Human Rights (SWEENEY, 2014). The *control orders* apply to British and foreign citizens, as an attempt to prevent discrimination, and do not require evidence of criminal activity, operating completely outside the normal courts. This measure, like Part 4 of the Anti-Terrorism, Crime and Security Act 2001, was introduced with the objective of controlling individuals who are suspected of terrorism but whom the government is unable to deport or prosecute (FENWICK, 2011). Due to its particularities and restrictions, this measure has received several criticisms from human rights organizations.

As a response to the 2005 London bombings, the British government decided to adopt a new counterterrorism legislation which included several restrictive measures more rigid than

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<sup>20</sup> A Declaration of Incompatibility is when a new law is incompatible or goes against the 1998 British Human Rights Act.

the previous legislation. The Terrorism Act 2006 was an emergency legislation that introduced new controversial measures such as the government's power to prosecute individuals for encouraging terrorism and for disseminating terrorist related publications. In addition, the Terrorism Act 2006 was created after the 7 July attacks in order to fill flaws in the previous legislation, in particular to deal with the growing threat that British radicals posed to the country, an aspect in the perspective of the British government that has been little explored in legislative terms until then. (SWEENEY, 2014). Its primary objective was to institute measures to prevent terrorist attacks and to punish infractions related to terrorism.

To this end, the new legislation increased the powers of the police, which were equipped with the ability to detain terrorists for 28 days without trial, twice the time allowed by previous legislative measures. Encouraging terrorism, inciting or instigating others to commit acts of terrorism, either directly or indirectly, has also become an offense. The Home Secretary was given more powers to ban groups that 'glorified' terrorism and to prevent prescribed organizations from using other organizations in order to continue to operate. It created new offenses regarding the sale, distribution and transmission of terrorist publications, and also began to punish all those who granted or received training in terrorist techniques (HOME OFFICE, 2006). The Terrorism Act 2006 adopted the definition of terrorism previously established in the Terrorism Act 2000 (HOME OFFICE, 2006). Furthermore, action is considered terrorism if:

“(...) A) it involves serious violence against a person, b) it involves serious damage to a property, c) it endangers the life of a person, other than the person who commits the action, d) creates a serious health risk and the safety of the public or a section of the public or, e) is designed to seriously interfere with or seriously disrupt an electronic system. (...) The use or threat of action (...) involving the use of firearms or explosives is terrorism (...) a) “the action” which includes action outside the United Kingdom, b) reference to any person or property is a reference to anyone or any property, regardless of where it is located, c) reference to the public includes reference to the public from a country other than the United Kingdom and d) “the government” means that the government of the United Kingdom, a part of the United Kingdom or a country other than the United Kingdom. 5) In this act, a reference to a measure taken for the purposes of terrorism includes a reference to measures taken for the benefit of an outlawed organization” (HOME OFFICE, 2000, p. 5).

Despite adopting the same definition, a slight change was made, in order to include specific actions against international governmental organizations. With its entry into force, the use or threat of action that influences an international organization or that intimidates the public or a section of the public is considered terrorism. This use or threat is made in order to advance a political, religious or ideological cause. It is also considered terrorism if it involves violence

against a person, considerable damage to property, endangers human life or if its purpose is to interrupt an electronic system (HOME OFFICE, 2006).

Section 1 of the Terrorism Act 2006 created an offense in relation to the encouragement of terrorism, with the introduction of this legislative measure making the encouragement of terrorism a crime. An individual may be charged with such an offense if he publishes statements that defend or incite terrorism or that encourage others to do so, if there is a possibility that his statements will be understood as direct or indirect encouragement to the practice or preparation of acts of terrorism and if at the time of its publication the individual is aware of his actions since this is a crime that can be committed intentionally or negligently. Therefore, special importance should be given to the context of the publication in order to ascertain whether it actually glorifies terrorism or whether it is just an academic article that exposes different points of view, for example. Section 2 created offenses against the spread of terrorist publications (HOME OFFICE, 2006). The dissemination of terrorist publications concerns the distribution or circulation of publications with content considered inappropriate. Its dissemination can occur through sale, offer or loan. Individuals who provide third parties with any service that allows them to obtain or have access to terrorist publications will also be punished (HOME OFFICE, 2006). A publication is considered to be a terrorist publication if its content is understood by some or all people as encouraging terrorism directly or indirectly and if it encourages third parties to commit, prepare or instigate acts of terrorism. It can also be considered a terrorist publication if it proves useful in preparing or executing a terrorist attack (HOME OFFICE, 2006).

As for the preparation of terrorist acts, an offense is committed if an individual participates directly in a terrorist act or if he assists another to commit an act, regardless of his intentions. Regarding training, this practice is punishable for those who provide training and instruction and for the person who receives it, if at the time he receives the training he intends to use the skills acquired in planning an attack. It is also a crime to go to a place used as a terrorist training ground. An organization can be banned if it glorifies terrorism, incites its practice or planning for terrorist attacks (HOME OFFICE, 2006). The Terrorism Act 2006 was presented as the first piece of legislation capable of combating international terrorism, with the British government claiming that the threat of terrorism was proving more sophisticated than ever and that, as such, the police needed more time to collect data in their investigations, which justified the increase in the period of detention without charge (AWAN, 2011).

However, while other European countries face equivalent terrorist threats, none of these countries have held suspected terrorists for as long as the United Kingdom, which had the longest period of detention without charge. Investigations revealed that in the UK the 14 days of pre-trial detention were excessive and that not many days were needed for an investigation. This was due to the research tools and techniques developed, which made it possible to obtain and analyse data quickly. Other countries, such as Pakistan, for example, with fewer human and technological resources, held suspects for a shorter period of time. This is also the case in Spain, which despite the attacks on Madrid's transport system in 2004, only held suspects for five days. The British police are thus accused of not needing as many powers as those they claim. After Liberty released its report, the British government decided to defend itself and stressed that the difference in terms of detention days is due to the existence of different judicial systems as well as different methods of surveillance and intelligence (AWAN, 2011).

In 2008, however, yet another counterterrorism policy, the Counter-Terrorism Act 2008 was implemented, introducing measures that are more stringent. The objective of this new Act was to create new powers to collect and share information to counter terrorism, and to create additional provisions for the arrest and interrogation of suspected individuals of terrorism related activities and for the prosecution and penalisation of terrorist offenses. The 2008 Act introduced new measures such as the police's power to request information to monitor individuals convicted of terrorism and to prevent them from traveling abroad, the possibility for the police to use material intercepted by the secret services on some occasions and to remove fingerprints and DNA samples from individuals subject to *control orders* and to use them in terrorism investigations.

In late 2014, the then British Prime Minister Theresa May announced the bill for a new counterterrorism policy, that in the next year, was approved and came into force in the UK. May's goal was to develop a complete strategy to combat terrorism in order to combat all forms of terrorism. This strategy was based on the idea that the response to extremism must come from the entire government, thus recognizing that neither the government nor civil society are capable of combating the threat individually. The new strategy that called for a partnership between all those committed to fighting terrorism will be based on the promotion of British values, referred to as the values that unite the British people and allow them to enjoy their individual freedoms. Basing the strategy on a collaboration between the government and civil society, May invited all those interested in countering terrorism to join the partnership and also

left a warning to those who did not intend to participate, warning them that their behaviour will not be tolerated and in the end they will be defeated by the partnership to fight terrorism. Presenting as the main objective of the strategy the fight against all types of terrorism, Theresa May highlighted Islamic extremism as the most serious form of terrorism due to the fact that Islamic extremists vehemently reject British values, as well as the possibility of an individual being a good Muslim and good British citizen. In the face of such an impossibility defended by extremists, May stressed that Islam is fully compatible with British values and way of life, indicating incompatibility only with Islamic extremism (HOME OFFICE, 2015).

After several announcements that new legislative measures were going to be instituted to counter terrorism, on February 12<sup>th</sup> 2015, the Counter-Terrorism and Security Act 2015 (CTSA) was approved. The main objective of CTSA 2015 was to reduce the risk of terrorism in the United Kingdom by preventing individuals from traveling abroad where they may commit terrorist acts, by decreasing the ability of terrorists to return to the United Kingdom, by strengthening the government's ability to monitor and controlling the actions of those returning to the UK after having been involved in terrorist acts and still fighting the ideology that supports terrorism. Among the main measures it has introduced are the power to withdraw the passport from an individual who is suspected of leaving the UK to engage in terrorist activities, measures applied to universities, the punishment of terrorist financing and the application of temporary exclusion orders (HOME OFFICE, 2015; COUNTER-TERRORISM AND SECURITY ACT, 2015).

When CTSA 2015 entered into force, it was reported that hundreds of British nationals had travelled from the United Kingdom to Syria and Iraq since the ISIS self-proclamation and that the existing possibility that these individuals would one day later return to the country posed a serious threat to your security. To respond to this threat, control orders have been instituted to apply to individuals suspected of terrorism returning to the United Kingdom (HOME OFFICE, 2015). This legislative act dictated the introduction of temporary exclusion orders, according to which an individual can be prevented from returning to the United Kingdom. For the application of a temporary exclusion order, the Minister of Home Affairs must have strong suspicions that the individual is or was involved in terrorism-related activities outside the United Kingdom, and should consider their exclusion necessary in order to protect the population the risk posed by terrorism. The order only comes into force as soon as the individual to whom it has been applied is notified and despite being instituted for two years, it can at any time be revoked by the Home Secretary. As soon as it takes effect, the individual's

passport is immediately invalidated. After a temporary exclusion order has been applied, the individual may be given permission to return to the UK under controlled circumstances whose conditions will be further determined by the Home Secretary. The new legislative act establishes a new offense, which consists of returning to the UK without reasonable justification after a restraining order has been applied (COUNTER-TERRORISM AND SECURITY ACT, 2015).

With the institution of temporary exclusion orders the British government aims to minimize the danger that terrorism suspects pose to the security of the country as well as to provide security and intelligence agencies and the police with additional tools to enable them to monitor these individuals (HOME OFFICE, 2015). This measure by temporarily prohibiting the return to the United Kingdom of British citizens suspected of involvement in terrorist activities abroad is intended to ensure that their return to the country occurs in a controlled manner and under compliance with rules previously established by the Secretary of State (UK Home Office, 2015b). The Terrorism Prevention and Investigatory Measures (TPIM) instituted several measures that help the security and police services to manage the risk posed by individuals who could not be detained or deported. However, the entry into force of CTSA 2015 dictated some changes in the TPIM by giving the Minister of Internal Affairs the power to define the place where a terrorist suspect should reside, by being able to restrict his travels, by prohibiting them from obtaining or possessing weapons. offensive and by increasing the penalty to be imposed in the event of failure to comply with the measures imposed (HOME OFFICE, 2015). With the introduction of this measure, the police will have more capacity to deal with suspected terrorists, since the imposition of rules on the return of suspected terrorists may make it difficult to return to the United Kingdom, which is important. since they often return with planned attacks. From the government's point of view, the threat to the United Kingdom may still lessen as individuals who consider traveling to Syria or Iraq when aware of the consequences that their actions can have may decide not to take the risk and end up not travel. By not traveling, they will pose less of a security threat as they will not be exposed to the environment experienced on the battlefields as well as to the training and influence of terrorist groups (HOME OFFICE, 2015).

Those wishing to return to the UK will need to be interviewed by police and security officials abroad who will determine whether or not they can return to the country. If their return is allowed, they will be subject to some movement restrictions and may have to attend de-radicalization programs. They will be required to conduct regular interviews with the police as

well as to notify the authorities of their movements and contacts with other extremists. With the entry into force of CTSA 2015, the police have the ability to temporarily confiscate passports from terrorism suspects. Previously, only the Home Secretary had the power to withdraw a passport through a Royal Prerogative. This legislative act is defined as involvement in activities related to terrorism, the commission, preparation or instigation of acts of terrorism, the conduct of commission facilities, the preparation or instigation of acts of terrorism, the encouragement of the commission, preparation or instigation of such acts and the provision of support or assistance to individuals whose participation in terrorist activities is known or there are strong suspicions of their involvement (COUNTER-TERRORISM AND SECURITY ACT, 2015).

In the CTSA 2015, reference is made to the importance of freedom of expression as well as academic freedom. However, it appears that educational institutions must be attentive to the signs of radicalization and extremism and take an active role in its prevention. In this way, public institutions such as schools, colleges and prisons will have a legal obligation to prevent individuals from converting to terrorism (HOLEHOUSE, 2014; COUNTER-TERRORISM AND SECURITY ACT, 2015). The new legislative act strengthens the agencies' ability to monitor and control the actions of those who pose a threat, provides organizations with additional powers to enable them to monitor, investigate and address the terrorist threat, placing responsibility on local authorities, entities providing health care and social security, education and childcare, as well as in the courts and police, which are in charge of identifying vulnerable individuals and who are at risk of radicalization.

## ***7.2 British Counterterrorism Strategy***

The fundamentals of UK national security are set out in the National Security Strategy and Strategic Defence and Security Review (SDSR). Revised every five years, the strategy delimits the fundamental priorities, capabilities and resources needed. The main focus of the strategy is to foster a prosperous and secure United Kingdom that has global influence and reach (STRATEGIC DEFENCE AND SECURITY REVIEW, 2015, p. 9). The strategy delineates three national security objectives: (1) Protect the population - Corresponds to the protection of the population in the national territory and abroad and to protection related to infrastructure, lifestyle and economic security. Among other purposes, pursuing this goal means giving priority to combating terrorism, radicalization and extremism either within or outside national borders; (2) Projecting Global Influence - Aims to reduce the likelihood of threats that may affect the UK, its



interests and those of its allies and partners. This objective implies the promotion of stability abroad, directing its attention to failed regions and states. Among other things, it involves strengthening the rules of the international order (creation of multilateral institutions) and strengthening the ties between the alliances signed; (3) Promoting the prosperity of the country - It serves to take advantage of a number of opportunities by working innovatively and supporting British industry. This objective implies the maximization of opportunities for the sectors of defence, security or diplomacy as well as the commitment to work with the private sector.

In terms of risks and major threats to national security, terrorism is presented as the main threat, especially that of transnational parent. Furthermore, the strategy addresses four major challenges: (1) the increasing threat of terrorism, extremism and instability; (2) resurgence of state threats and intensification of competition between states - The British government highlights Russia's behaviour in the international arena and instability in the Middle East, North Africa and South and Southeast Asia; (3) the impact of technology, especially the threat of cyberattacks, and other developments relating to the progress of genetic engineering, biotechnology or robotics; and (4) the erosion of international rules that have hampered the creation of consensus. In this fourth challenge, the British government highlighted the evolution of the economies of China, India and Brazil that may compete against the economic dynamism of Europe, the USA or Japan (STRATEGIC DEFENCE AND SECURITY REVIEW, 2015, p. 15). The government also identified other risks (continuing risks) such as civil emergencies, natural disasters, energy security, the global economy and climate change, and scarcity of resources. According to the British government, the threat of transnational terrorist groups over the UK, including British citizens and their overseas interests (STRATEGIC DEFENCE AND SECURITY REVIEW, 2015, p. 15). According to the strategy, these groups are active in the Middle East, Africa and South Asia, whose members, through recruitment, have reached the European area. ISIS, in particular, is the most prominent group because although it operates mainly in the territories of Syria and Iraq, it has succeeded in recruiting several foreign fighters in several European countries, mainly through the intensive exploitation of digital media such as networks social policies.

The strategy reveals that since the beginning of the conflict in Syria 800 British citizens - in 2015 - have already travelled to the country, many of whom are unknown to the security services. Of the acquaintances, approximately half will have returned to the United Kingdom, reason why all these individuals constitute a threat to the national security. The strategy also emphasizes that the threat is fuelled by the extremist ideologies that are disseminated in the virtual world by means of encryption, which hinders the work of the competent authorities (STRATEGIC

DEFENCE AND SECURITY REVIEW, 2015, p. 16). In this first challenge, the government also shows concern about migration, organized crime and health security. In terms of instruments for implementing SDSR, the United Kingdom follows a holistic, whole-of-government approach, reminiscent of United Nations guidelines, which implies the collaboration of all government structures. In order to ensure compliance with national security objectives, the United Kingdom is preparing a set of cross-government teams, and the establishment of a unit for International Counter Terrorism Strategy (STRATEGIC DEFENCE AND SECURITY REVIEW, 2015, p. 83). All these political-security orientations are subordinated to the values of a Rule of Law in order to foster a prosperous and secure society (STRATEGIC DEFENCE AND SECURITY REVIEW, 2015, p. 10).

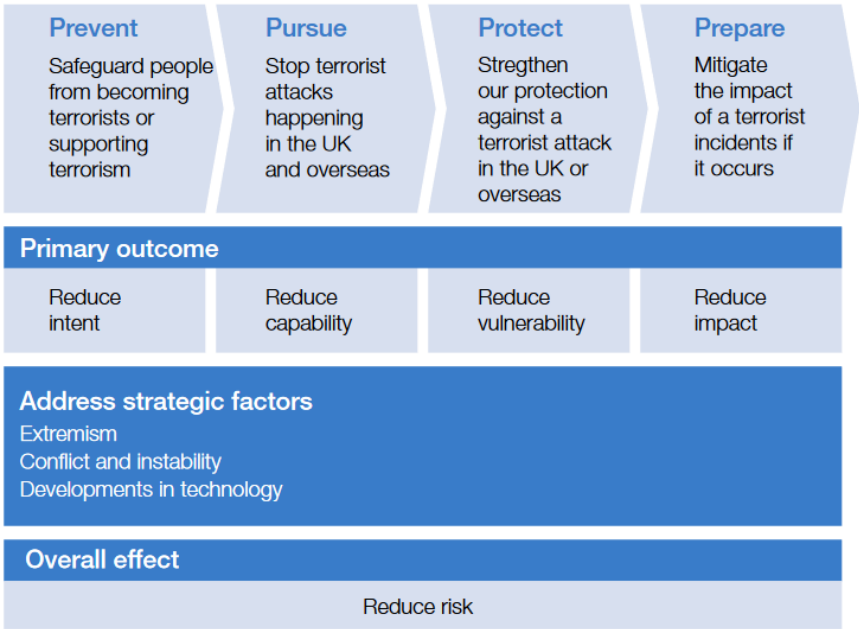
It should also be noted that in terms of privileged institutions for the pursuit of these objectives the United Kingdom seems to attach particular the United Nations framework. In this sense, the British government commits itself to the UN through funding and a diplomacy committed to meeting the Global Objectives for sustainable development, the Action Plan for the Prevention of Violent Extremism, or the strengthening of the role of the UN in the area of peacekeeping, which he considers one of his most important roles. To this end, the country provides twice the military for operations and, among other purposes, intends to create a UN Peacekeeping Policy Unit in order to maximize its military and civilian impact.

The national security strategy rightly confirms the maintenance of this strategic matrix with the assertion of a global UK based on a fast-growing economy, the detention of a number of respectful police forces and security services and whose influence is reflected in its active intervention across borders, especially in the Middle East region in general in Muslim-majority countries that "[...] the United Kingdom remains a confident, strong and dependable partner internationally, playing a positive global leadership role to build wider security, stability, and prosperity" (HM GOVERNMENT, 2016, p. 6). In the field of external security, maintaining the prestige in this circle will depend on the attention given to the second national security objective, which involves commitment to international organizations (such as the United Nations) the strengthening of external alliances or investment in the protection and control of national borders in order to combat the main threats such as terrorism.

The general principles of British counterterrorism are outlined in the CONTEST strategy. Launched in 2003 and revised so far four times (2006, 2009, 2011 and 2018), CONTEST establishes the vision, framework and means of prevention and response relative to the threat. The main objective of the new strategy in 2018 is to "[...] reduce the risk of terrorism in the United

Kingdom and abroad" (CONTEST, 2018, p. 40). It is also the main innovation: Contrary to previous strategies, CONTEST 2011 recovers the principles stipulated in the Revision of the Defence and Security Strategy of 2010 and extends its scope to include all forms of terrorism whether they originate internally or externally. Following the principles of national security, the strategy emphasizes the need to address not only the direct threat of the attacks but also the long-term factors that enable the development and growth of terrorist groups.

**Figure 7.1 – British Counterterrorism Pillars**



**Source:** HM GOVERNMENT, 2021.

As previously mentioned, the four pillars of the CONTEST strategy were the foundation to the European Counterterrorism Strategy, that is, the UK follows a holistic approach that involves coordination with other government programs and is guided by four lines of action: pursue, prevent, protect and prepare. This inspiration is due to the fact that, for a decade (2008-2018), Europol was directed by the British Rob Wainwright, whom, according to David Anderson, a member of the labour party, put much of the logic behind British intelligence systems in the structure of the regional organisation (COMMITTEE ON EXITING THE EUROPEAN UNION, 2017). David Armond (COMMITTEE ON EXITING THE EUROPEAN UNION, 2017) stresses that Rob Wainwright was able to transform Europol into a structured and pan-European body which produces annual threat assessments, collects intelligence on those threats, analyses, shares and coordinates activities across the EU. Anderson (2016) adds that it was under the leadership of

the United Kingdom that Europol, whose 10% of cases are related to terrorism, developed into an effective information centre, with the British model of policing led by intelligence exported to the organization (FÄRGERSTEN, 2017; MORTERA-MARTINEZ, 2017).

The first pillar, Prevent, aims to avert the involvement of individuals in terrorist activities or their promotion. Although included in CONTEST, prevent is considered a strategy *per se*, which was implemented in 2007 and later included in 2009 in the second review of CONTEST. It is dedicated to the phenomenon of radicalization, seeking to (a) combat the ideology underlying violent extremism; (b) to prevent the radicalization of individuals and to support those most vulnerable to possible recruitment as well as to address the causes (grievances) exploited by the radicalization process and (c) to strengthen communities, working with "various sectors of society, including, in particular, education, faith, health, the internet or criminal justice" (CONTEST, 2018, p. 62). The second pillar, Pursue, aims at dismantling terrorist attacks, either internally or externally. It implies the "[...] detection and investigation of possible attacks as far in advance as possible, the disruption of terrorist activity and the prosecution of those responsible" (CONTEST, 2018, p. 45).

The third pillar, protect, aims at the strengthening of the protection of the country against an attack either on the national territory or abroad, in order to reduce not the threat of terrorism (this is the task of the two previous pillars) but rather the vulnerability to a terrorist attack (CONTEST, 2018, p. 81). The priorities in this line of action are "(a) strengthening of border security; (b) reduce the vulnerability of the transport network; (c) enhancing the resilience of infrastructure and (d) enhancing security in crowded places". These priorities are given by the NSRA (CONTEST, 2018, p. 79). Lastly, the fourth pillar, Prepare, aims to mitigate the impact of a terrorist attack when it cannot be stopped. This line of action involves working to combat the attack and recovery after the incident. Among other purposes, it is necessary to strengthen the capacity of the emergency services during the attack and to strengthen the sharing of information and communications regarding possible attacks. "Prepare has evolved to reflect the priorities set out in the National Security Strategy, which emphasizes the need for cohesion between the local and national levels and also warns the population about the risks facing the UK" (CONTEST, 2018, p. 94).

Furthermore, CONTEST is based on a counter-terrorist model of law enforcement or the Criminal Justice Model, so terrorism is seen as a crime and as such necessarily prevented and repressed by information services and police forces [as well as] and penal and prison systems. The British model has been criticized for tending to prefer the military route. As Morrie and Hoe (1987)

point out, there are governments who will stand up to the terrorist threat and respond with vigour and purpose. The British view is particularly hard-line and uncompromising. The definition of terrorism in the United Kingdom dates back to the Prevention of Terrorism Act of 1989, which was later extended with the implementation of the Terrorism Act in 2000. By 9/11, most anti-terrorist legislation was directed at solving problems relating to the conflict in Northern Ireland, however, since 2000 and especially after 11 / 9, the attention of the British government has been oriented in order to deal with the growth of international terrorism (WILKINSON, 2007; TUVAL,2008). The Terrorism Act of 2000, considered the basic law for the perpetration of terrorists and proscription of terrorist organizations, overturned British emergency legislation Northern Ireland and reformulated legal mechanisms to combat the threat. Above all, the innovation of this new law lies in having extended the definition to include international terrorist acts, together with the domestic ones.

The legal system of the United Kingdom contemplates a wide range of illicit acts associated with the terrorist phenomenon. That is to say, that terrorism in British law is seen in a diffuse form whose legislation, is approved according to the specificities inherent to the phenomenon. In 2006, the government approved a new Terrorism Act which includes in the definition new elements as prohibition of incitement to terrorism and dissemination of terrorist propaganda (sections 1-4), prohibition of preparatory acts and training of terrorists (sections 5-8) and prohibition of possession and use radioactive and nuclear substances (sections 9-12) as well as aggravating the penalties imposed for terrorist acts. At the institutional level, the main body responsible for internal security and counterterrorism in the United Kingdom is the Home Office. Its Minister is in charge of formulating counterterrorist policies and legislation as well as the country's internal intelligence service, MI5. Other entities such as defence intelligence agencies also play a relevant role in this area but are under the coordination of the Ministries of Defence and Foreign Affairs. The work of all these entities and other ministries is coordinated through cross-departmental committees (FOLEY, 2013). The United Kingdom also has the support of international partners in the fight against terrorism. Among other bodies, the United Kingdom commits itself to United Nations resolutions and partners in the European Union, attaching particular importance to the need to share information, to implement measures to impede the entry of terrorists into the European area or to identify factors that contribute to the recruitment and promotion of terrorism. The British nation is a member of the Financial Action Task Force against Money Laundering (FATF) and works actively within the G8 (CODEXTER, 2007, p. 9).

An important part of the Contest strategy is to ensure that counterterrorism legislation is fair, efficient and proportionate, and the role of the independent reviewer of terrorist legislation is essential. This provides independent scrutiny regarding counterterrorism legislation and the results of its fundamental investigations (HOME OFFICE, 2015). The British government often stresses that the threat is constantly evolving (CAMERON, 2014 *apud* JONES, 2014) and that it is important to ensure that the counterterrorist response is kept under review. This proves to be important because it allows to keep up with the constant change that characterizes the terrorist threat, and it is also useful to ensure that both the police and the security services have the powers they need to respond and combat existing threats in the best way. However, this is not always easy since “[...] the existence of this threat inevitably requires the government to make difficult choices, including, among other things, how to introduce legislation in support of national security objectives while ensuring that such does not compromise fundamental civil liberties” (HOME OFFICE, 2015, p. 4).

### ***7.3 Constructing the Language of Counterterrorism and the British Self***

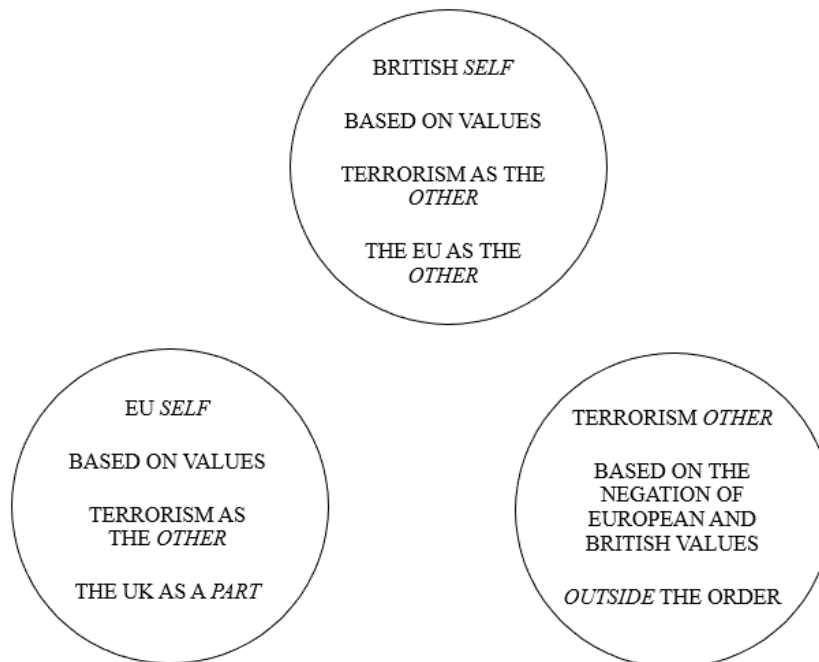
The previous sections presented the context in which the British counterterrorism framework has been established since the 9/11 terrorist attacks and the subsequent 2005 London bombings. Now it is important to delineate and explore the language construct employed in the policies that, in turn, as will be presented and discussed in the next chapter, create a set of counterterrorism practices. According to Jackson (2005), the language of counterterrorism is a carefully constructed discourse with deliberate word choices with the goal of achieving a set of political goals such as to empower authorities, discipline society, enforce unity and narrow the identity, and to legitimise and normalise the counterterrorism approach enforced. Unlike in the European counterterrorism, the objective of British counterterrorism is to, in the literal sense, mitigate terrorism.

In essence, the British language of counterterrorism, in opposition to the European language of counterterrorism, does not define terrorism based on which values it goes against, but rather defines clearly, within their context, what terrorism clearly is. It is in the domestic definition that terrorism goes from a phenomenon that goes against human rights and rule of law, to the use of violence for political ends. Because the UK has an extensive experience with terrorism, mainly due to the conflict in Northern Ireland, the definition present in the Terrorism Act 2000, that based the entirety of the British counterterrorism framework, is succinct and reflects certain degree of practicality. Furthermore, the Terrorism Act 2000 also highlights the

purpose of terrorist attacks, as the advancement of political, religious and ideological causes. Limiting the scope of terrorism is essential to counterterrorism practices and other subsequent related legislative decisions.

Because terrorism has been a challenge to British government over decades, based on the evidences and what have been presented and analysed, the UK simultaneously recognises terrorism as a *crime* and as an *act of war* against the fundamental values of British society. The definition of terrorism in itself have not changed since the Terrorism Act 2000, being used as the foundation for the British counterterrorism framework. Compared to the European definition, the British definition is much more precise in its identification of *what* is terrorism, *who* are the terrorists and *what* are their targets. Additionally, British counterterrorism is much more focused on their specific issues, targeting key areas and constructing a counterterrorism language that is robust, clearly delimiting the terrorist *other*. Nonetheless, it is important to emphasise how relative the perception of the *other* is to British counterterrorism. Taking into consideration that the UK has separated the data for the number of arrests submitted to Europol between UK and Northern Ireland, is comes into question what *is* the British *self*. It depends on the situation. Because the UK is a union with the European Union, there are divergences of interests and perceptions within the British territories.

**Figure 7.2** – British Identity: *Self* and *Others*



**Source:** developed by the author.

Within the British context, terrorism is the *other*, the opposition, the denial of British values such as democracy, rule of law, individual freedom, etc. However, when expanding the scope to the regional level, it is understood that the UK is part of the identity of the European Union, of the European *self* by sharing traces of an identity, such as the similarities on counterterrorism strategies, and by sharing values. The British values mentioned throughout this chapter are the exact same values presented and preserved by the EU. If they share traces of an identity and share values, then what makes them different? For the United Kingdom, being a part of the EU is just a small part of its identity, it is the part that is shared by all the member states. The similarities between the counterterrorism frameworks are due to the inspiration that the regional strategy has drawn from the British strategy. Lest not forget that the UK is one of the states with more experience on countering terrorism, because it has systematically dealt with the phenomenon for over a century. Stating that terrorism goes against the *self's* values clearly distinguishes the identity of the *other* as the negation of the *self*, as an opposite, as something or someone that are not in conformity with a pre-established system and order. Terrorism on the other hand, is erratic, it operates outside the system and order implemented. Its values go against British and European values. On the other hand, by asserting that terrorism is the *outsider*, the *other*, the opposition of the *self*, the British and European are able to reassure its own values.

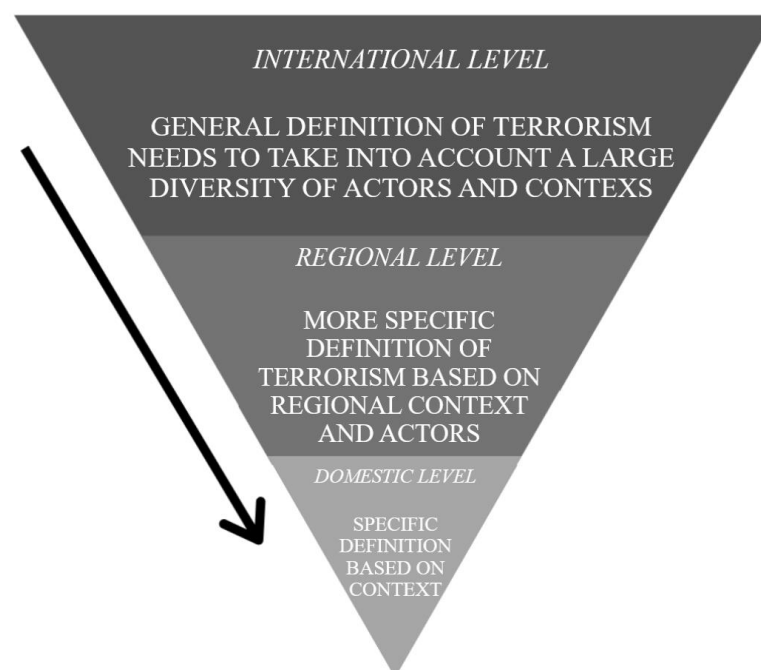
Furthermore, terrorism is recognised as a threat to the values, as well as to the citizens and the British state. Interestingly, the UK recognised the EU as a ‘facilitator’ of regional cooperation, making use of the organisation’s terrorism framework as intended. Inasmuch, there are two dichotomies in British counterterrorism that need to be addressed. The first dichotomy is how the UK counters terrorism inside and outside its borders. At a domestic level, the UK has developed a counterterrorism framework based on the cooperation of intelligence and police agencies, much like the EU has done with Europol, Eurojust and Frontex. At regional and international level, the British government also seeks to cooperate either bilaterally or multilaterally with allies to counter terrorism. The definitions of terrorism, for example, are set within a funnel that narrows down the perception of terrorism through each of the levels of analysis.

On the first part of the funnel, as presented in Figure 3.4, the international level perceives terrorism in a generalised manner, taking into consideration the diversity of contexts and actors present at this level. Terrorism definitions therefore are succinct and present general characteristics of what terrorism is perceived to be. At the centre of the funnel, the regional



level understands terrorism more specifically than the international level, taking into consideration the regional context and actors present at this level. The EU, for example, presents a definition of terrorism specific enough for its contexts, but wide enough to englobe all the diversity present in its member states. At last, at the straighter and smaller part of the definition funnel, the domestic level perceives terrorism as a phenomenon inserted in a very specific context. This level of specificity translates itself to more precise counterterrorism policies and practices, and a narrower establishment of the *other*.

**Figure 7.3** – Definitions of Terrorism in Different Levels of Analysis



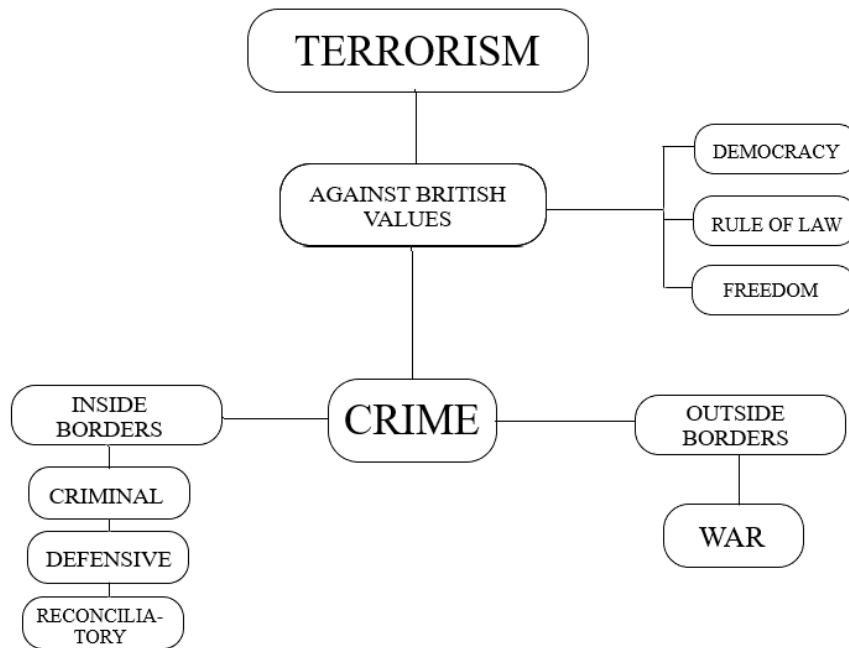
**Source:** developed by the author.

However, when observing the reflex of the cooperation between the UK and the EU, there have been challenges. As previously mentioned, a part of the analysis on the British arrests of terrorism charges could not be concluded because the UK did not make the information available to Europol, thus presenting incomplete reports. The UK has not been always forthcoming with information. Another matter that has caused systematic tension between the UK and the EU are the measures in British counterterrorism, especially on the arrest charges, the monitoring of individuals, the apprehension of passports and the extract of British nationality from individuals, that goes against fundamental human rights according to the European Court of Human Rights and have been constantly highlighted and strengthened

throughout the Terrorism Acts. Over time, British government, especially the Home Secretary and police agencies have had their power augmented when it comes to counterterrorism. Giving the rights to the British government to remove citizenship from foreign fighters and returnees has its own set of issues regarding the protection of human rights of these individuals and their place in the international system. When removing the citizenship from someone, this person will no longer be tried in the court of law, creating a power vacuum that allows intelligence and police agencies to use force to question this individual and to hold them for however long they deem necessary.

Strangely enough, their laws go against one of their own values: fundamental human rights. It is then that a hierarchy on the British values is noticeable. First comes an unspoken value: security. Security is the one and foremost important to the survival of a state, of a nation and of an identity. British counterterrorism goes against another value to keep the entire state secure. Inasmuch, the British language of counterterrorism depicts an interesting ambivalence regarding the policies put into place and the limits of counterterrorism itself. The second dichotomy present in British counterterrorism is the typification of terrorism as a *crime* when it happens inside state borders and as *an act of war* when it happens outside state borders. Recognising terrorism as a crime also reinforces the perception of terrorism as the *other* that is outside a British order and simultaneously reinforces British values. It (should, at least) limits the abuse of power, the excessive use of force, and discrimination on counterterrorism efforts and it enforces the idea of a collective threat that can be mitigated through the establishment of legal, political and social counterterrorism frameworks. On the other hand, recognising terrorism as an act of war enables a state to use its military to deal with the issue, following (or completely disregarding) the laws of war. Understanding terrorism in a war perspective reinforced the perception of the *self* and the perception of the *other* to its full extent, recognising it as an *enemy*.

**Figure 7.4 – British Counterterrorism Language and Practices**



**Source:** developed by the author.

When applying the counterterrorism models presented and discussed in the Conceptual Framework in Chapter 2, it is possible to observe that Pedhazur’s (2009) argument on the use by multiple models at once is true in the case of the UK. However, there are two ‘arenas’ in which these models can be observed: inside state borders and outside state borders. Inside state borders, there are three identifiable models: criminal-justice, defensive and reconciliatory. Outside state borders there is only one predominant model: war. The criminal-justice model is probably the easiest one to be observed within the regional framework, but also in domestic counterterrorism too. The UK has constructed its counterterrorism framework based on the maintenance of its values and an institutionalised legal system do deal with the issue. Being able to arrest, trial and condemn and individual for terrorism related activities assures not only the punishment of individuals, but also the upholding, at some extent, British values. The defensive model is applied in de-radicalisation and counter-radicalisation policies and the second pillar of the CONTEST strategy: Prevent. Similar to the European four pillar strategy, or rather, the other way around, the Prevent pillar focuses on tackling the socio-political and economic issues that surround the radicalisation of individuals and combating the root causes of terrorism.

The reconciliatory model is applied by the UK, once it recognises that terrorism is also a political problem with political ramifications. The attempts of creating and implementing a domestic counterterrorism framework that is wide and deep enough to encompass and aggregate the needs of the police and intelligence and establish common practices through cooperation, as well as the participation of civil society, in special religious figures and local leaders of the migrant population, are the primary example of this particular model. The war model on the other hand, is observed on the execution of military operations in the Middle East and the British participation on the War on Terrorism as an American ally and the subsequent invasion of Iraq in 2001 and the Afghan war in 2003. Additionally, it is perceptible how militarised the entirety of police and intelligence agencies have become with each passing counterterrorism policy.

## 8 BRITISH COUNTERTERRORISM PRACTICES

When the language of counterterrorism is constructed and employed in counterterrorism policies, it is then translated into practices. Counterterrorism practices are a set of actions guided by counterterrorism policies, reflecting British perceptions, values and identity regarding terrorism and counterterrorism. The British language of counterterrorism discussed in the previous chapter prescribe two distinct sets of practices located inside the UK and outside of it. The first set of practices reflects the interpretation of terrorism as a crime committed against the government, the citizens, and the state as a whole. The second set of practices reflects the interpretation of terrorism as an act of war, outside British borders, that should be dealt with accordingly. Nonetheless, as presented and discussed, this particular language of counterterrorism presents a leeway and a certain degree of relativisation of human rights in name of national security. This chapter presents and discusses the British counterterrorism practices decurrent from the counterterrorism policies, primarily focused on measures that have been prescribed in Terrorism Acts and discussing its consequences.

### 8.1 *The ‘Shoot to Kill’ Measure and the Increase in Surveillance*

In response to the 7 July 2005 attacks in London, the government implemented several strict measures and placed more power on the police to stop any terrorist attacks. The approach in the fight against terrorism has changed considerably and, in addition to the adoption of new counterterrorism measures, and the strengthening of old ones. On 22 July 2005, two weeks after the terrorist attacks, the change in counterterrorism dynamics in the United Kingdom became visible when London police resorted to the *shoot to kill* measure to ‘mobilise’ the Brazilian Jean Charles de Menezes when he entered the subway at Stockwell in South London. The London police thought that Menezes was one of the culprits of the attempted terrorist attacks of 21 July 2005 and fired seven shots in the head and one in the shoulder, although it was later concluded that he was innocent and had no connection with the culprits.

The counterterrorism department of the Metropolitan Police first developed Operation Kratos<sup>21</sup>, a set of measures designed to deal with suicide bombers including the measure *shoot to kill*, after the 9/11 terrorist attacks in the United States. The police developed a response to the threat of suicide bombers based on the experience of the Israeli police, who were ordered to shoot in the head if there was any danger to life. On January 22, 2003, Operation Kratos was

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<sup>21</sup> Kratos means ‘force’ in Greek.

legally recognized at a meeting at MI5 (British intelligence service for internal security and counterintelligence). Operation Kratos was only discussed in the British Parliament after the July 7 2005 terrorist attacks and the details of it were made public at that time. However, the implementation of Operation Kratos as an official counterterrorism measure has never been debated in the British Parliament (VAUGHN-WILLIAMS, 2007).

Fear that the UK would suffer yet another terrorist attack like the July 2005 bombings, prompted London police to resort to a counterterrorism measure that jeopardized the lives of British citizens and that even victimised an innocent citizen. After the accidental death of Jean Charles de Menezes, Sir Ian Blair, the London Metropolitan Police Commissioner, argued that the police were "[...] quite sure that the [shoot to kill] measure is appropriate" (BLAIR, 2007, p. 6). The Commissioner added that it was not just a random event and that it is necessary to recognise that police officers continue to make these decisions on the streets of the United Kingdom, stressing that "[...] someone else can be shot [...]"(BLAIR, 2007, p. 6). Blair's statements symbolise a dedication by the London police to guarantee national security, jeopardising human rights and lives of the British citizens they have sworn to protect.

Furthermore, the 2005 London bombings also caused an increase in the use of surveillance cameras as a counterterrorism preventive measure. According to a report published by the British Security Industry Association (BSIA) in 2020, the UK is the third country with the highest number of surveillance cameras in the world (with an estimate between 4 and 6 million CCTVs), just behind the US and China. This can be considered an endemic surveillance to society, amounting to numerous human rights violations. The increase in the number of surveillance cameras calls into question Article 8 of the European Convention on Human Rights (right to respect for private and family life), which is incorporated into British legislation through the Human Rights Act 1998 (EJKMAN; WEGGEMANS, 2011).

The impact of surveillance cameras on the privacy of British citizens and calls for strict regulation on surveillance legislation is a cause for concern, given the risk that unlimited surveillance poses a threat to human rights, creating a similar, albeit distant, scenario to George Orwell's 1984. Too much surveillance can fundamentally change the relationship between an individual and the state, and the experience of broadcasting surveillance cameras can have a frightening effect on freedom of expression. In addition, the increase in the number of surveillance cameras in a certain area can result in the stigmatisation of minorities. Choudhury and Fenwick (2011), cite an example of this with a situation occurred in Birmingham when the

city council decided to install several surveillance cameras in areas with predominantly Muslim communities, worsening the relationship between the police and local communities.

## ***8.2 The 'Stop and Search' Measure***

The London bombings in 2005 also spurred an increase in the use of the 'stop and search' measure by the British police as a counterterrorism prevention strategy. The 'stop and search' measure. Inserted in section 44 of the Terrorism Act 2000, the 'stop and search' measure dictates that a senior police officer can authorise searches in a certain area where he thinks it is relevant to conduct searches for the prevention of acts of terrorism. However, the authorization has to be confirmed by the Minister of Internal Affairs within 48 hours or it has no effect. In this area, a police officer can stop and search any person or vehicle without having to reasonably suspect that that person has committed any offense related to terrorism. In fact, the number of searches conducted through Section 44 of the Terrorism Act 2000 has increased substantially after the terrorist attacks in 2005.

After the terrorist attacks allegations began to be published in the media that the British police were deploying Asian people - a group in which Muslims are integrated - and carrying out more 'stop and searches' for this particular group. According to the British Transport Police statistics published in *The Guardian* (2007), people with Asian features were five times more likely to be stopped and searched than white people, and that none of the searches resulted in an indictment for a terrorism related offense. The debate that there would be a 'racial' disparity in the 'stop and searches' was intensified when Hazel Blears, former Secretary of State for Housing, Communities and Local Government, stated that Muslims had to accept that they were the main targets of the 'stop and search' measures due to the circumstances surrounding counterterrorism efforts at the time. I the minister responsible for counterterrorism, said that Muslims had to accept as a reality the fact that they will be stopped and searched more often. than the rest of the audience. In fact, the use of the 'stop and search' measure rose significantly in minorities after the terrorist attacks of 7 July 2005.

Between 2004 and 2005, British police stopped and searched 2,511 black people, while between 2005 and 2006, the number almost doubled, reaching 4,155. The number of Asian people stopped and searched in between 2004 and 2005 was 3,485, and also almost doubled in between 2005 and 2006, reaching 6,805. However, this trend is not surprising. PACE Code A (Police and Criminal Evidence ), a practical guide, first implemented in 1984, that is intended for police officers to let them know all the necessary steps to stop and search a person or vehicle,

stipulated that in certain circumstances it is appropriate that police officers take ethnicity into account when selecting a person to be stopped in response to a specific terrorism threat (for example, some international terrorist groups are associated with specific ethnicities). Thus, PACE Code A allows police officers to carry out what Edwards (2008) stipulated as a modernised version of a “racial profile”.

This increase in the *stop and search* measure is very damaging as it calls into question the right to freedom and the right to privacy of British citizens, enshrined in Articles 5 and 8 of the European Convention on Human Rights. Furthermore, due to this new threat of international terrorism, the British police end up associating terrorists with Muslims. This association, coupled with the fact that police officers do not need to have reasonable suspicion when selecting a person to be searched, has resulted in discrimination against the Muslim community. In 2008, the United Nations Human Rights Committee published a report in which it expressed concern that the British police might resort to a “race profile” when selecting a person to search and “with the consequent impact on ‘racial’ relations”, requesting the British government to review section 44 so that it is not used in a discriminatory manner (UNHR COMMITTEE, 2008). However, in 2010 the European Court of Human Rights considered the counterterrorism measure ‘stop and search’ incompatible with the human rights to privacy, leading to the suspension of the measure that same year, and being revoked two years later, being replaced with the Protection of Freedom Act 2012, limiting and guaranteeing the use of power to legitimate emergencies.

### ***8.3 Anglo-American Partnership and the War on Terrorism***

Counterterrorism practices outside British borders have been marked by the alliance to the US and the support on the War on Terrorism. Since 2001, there was an identifiable predisposition on the part of the United Kingdom to provide military resources to the US to reinforce the power and influence on the actions carried out in the Middle East, highlighting Afghanistan, Iraq and Syria. This was largely the relational factor that promoted the bilateral commitment and the alliance still existing between the United Kingdom and the United States. With regard to the restructuring of the fight against the current threats posed by the phenomenon of postmodern terrorism, US partners are key players (CLARK, 2003). Even though the United Kingdom has shown its support to the US, there are several differences between the political attitude taken in response to countering terrorism in a war scenario.



The American actions, for example, and altogether the counterterrorism measures taken, point to the existence of a more forceful judicial character, that is, of a more extensive involvement not so much in reaction but more as an attack, as regards, for example, the powers of the agencies. On the other hand, the British favours other counterterrorism safeguards, in particular those relating to legal powers of arrest, surveillance of potential suspects, and terrorism related activities. All this is focused on a stronger, more adapted prevention, detection and neutralization of threats. In addition, the successful security strategy is due to the critical role that obtaining evidence of potential suspects plays in the role of the priorities of the British government (FEIKERT and DOYLE, 2006).

In addition, intelligence services in the United Kingdom have a significant place in the context of strategic counterterrorism measures, and for this reason, in a renewal of its functional and organic actions of international action. This approach allows both the limitation of conflict hazard levels, as well as a maximum restriction to the extent of the fragility of the targets (EASTER, 2009). In light of all the aforementioned arguments, the United Kingdom will implement more strategic and preventive measures in comparison with the guidelines followed by the American government, which are highly targeted at judicial priorities and therefore very more restrictive and punitive. It should be noted that other diplomatic measures and campaigns were also implemented in the framework of the aforementioned 'alliance' between these two nations, which, due to the development of various events, was strengthened, more precisely those whose main purpose was to more rigorously, and even suppress, access to arms and to hinder terrorism financing. In addition, this cooperating strategy has also borne its fruit and even reduced financial support to terrorist groups. Despite being considered broad and general in nature, these actions in themselves represented a pioneering change as regards the hindrance of new attacks (SHEPPARD, 2009).

The issues surrounding the British participation on the War on Terrorism is aligned to issues mentioned in previous sections: the flexibilization of human rights for a 'more effective' counterterrorism. This flexibilization, however, does not change the values upheld by the United Kingdom, intrinsic to their identity, even going as far as against it. In addition, human rights cannot in any way suffer any kind of limitation, reinterpretation or remodelling. Yogeve (2008) argues that counterterrorism practices must be as proportionate and equitable as possible in relation to the weighting between the threat in question and the adequate strategies to deal with the individuals involved. The importance of a careful and structured elaboration of measures implies an understanding of contextual and historical references, that states that

terrorism, as a global and disseminated actor, has a 'personality' based on the characteristic of intangibility, of its conceptual unintelligibility.

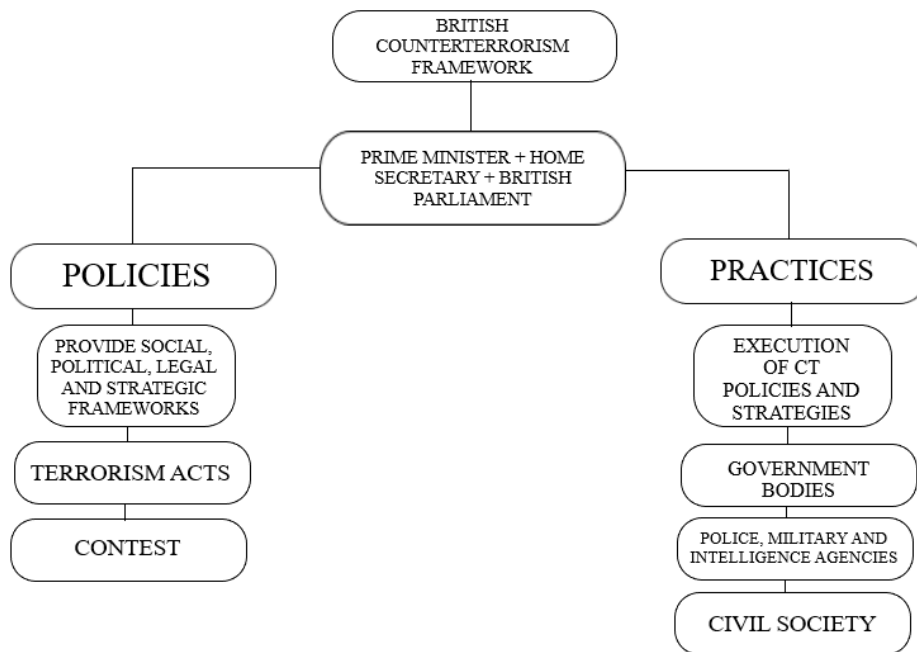
This means that terrorism presents itself as the threatening and destabilizing phenomenon of this century par excellence, given the extent of its own influence on the civilizations of the world. Following on from this idea, it is also important to mention that the structure of international law itself should be appropriately framed in this context, in response to the phenomenon whose political, legal and social repercussions are difficult to calculate. For this to be possible, it is necessary to create the institutional bodies that can make this 'adaptive bridge' and only this need could create the real political and governance challenge of today. This point is one of the most decisive ones to fall within the scope of the transnational legal order, never forgetting that there are principles that must remain untouched, regardless of political, social and economic contexts, and leaving aside any kind of economic order.

#### ***8.4 From Language to Practice: British Counterterrorism***

When comparing European and British counterterrorism practices, one can come to the conclusion that the latter is much more aggressive than the first. There are several reasons for it being so. As discussed in Section I, the European counterterrorism framework, even though extensive, does delegate the refinement of the language, the policies and the bulk of the practices to the member states. Much like the definition of terrorism, the policies and practices adapt and change according to the level of the analysis and the context in which it is inserted. British counterterrorism is as complex – if not more – than European counterterrorism, with its own set of nuances, contexts and limitations. In counterterrorism framework decisions, for example, there are specific articles that deal with money laundering and the financing of terrorism that, in succession, turned into in-depth policies themselves.

Policies however, are much more focused on the problem within state borders and, even though terrorism is recognised as a shared security issue, efforts to counter it internally are much more nuanced and complex than countering terrorism outside state borders. From the definition to the practices, counterterrorism is a shared effort between government and citizens. Another important aspect regarding counterterrorism policies is that, decision-making in the British counterterrorism framework is shared between the Executive body of the state, that is, the Prime Minister and the Home Secretary, and the Legislative body of the state, that is, the British Parliament. Counterterrorism practices in the British case, however, have not been executed with high levels of controversy over the years.

**Figure 8.1 – British Counterterrorism Framework**



**Source:** developed by the author.

Inasmuch, the UK policies created and augmented practices mainly focused on the encouragement of cooperation between police and intelligence agencies, establishing the necessary focus on key issues, such as migration, radicalisation and foreign fighters. Even though there are similarities in British and European values, on counterterrorism objectives, the crucial differences between the case studies here analysed are on certain aspects of British counterterrorism policies and on counterterrorism practices. Regarding the counterterrorism policies, one of the EU’s objective is to assure the respect of fundamental human rights in all in the region. When comparing this effort to British counterterrorism policies focused on migration, translating into practices such as the ‘stop and search’ measure, the denial of entry of refugees and the abdication of British citizenship to foreign fighters’ returnees, goes not only against one of the pillars of the EU (human rights), but also goes against British values incumbent in the 1998 Human Rights Act. On the other hand, the EU has no enforcement powers, it has tasked counterterrorism practices solely to the member states, such is the case of the UK. When comparing British counterterrorism practices, there are some issues regarding the violation of fundamental human rights and its participation on the Afghan war in 2003 that also goes against European values.

Because relations between the members states and the organisation are quite unique, coming with its set of challenges. It has not been different between the UK and the EU. Divergences between EU and UK interests reached its all-time high in 2016 when the UK, after a referendum, announced that it would exit the European Union. The complexity of the Brexit process was so extent that negotiations came to a close only in 2019 and the member state officially exited the entirety of the EU framework on January 31<sup>st</sup> 2020. In an attempt to understand British participation in the regional counterterrorism framework and the consequences of Brexit to regional and domestic counterterrorism, the following chapter presents an analysis of the ‘divorce’ between the UK and the EU.

**Table 8.1 - Overview of the Main Findings in Section II**

<b>British Terrorism Trends</b>	<ul style="list-style-type: none"> <li>• The number of attacks in the UK correspond to 35% of the total attacks in the EU;</li> <li>• The majority of the attacks are committed in Northern Ireland;</li> <li>• Unknown terrorism is responsible for the majority of the attacks, followed by ethno-separatists;</li> <li>• The lowest number of attacks comes from single-issue terrorism;</li> <li>• Most of the groups and/or individuals are local;</li> <li>• Jihadist inspired terrorism is responsible for 2% of the attacks by the vast majority of fatalities and injured;</li> <li>• The number of arrests are considerably higher than the number of trials on the grounds of terrorism because of the Terrorism Acts;</li> <li>• Most of the attacks targeted private properties and citizens;</li> <li>• Most of the perpetrators preferred explosions and bombings as the attack method.</li> </ul>
<b>British Language of Counterterrorism</b>	<ul style="list-style-type: none"> <li>• Clear definition of terrorism;</li> <li>• Terrorism recognised as a <i>threat</i> and as an <i>enemy</i>;</li> <li>• Difference in countering terrorism inside and outside borders;</li> <li>• Terrorism regarded as a crime and as war act;</li> <li>• Counterterrorism specified and according to domestic context;</li> <li>• Terrorism goes against British values of freedom, democracy and human rights;</li> <li>• Hierarchy on the importance of national security above all values.</li> </ul>
<b>British Counterterrorism Framework</b>	<ul style="list-style-type: none"> <li>• Terrorism Acts</li> <li>• British Counterterrorism Strategy</li> </ul>
<b>British Counterterrorism Practices</b>	<ul style="list-style-type: none"> <li>• Inside the UK: unnecessary use of force by law enforcement; targeting migrant and/or specific ethnic population, leading to xenophobia; monitoring and surveillance; removal of citizenship from citizens;</li> <li>• Outside the UK: participation of the War on Terrorism; dubious presence in the Middle East;</li> </ul>

**Source:** developed by the author.

## **9 BREXIT: THE ‘DIVORCE’ AND UNCERTAINTIES ON COUNTERTERRORISM COOPERATION**

For the first time since the inception of the European Union in the late 1940s, a member state has decided to leave the community. In 2016 the United Kingdom has formalised its wish to withdraw from the EU, officially leaving on January 31<sup>st</sup> 2020. However, Brexit has already presented challenges and consequences for both the UK and the EU. Moran (2017) argues that although it may take years, if not decades, for the political, economic and social consequences of Brexit to be completely felt, the security implications and their impact on intelligence agencies, both for the UK and for the EU are challenges that have already been presented. In fact, although negotiations on security cooperation have barely started during the time this dissertation is being written (2020/2021), this is certainly a topic of special interest for both parties, due to the constant risks and threats that the current world faces, namely terrorism.

Therefore, some form of future cooperation in this field will be needed, particularly with regard to the sharing of data and information - one of the most effective ways to prevent terrorist acts. In fact, following the Bataclan<sup>22</sup> attacks in 2015, Theresa May (then Secretary of State) asserted that the attack was a warning to deepen the cooperation in the EU to ensure the necessary measures to keep everyone safe (MAY, 2016). As the United Kingdom is not only one of the main targets of terrorism within the European context, but also is one of the main contributors to the EU counterterrorism community, exploring the impact of its departure for this community, as well as the challenges it faces with the withdrawal of a relevant counterterrorism power. Therefore, this chapter presents and discusses the Brexit process, the British and EU interests and tensions, and the British role in European counterterrorism efforts. This chapter concludes with an analysis of what comes next, that is, what comes after Brexit, the potential agreements that could be made and the consequences for both domestic and regional counterterrorism.

### ***9.1 From the Referendum to the Negotiations***

In the sense of the promise made in 2013 by the then Prime Minister David Cameron, in May 2015 the British government introduced a bill in Parliament providing the legal basis for a referendum on the UK's continuity in the EU (Foreign Affairs Committee, 2016). Before

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<sup>22</sup> On November 13 2015, a group of Islamist extremists committed a series of terrorist attacks, making almost 140 victims.

announcing a referendum, date and defining its position on it, Cameron undertook a series of efforts to renegotiate the UK's stay in the EU in four key areas: economic governance, competitiveness, sovereignty and immigration (Cameron, 2015). The agreement was reached at the European Council in February 2016, with the British government announcing June 23 for the referendum. During the campaign until the referendum, the arguments of both positions did not highlight issues related to the domain of security: the side in favour of staying focused on the economy, while the exit campaign emphasized the issues of immigration and sovereignty (DEANE; MENON, 2017). As a consequence, security issues were not central to voters' decision-making (DEANE; MENON, 2017; HOUSE OF COMMONS, 2017). In fact, in a survey conducted in May 2016, only 6% of respondents considered national security as a priority issue in decision-making (IPSOS MORI, 2016).

Contrary to this, and even during the campaign, some former UK intelligence agency professionals expressed their views on the consequences for national security in the event of a possible Brexit. John Sawers (2016), former MI6 director, and David Omand (2016 *apud* NORTHCOTT, 2017), former director of the Government Communication Headquarters (GCHQ), argued that, in a world ruled by transnational threats, the UK would benefit from greater cooperation at European level, and that its departure would negatively influence this cooperation, terrorist networks operate across borders, and we must also do so if we want to fight them (SAWERS, 2016); “We are part of a network for sharing information with our partners, while maintaining control of our borders. The best of both worlds. Why compromise the flow of information we receive?” (OMAND, 2016 *apud* NORTHCOTT, 2017, p. 1). On the opposite side, Dearlove (2016), also a former MI6 director, was of the opinion that Brexit would not have a negative impact on UK security, quite the opposite:

“The truth about Brexit, from a national security perspective, is that the cost to the UK would be low. Brexit would bring two potentially important security gains: the ability to abandon the European Convention on Human Rights - remember the difficulty of extraditing extremist Abu Hamza from the Finsbury Park Mosque - and, more importantly, greater control over immigration from European Union. ” (DEARLOVE, 2016, p. 13).

a large part of intelligence sharing is done on a bilateral basis, and that organizations such as Europol or the Bern Club are insignificant players in the fight against terrorism (DEARLOVE, 2016). In response to Dearlove's article, Rob Wainwright, former director of Europol and GCHQ, stated on a BBC radio program that 10 years have passed since Richard Dearlove was in charge of MI6, and that there is now much greater capacity to fight crime

through Europol (MANSON, 2016). Wainwright also mentions that British police forces see benefits in working with Europol, especially due to access to databases (MANSON, 2016). In an evidence given to the House of Commons Internal Affairs Committee, Rob Wainwright elaborates on this, saying:

“[...] What we see is an ability to mature the EU instruments on which the United Kingdom is increasingly dependent to guarantee its interests in the fight against crime and terrorism. [...] As a former member of the intelligence community, I absolutely accept the vital importance of cooperation at the level of intelligence that takes place outside the EU framework, but again, this is not a zero-sum game. The UK does an excellent job of maximizing its global leadership strength in the intelligence community, while receiving complementary resources due to its access to the EU and other instruments of police cooperation" (HOME AFFAIRS COMMITTEE, 2017, p. 7).

Having or not influenced the voters' decision, on June 23, 2016, 51.9% of the voters were in favour of the UK leaving the EU (ELECTORAL COMMISSION, 2016), starting the Brexit process (British Exit). After the resignation of David Cameron, it was left to Theresa May, elected by the Conservative Party as the new Prime Minister, to invoke Article 50 of the Lisbon Treaty, thus formally initiating the exit process. The official notification was sent to Donald Tusk, President of the European Council, on March 29<sup>th</sup> 2017, beginning, in accordance with Article 50, a period of two years for the effective withdrawal from the EU. Negotiations started on 19 June 2017, with the UK and EU negotiating teams initially headed by David Davis and Michel Barnier, respectively, and ending with the signing of the withdrawal agreement on January 24<sup>th</sup> 2020 and being effective on February 1<sup>st</sup> that same year.

According to Council guidelines, the main objective of the negotiations was to ensure the orderly exit of the United Kingdom from the EU, as well as to reduce uncertainty and minimize, as much as possible, the disruption caused by this abrupt change (European Council, 2017a). As set out in Article 50, negotiations targeted the specific agreement for the withdrawal from the United Kingdom, as well as the framework for future relations between the EU and the United Kingdom. However, the transition to the negotiation phase of a future cooperation agreement is dependent on substantial progress in the exit agreement, and the conclusion of a future cooperation agreement could only take place when the United Kingdom effectively left the EU (EUROPEAN COUNCIL, 2017).

In December 2017, the first phase of negotiations, corresponding to discussions on citizens' rights, the border between Ireland and Northern Ireland and the financial agreement, made sufficient progress, having opened the way for the second phase of negotiations regarding

future cooperation between the organisation and the UK (EUROPEAN COUNCIL, 2017; EUROPEAN PARLIAMENT, 2017; JOINT REPORT NEGOTIATORS, 2017). Thus, a transition period was stipulated until December 31, 2020, as requested by Theresa May in the Florence speech in September 2017 (MAY, 2017; EUROPEAN COMMISSION, 2018). During this period, the UK did not participate in EU decision-making processes, but retained all the advantages of belonging to the single market, customs union and EU policies (EUROPEAN COMMISSION, 2018). Discussions on future trade relations with the EU have been most prominent at this stage, given that the EU is the UK's largest trading partner (MORTERA-MARTINEZ, 2018). It was on December 24<sup>th</sup> 2020 that a new EU-UK partnership was established and a set of agreements were drafted, including in the areas of trade, cooperation, civil liberties and security. Even though terrorism is present within both the British and the European security agendas, it has not been mentioned in any of the draft agreements, instead focusing on the cooperation and sharing of classified information (EUROPEAN UNION, 2021).

According to the British government, Brexit negotiations were guided by several principles to ensure: (1) certainty and transparency during negotiations; (2) the strengthening of the British Union; (3) the protection of historical links with Ireland and the maintenance of the Common Travel Zone<sup>23</sup>; (4) the control over immigration policies and protocols; (5) the guarantee of the rights of EU citizens living in the UK and vice-versa; (6) the protection of workers' rights; (7) the guarantee of free trade within the European single market; (8) the cooperation on science and innovation; (9) the cooperation of the fight against crime and terrorism; and (10) peaceful negotiations and an orderly exist (HM Government, 2017a).

## ***9.2 The British Role in European Counterterrorism***

The United Kingdom joined the EEC<sup>24</sup> in 1973 as a way to enter the common market established that, throughout the years, have progressed to a deeper integration (FOREIGN AFFAIRS COMMITTEE, 2016). At the British insistence, when the Lisbon Treaty was drafted, it clearly established that national security should remain the exclusive responsibility of each member states, that the EU could not interfere in this particular area. As such, the EU has no competence to act on matters of security and intelligence, and therefore terrorism, as these fall within the domain of national security (INKSER, 2016). Under Protocol 21 of the

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<sup>23</sup> Add definition

<sup>24</sup> EXPLAIN



Treaty on the Functioning of the European Union (TFEU), the United Kingdom, together with Ireland, had a special position with regard to its involvement in the pillar of Freedom, Security and Justice (where includes most of the intelligence sharing mechanisms discussed here). This special status, as described by the British government, is based on a system of “opt-ins” and “opt-outs” of the measures proposed under Title V of Part III of TFEU (HM GOVERNMENT, 2016).

In 2014, the United Kingdom decided to abandon a series of measures regarding cooperation in the field of justice and home affairs, in order to start an internal debate about which initiatives should actually be part of (HOUSE OF COMMONS, 2017). At the end of these discussions, the United Kingdom chose to adopt 35 measures that it considered vital to the national interest, including, among others, Europol, Eurojust, European Arrest Warrant, SIS, Eurodac, Swedish initiative, ECRIS (DEANE; MENON, 2017; HOUSE OF COMMONS, 2017). In the following years, the United Kingdom decided to adopt other measures, notably the Prüm Framework and the PNR Directive (DAWSON, 2017). The practical consequence of this is that cooperation within the area of Freedom, Security and Justice between the United Kingdom and the EU is already limited to those measures that the British considered to be of national interest (EUROPEAN UNION COMMITTEE, 2016).

This approach, sometimes called “Europe *a la carte*” or “cherry-picking”, is balanced against the UK's leadership and influence role, notably in the EU intelligence community. Indeed, the UK has at its disposal the largest, most competent and best funded EU intelligence apparatus, and is often described as an “intelligence superpower” (INKSTER, 2016; NAWAZ; EBNER, 2016). Only two other member states (namely France and Germany) have intelligence services with a global reach, however their capabilities are not on par with those of the United Kingdom (INKSTER, 2016). British intelligence agencies (MI5, MI6 and GCHQ) are considered to be one of the best in the world, but supported by laws that allow them to go far beyond what is allowed by other EU member states, while resisting judicial supervision (ALEGRE *et al.*, 2017; GLEES, 2017). According to Anderson (2016), the United Kingdom has two main advantages over other countries: the ability to integrate intelligence derived from human and technical sources, both nationally and internationally and strong levels of cooperation between intelligence and police agencies. As a consequence, the United Kingdom is recognized, both by the political and the academic community, as having led the creation of several security measures in the EU, in particular in the fight against terrorism (DAWSON, 2017):

“The UK has been at the forefront of international efforts to address these challenges, investing significant political, financial and security resources to strengthen an international rules-based system that benefits all nations. [...] The United Kingdom has been a major contributor to the development, at EU level, of practical and effective measures to enhance information sharing and cooperation” (HM Government, 2017, p. 6).

Many of these measures are under the scope of the Freedom, Security and Justice Area, forming a kind of “toolkit” that, according to HM Government (2017), are part of an effort to build resilience against threats, namely terrorism. It is thanks to British leadership that, on the one hand, European instruments require all member states to have counterterrorism laws, and on the other, that the EU has policies to counter radicalization and transport security, as well as threat and risk analysis (ANDERSON, 2016). The EU's Counter-Terrorism Strategy itself, drafted during the British presidency, is modelled after the UK's CONTEST Terrorism Strategy, whose four elements (Pursue, Prevent, Protect and Prepare) have been translated into the Pursue, Prevent, Protect and Respond pillars (ANDERSON, 2016). For a decade (2008 and 2018), Europol was directed by the British Rob Wainwright, whom, according to David Anderson, a member of the labour party, put much of the logic behind British intelligence systems in the structure of the regional organisation (COMMITTEE ON EXITING THE EUROPEAN UNION, 2017). David Armond (COMMITTEE ON EXITING THE EUROPEAN UNION, 2017) stresses that Rob Wainwright was able to transform Europol into a structured and pan-European body which produces annual threat assessments, collects intelligence on those threats, analyses, shares and coordinates activities across the EU. Anderson (2016) adds that it was under the leadership of the United Kingdom that Europol, whose 10% of cases are related to terrorism, developed into an effective information centre, with the British model of policing led by intelligence exported to the organization (FÄRGERSTEN, 2017; MORTERA-MARTINEZ, 2017).

At Europol's headquarters, the United Kingdom had the largest liaison office of the member states, consisting of 17 officers from various intelligence agencies, and is also second to Germany as one of the main contributors to the SIE Europe (EUROPEAN UNION COMMITTEE, 2016). In addition, the United Kingdom is a major contributor to the Europol Analysis Projects (APs), contributions focused on combating terrorism and organized crime (EUROPOL, 2016 *apud* In HM Government, 2017), and participating in more than 40 Joint Investigation Teams (HM GOVERNMENT, 2017). About 40% of data traffic on Europol comes from or concerns the United Kingdom, with the British police carrying out around 250,000 searches in Europol's databases annually (FÄRGERSTEN, 2017). The Internet

Referral Unit (IRU), established in July 2015 after Charlie Hebdo terrorist attack in Paris, was based on Europol's "Check the Web" service (originally a German initiative), but has expanded its mandate to develop a functionality based on Metropolitan Police Service's Counter Terrorism Internet Referral Unit (CTIRU) in the United Kingdom (HM GOVERNMENT, 2017). As for databases, the United Kingdom was also one of the main defenders of the creation of the PNR Directive, being one of the first countries to have the Passenger Information Unit (PIU) fully operational (HM GOVERNMENT, 2017).

Nonetheless, as a markedly Atlantic country, the United Kingdom still plays a key role in managing the relationship between the EU and the US (ANDERSON, 2016). In the scope of intelligence, it is important to highlight the Five Eyes alliance created by Australia, Canada, New Zealand, the US and the United Kingdom, with the objective of exchanging information between these countries, especially SIGINT (DAWSON, 2017). This way, the United Kingdom provided the EU with a useful point of contact with other international networks (ALEGRE *et al.* 2017). Although this is considered one of the most effective intelligence sharing agreements, there are those who believe that Brexit may weaken the United Kingdom's alliance with the US, as it can no longer be used as a point of access to EU networks (ANDERSON, 2016; ALEGRE *et al.* 2017; VECINO, 2017). According to a statement released by the British National Crime Agency (NCA) to the European Union Committee (2017), "[...] one of the issues for our Five Eyes' partners, for instance, is that the lack of the UK at Europol will impact on their relationships too, because they use us as a proxy for getting work done if we are doing joint work together" (EUROPEAN UNION COMMITTEE, 2017, p. 11).

Inasmuch, intelligence sharing instruments and agreements are also of particular interest to the United Kingdom (ANDERSON, 2016; DEANE; MENON, 2017; ALEGRE *et al.* 2017) Alegre et al., 2017). As an example, even with the Brexit process, the UK adopted all Europol regulations until its effective departure from the EU. In 2017 the British government recognised that:

"It is through sharing knowledge and resources with EU partners that the UK has been able to develop some of the most sophisticated cross-border systems in the world in the fight against crime. This close relationship has produced a comprehensive and sophisticated set of mechanisms that reinforce each other and help protect citizens and the continent" (HM GOVERNMENT, 2017, p. 5).

In fact, according to Anderson (2016), the British House of Lords considered the time that not adopting these measures would have been averse to domestic interests and internal security.

### ***9.3 Brexit: Challenges for Future Cooperation***

In a letter sent to Donald Tusk, the then President of the European Council, notifying the UK's intention to leave the EU, Theresa May said: “We are leaving the European Union, but we are not leaving Europe - and we want to remain committed partners and allies with our friends in the whole continent” (MAY, 2017). In fact, in the first Brexit White Paper, David Davis, former Secretary of State for Exit from the EU, claimed that these negotiations were not about building bridges between two divergent systems, but about managing the continuity of cooperation between the UK and the EU (HM GOVERNMENT, 2017; DAVIS, 2017). In fact, in a debate at House of Commons, David Davis argued that one of the top priorities of the Brexit negotiations was “[...] to keep our security and justice agreements at least as strong as they are [...]” (HOUSE OF COMMONS, 2016). In February 2018, the European Commission released a position paper on police and judicial cooperation in criminal matters, ensuring the EU's interest in establishing a future partnership to combat terrorism and transnational crime (EUROPEAN COMMISSION, 2018). Similarly, in the set of guidelines for negotiations established in 2019, the European Council reiterated its intention to remain, in the future, in a close partnership with the United Kingdom (European Council, 2019).

In fact, the United Kingdom and the EU share the same set of security threats and risks, as well as a set of values as presented and discussed in the past two chapters of this dissertation, so there still is a mutual interest in continuing, or even strengthening, the same levels of collaboration after Brexit. As extensively discussed, one of the threats that is shared by EU member states, especially those in Western Europe, is terrorism. Thus, the necessity for continuing the same in-depth cooperation between the EU and the UK is particularly highlighted in the scope of counterterrorism:

“The UK has always been and will continue to be a huge global player in the fight against security threats. With the threat constantly evolving, our response must be to work more closely with our partners, including the EU and its Member States, sharing information and supporting each other in combating threats posed by those who wish to harm us. [...]. It is in the interest of all of us to continue our deep cooperation with the EU and its Member States to combat these threats together” (HM GOVERNMENT, 2017).

For his part, Juncker (2018), argued that the partnership between the EU and the United Kingdom in the field of security would be essential after Brexit, adding the need for this joint work particularly in the fight against terror (GURZU, 2017). Thus, in the Council's guidelines for negotiations, it is stated that there is a desire to keep the UK as a “close partner” in the future (European Council, 2019). Law enforcement professionals themselves also consider that fast and effective transnational cooperation is crucial to their performance, not regarding negotiations as something in which interests are divided (ALEGRE *et al.*, 2017). James Berry, a member of the British conservative party, found that, although the UK police layer voted for both staying and leaving the EU, everyone shared the desire to maintain judicial and police cooperation in the same way as it currently does (HOUSE OF COMMONS, 2017). As such, for the United Kingdom, negotiations needed to be underpinned by three main objectives: (1) to protect the security of citizens and to maintain justice in the United Kingdom and the EU; (2) to maintain a cooperative and close partnership, maintaining the traditions of friendship between the EU member states and the United Kingdom; and (3) to continue cooperation based on shared democratic values and respect for rule-of-law (HM GOVERNMENT, 2017).

However, despite this common interest, the effective reaching of an agreement will not be that easy, since there are no previous models of cooperation between the EU and third countries that replicate the current cooperation between the United Kingdom and the EU, as for example, in the case of the intelligence community, direct access to EU databases. Nonetheless, as noted by the Home Affairs Committee in 2017, with the exception of some countries belonging to the Schengen Area, there are no countries with access to the EU's intelligence sharing instrument. However, the UK never belonged to the Schengen Area, and is not expected to do so after leaving the EU. Despite this, the British government believes that the fact that they already belonged to the EU puts them in a favourable position in the context of the negotiations, that “[...] our pre-existing security relationship with the EU and its Member States means that we are in a privileged position to develop and maintain a mutually beneficial model of cooperation in this area and outside the Union” (HM GOVERNMENT, 2018, p. 6).

In a Brexit White Paper, published in July 2018, the United Kingdom reiterated this position stating that “[...] the government believes that the new relationship needs to be expanded compared to any that exists between the EU and another third country. This should reflect the history, the close ties and the unique starting point of the United Kingdom and the EU” (HM GOVERNMENT, 2018, p. 7). As such, the United Kingdom hopes to enjoy a “deep and special partnership” after its departure not intending to replicate any other models,

but rather looking for “personalised” agreements (LEWIS, 2016; MAY, 2017). Due to the quantity and quality of intelligence that the United Kingdom has contributed to the EU as a member state, as well as its influence and leadership in the creation of security measures, there are those who consider that the United Kingdom is undoubtedly in a unique negotiating position, in order to achieve “personalised” agreements (LIGETI; ROBINSON, 2017). Thus, at the level of security, in the Brexit White Paper, the British government proposed an “ambitious partnership” that goes beyond existing precedents and that covers the following areas: mechanisms for a fast and secure exchange of data; measures for cross-border operational cooperation; and the continued cooperation of UK and EU law enforcement agencies (HM GOVERNMENT, 2018).

It should be noted, however, that in 2017, the EU disclosed that third country status is not equivalent to member state status, and does not enjoy the same rights and benefits as them. “A non-member of the Union, who does not fulfil the same obligations as a member, you cannot have the same rights and enjoy the same benefits ” (EUROPEAN COUNCIL; 2017, p. 3). As mentioned by Bongardt & Torres (2017), any state that leaves the “club” will have to face the consequences of their actions, particularly losing the benefits of being a member state. However, in the 2018 State of the Union address, the President of the European Commission, Jean Claude Juncker, responded to the British government's proposal for an ambitious partnership, showing a certain flexibility on the part of the EU:

“Even after 29 March 2019, the UK will never be a third country like the others. It will always remain a neighbour and a very close partner in political, economic and security terms. In recent months, whenever we needed cohesion in the Union, Britain was on our side, guided by the same values and principles as all other Europeans. That's why I welcome Prime Minister Theresa May's proposal to create a new and ambitious partnership for the post- Brexit future” (JUNCKER, 2018, p. 9).

The departure notification letter itself caused some controversy, by including an aspect that was seen as a threat if a satisfactory future security cooperation agreement with the United Kingdom was not reached: “[i]f, however, we leave the European Union without an agreement the default position is that we would have to trade on World Trade Organization terms. In security terms a failure to reach agreement would mean our cooperation in the fight against crime and terrorism would be weakened” (MAY, 2017, p. 2). Many members of the European Parliament, like Guy Verhofstadt and Gianni Pittella, have dubbed this a “bargaining chip”, accusing Theresa May of blackmailing the EU of the possibility of undermining the trade agreement if no concessions were made to the UK in the security cooperation agreement

(Asthana *et al.*, 2017). Thus, in a subsequent European Parliament resolution, it was stated that whatever the outcome of the negotiations, they could involve any trade-off between internal and external security, on the one hand, and the future economic relationship, on the other (EUROPEAN PARLIAMENT, 2017). David Anderson questioned precisely this UK “special position” in the negotiations, stating that: “[i]t's true that we produce a lot of intelligence and everyone likes it, but it would be completely wrong to assume that because of that, the world will simply fall at our feet if we snap our fingers and say, 'We want a relationship with these organisms’” (COMMITTEE ON EXITING THE EUROPEAN UNION; 2017, p. 17).

For the EU, there are six factors that determine a cooperation agreement with third countries: first of all, the interest of the 27 member states; second of all, shared threats and geographic positions; third of all, the existence of common obligations with third countries (e.g. Schengen area, free movement); fourth of all, the risk of disrupting relations with other countries; fifth of all, respect for fundamental rights, particularly in the field of data protection; and sixth of all, the ‘firmness’ of enforcement and dispute resolution mechanisms (EUROPEAN COMMISSION, 2018). In short, it is not yet clear how long it will take to negotiate any future cooperation, with a variety of factors that can influence the speed and reach of an effective agreement, ranging from the lack of precedents, the UK's willingness to adhere to EU laws and measures in which it has a particular interest, the extent to which the UK will seek to access or have agreements that are currently unavailable to other third countries, including real-time access to databases, and whether or not the United Kingdom can use security measures as a bargaining chip for all negotiations (DAWSON, 2017).

On the other hand, Alegre *et al.* (2017) show that the results of the most recent British general elections - which ended up delaying the negotiation process - and the Conservative Party's difficulties in forming government, made it even more unpredictable how the UK's political approach to Brexit might change in the rest negotiation going forward. When it comes to security cooperation, the caricature of the EU as an ineffective bureaucratic actor or a ‘shadowy’ federal power, as conveyed in some circles, should be avoided, not least because, over the years, as seen in the second chapter in relation to cooperation, especially in the field of intelligence, the EU has indeed evolved in a positive direction. Both the UK and the EU have produced a number of position papers on different target areas for negotiation, and in early 2021 have published draft agreement in key areas. As previously mentioned, even though one of these drafts regards cooperation in security, especially in intelligence and data sharing, terrorism is not mentioned.

#### ***9.4 Counterterrorism Practices: On Europol and Eurojust***

Europol, as presented in Chapter 2, is dependent on the cooperation of all member states to gather and share relevant information on terrorism trends and counterterrorism efforts. With Brexit and the status of member state being revoked from the UK, the EU and British governments will have to come to an agreement on information sharing procedure with Europol. Currently, there are two types of cooperation agreements for third countries (outside of the EU) established within Europol's framework. In a statement to the Home Affairs Committee, Rob Wainwright (2017), highlights the similarities and differences between an operational agreement and the status of full accession to Europol. Like Europol members, countries with operational agreements have access to the Secure Information Exchange Network Application (SIENA), that is, Europol's communication network, have multiple access points in their national jurisdiction, can share information with all other members, can contribute to and consult Europol databases, are entitled to have liaison officers at the organization's headquarters, with free access to all other liaison officers, and can participate in Analysis Projects (APs) that focus on specific crime areas, such as drug trafficking, terrorism and radicalisation.

Conversely, countries with operational agreements do not have direct access to the Europol database (SIE), they do not have regular employees at Europol headquarters, and although they can participate in APs, they cannot lead them, and do not hold a seat on the Board of Directors. However, the negotiations on an operational agreement between the EU and a third country can take about 5 to 12 years to complete and come into force (COMMITTEE ON EXITING THE EUROPEAN UNION, 2017). This does not only present a disadvantage to the EU, having the state with most terrorism activity outside its area of influence, but it is also quite disadvantageous to the UK, because it will lose in terms of information sharing with other neighbouring states. On the other hand, an option that is much quicker to draft are the strategic agreements, however they are limited to the exchange of general, strategic and technical information, with sharing personal data from the member states being not permitted (EUROPOL, 2018).

Furthermore, despite the fact that cooperation agreements, namely operational ones, set a precedent according to which negotiations can be supported, with the entry into force of the new regulation, Europol does not have the capacity to conclude cooperation agreements directly with third countries. (HOME AFFAIRS COMMITTEE, 2017). According to Article 25, there are two possibilities for concluding these operational agreements. The first refers to



a Commission adequacy decision which stipulates that the third country concerned ensures an adequate level of protection of personal data. The second concerns an international agreement concluded between the EU and the third country, in accordance with Article 216 *et seq.* of the Treaty of the EU, which establishes sufficient guarantees regarding the protection of people's privacy and fundamental rights and freedoms (EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2016). Thus, with the entry into force of the new Europol regulation, the United Kingdom will be the first country to try to establish with these bodies in these new terms.

The day before the Brexit referendum, Rob Wainwright argued that, should his country leave the EU, the United Kingdom would become an operational member of Europol (RANKIN, 2016). Renard (2016 *apud* VECINO, 2017) is of the opinion that operational agreements can be quite effective, giving as an example the partnership between Europol and the US, which has already demonstrated several successes in the fight against organized crime, including the dismantling of counterfeiting networks, drug trafficking and cigarette smuggling. There is a high level of coordination between the two parties, namely through joint training, coordination in internet governance measures, as well as in matters relating to the exchange of information. However, despite the establishment of an operational agreement between the United Kingdom and Europol being at least the most likely option, David Armond, deputy director of the National Crime Agency (NCA), claimed that any alternative agreement to full membership would be great, but not as advantageous as the one that existed (HILLEBRAND, 2017).

On cooperation between the UK and the EU in matters of justice and home affairs, the British government ensures that the United Kingdom is the main user of Europol, while recognizing the differences between operational agreements and the full admission to Europol, and the lengthy process for establishing cooperation agreements (HM GOVERNMENT, 2017). The government thus demonstrated that it intended to reach an agreement that goes beyond those already established, since none of them provides the same level of access and cooperation. So far, there is no precedent for a third country to have direct access to Europol's information system (ALEGRE *et al.*, 2017). Nonetheless, for the United Kingdom, access to Europol databases is one of the most crucial aspects (HOUSE OF COMMONS, 2017). Indeed, David Armond, in statements to the European Union Committee, claimed that the existing agreements with Iceland, Norway and other partners were not sufficient for the United Kingdom (EUROPEAN UNION COMMITTEE, 2016). This ambition to have a

“personalised” agreement with Europol is supported, according to the British government, by their previous involvement with the organization: “[the UK will be] a known partner, and a known commodity to our partners in Europol and we have a relationship with them that has been built up through our years of being full members of Europol and the EU [...]. It is very right, and very possible, for us to have a bespoke solution” (EUROPEAN UNION COMMITTEE, 2016, p. 19).

Despite being the last member state to sign the new Europol regulation, the United Kingdom also showed its interest in the work of this agency by, in November 2016, having accepted to adopt this regulation, thus remaining in the organization, even though the result of the referendum had already been released (HOME OFFICE, 2016). Steven Robinson argued that although Europol does not have much airtime in the Brexit debates, it is certainly an agency in which the UK has every interest in participating in the future. In addition to expressing interest in Europol by adopting the regulation, the government also emphasised the importance of this continued adherence to the safety of the British and its importance to national security. As summarised by Brandon Lewis (2016), “[...] UK is leaving the EU, but the reality of cross-border crime remains. Europol provides a valuable service to the UK and opting-in would allow us to maintain current access to the agency until we leave the EU, thereby helping to keep Britain's people safe” (HOME OFFICE; 2016, p. 5). According to Vecino (2017), there are two reasons for this. On the one hand, law enforcement professionals in the United Kingdom consider that the information they receive from Europol is of high value, particularly for ensuring domestic security. On the other hand, policy makers appreciate the leading role that the United Kingdom plays in the field of intelligence in the EU, notably through its membership of Europol. In declarations to the Committee Home Affairs, Amber Rudd, former Secretary of State for Home Affairs, argued that:

“[...] Europol has played an important role in keeping us safe and we will have discussions about how to continue, in some way, engagement with EU agencies that help us keep safe. [...] I can say that there is a strong desire by the government and other European countries to ensure that we find a way to work together, so that they can benefit from our expertise and we can benefit from shared intelligence” (Home Affairs Committee, 2016, p. 13).

The EU's position on the agreement between the United Kingdom and Europol includes the effective exchange of information, collaboration on Analysis Projects, participation of liaison officers at headquarters, and exclusion from the Board of Directors (EUROPEAN COMMISSION, 2018b). In the case of Eurojust, as it works differently from Europol as

presented in Chapter 2, third countries, in or out of the Schengen area, can participate in Eurojust's cases, as well as exchange information, if the member states agree. A third country agreement between the EU and the United Kingdom to access the Eurojust database would allow effective data sharing, and the possibility to designate contact points and liaison magistrates at Eurojust and the United Kingdom to facilitate the exchange (EUROPEAN COMMISSION, 2018a). However, these agreements do not allow direct access to Eurojust's case management system (EUROPEAN COMMISSION, 2018a). The EU's position therefore includes an effective exchange of information between Eurojust and the United Kingdom, however there is limited link between the Eurojust Management System and the British liaison officer, as the United Kingdom has country status. third (EUROPEAN COMMISSION, 2018b).

### ***9.5 After Brexit: Possibilities and Challenges for EU-UK Cooperation***

With so many political, economic and legal interests involved in the negotiations, it is currently impossible to predict the eventual outcome or impact of Brexit on the resilience of the EU intelligence community (ALEGRE *et al.* 2017). Nonetheless, despite its departure, there are elements in the Brexit negotiations that indicate a strong British interest in continuing the cooperation between them, the EU and its member states. The United Kingdom will continue to share information through the informal forums, even though they are not necessarily under the EU umbrella (HILLEBRAND, 2017). For example, the Counterterrorism Group (CTG) shares analyses on member states with the EU, thereby supporting decision-making processes (FÄRGERSTEN, 2017). Furthermore, Färgersten (2017) argues that the CTG provides precisely a route for future cooperation, since as it is a decentralized forum it is less sensitive to changes in the political sphere, and is not yet subject to supranational control by the CJEU. This could also be an alternative for the UK to maintain its influence in the EU in matters of counterterrorism. Moreover, efforts to make Europol the leading European player in counterterrorism matters have been hampered by the fact that most of the intelligence necessary for this task is in the hands of the secret services and not from the police agencies that cooperate with Europol.

As previously mentioned, national security remains the exclusive responsibility of the member states, establishing the EU as a 'facilitator' for bilateral and multilateral cooperation and regional policy-making. EU institutions are not competent to act on matters of national security (DAWSON, 2017). Article 72 of the Treaty of the EU states that Title V of the Treaty,

related to the Area of Freedom, Security and Justice, “[...] does not prejudice the exercise of the responsibilities of the Member States in maintaining order and guarantee of internal security” (EUROPEAN UNION; 2007, p. 25). Similarly, Article 73 mentions that “[...] member states are free to organise among themselves and under their responsibility forms of cooperation and coordination, as they deem appropriate, between the competent services of the respective administrations responsible for ensuring national security” (EUROPEAN UNION; 2007, p. 26). Now, since the main flow of information sharing takes place outside the EU framework, that is, at the intergovernmental and bilateral level, the effect of Brexit in this area are set to be minimal, as argued by Sir Julian King, European Commissioner for Union Security, “[...] there are exchanges on the core intelligence side, but they take place outside the EU framework; there is no reason why those, in their current form, should be affected by the [Brexit] process” (HOME AFFAIRS COMMITTEE, 2017, p. 9; DEARLOVE, 2016; ISCHENBECK-BAUM, 2017; SEGELL, 2017).

According to Northcott (2017), bilateral relations between the United Kingdom and other EU countries will not suffer any change, since they are governed by the principle of utility and not driven by feelings or political considerations. Furthermore, Färgersten (2016) states that the cooperation arenas in the field of intelligence at European level encourage bilateral information sharing, something that should be seen as a strength and not a weakness: identifying common partners and interests, pursuing those interests in small groups and, later, report on the work achieved in a multilateral forum, has been a successful practice in the field of combating terrorism. Cooperation at the level of intelligence, in essence, is something that is still carried out bilaterally, from nation to nation depending on the types of trust relationships. These bilateral relations will remain very important post-Brexit.

Although this is a common understanding, Theresa May (2017), argued that future cooperation between the United Kingdom and the EU would complement existing bilateral relations, stressing, once again, the relevance that the United Kingdom puts in this collaboration for national security. In fact, both the EU and the UK have interests in continuing the existing cooperation on intelligence. In the 2018 Brexit White Paper, the British government points us to the essence of conceiving a Brexit “[...] it must deliver real and lasting benefits for both sides, supporting shared prosperity and security - which is why the Government is proposing to structure the relationship around an economic partnership and a security partnership” (HM GOVERNMENT, 2018, p. 7).

This is also the opinion of Ischebeck-Baum (2017), Glees (2017), Hillebrand (2017), Konstantopoulos & Nomikos (2017), and Vecino (2017) who consider that, being beneficial and necessary for both parties, this cooperation will continue in the future. According to Patel (2016), British integration in the EU security apparatus should be considered part of a strategy to maintain regional peace and stability, as well as strengthen its resilience. Glees (2017) believes that continuous cooperation in terms of information sharing is so important that it is inconceivable that in any rational scenario this cooperation will not continue in the future. In the same sense, due to the growing internal and external security challenges, Vecino (2017) believes that the complete separation of the United Kingdom from Europol is neither desirable nor credible. In addition to informal and bilateral forums, the fact that most EU countries and the United Kingdom belong to NATO also fuels this scenario that Brexit's impact in this area will be minimal (PALADINI; CASTELLUCCI, 2017).

Based on the implications of Brexit for the security of the United Kingdom, Konstantopoulos & Nomikos (2017) identified three schools of thought: the optimistic, the pessimistic and the pragmatic. As the names suggest, the first and second schools have an understanding of how Brexit could have a positive or negative impact on UK security. The third, is at an intermediate level, claims that Brexit will not have a decisive impact on the security of the United Kingdom, and, consequently, the EU, given that both the British and the EU will continue to cooperate in the field of information sharing, either on a bilateral basis or by establishing a special multilateral relationship. Followers of the pragmatic school lay their foundation on rationality and mutual interest, in order to efficiently face the challenges and threats of the current international system and achieve their security goals. In the same sense, Ischebeck-Baum (2017), states that it is likely that the common strategic interest will lead to a pragmatic and “cool-headed” approach. It remains to be seen whether the UK will remain a permanent member of the EU's intelligence sharing institutions. Even if technically the answer is no, not least because the EU is of the opinion that third countries do not have the same rights and benefits as member states, Ischebeck-Baum (2017) believes that some kind of agreement for the constant sharing of intelligence will be surely achieved, since “[...] there should be no reason for concern if there is recognition and search for common strategic interests” (ISCHEBECK-BAUM, 2017, p. 9 8).

Direct access to databases and the UK's influence on agencies like Europol would certainly be something the EU could benefit from, although, some EU intelligence sharing systems and agencies are unprecedented for third countries to access countries (non-EU and/or

non-Schengen), or do not have agreements that allow the same level of cooperation. Despite the United Kingdom being an important partner in cooperation on these issues, its sovereignty concerns in the field of criminal justice have always put a brake on the deeper and more coordinated development of the EU justice system. For example, the British have always resisted supranational oversight of the Court of Justice of the European Union (CJEU), as well as the creation of strong data protection in European law. For Alegre et al. (2017) and Frank Asbeck (*apud* Todd, 2009), these are essential conditions for greater cooperation and mutual trust in these matters. The UK has always pushed for greater operational efficiency, while the Germans have pushed for greater data protection (COMMITTEE ON EXITING THE EUROPEAN UNION, 2017).

Nonetheless, Alegre et al. (2017), reiterates that the departure from the United Kingdom may then be an opportunity for the EU to strengthen cooperation in the area of Freedom, Security and Justice, that “[...] will pave the way for projects that could build a coherent, centralized and efficient policing system that can act as an information integration platform for the different EU- Schengen Member States.” (ALEGRE *et al.* 2017, p. 46). Although Bongardt & Torres (2017), are more focused on commercial and economic matters, they reiterate this opinion, stating that the privileges and advantages that the United Kingdom has acquired over the years have been obstructing the process of European integration. Thus, Brexit could make a fundamental contribution to the European project. In fact, Bongardt and Torres (2016) argue that Brexit materialises an important precept of the Treaty of Lisbon: states that are not enthusiastic about the European integration process can (and should) leave the EU, which is essential for the sustainability of the “club”. The triumph of “no” in the British referendum was also a victory for the EU because, with the agreement reached by David Cameron at the European Council in February 2016, the victory of “yes” would increase the spirit of UK cherry-picking, giving it added power to systematically obstruct the deepening and sustainability of the European project. The EU should not grant privileges and an agreement tailored to the UK, as these benefits, in conjunction with obligations, are reserved for members states. This surrender to the individual interest of a state would undermine the smooth functioning of the EU, as well as the creation of a strong and cohesive nucleus within it (BONGARDT; TORRES, 2017). This would therefore not mean a punishment for the United Kingdom, but a protection of the EU's interests.

Furthermore, according to Inkster (2016) and Segell (2017) the EU that does not have the United Kingdom as the main actor in the fight against terrorism will certainly be weaker,

which, in turn, will also leave the United Kingdom more exposed to possible threats and risks. Likewise, Deane & Menon (2017), argue that the perception is that the UK's excellence and leadership in the field of security, particularly in areas of counter-extremism and cybersecurity, will be sorely missed. In the case of Europol, although the operational agreements provide a reasonable level of cooperation with the agency, something that is beyond the reach of any third country is the seat on the management board. As such, Europol will lose the influence and leadership role that the United Kingdom has always held. For some, this will have a negative impact on the EU, which will no longer rely on British effort and encouragement (HILLEBRAND, 2017).

Moreover, Rob Wainwright (2017 *apud* HOME AFFAIRS COMMITTEE) mentions that the United Kingdom has always been an active voice on the board of directors having, therefore, the ability to project the development of the agency in such a way that many consider it as a “British-friendly institution”. Vecino (2017) also believes that the United Kingdom's departure from Europol will weaken the British's influence on the EU's intelligence and security sharing policy, which would consequently decrease Europol's effectiveness. Glees (2017) argues that effectively removing the UK from the EU's intelligence sharing mechanisms will be the factor that will have the greatest negative impact on EU and UK security. For example, the EU would no longer have access to the UK's analytical expertise, resources and global presence in intelligence matters (FÄRGERSTEN, 2017). However, it is necessary to take into account the vast amount of information that the United Kingdom provides to this system, so in the event of this happening it will be a huge loss for the EU intelligence community as a whole (BILIK, 2017). The failure to conclude an agreement for future cooperation is seen by Foy 2016 as an empty space that terrorist networks can take advantage of, leaving both the UK and the EU vulnerable. Without the establishment of a security agreement in the near future, transnational cooperation between the British and EU partners will also be more fragile, *ad hoc* and less accountable.

## FINAL CONSIDERATIONS

This dissertation sought to comprehend and provide an overview how the languages of counterterrorism employed in domestic and regional counterterrorism policies created and augmented counterterrorism practices implemented by the European Union and its member states since 2001. Due to the large number of member states, a domestic case study was selected based on a triad of factors: the highest number of terrorist attacks, the highest number arrests due to terrorism and the number of trials on terrorism charges. Thus, the United Kingdom was selected. Because of the amount of information present in the analysis, the dissertation was divided into two sections, as to present and analyse the case studies step by step. Each of the case studies presented the same chapters structure, going from the terrorism trends, to the language and policies to the practice. In short, the result of the analysis, compiled in Table 10.1, is that the languages of counterterrorism and the policies where they have been employed are quite similar, with the main difference being that, at a regional level, the EU is challenged to establish both language and policies specific enough for the member states but general enough taking into consideration every domestic context, whereas the UK language and policies are much more specific according to their contexts.

Nonetheless, the point that regional and domestic counterterrorism most differ are in the practices of the EU and the UK. As mentioned throughout the dissertation, even though the EU has an integration agenda set since its inception in the early 1950s, there are clear delimitations and limitations of its influence in the security of the member states. In the Treaty of Lisbon signed in 2007, the United Kingdom insisted on a clause limiting the EU's influence on security, stating that security is primarily a concern of the states and should be developed and implemented by the states only. With this limitation, the role of the EU in counterterrorism has been on cultivating an arena to facilitate cooperation and coordination for the member states, thus establishing agencies such as Europol, Eurojust and Frontex. Regional practices are then limited to cooperation efforts whereas member states are responsible for executing policies accordingly. In retrospect, the limitation on European influence on domestic security reaffirms the member states as states based on the Weberian definition of such. Having the monopoly of the use of force within a territory over its citizens is intrinsic to the recognition of a state as such. Once member states hand over this specific piece of sovereignty to the EU could they be considered states even?



**Table 10.1 – Overview of Main Findings in Sections I and II**

	European Union	United Kingdom
<b>Terrorism Trends</b>	<ul style="list-style-type: none"> <li>• Europe is not the epicentre of terrorism in the world;</li> <li>• There are more terrorist attacks in Western Europe than in Eastern Europe;</li> <li>• Left-wing (anarchist) terrorism has the highest rate of terrorist attacks, whereas jihadist has the lowest;</li> <li>• The majority of terrorist groups and/or individuals are local;</li> <li>• Jihadist inspired terrorism is responsible for most of the fatalities and injuries in attacks;</li> <li>• Citizens and private properties are the most targeted by terrorism;</li> <li>• Half of the terrorist attacks prefer explosions and bombings.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of attacks in the UK correspond to 35% of the total attacks in the EU;</li> <li>• The majority of the attacks are committed in Northern Ireland;</li> <li>• Unknown terrorism is responsible for the majority of the attacks, followed by ethno-separatists;</li> <li>• The lowest number of attacks comes from single-issue terrorism;</li> <li>• Most of the groups and/or individuals are local;</li> <li>• Jihadist inspired terrorism is responsible for 2% of the attacks by the vast majority of fatalities and injured;</li> <li>• The number of arrests are considerably higher than the number of trials on the grounds of terrorism because of the Terrorism Acts;</li> <li>• Most of the attacks targeted private properties and citizens; Most of the perpetrators preferred explosions and bombings as the attack method.</li> </ul>
<b>Language of Counterterrorism</b>	<ul style="list-style-type: none"> <li>• Main objective is cooperation;</li> <li>• Terrorism as a denial of the European values of fundamental rights and the rule of law;</li> <li>• Counterterrorism must abide to the European values;</li> <li>• Peaceful and ‘just’</li> <li>• Terrorism regarded as an intrinsic international phenomenon</li> <li>• Terrorism as a <i>threat</i> not an <i>enemy</i></li> <li>• Counterterrorism as a regional collective effort.</li> </ul>	<ul style="list-style-type: none"> <li>• Clear definition of terrorism;</li> <li>• Terrorism recognised as a <i>threat</i> and as an <i>enemy</i>;</li> <li>• Difference in countering terrorism inside and outside borders;</li> <li>• Terrorism regarded as a crime and as war act;</li> <li>• Counterterrorism specified and according to domestic context;</li> <li>• Terrorism goes against British values of freedom, democracy and human rights;</li> <li>• Hierarchy on the importance of national security above all values.</li> </ul>
<b>Counterterrorism Framework</b>	<ul style="list-style-type: none"> <li>• Decision Frameworks</li> <li>• Action Plans</li> <li>• European Counterterrorism Strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Terrorism Acts</li> <li>• British Counterterrorism Strategy</li> </ul>
<b>Counterterrorism Practices</b>	<ul style="list-style-type: none"> <li>• Establishment of agencies to facilitate cooperation and the exchange of information and data at regional level;</li> <li>• Counterterrorism practices are mainly responsibility of the member states;</li> <li>• Co-dependency on the member states</li> </ul>	<ul style="list-style-type: none"> <li>• Inside the UK: unnecessary use of force by law enforcement; targeting migrant and/or specific ethnic population, leading to xenophobia; monitoring and surveillance; removal of citizenship from citizens;</li> <li>• Outside the UK: participation of the War on Terrorism; dubious presence in the Middle East;</li> </ul>

**Source:** developed by the author.

Because the United Kingdom was selected as the second study case, Chapter 9 explored briefly the relationship between the member state and the EU with the Brexit negotiations and presented challenges to counterterrorism and security in general both in domestic and regional levels. It is quite clear that the UK, on one hand opted out of the EU because of a general set of divergent interests, but at the same time wanted to remain with all the advantages a member state has. In other words, it is the same of cancelling a subscription to a movie and/or music platform but still demanding to have all premium features. The depth of the consequences of Brexit has yet to be regarded by both sides. Nonetheless, it is important to emphasise that, in terms of counterterrorism, both parties have been left vulnerable (the question is, *how* vulnerable) once the UK depended on the information collected and shared by the EU on regional terrorism and counterterrorism efforts, and the EU lost one of the most experienced member states on countering terrorism. In fact, the British were on the forefront on the development of counterterrorism policies in the EU and the establishment of the structure and competencies of Europol.

Furthermore, five contributory sub-questions were established to further help guide and structure the analyses in Chapters 2 and 3. The first question was: *what are the types of terrorisms present within the constraints of the European Union?* Europol established five main terrorism typologies that were presented and defined in Chapter 1: left-wing (anarchist), right-wing, single-issue, jihadist and ethno-separatist. However, these typologies have presented a limitation regarding the inadequacy for categorising several terrorist perpetrators, thus it was decided to add a sixth category: unknown terrorism. Nonetheless, even though these categories help in establishing an overview on terrorism trends in the EU and the UK, it is categorically limited to the catering of other types of terrorism that do not fit into the abovementioned categories. Another limitation presented by both databases used in this dissertation (GTD and Europol) was that there are no profiles on terrorism perpetrators, that is, it is close to impossible to identify the ideology and the territories where they act. With terrorism perpetrators profiled and systematically categorised, it should make counterterrorism more precise.

The second question established was: *what are the elements that constitute the languages of counterterrorism at domestic and regional levels?* Terrorism in both domestic and regional levels is regarded as an enemy and as an opposition of the British and European values of democracy, rule of law and the fundamental human rights. Going against these values, terrorism is established antagonistically to the intrinsic identities of the state and the organisation

as a whole, and it must be countered and mitigated while preserving these values. Even though this last statement should be, in practice, true, Chapter 3 highlighted that it is not always the case with British counterterrorism. The enforcement of policies that violates human rights by British intelligence and police agencies have again and again been repudiated and denounced in the European Court of Human rights over the years. With each passing Terrorism Act promulgated by the British government, measures have been increasingly harsher and more punitive.

The third question established was: *what are the domestic and regional counterterrorism policies? Who produces them?* Interesting question and complex answer. Both at regional and domestic levels counterterrorism policies are divided into framework decisions/legislative acts and practices. In the case of the EU, prior to 2007, the European Council was the main decision-maker in both the Counterterrorism Decisions Frameworks and the EU Counterterrorism Strategy. However, with the Treaty of Lisbon, the framework decisions were co-written and co-approved by both the European Parliament and the European Council. Nonetheless, the EU Counterterrorism Strategy still is under the competence of the Council. Similarly, in the case of the UK, the British Parliament developed and established the Terrorism Acts as extensively analysed in Chapter 3, and the Prime Minister and the Home Office together are responsible for the British counterterrorism strategy.

The fourth question established was: *what are the domestic and regional counterterrorism practices?* As previously mentioned, counterterrorism practices are where regional and domestic levels completely diverge from each other. On one hand, the EU is limited to 'prepare the ground' and to encourage cooperation and coordination efforts to the member states. With the creation of agencies such as Europol, Eurojust and Frontex, European counterterrorism practices revolve around the collection and sharing of data and intelligence information from the member states to the member states so they are better prepared in countering terrorism. On the other hand, as also previously mentioned, the British counterterrorism practices can be divided in inside and outside its borders. Inside its borders, the rule of law is respected, categorising terrorism as a crime and executing arrests and trials on suspects and perpetrators. Outside its borders, the UK perceives terrorism as an enemy that must be defeated. The British role on the War on Terrorism declared by the US presents this duality perfectly.

Finally, the fifth question established was: *have these counterterrorism policies and practices **changed** with according to terrorism dynamics?* The basis of both regional and

domestic counterterrorism frameworks were established in early 2000s and have not been modified *per se* but rather has been added on. As previously presented in Chapter 2 and Chapter 3, the European and British counterterrorism frameworks have been expanded and ramified over the years, that is, specific articles in the decision frameworks and legislative acts have become policies themselves, thus expanding the framework. Over the years, as a response to terrorist attacks, the UK and the EU have quintessentially reinforced counterterrorism in both levels, demanding faster reactions, counterreactions and preventive measures.

In addition to the five contributory questions, two complimentary hypotheses were established in the beginning of the research. The first hypothesis was: *the individual experiences an EU member state has had with terrorism produces a set of specific assumptions, beliefs, pieces of knowledge and truths about terrorism and terrorists that are reflected in the constitution of a language of counterterrorism. In turn, when a language of counterterrorism is systematically employed in counterterrorism policies, it will create and/or augment a set of counterterrorism practices.* Based on the analysis of the case studies, individual experiences, or rather, individual contexts do produce a set of specific assumptions, beliefs and knowledge regarding terrorism that is directly reflected in the language of counterterrorism employed in policies. As discussed, terrorism is perceived as the opposition or negation of a set of identity-related values that are a part of both British and European identities. In turn, the policies produced based on specific terrorism definitions will lead to a set of practices to preserve these values and the overall identity of an actor.

The second hypothesis developed, as a continuity of the first is: *regional language of counterterrorism is an amalgamation of the individual languages of counterterrorism produced by the member states. Thus, the employment of a regional language of counterterrorism in policies also creates and/or augments regional counterterrorism practices. Once regional counterterrorism language, policies and practices are consolidated, there is a process of (re)internalisation of this new discourse by the member state that, as a result, change their counterterrorism language, policies and practices. The dynamics between regional and domestic counterterrorism is a constant process of co-constitution and re-constitution.* It has been observed that British counterterrorism was highly influential on the establishment of the European counterterrorism efforts, especially in terms of counterterrorism strategies. However, instead of the regional language, policies and practices influencing the domestic language, policies and practices, in this particular case the opposite has happened – especially regarding counterterrorism strategies. Thus, the British language of counterterrorism influenced the

establishment of the European language of counterterrorism. Nonetheless, as previously stated, the main divergence between regional and domestic counterterrorism are, in fact, in counterterrorism practices. As the years passed and the UK was faced with an increasing number of attacks, it was possible to observe that their policies and practices were more belligerent and farther away from what the EU proposed. Brexit then, became the symbol for the divergences between the organisation and the former member state, overlapping in counterterrorism.

As this dissertation comes to an end, it is necessary to also present an agenda for future counterterrorism studies on topics that have been observed during the process but did not necessarily fit into the analysis itself. When choosing the member states and the methodological framework for this dissertation, one of the main concerns was the reproduction of step by step of the analysis to other member states. Because of time, knowledge and personnel limitations, this dissertation traced an overview of a fraction of the counterterrorism frameworks both at regional and domestic levels, making an in-depth study necessary in future ventures. As previously mentioned, each of the EU member states have a very particular relation to the regional framework, very nuanced and oftentimes turbulent and certain areas. To replicate the intrinsic analysis of this dissertation to other EU-member states relations could be interesting and necessary to deepen the comprehension of counterterrorism efforts in the region. Another aspect that has been briefly mention in Chapter 3, was the British membership on other organisations such as the UN and NATO, that, in turn, are also part of their counterterrorism framework. Because the objective was to comprehend just EU-UK relations, other parallel organisations outside of the present scope, were not analysed.

To better understand British counterterrorism and its influence and actions in the international system, it is necessary to analyse its positions and relations multilaterally in different organisations. Another interesting aspect in Chapter 3 that could be further researched, is the changes in decision-making by the British parliament throughout the years. As time went by and more Terrorism Acts were approved between 2001 and 2018, there was a shift in the support on harsher counterterrorism measures by the parliamentarians, raising the question: what caused this shift? Last but not least, another interesting project that could most certainly be beneficial to counterterrorism in multiple levels is an in-depth profiling<sup>25</sup> of terrorism perpetrators (see Annex G). To comprehend what types of terrorism were most present in the

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<sup>25</sup> Annex G presents an example developed by the author of what a profile could look like to facilitate comparisons and an in-depth analysis of the perpetrators, aiding on the development of counterterrorism measures more nuanced.

case studies, it was necessary to research the ideology each and every one of the terrorist perpetrations to categorise them. The challenge presented is that, the majority of the perpetrators committed very few attacks and did not capture the attention of the media the same way other perpetrators have. In consequence, there were close to no information available on the perpetrators, their ideologies and where they act. Therefore, it would be an interesting project to create or augment an existing database to profile terrorism perpetrators to, in turn, aid in countering terrorism in multiple levels.

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## ANNEX A – Terrorist Attacks in the EU and Member States (2001 – 2018)

Year/ MS	20 01	20 02	20 03	20 04	20 05	20 06	20 07	20 08	20 09	20 10	20 11	20 12	20 13	20 14	20 15	20 16	20 17	20 18	To tal
<b>Austria</b>	0	0	0	0	0	0	1	7	3	0	1	0	1	0	0	3	1	1	18
<b>Belgium</b>	0	3	8	0	0	0	1	0	1	0	0	0	0	2	0	6	3	3	27
<b>Denmark</b>	0	0	0	0	0	0	0	1	0	1	0	0	0	0	5	1	0	1	9
<b>Finland</b>	0	0	0	0	0	0	1	1	0	0	0	0	0	0	9	3	2	1	17
<b>France</b>	21	32	34	11	33	34	16	13	9	3	8	66	18	14	37	26	41	13	429
<b>Germany</b>	8	3	2	3	3	4	3	3	4	1	8	0	5	13	66	44	27	22	219
<b>Greece</b>	14	11	12	4	6	23	15	53	115	49	11	23	54	26	31	30	44	27	548
<b>Ireland</b>	2	0	1	0	0	1	1	5	0	4	4	29	27	33	28	15	17	5	172
<b>Italy</b>	11	7	15	3	6	4		2	4	10	5	10	7	7	5	11	8	14	129
<b>Luxembourg</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Netherlands</b>	1	2	3	1	0	0	0	1	1	2	0	0	0	1	3	6	1	5	27
<b>Portugal</b>	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	2
<b>Spain</b>	79	41	21	31	24	23	11	37	21	3	0	1	5	4	1	3	4	2	311
<b>Sweden</b>	0	0	0	0	3	1	0	1	1	3	1	2	0	5	32	16	18	5	99
<b>United Kingdom</b>	93	21	23	5	29	6	20	39	23	57	47	55	137	104	115	104	123	100	1100
<b>EU</b>	229	120	119	59	104	96	70	170	184	134	92	189	269	223	346	278	298	203	3197

Source: Global Terrorism Database, 2020.

## ANNEX B – Arrests in the EU and Member States (2006 – 2018)

Year/MS	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Luxembourg	1	0	0	0	0	0	0	0	1	0	0	0	1	3
Finland	0	0	0	0	0	2	2	0	4	3	0	9	0	20
Sweden	3	2	3	0	4	4	0	0	0	3	3	1	7	30
Portugal	0	32	0	0	3	3	0	0	0	2	0	1	0	41
Denmark	6	9	3	0	6	7	5	0	1	0	8	17	3	65
Greece	0	0	0	5	18	15	3	23	13	29	17	15	22	160
Austria	1	8	0	8	5	2	2	3	31	49	34	48	35	226
Netherlands	6	16	4	2	39	3	62	6	17	20	45	35	49	304
Germany	20	15	12	5	25	30	8	11	18	40	35	58	59	336
Ireland	4	24	52	31	62	69	66	41	17	41	17	11	0	435
Italy	59	44	53	29	29	30	43	14	39	40	38	39	56	513
Belgium	14	10	22	4	20	4	8	20	72	61	65	50	166	516
Spain	85	261	197	169	118	64	38	90	145	187	120	91	52	1617
United Kingdom	0	203	256	0	45	62	84	77	132	134	149	585	421	2148
France	342	409	402	315	219	172	186	225	238	424	456	411	310	4109
EU	706	1048	1009	587	611	484	537	535	774	1077	1002	1392	1204	10966

Source: Europol, 2020.

### ANNEX C – Arrests per Type of Terrorism in the EU (2006 – 2018)

<b>Year/MS</b>	<b>Religiously Inspired/Jihadist</b>	<b>Ethno-Separatist</b>	<b>Left-wing (anarchist)</b>	<b>Right-wing</b>	<b>Single-Issue</b>	<b>Not-specified</b>	<b>Total</b>
<b>Luxembourg</b>	2	1	0	0	0	0	3
<b>Finland</b>	20	0	0	0	0	0	20
<b>Sweden</b>	28	2	0	0	0	0	30
<b>Portugal</b>	2	7	0	31	0	1	41
<b>Denmark</b>	55	0	5	0	0	5	65
<b>Greece</b>	17	2	107	5	0	15	146
<b>Austria</b>	201	9	6	3	0	7	226
<b>Netherlands</b>	194	82	1	18	0	9	304
<b>Germany</b>	222	52	34	25	0	3	336
<b>Ireland</b>	12	408	0	0	0	8	428
<b>Belgium</b>	331	14	4	13	0	153	515
<b>Italy</b>	267	69	141	22	2	15	516
<b>Spain</b>	466	841	121	1	0	2	1431
<b>United Kingdom</b>	0	0	0	0	0	2307	2307
<b>France</b>	2359	1493	83	63	4	12	4014
<b>EU</b>	3687	2930	364	242	11	2353	9587

**Source:** Europol, 2020.

### ANNEX D – Trials for Terrorism Charges in the EU and Member States (2005 – 2018)

Year/MS	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
<b>Luxembourg</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Portugal</b>	0	0	0	0	0	0	0	1	0	0	0	1	1	0	3
<b>Finland</b>	0	0	0	0	0	0	0	0	0	4	0	4	2	1	11
<b>Sweden</b>	2	3	0	1	1	4	2	3	0	0	2	4	3	1	26
<b>Ireland</b>	0	0	6	0	15	18	11	0	8	0	0	0	0	0	58
<b>Denmark</b>	0	0	11	16	10	1	4	11	8	13	1	8	4	6	93
<b>Austria</b>	0	0	0	0	2	0	0	2	1	2	29	26	18	36	116
<b>Greece</b>	0	0	17	0	0	0	3	8	9	10	38	3	19	22	129
<b>Italy</b>	7	0	47	25	24	22	4	14	8	4		11	23	15	204
<b>Netherlands</b>	1	20	8	12	2	8	5	1	4	5	18	42	46	37	209
<b>Germany</b>	0	16	7	10	7	12	17	16	14	11	17	30	34	57	248
<b>Belgium</b>	0	24	5	12		10	8	25	8	46	120	136	85	80	559
<b>United Kingdom</b>	1	3	33	59	37	19	13	25	52	115	106	89	125	115	792
<b>France</b>	0	21	54	75	77	40	45	101	49	36	14	66	120	141	839
<b>Spain</b>	51	154	231	141	233	173	203	229	141	191	166	154	69	120	2256
<b>EU</b>	63	240	419	360	408	307	316	437	313	444	514	580	565	653	5619

Source: Europol, 2020.

## ANNEX E – TERRORIST PERPETRATORS IN THE EU

Group	Type	Locale	European Region	Number of Attacks
<b>Action Cell Haukur Hilmarsson</b>	Left-wing (anarchism)	International	Western	1
<b>Afghan Revolutionary Front</b>	Unknown	Unknown	Western	1
<b>Alde Hemendik Movement</b>	Ethno-separatist	International	Western	1
<b>Alexandros Grigoropoulos Anarchist Attack Group</b>	Left-wing (anarchists)	Domestic	Western	1
<b>All Coppers Are Bastards (ACAB), Angry Foxes Cell</b>	Left-wing (anarchists)	International	Western	1
<b>Al-Qaeda</b>	Jihadist	International	Western	19
<b>Anarchist Action (CA / United States)</b>	Left-wing (anarchists)	International	Western	1
<b>Anarchist Anti-Capitalist Action Group</b>	Left-wing (anarchists)	Unknown	Western	1
<b>Anarchist Attack Consortium</b>	Left-wing (anarchists)	Domestic	Western	1
<b>Anarchist Cell Acca (C.A.A.)</b>	Left-wing (anarchists)	Domestic	Western	1
<b>Anarchist Collective of Kallithea-Moschato</b>	Left-wing (anarchists)	Domestic	Western	1
<b>Anarchist Commando Nestor Makhno Group</b>	Left-wing (anarchists)	Domestic	Western	1
<b>Anarchist Liberation Brigade</b>	Left-wing (anarchists)	Domestic	Western	1
<b>Anarchist Revolt Against Exiled Gendarmes</b>	Left-wing (anarchists)	Domestic	Western	2
<b>Anarchist Squad</b>	Left-wing (anarchists)	Domestic	Western	1
<b>Anarchists</b>	Left-wing (anarchists)	Unknown	Eastern (1) Western (71)	72
<b>Angry Brigade</b>	Left-wing (anarchists)	Domestic	Western	1
<b>Animal Liberation Front (ALF)</b>	Single-issue	International	Western	10
<b>Animal Rights Extremists</b>	Single-issue	Unknown	Western	9
<b>Animal Rights Militia</b>	Single-issue	International	Western	1
<b>Anonymous Underground Movement (MCA)</b>	Unknown	Unknown	Western	1

<b>Anti-Clerical Pro-Sex Toys Group</b>	Single-issue	Domestic	Western	2
<b>Anti-Democratic Struggle</b>	Unknown	Unknown	Western	2
<b>Anti-Fascist Activists</b>	Unknown	Unknown	Western	2
<b>Anti-Government extremists</b>	Unknown	Unknown	Eastern	1
<b>Anti-Immigrant extremists</b>	Unknown	Unknown	Eastern (3) Western (6)	9
<b>Anti-Imperialist Territorial Nuclei (NTA)</b>	Left-wing (anarchist)	Domestic	Western	2
<b>Anti-Independence extremists</b>	Unknown	Unknown	Western	1
<b>Anti-LGBT extremists</b>	Unknown	Unknown	Eastern	1
<b>Anti-Muslim extremists</b>	Unknown	Unknown	Eastern (1) Western (21)	22
<b>Anti-Semitic extremists</b>	Unknown	Unknown	Western	15
<b>Anti-State Justice Apella</b>	Unknown	Unknown	Western	5 1
<b>Arm na Poblachta' (Army of the Republic)</b>	Ethno-separatists	Domestic	Western	2
<b>Armata Corsa</b>	Ethno-separatists	Local	Western	2
<b>Armed Group for the Defence of the People</b>	Unknown	Unknown	Western	2
<b>Armed Revolutionary Action (ENEDRA)</b>	Left-wing (anarchist)	Local	Western	3
<b>Armed Revolutionary Forces</b>	Unknown	Unknown	Western	1
<b>Association Totalement Anti-Guerre (ATAG)</b>	Single-issue	Local	Western	1
<b>Athens and Thessaloniki Arsonist Nuclei</b>	Left-wing (anarchist)	Local	Western	8
<b>Attack Teams for the Dissolution of the Nation</b>	Left-wing (anarchist)	Local	Western	3
<b>Babbar Khalsa International (BKI)</b>	Ethno-separatist	International	Western	1
<b>Bahoz</b>	Ethno-separatist	International	Western	1
<b>Basque extremists</b>	Ethno-separatist	International	Western	3
<b>Basque Fatherland and Freedom (ETA)</b>	Ethno-separatist	International	Western	190
<b>Basque Separatists</b>	Ethno-separatist	International	Western	2

<b>Bastards &amp; Blasphems</b>	Unknown	Local	Western	1
<b>Black and Red Anarchist and Anti-Authoritarians Initiative</b>	Left-wing (anarchist)	Local	Western	1
<b>Borderless Solidarity Cell (BSC)</b>	Left-wing (anarchist)	Local	Western	1
<b>Breton Liberation Front (FLB)</b>	Ethno-separatist	Local	Western	2
<b>Catholic extremists</b>	Single-issue	Local	Western	1
<b>Catholic Reaction Force</b>	Single-issue	Local	Western	2
<b>CCCCC</b>	Single-issue	International	Western	5
<b>Cells of Direct Attack - Living Waste Group</b>	Single-issue	Local	Western	1
<b>Cellula Haris Hatzimihelakis/Internazionale nera</b>	Left-wing (anarchist)	International	Western	1
<b>Children and Matches (Des enfants et des allumettes), Wild Individualities</b>	Unkown	Local	Western	1
<b>Circle of Violators/Nucleus Lovers of Anomy, Militant Minority</b>	Left-wing (anarchist)	International	Western	5
<b>Comite d'Action Viticole</b>	Single-issue	Local	Western	6
<b>Conspiracy of Cells of Fire</b>	Left-wing (anarchist)	International	Western	60
<b>Conspiracy of Vengeful Arsonists</b>	Left-wing (anarchist)	Local	Western	1
<b>Continuity Irish Republican Army (CIRA)</b>	Ethno-separatist	Local	Western	12
<b>Corsican National Liberation Front (FLNC)</b>	Ethno-separatist	Local	Western	120
<b>Corsican Nationalists</b>	Ethno-separatists	Local	Western	7
<b>Council for the Destruction of Order</b>	Unknown	Unknown	Western	1
<b>Crypteia</b>	Right-wing	Local	Western	4
<b>Democratic Iraqi Opposition of Germany</b>	Ethno-separatist	International	Western	1
<b>Deniers of Holidays</b>	Single-issue	Local	Western	1
<b>Detonators of Social Uprisings</b>	Left-wing (anarchist)	Local	Western	1
<b>Dissident Republicans</b>	Ethno-separatist	International	Western	107



<b>Earth Liberation Front (ELF)</b>	Single-issue	International	Western	2
<b>English Defense League (EDL)</b>	Ethno-separatist	International	Western	1
<b>Enraged Revolutionaries</b>	Left-wing (anarchist)	Local	Western	1
<b>Epanastatiki Anatropi (Revolutionary Overthrow)</b>	Left-wing (anarchist)	Local	Western	1
<b>February 12 Movement</b>	Unknown	Unknown	Western	1
<b>Feminist extremists</b>	Single-issue	Local	Western	1
<b>Fight Xenophobia</b>	Single-issue	Local	Western	1
<b>Fire and Flame for the Police (FFdP)</b>	Left-wing (anarchist)	Local	Western	1
<b>Forbidden Blockade</b>	Left-wing (anarchist)	Local	Western	1
<b>Free Network South (Freies Netz Sued)</b>	Right-wing	Local	Western	1
<b>Freital Group</b>	Right-wing	Local	Western	3
<b>French Armed Islamic Front</b>	Unkown	Local	Western	1
<b>Friends of Loukanikos</b>	Left-wing (anarchist)	Local	Western	1
<b>Gangs of Conscience</b>	Left-wing (anarchist)	International	Western	2
<b>German Resistance Movement</b>	Unknown	Local	Western	2
<b>Global Intifada</b>	Jihadist	International	Western	3
<b>Golden Dawn</b>	Right-wing	Local	Western	2
<b>Group of Carlo Giuliani</b>	Left-wing (anarchist)	Local	Western	1
<b>Group of Popular Fighters</b>	Left-wing (anarchist)	Local	Western	7
<b>Groups for Dissemination of Revolutionary Theory and Action</b>	Left-wing (anarchist)	Local	Western	1
<b>Haika</b>	Ethno-separatist	Local	Western	1
<b>Hekla Reception Committee-Initiative for More Social Eruptions</b>	Left-wing (anarchist)	Local	Western	5
<b>Hezbollah</b>	Unknown	International	Eastern	1
<b>Hizb al-Tahrir al-Islami (HT)</b>	Unknown	International	Western	1
<b>Hofstad Network</b>	Unknown	Local	Western	1

<b>Hoodie Wearers</b>		Unknown	Unknown	Western	1
<b>Hutu extremists</b>		Right-wing	International	Western	1
<b>Iconoclastic Sect</b>		Left-wing (anarchist)	Local	Western	1
<b>Illuminating Paths of Solidarity</b>		Left-wing (anarchist)	Local	Western	6
<b>Incendiary Committee of Solidarity for Detainees</b>		Single-issue	Local	Western	1
<b>Informal Federation</b>	<b>Anarchist</b>	Left-wing (anarchist)	Local	Western	40
<b>International Front</b>	<b>Revolutionary</b>	Left-wing (anarchist)	Local	Western	1
<b>Iparretarrak (IK)</b>		Ethno-separatist	Local	Western	1
<b>Iraqi extremists</b>		Unknown	Unknown	Western	2
<b>Irish National Liberation Army (INLA)</b>		Ethno-separatist	Local	Western	4
<b>Irish Republican Army (IRA)</b>		Ethno-separatist	Local	Western	9
<b>Irish Republican Extremists</b>		Ethno-separatist	Local	Western	14
<b>Irrintzi</b>		Ethno-separatist	Local	Western	1
<b>Islamic State</b>		Jihadist	International	Western	15
<b>Jewish Defense League (JDL)</b>		Single-issue	International	Western	2
<b>Jihadi-inspired extremists</b>		Jihadist	International	Western	57
<b>Kurdish extremists</b>		Ethno-separatists	International	Western	1
<b>Kurdistan Workers' Party (PKK)</b>		Ethno-separatists	International	Western	18
<b>Left-wing extremists</b>		Left-wing (anarchists)	International	Western	6
<b>Les Casseurs</b>		Unknown	Local	Western	1
<b>Liberation Tigers of Tamil Eelam (LTTE)</b>		Ethno-separatist	International	Western	1
<b>Lone Wolves of Radical, Autonomous, National Socialism</b>		Left-wing	Local	Western	1
<b>Loyalist Action Force</b>		Unknown	Local	Western	1
<b>Loyalist Volunteer Forces (LVF)</b>		Unknown	Local	Western	1
<b>Loyalists</b>		Unknown	Local	Western	26
<b>LW</b>		Unknown	Local	Western	1
<b>Mateo Morral Insurrectionist Commandos</b>		Left-wing (anarchist)	Local	Western	2
<b>Militant Forces Against Huntingdon</b>		Single-issue	International	Western	1

<b>Militant Minority</b>	Left-wing (anarchist)	Local	Western	2
<b>Militant People's Revolutionary Forces</b>	Left-wing (anarchist)	Local	Western	1
<b>Minorities of Metropolitan Attacks</b>	Left-wing (anarchist)	Local	Western	2
<b>Moroccan extremists</b>	Unknown	Unknown	Western	1
<b>Muslim extremists</b>	Unknown	Unknown	Western	30
<b>National Liberation Front of Provence (FLNP)</b>	Ethno-separatist	Local	Western	3
<b>National Socialist Underground</b>	Right-wing	Local	Western	11
<b>Neo-Fascist extremists</b>	Right-wing	International	Western	5
<b>Neo-Nazi extremists</b>	Right-wing	Local	Eastern (1) Western (14)	15
<b>New Revolutionary Popular Struggle (NELA)</b>	Left-wing (anarchist)	Local	Western	1
<b>Nihilistic Patrol and Neighborhood Arsonists</b>	Left-wing (anarchist)	Local	Western	1
<b>Nihilists Faction</b>	Left-wing (anarchist)	Local	Western	1
<b>No Borders Group</b>	Unknown	Local	Western	1
<b>Nordic Resistance Movement</b>	Right-wing	International	Western	3
<b>November 17 Revolutionary Organization (N17RO)</b>	Left-wing (anarchist)	Local	Western	2
<b>Oglaigh na hEireann</b>	Left-wing (anarchist)	Local	Western	48
<b>Orange Volunteers (OV)</b>	Unknown	Local	Western	1
<b>Organization for Revolutionary Self Defense</b>	Left-wing (anarchist)	Local	Western	5
<b>Overall Deniers of Joining the Existing</b>	Left-wing (anarchist)	Local	Western	3
<b>Palestinian Extremists</b>	Single-issue	International	Western	1
<b>Paramilitaries</b>	Unknown	Unknown	Western	1
<b>Patriotic Europeans against the Islamization of the West (PEGIDA)</b>	Right-wing	International	Western	3
<b>Popular Resistance (Laiki Antistasi)</b>	Left-wing (anarchist)	Local	Western	2
<b>Popular Revolutionary Action</b>	Left-wing (anarchist)	Local	Western	1
<b>Popular Will</b>	Left-wing (anarchist)	Local	Western	3

<b>Powers of the Revolutionary Arc</b>	Left-wing (anarchist)	Local	Western	1
<b>Proletarian Assault Group</b>	Left-wing (anarchist)	Local	Western	1
<b>Proletarian Nuclei for Communism</b>	Left-wing (anarchist)	Local	Western	2
<b>Proletarian Solidarity</b>	Left-wing (anarchist)	Local	Eastern	1
<b>Proletariat Self-defense Groups</b>	Left-wing (anarchist)	Local	Western	4
<b>Protestant extremists</b>	Unknown	Unknown	Western	11
<b>Provisional RSPCA</b>	Single-issue	Local	Western	1
<b>Rabid Brothers of Giuliani</b>	Unknown	Local	Western	1
<b>Ramiro Ledesma Social Centre</b>	Right-wing	Local	Western	2
<b>Random Anarchists</b>	Left-wing (anarchist)	Local	Western	1
<b>Real Irish Republican Army (RIRA)</b>	Ethno-separatists	Local	Western	29
<b>Real Ulster Freedom Fighters (UFF)</b>	Unknown	Local	Western	3
<b>Rebellious Group Lambros Foundas</b>	Left-wing (anarchist)	Local	Western	1
<b>Red Brigades Fighting Communist Party (BR-PCC)</b>	Left-wing (anarchist)	Local	Western	4
<b>Red Hand Defenders (RHD)</b>	Unknown	Local	Western	17
<b>Republican Action Against Drugs (RAAD)</b>	Single-issue	Local	Western	1
<b>Residents and regulars of Exarchia</b>	Left-wing (anarchist)	Local	Western	1
<b>Resistance Cell</b>	Left-wing (anarchist)	Local	Western	1
<b>Resistencia Galega</b>	Ethno-separatist	Local	Western	3
<b>Resistenza Corsa</b>	Ethno-separatist	Local	Western	4
<b>Revolution Chemnitz</b>	Right-wing	Local	Western	1
<b>Revolutionary Action of Liberation</b>	Left-wing (anarchist)	International	Western	4
<b>Revolutionary Cells Network (SRN)</b>	Right-wing	International	Eastern	3
<b>Revolutionary Liberation Action (Epanastatiki Apelevtherotiki Drasi)</b>	Left-wing (anarchist)	Local	Western	3
<b>Revolutionary Proletarian Initiative Nuclei (NIPR)</b>	Left-wing (anarchist)	Local	Western	1

<b>Revolutionary Struggle</b>	Left-wing (anarchist)	International	Western	19
<b>Right-wing extremists</b>	Right-wing	Local	Eastern (1) Western (13)	14
<b>Rubicon (Rouvikonas)</b>	Left-wing (anarchist)	Local	Western	10
<b>Sardinian Autonomy Movement</b>	Ethno-separatist	Local	Western	1
<b>Scottish National Liberation Army</b>	Ethno-separatist	Local	Western	2
<b>Sect of Revolutionaries (Greece)</b>	Left-wing (anarchist)	Local	Western	3
<b>Separatists (France)</b>	Ethno-separatists	Local	Western	15
<b>Shutdown G20: Take Hamburg offline!</b>	Left-wing (anarchist)	Local	Western	10
<b>Solidarity with imprisoned members of Action Directe (AD)</b>	Left-wing (anarchist)	Local	Western	2
<b>South East Antrim Brigade</b>	Unknown	Local	Western	4
<b>South Londonderry Volunteers (SLV)</b>	Unknown	Local	Western	2
<b>Sunni Muslim extremists</b>	Unknown	Unknown	Western	1
<b>Supporters of Johnny Adair</b>	Unknown	Local	Western	1
<b>The Defense Command of the French People and the Motherland (CDPPF)</b>	Right-wing	Local	Western	6
<b>The Irish Volunteers</b>	Ethno-separatist	Local	Western	1
<b>The Justice Department</b>	Single-issue	International	Western	1
<b>The New Irish Republican Army</b>	Ethno-separatist	Local	Western	49
<b>The Third Way (Der III. Weg)</b>	Right-wing	Local	Western	1
<b>The War That Was Never Declared</b>	Left-wing (anarchist)	Local	Western	1
<b>Ulster Freedom Fighters (UFF)</b>	Unknown	Local	Western	15
<b>Ulster Volunteer Force (UVF)</b>	Unknown	Local	Western	11
<b>Unknown</b>	Unknown	Unknown	Eastern (41)	1732

			Western (1691)	
<b>Unrepentant Anarchists</b>	Left-wing (anarchist)	Local	Western	1
<b>Unsubordinated Desires</b>	Left-wing (anarchist)	Local	Western	1
<b>Vulkangruppe NetzHerrschaft zerreißen</b>	Left-wing (anarchist)	Local	Western	1
<b>White supremacists/nationalists</b>	Right-wing	International	Western	5
<b>Wild Individualities</b>	Unknown	Local	Western	5
<b>Yazidi extremists</b>	Ethno-separatists	Local	Western	1
<b>Youths</b>	Unknown	Unknown	Western	2
<b>Zero Tolerance</b>	Left-wing (anarchist)	Local	Western	5

**Source:** Europol, 2020; GTD, 2020.

## ANNEX F – TERRORIST PERPETRATORS IN THE UK

Group	Type	Local/International	Number of Attacks
<b>All Coppers are Bastards (ACAB)</b>	Left-wing (anarchist)	International	1
<b>Al-Qaeda</b>	Jihadist	International	10
<b>Anarchists</b>	Left-wing (anarchist)	Unknown	8
<b>Animal Liberation Front (ALF)</b>	Single-issue	International	3
<b>Animal Rights Extremists</b>	Single-issue	Unknown	6
<b>Anti-Muslim extremists</b>	Right-wing extremism	Unknown	15
<b>Anti-Semitic extremists</b>	Right-wing extremism	Unknown	4
<b>Arma na Poblachta' (Army of the Republic)</b>	Ethno-separatist	Local	2
<b>Babbar Khalsa International (BKI)</b>	Ethno-separatist	International	1
<b>Borderless Solidarity Cell (BSC)</b>	Left-wing (anarchist)	International	1
<b>Catholic Extremists</b>	Ethno-separatist	Local	1
<b>Catholic Reaction Force</b>	Ethno-separatist	Local	2
<b>Continuity Irish Republican Army (CIRA)</b>	Ethno-separatist	Local	11
<b>Dissident Republicans</b>	Ethno-separatist	Local	101
<b>Earth Liberation Front (ELF)</b>	Single-issue	International	1
<b>English Defence League (EDL)</b>	Right-wing extremism	Local	1
<b>Hutu Extremists</b>	Right-with extremism	International	1
<b>Informal Anarchist Liberation</b>	Left-wing (anarchist)	International	8
<b>Irish National Republican Army (INRA)</b>	Ethno-separatist	Local	4
<b>Irish Republican Army (IRA)</b>	Ethno-separatist	Local	8
<b>Irish Republican Extremists</b>	Ethno-separatist	Local	14
<b>Islamic State (IS)</b>	Jihadist	International	2
<b>Jihadi-inspired extremists</b>	Jihadist	Unknown	5
<b>Loyalist Action Force</b>	Ethno-separatist	Local	1
<b>Loyalist Volunteer Force (LVF)</b>	Ethno-separatist	Local	1
<b>Loyalists</b>	Ethno-separatist	Local	26
<b>Muslim extremists</b>	Unknown	Unknown	6
<b>Neo-Nazi extremists</b>	Right-wing extremisms	Unknown	3
<b>Oglaigh na hEireann (Real IRA)</b>	Ethno-separatist	Local	48
<b>Orange Volunteers</b>	Ethno-separatist	Local	1
<b>Paramilitaries</b>	Unknown	Unknown	1
<b>Protestant extremists</b>	Ethno-separatist	Local	11
<b>Provisional RSPCA</b>	Single-issue	Local	1
<b>Real Irish Republican Army (RIRA)</b>	Ethno-separatist	Local	26
<b>Real Ulster Freedom Fighters (UFF)</b>	Ethno-separatist	Local	3
<b>Red Hand Defenders (RHD)</b>	Ethno-separatist	Local	17
<b>Republican Action Against Drugs (RAAD)</b>	Single-issue	Local	1
<b>Scottish National Liberation Army (SNLA)</b>	Ethno-separatist	Local	2
<b>South East Antrim Brigade</b>	Ethno-separatist	Local	4

<b>South Londonderry Volunteers (SLV)</b>	Ethno-separatist	Local	2
<b>Supporters of Johnny Adair</b>	Ethno-separatist	Local	1
<b>The Irish Volunteers</b>	Ethno-separatist	Local	1
<b>The New Irish Republican Army</b>	Ethno-separatist	Local	46
<b>Ulster Freedom Fighters (UFF)</b>	Ethno-separatist	Local	15
<b>Ulster Volunteer Force (UVF)</b>	Ethno-separatist	Local	11
<b>Unknown</b>	Unknown	Unknown	657
<b>White supremacists/nationalists</b>	Right-wing extremism	Unknown	4
<b>Youths</b>	Unknown	Unknown	1

**Source:** Europol, 2020; GTD, 2020.



## ANNEX G – TERRORIST PERPETRATOR PROFILE

Name of the Perpetrator	Group and/or individual
Ideology	Main beliefs
Goals and Objectives	What do they want?
Years active	
Area of activity	International? Domestic?
Leadership	
Estimate number of members	
Targets and enemies	
Number of attacks	
Number of fatalities	
Number of injured	
Timeline of major attacks	
Brief history	

**Source:** developed by the author.