



The Hague Programme, revised action plan and anti-recruitment strategy

INTRODUCTION

This paper provides an overview of the following official EU documents:

- The Hague Programme, a 5 year pan-EU plan put forward by the Directorate General Justice and Home Affairs
- The Revised EU Action Plan on Terrorism of June 2005 and
- The EU Strategy to Counter Recruitment to Terrorism and Radicalisation.

In order to keep this a clear, brief overview, this paper restricts itself to key points. Where necessary, it provides links to websites, articles and books in which more detailed information can be found.

THE HAGUE PROGRAMME

<http://www.statewatch.org/news/2004/oct/hague-programme-draft.pdf>

In November 2004 the Dutch Presidency produced the Hague Programme; an EU Justice and Home Affairs plan to be implemented over five years, 2005 to 2010. The aim is to make Europe an 'area of freedom, security and justice'¹ for all by 2010.

The programme's main focus is on setting up a common immigration and asylum policy for the 25 EU Member States, but a heavy emphasis is also placed on counter-terrorism and cross-border crime. The key points are as follows

Pan-EU concern

The programme states that Member States, when taking relevant actions should 'take full account of the security of the Union as a whole,' not simply their own national interest. The Hague Programme states that counter-terrorism 'will be a key element in the near future.'

Asylum, immigration and integration

The measures detailed in this section will have varying effects on Member States. Not all EU Member States take part in the Schengen agreements; the UK and Ireland are notable exceptions. These agreements eliminated the majority of border controls between participating Member States.

In the field of asylum, immigration and border control, the Hague Programme contains the following key measures:

- A common European asylum system with a common procedure and a uniform status for those who are granted asylum or protection by 2009
- Measures for foreigners to legally work in the EU in accordance with labour market requirements
- A European framework to guarantee the successful integration of migrants into host societies
- Partnerships with third countries to improve their asylum systems, better tackle illegal immigration and implement resettlement programmes

¹ <http://www.euractiv.com/en/justice/hague-programme-jha-programme-2005-10/article-130657>

- Policies to expel and return illegal immigrants to their countries of origin
- A fund for the management of external borders
- The new Schengen Information System (SIS II)² - a database of people who have been issued with arrest warrants and of stolen objects to be operational in 2007
- Common visa rules (common application centres, introduction of biometric data in the Visa Information System).³

Justice and security

Developments in this area are primarily geared towards greater inter-State police and judicial cooperation. They include:

- Police information to be made available between all EU countries (threats to the security of another EU Member State must be communicated immediately)
- Addressing the factors that contribute to fundamentalism and to the involvement of individuals in terrorist activities
- Ensuring greater civil and criminal justice co-operation across borders with the full application of the principle of mutual recognition.

Areas of priority action

The 'roadmap' for 2005-2010 lists ten key areas for priority action:

- **The fight against terrorism:** prevention, preparedness and response
- **Fundamental rights and citizenship:** development of policies enhancing citizenship, monitoring and promoting respect for fundamental rights
- **Migration management:** developing a common EU immigration policy and countering illegal migration.
- **Internal & external borders, visas:** further develop an integrated management of external borders and a common visa policy, while ensuring the free movement of persons
- **A common asylum area**
- **Integration:** maximising the positive impact of migration on society and the economy
- **Privacy & security in sharing information:** balancing the need to share information among law enforcement and judicial authorities with privacy and data protection rights
- **Fight against organised crime**
- **Civil and criminal justice:** effective access to justice for all and the enforcement of judgements
- **Freedom, security and justice:** reviewing the effectiveness of policies and financial instrument in meeting the objectives of freedom, security and justice.⁴

Counter-Terrorism in more detail

As with other areas, the Hague Programme calls on Member States to increase mutual concern and cooperation. This means they must:

- Use the powers of their intelligence and security services to protect the internal security of the other Member-States in certain cases
- Bring immediately to the attention of the competent authorities of other Member States any information they have available which concerns threats to the internal security of these other Member States

² For further information on the Schengen Information System please see Briefing paper 5 at: <http://quaker.org/qcea/briefings/terrorism/terrorismbp5.pdf>

³ The Schengen Information System (SIS) and Visa Information System are separate areas. Please view Briefing paper 5 for more details: <http://quaker.org/qcea/briefings/terrorism/terrorismbp5.pdf>

⁴ <http://www.euractiv.com/en/justice/hague-programme-jha-programme-2005-10/article-130657>

- In cases where persons or goods are under surveillance by security services in connection with terrorist threats, ensure that no gaps occur in their surveillance as a result of their crossing a border.⁵

In line with the programme, the new Joint Situation Centre (SitCen) began providing the Council of Ministers with strategic analysis of the pan-EU terrorist threat in January 2005. SitCen bases its appraisals on information provided by Member States' intelligence and security services, and Europol, where appropriate.

The SitCen is divided into three units: the Civilian Intelligence Cell (CIC), comprising civilian intelligence analysts working on political and counter-terrorism assessment; the General Operations Unit (GOU), providing 24-hour operational support, research and non-intelligence analysis; and the Communications Unit, handling communications security issues and running the Council's Communications Centre (ComCen).⁶

The European Council will review progress on the roadmap in November 2006.

THE REVISED ACTION PLAN

http://www.libertysecurity.org/IMG/pdf/Revised_Action_Plan_on_TerrorismJune05.pdf

The EU's action plan on terrorism was accepted in 2002, following the 9/11 terrorist attacks in the United States. Details of the original action plan are listed in Briefing paper 3.⁷ The plan is reviewed under each presidency, in June and December. Significant developments occurred throughout 2005. A revised action plan and progress report was released by the Commission on 27 June 2005.

The new action plan has 7 objectives, with over 192 action points. Only the key points and key developments are listed here. The overall objectives are the same as in previous action plan documents. In terms of practical aims and achievements, the revised action plan places a higher emphasis on collaborative security measures, including police cooperation and intelligence sharing. This can be largely attributed to an added sense of urgency following the Madrid bombings of March 2004.

Objectives

1. To deepen the international consensus and enhance international efforts to combat terrorism
2. To reduce the access of terrorists to financial and other economic resources
3. To maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks
4. To protect the security of international transport and ensure effective systems of border control
5. To enhance the capability of the European Union and of Member States to deal with the consequences of a terrorist attack
6. To address the factors which contribute to support for, and recruitment into, terrorism
7. To target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced.

The action plan sets out the progress made in EU counter terrorism coordination. In areas such as intelligence sharing, disrupting terrorist finances and securing critical infrastructure, numerous developments occurred in early 2005. Few practical developments in combating the root causes of terrorism were conceived or implemented. (Please scroll down to heading number 8 for more details). An EU strategy to combat radicalisation and recruitment was accepted by the Council. Details can be found on the strategy below.

⁵ These bullet points are a slightly edited version of those listed in the Hague programme official document. This can be viewed at: <http://www.statewatch.org/news/2004/oct/hague-programme-draft.pdf>

⁶ <http://www.theyworkforyou.com/wrans/?id=2005-06-27.503.h>

⁷ Briefing paper 3 can be viewed here: <http://quaker.org/qcea/briefings/terrorism/terrorismbp3.pdf>

Key developments under each objective

This revised action plan was released in June 2005. Consequently some of the action points are now at a later stage of implementation, or have been altered. Below are listed what QCEA considers to be key points under each heading. The details below closely follow the official document, with some edits and clarifications. The full document can be found at

http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/jha/87257.pdf

1. TO DEEPEN INTERNATIONAL CONSENSUS AND ENHANCE INTERNATIONAL EFFORTS TO COMBAT TERRORISM

Measure / Action	Competent service	Status / observations
<i>All Member States to ratify 12 International Conventions against Terrorism and continue to lobby for this in Third Countries both bilaterally and at EU level</i>	<i>Member States</i>	<i>Not all Member States have a full record on ratification / implementation yet. A number have completed the process</i>
<i>Enhance counter terrorism dialogue at political and official level with the US</i>	<i>All</i>	<i>An informal EU-US ad-hoc meeting on terrorist financing took place in May 2005. COTER⁸ held a meeting with the US in May 2005. There have also been contacts in the field of justice and home affairs. The EU Coordinator⁹ and the Commission also met with key US administration personnel.</i> <i>The third meeting of the High Level Policy Dialogue on Border and Transport Security with the US was held in May 2005.</i>
<i>Identify avenues for expert exchanges between the CFSP¹⁰ Working Group and Regional and Sub- Regional Organisations</i>	<i>COTER/PSC</i>	<i>The EU has developed its contacts with a number of regional and sub-regional organisations, notably OSCE,¹¹ ASEAN¹², AU¹³ and OAS¹⁴. The EU is considering the issue of providing support to counter-terrorist initiatives of regional organisations (such as the JCLEC¹⁵ and the AU¹⁶ Centre for the Study and Research on Terrorism) as possible fora for information exchange and cooperation.</i>

2. TO REDUCE THE ACCESS OF TERRORISTS TO FINANCIAL AND ECONOMIC RESOURCES

Measure / Action	Competent service	Status / observations
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⁸ COTER is the European Council's working committee on terrorism

⁹ The EU Counter-terrorism Coordinator. Currently Mr Gis de Vries

¹⁰ CFSP – A pan-EU 'Common Foreign and Security Policy'

¹¹ The Organisation for Security and Cooperation in Europe

¹² Association of South-East Asian Nations

¹³ The African Union

¹⁴ Organisation of American States

¹⁵ JCLEC – 'Jakarta Centre for Law Enforcement Cooperation' a South-East Asian regional security body

¹⁶ AU - African Union

Establish operational links and improve cooperation between relevant bodies to facilitate enhanced exchange of information on terrorist financing	Member States / JRC ¹⁷ and DG Relex Crisis Room ¹⁸	The Commission Joint Strategy Paper on Terrorist Financing of 14 October 2004 (16089/04) highlighted the need to strengthen cooperation and information exchange structures among relevant actors engaged in the fight against terrorism financing. The Joint Strategy Paper tasked the Commission to produce a report assessing best practice in this area and to report on possible improvements. In March 2005 the Commission sent a questionnaire on national cooperation structures to the EU 25 requesting replies by mid-May. The Commission assessed these and reported on possible improvements to national coordination structures in a Communication in the second half of 2005.
Identification of measures to improve effectiveness and efficiency of the mechanism set up to freeze the assets of terrorists and terrorist organisations	Council / Commission / EU Coordinator	Work is ongoing. The Framework Decision on the Execution of Orders Freezing Property and Evidence includes terrorist offences within its scope. It facilitates intra-EU freezing measures by establishing the principle of mutual recognition or freezing orders which must be enforced directly by the competent judicial authorities of the Member States. The Draft Framework Decision on the Execution of Confiscation Orders includes acts of terrorism within its scope.

3. TO MAXIMISE CAPACITY WITHIN EU BODIES AND MEMBER STATES TO DETECT, INVESTIGATE AND PROSECUTE TERRORISTS AND PREVENT TERRORIST ATTACKS

This objective contains 85 action points. For more details please see:

http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/jha/87257.pdf

Measure / Action	Competent service	Status / observations
Implementation of: <ul style="list-style-type: none"> the European Arrest Warrant, Joint Investigation Teams, and; Combating Terrorism¹⁹ 	Member States	<ul style="list-style-type: none"> All the Member States have reported completion of implementation measures. Although legislative difficulties persist in some Member States 21 Member States have reported completion of implementation. 19 Member States have reported completion of implementation. The Commission submitted a new report at the end of 2005.
Examine the scope for measures to ensure greater security of <ul style="list-style-type: none"> firearms, explosives, bomb-making equipment, the technologies that contribute to the perpetration of terrorist outrages 	Council / Commission	The Commission finalised a draft Communication on measures to ensure greater security in explosives, detonators, bomb-making equipment and firearms in June 2005. The Council ratified these points in December 2005. ²⁰

4. TO PROTECT THE SECURITY OF INTERNATIONAL TRANSPORT AND ENSURE EFFECTIVE SYSTEMS OF BORDER CONTROL

Measure / Action	Competent service	Status / observations
Regulation establishing a European Borders Agency. Bringing the Agency into operation	Council / Commission	Regulation adopted by Council on 26 October 2004. Agency operational since May 2005
Follow up to Container Security Initiative (CSI) ²¹ Plus the examination of extension to other regions	Commission	Msy 2005: Joint EU/US Working Group established under the agreement to examine and make recommendations to be adopted by the EU - US Joint Customs Cooperation

¹⁷ JRC – The EU's 'Joint research Centre.' This focuses on scientific issues of European concern. It is a service of the European Commission

¹⁸ The Crisis Room is part of Directorate General External Relations (DG RELEX)

¹⁹ See 'framework decision on combating terrorism'

²⁰ Please see the 'Action plan for the new strategy' section of Briefing paper 11

		<p>Committee to ensure that general customs controls take due account of security concerns.</p> <p>The work of the Joint EU/US Working Group was followed up by an action plan. The plan details further actions for implementation. It also provides operational standards and working methods which will enable the EU and US customs services to improve transatlantic maritime transport security, among other things.</p>
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5. TO ENHANCE THE CAPABILITY OF THE EU AND OF MEMBER STATES TO DEAL WITH THE CONSEQUENCES OF A TERRORIST ATTACK

Measure / Action	Competent service	Status / observations
<p>Assess the capabilities for mutual assistance</p> <p>"Assess the capabilities of Member States both in preventing and coping with the consequences of any types of terrorist attacks, identify best practices and propose the necessary measures" (European Council of 17-18 June 2004, sub 19)</p>	<p>Commission / Council (for military resources) Member States</p>	<p>:</p> <p>In mid-2005 Cion updated its EU-restricted report of November 2004 assessing the capabilities available at EU level for assistance to MS affected by a major terrorist attack on the basis of certain scenarios of response to different types of terrorist attacks. It has upgraded its databases of Civil Protection means and experts. It continues to obtain and share, on a restricted basis, information on relevant vaccines, sera and other medical resources, that can be made available in the event of a major terrorist attack.</p>
<p>Civilian resources</p>	<p>Council / Commission/ Member States</p>	<p>Two EU-wide exercises on pandemic influenza and smallpox to test communication channels and evaluation of existing emergency plans were conducted in November 2005. The Commission adopted two new plans on pan-EU health emergencies in late November 2005.²²</p>

6. TO ADDRESS THE FACTORS WHICH CONTRIBUTE TO SUPPORT FOR, AND RECRUITMENT INTO TERRORISM

Measure / Action	Competent service	Status / observations
<p>Finalise report on recruitment to terrorism including the possible adoption of an agreed set of recommendations</p> <p>Develop a coordinated long-term strategy, both within the EU and internationally, to address the factors which contribute to recruitment into Terrorism</p>	<p>GAERC/JHA Council/ PSC/CATS/COT ER/ TWP /Commission</p>	<p>Commission Communication identifying possible work areas relating to radicalisation was adopted in late 2005. This forms part of an EU preventative strategy relating to factors linked to terrorist recruitment.</p>

7. TO TARGET ACTIONS UNDER EU EXTERNAL RELATIONS TOWARDS PRIORITY THIRD COUNTRIES WHERE COUNTER TERRORIST CAPACITY OR COMMITMENT TO COMBATING TERRORISM NEEDS TO BE ENHANCED

Measure / Action	Competent service	Status / observations
<p>Develop focused action plans for</p>	<p>COTER/</p>	<p>In June 2005 the EU Coordinator and the Presidency started</p>

²¹ The Container Security Initiative (CSI) was launched in 2002 by the US Bureau of Customs and Border Protection (CBP), an agency of the Department of Homeland Security. Its purpose was to increase security for container cargo shipped to the United States.

²² For more details please view:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/05/1486&format=HTML&aged=0&language=EN&guiLanguage=en>

<i>each identified priority country that requires aid in combating terrorism, or would ideally show greater willingness to engage in the fight</i>	<i>Commission/EU Coordinator</i>	<i>consultations with priority countries selected by COTER²³ with the aim of drawing up an initial inventory of their needs. Action plans will be prepared on the basis of feedback from these missions.</i>
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THE EU STRATEGY FOR COMBATING RADICALISATION AND RECRUITMENT TO TERRORISM

Member States agreed to draw up a strategy and action plan to address radicalisation and recruitment to terrorism at the European Council of 17 December 2004. The strategy was accepted by the Council in December 2005. It builds on the work done since the 25 March 2004 European Council Declaration on Combating Terrorism, including the Commission Communication on Terrorist Recruitment. It is a broad, strategic document, which forms part of the wider EU Counter-Terrorism Strategy. The full text can be found at:

<http://register.consilium.europa.eu/pdf/en/05/st14/st14781-re01.en05.pdf>

The following summary is an edited, compressed version of the official document.

Objectives

To counter radicalisation and terrorist recruitment, the document lists 3 key action areas:

- Disrupt the activities of the networks and individuals who draw people into terrorism
- Ensure that voices of mainstream opinion prevail over those of extremism
- Promote yet more vigorously security, justice, democracy and opportunity for all.

Actions for each objective

Disrupt the activities of networks and individuals who draw people into terrorism

- Limit the activities of the individuals and groups playing a role in radicalisation including in Prisons, places of education or religious training, and worship
- Develop EU work to prevent individuals gaining access to terrorist training, targeting especially those who travel to conflict zones
- Put in place the right legal framework to prevent individuals from inciting and legitimising violence
- Examine ways of impeding terrorist recruitment using the Internet
- Pursue political dialogue and target technical assistance to help others outside the EU to do the same.

Ensure that voices of mainstream opinion prevail over those of extremism

- Support the availability of mainstream literature
- Seek to encourage the emergence of imams trained in Europe
- Co-ordinate and enhance our efforts to change the perceptions of European and Western policies particularly among Muslim communities, and to correct unfair or inaccurate perceptions of Islam and Muslims
- Develop a non-emotive lexicon for discussing the issues.

Promote, yet more vigorously, security, justice, democracy and opportunity for all

²³ Discussions with Morocco and Algeria have already begun. Discussions within COTER on which other countries to engage are ongoing.

- Eliminate the structural factors supporting radicalisation both within the Union and outside it
- Within the Union inequalities and discrimination must be targeted where they exist, and inter-cultural dialogue, debate, and, where appropriate, long-term integration must be promoted
- Outside Europe the EU must promote good governance, human rights, democracy, as well as education and economic prosperity, through its political dialogue and assistance programmes.

Delivering the strategy, key points:

- Success will depend upon the degree to which non-governmental groups – communities, religious authorities and other organisations play an active part in countering the rhetoric of the extremists and highlighting their criminal acts
- The challenge lies primarily with Member-States at a national, regional and local level. They set the social, educational and economic policies that can foster equality and inclusion within mainstream society. It is they who determine foreign, defence and security policies
- Work at the EU level can provide a framework. Member States are able to co-ordinate their policies; share information about responses developed at national level; determine good practice; and work together to come up with new ideas
- Work beyond Europe can be undertaken through the instruments, mechanisms and processes that the EU has established with individual countries and regional organisations, including through political dialogue and assistance programmes.²⁴

ANALYTICAL OVERVIEW

This section provides a broad, brief analysis on the plans and programmes listed above. QCEA will release a far more detailed analysis of European Union counter-terrorism policy and activities in the near future, this will include detailed recommendations.

The three documents detailed above are underpinned by a number of key assumptions. This section asks a number of questions related to these. The revised action plan in particular, is based on the priorities listed in the original EU action plan on terrorism. This plan is detailed in QCEA Briefing paper 3.²⁵ QCEA believes the key assumptions driving the implementation of the Hague Programme, revised action plan and the strategy to combat radicalisation and recruitment are as follows:

- Europeans do not want an increase in the influx of migrants
- Islamic terrorism presents a real threat, if not the most potent threat to EU citizens;
- the Union will become ‘ever closer’
- Radicalisation and recruitment to Islamic-fundamentalist terrorism is occurring within the EU
- Empowering moderate Islamic voices is the highest priority in halting this process
- sharp end counter-terrorist activity, including intelligence sharing, surveillance and police cooperation are priority elements in countering terrorism
- *Addressing the root causes of terrorism is a lower priority.*

Policies based on flawed assumptions will inevitably waste resources, be ineffective and in some cases, totally counterproductive. For example, unnecessarily heavy handed counter-terrorist police action may further alienate ethnic groups, ultimately creating more terrorist violence. Inadequate

²⁴ These points are largely taken from the document. This can be viewed at:

http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/jha/87257.pdf

²⁵ Briefing paper 3 can be viewed here: <http://quaker.org/qcea/briefings/terrorism/terrorismbp3.pdf>

time has passed in order to effectively assess the results of EU action. Yet with regards to the underlying assumptions, QCEA would ask the following questions:

- Is terrorism purely a security issue? – or does it have social, political, psychological *and* security aspects?
- To halt radicalisation, recruitment and terrorist violence would we not need to effectively address *all* the issues?
- What are the roots of terrorism? - What makes a person strap on a suicide belt and scatter his or her broken body across public spaces?
- Does the dominant discourse preclude effective understanding of terrorist motives?
- Can we halt a determined, intelligent terrorist solely through recruiting agents, round the clock surveillance and profiling?
- How could we expand this strategy?
- In 2004, nearly three times as many people were killed in EU road accidents than people killed *globally* in terrorist violence. Do we need to correctly contextualize the threat to prevent reactive or over reactive policy responses?
- How important are our civil liberties?
- Will increased border security effectively stem the flow of illegal migrants;
- Will it not push them further underground and into criminal activity in order to survive?
- How will further criminalising immigration affect our security?