Historical Development and Context

Introduction

Since the 11 September attacks, terrorism and security issues have been a major political focus for the European Union, its Member States and other countries around the world. It is important, though, to note that terrorism has been an issue, which the European Community has been addressing since the early 1950s. There have, however, been some important changes in the nature of what is generally referred to as terrorism.

In the past, terrorist activities were usually small groups operating within their country of origin. They were generally motivated by a specific *political* ideology that used terrorism as a means of achieving a *specific* goal. Examples (among many others) include the Red Brigades in Italy, the Armed Islamic Group (GLA) in Algeria, and the Shining Path in Peru.[1]

Modern Terrorism

Today, terrorism has become internationally organized (globalized) and, more importantly, internationally *supported*. It has adapted and taken advantage of worldwide communication and globalization with funding and members coming from all parts of the world. Furthermore, it is no longer used just as a means of achieving a specific and coherent goal, but has become a general attack on what are perceived as Western values and freedoms. The methods employed are therefore less targeted and likely to affect a greater number of people, including civilians. Before 11 September the perception of the threat by ordinary citizens was more limited, especially in mainland Europe. The roots of transition can be seen in the Israeli-Palestinian Conflict, the conflict in Ireland with the Irish Republican Army (IRA), and even in post-war Germany where student protests turned violent under the leadership of the Baader-Meinhof Gang in 1968.[2] As a result of 11 September, terrorism and terrorist activities are perceived to have no limits and to be a constant and ever-present threat. The types of groups which are seen to pose such a broad and global threat are, for example, networks such as Al Qaeda.

It is important to note that although the worldwide response to terrorism has been generally called "the war on terrorism," it must not be confused with conventional warfare. Many analysts have instead begun calling it a "fourth generation war" precisely because of its new international and ambiguous nature. The "fourth generation war will be fought worldwide in a complex arena of low-intensity conflict across the whole spectrum of political, social, economic, and military networks; and involve a mix of national, international, transnational, and subnational actors, motivated not only by politics or ideology, but also by profit."[3]

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[1] Belelieu, Andre, *The G8 and International Terrorism: The Evolution of Terrorism at the Summits and Prospects for the 2004 Sea Island Summit*, 5 Mar. 2004. Centre for Strategic and International Studies. 27 Sept. 2004 <http://www.csis.org/americas/canada/040305_belelieu.pdf>.

[2] [Belelieu, Andre]

[3] *Extracts from a Note on Terrorism Produced in the Framework of the IFP Project.* Organization for Economic Cooperation and Development. 27 Sept, 2004 <http://www.oecd.org/document/11/0,2340,en_2649_34213_2485515_1_1_1_1,00.html>

From an economist's perspective one can take an almost inhuman economic standpoint of minimizing cost, and maximizing profit to modern terrorism: the more costly the outcome for the target nation(s) is, the more of a profit it is for the terrorist network regardless of human loss on both sides.

Thus, this new nature of terrorism has also slowly changed the way in which the EU and other nations have responded to the threat. In fact, modern terrorism has created the need for more globalization, integration, and cooperation to respond effectively. Yet, with the limited amount of resources of the European Union and the widening scope of ambiguous activities of terrorist groups, a coherent policy of prevention and security has become increasingly difficult.

A further complication is the fact that there is no commonly accepted definition of terrorism. Indeed, a number of esteemed statesmen and women were once classified as terrorist because they challenged the power structures which oppressed them and their people. At the same time, it is important to recognise that some actions taken by state actors or states have similar motivations, similar methods or similar outcomes as actions by non-state actors which are classified as terrorist in nature. The discussion on how to respond to the real threats of violence and the real concerns of citizens for their safety and security can only be addressed effectively if there is more clarity about the words we use.

Historically Significant Evolution in the EU

The degree of European integration and cooperation among Member States and the current abilities of European Institutions and Member States to respond to the threat of terrorism is heavily influenced by the *structure* of the system as it is today. Below, we set out the development of the institutional international cooperation in the fight against terrorism within the framework of the European Union.

Chronology of Historically Significant Evolution of Terrorism Issues in the EU[4]

Institutional Development /Agreement/Convention/ Event	Key Points to Note
European Political Cooperation (EPC) - 1970	• The organization dealt with foreign policy issues, but created a working group in 1986 to examine international terrorism • Later became the **Common Foreign and Security Policy (CFSP)**
Terrorisme, Radicalisme, Extrémisme et Violence Internationale (TREVI-group) - 1975	• A biannual meeting set up by the European Council • Original purpose was to exchange information on terrorist groups and networks • Later became part of **Justice and Home Affairs (JHA)**
Treaty of Maastricht - 1992	• Formally established the cooperation of the European Union (**EU**) in matters of the **Common Foreign and Security Policy (CFSP)** and the **Provisions on Justice and Home Affairs (JHA)**
Europol – 3 Jan 1994	• **Europol**, the European Police Force, began official operations although it originally had limited capabilities • (was not accepted by all Member States until 1999) • Provisions for the organization were provided by the Maastricht Treaty
EU-US New Transatlantic Agenda (NTA) - 1995	• EU-US commitment to work together to promote peace, stability, and democracy
Treaty of Amsterdam – 1997 - see Art. 2, Art. 29	• First Treaty to specifically state that it was the EU's responsibility to "maintain and develop an area of freedom, security, and justice." which was adopted by **JHA** as their mission
Schengen Protocol – May 1999	• integrated into the treaty of Amsterdam • eliminated many border controls and made it easier for citizens and non-citizens living in the EU to travel internally • Not all Member States participate; some states that are not members of the EU participate.
European Council in Cologne, 1999	• created the European Security and Defence Policy (**ESDP**) – under the umbrella of the **CFSP** • this was developed to organize the EU's crisis management capabilities
EU Charter of Fundamental Rights – December 2000	• based mainly on the **European Social Charter** and the **Community Charter of the Fundamental Social Rights of Workers** • Discusses dignity, freedoms, equality, solidarity, citizens' rights, and justice • Not legally binding because it is not within the articles of the treaties

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[4] Significant References to: "Jan Wouters, Frederik Naert, "The European Union and 'September 11' ". *Institute for International Law*, Working Paper No 40 – Jan 2003, revised March 2003.

Institutional Development /Agreement/Convention/ Event	Key Points to Note
Treaty of Nice – March 2001	• Further defines "common foreign and security policy" by including humanitarian and peacekeeping forces. (Art. 17)
Joint Actions by General Affairs Council - July 2001	• created the **European Institute for Security Studies (ISS)** • took over the **European Union Satellite Centre (EUSC)** from the **Western European Union (WEU)** • both under the jurisdiction of the **CFSP** • this was implementing proposals made at the European Council in Cologne,1999
11 September Attacks on the United States (2001)	• created an urgency to respond at all levels of the EU • acted as a catalyst for further European security and defence integration
Action Plan on the Fight Against Terrorism – 21 September 2001	• establishing continuing EU action and coordination with the US, NATO, and the United Nations • building on past measures by issuing concrete mandates
Europol - January 2002	• mandate of **Europol** extended to all matters concerning international crime
Eurojust - February 2002	• **Eurojust** formed by the Council to organize the effective cooperation of the judicial matters concerning international crime amongst and within the Member States
Treaty Establishing the European Community – December 2002[5]	• formally affirming and establishing a European Community which includes promoting "economic and social cohesion and solidarity" (Art. 2, Art. 3) including civil protection
Train Bombings in Madrid, Spain – 11 March 2004	• Largest terrorist attack on civilians on European soil since the 1980s. Approximately 191 dead and over 1,800 wounded
EU Declaration on Combating Terrorism – 25 March 2004	• in response to the Madrid bombings • reaffirming EU solidarity to do everything in the EU's power to combat terrorism
EU-US Declaration on Combating Terrorism – 26 June 2004	• in response to the Madrid bombings • reaffirming the EU and US common goal to work together to combat the threat of terrorism within the framework of the **New Transatlantic Agenda (NTA)**
Establishment of the European Defence Agency (EDA) – July 2004	• established on the basis of Art. 14 of the Nice Treaty in the agreed upon consolidated text (Treaty on European Union) • coordinating the defence capabilities of Member States including military armaments and the promotion of research and technological development • part of the **CFSP** and the **ESDP.**

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[5] This is the consolidated version of all the previous treaties including the changes made in the Nice Treaty.

The analysis of these key events and developments shows that the concern about terrorism was already on the European agenda prior to 11 September 2001.

11 September 2001 and even more so, 11 March 2004, merely acted as catalysts in promoting the cooperation among the Member States, as well as cooperation of the EU with the United States.

Many of the initial responses of the European Union in reaction to 11 September 2001 were the passing of legal instruments (both in the civil and criminal sphere) to make it easier for the European Union to respond in cooperation and jointly, rather than to leave the response to Member States alone.

This is only a brief overview. The remaining briefing papers in this series (numbers 2 to 10) will focus more on the developments of the European Union after 11 September. More information about the events prior to 11 September can be further followed up at:

European Union Websites:

- **Europa – Gateway to the European Union** - http://europa.eu.int/
- **European Defence Agency (EDA)**
  - CFSP - http://europa.eu.int/agencies_cfsp/index_en.htm
     1. ISS - http://www.iss-eu.org
     2. EUSC - http://www.eusc.org/
- **Charter on Fundamental Rights** - http://europa.eu.int/scadplus/leg/en/lvb/l33501.htm
- **New Transatlantic Agenda (NTA)** - http://www.eurunion.org/partner/agenda.htm
- **Police and Judicial Cooperation in Criminal Matters**
  - Europol - http://www.europol.eu.int/
     - Eurojust - http://www.eurojust.eu.int/
- **JHA** - http://europa.eu.int/comm/justice_home/index_en.htm

Other Related Sites

- **OECD – Organization for Economic Cooperation and Development** – http://www.oced.org/home/ (not an EU institution)
- **Eurolegal** – Terrorism - http://www.eurolegal.org/terrorism.shtml
- **G8 and International Terrorism, Andre Belelieu** – Centre for Strategic and International Studies - http://www.csis.org/americas/canada/040305_belelieu.pdf
- **Baader-Meinhof Gang** – http://www.germanculture.com.ua/library/weekly/aa060499.htm
- **Irish Republican Army**
  - http://www.ict.org.il/inter_ter/orgdet.cfm?orgid=34
  - http://www.fas.org/irp/world/para/nira.htm (Real Irish Republican Army (RIRA))
- **Red Brigades, Italy** - http://www.ict.org.il/inter_ter/orgdet.cfm?orgid=36
- **Council on Foreign Relations** – Terrorism - http://cfrterrorism.org/groups/
- **Schengen Agreements** - http://www.auswaertiges-amt.de/www/en/willkommen/einreisebestimmungen/schengen_html