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ANTI-TERRORIST MEASURES WITHIN EUROPEAN NEIGHBOURHOOD POLICY

ABSTRACT

The end of the Cold War brought a period of stability and safety, which gave an additional stimulus to the European Union to play a key role in the international security arena. However, due to the potential risk of importing instability, the European Council adopted the European Security Strategy in 2003 under the title *A Secure Europe in a Better World*, the first strategic vision of the Member States. The European Neighbourhood Policy is designed to avoid new dividing lines between the enlarged EU and its neighbours to the east and on the southern and eastern shores of Mediterranean. Accordingly, tackling the issue of terrorism in terms of the new ENP has appeared to be a vital synergic component linking the EU member states and its partners. This paper considers the potential of the ENP to constitute as an instrument for the fight against terrorism engaging joint participation of the European Union and its neighbouring region.

Key words: European Union, European Neighbourhood Policy, terrorism, security, anti-terrorist measures.

WHY THE EUROPEAN NEIGHBOURHOOD POLICY?

The end of the Cold War brought a period of stability and safety, which gave an additional stimulus to the European Union to play a key role in the international security arena. Due to the collapse of the Soviet Union and the emergence of new democracies in Central and Eastern Europe (CEE),

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the European Union saw an opportunity in the new prospective markets of the countries concerned. Therefore, by offering Europe Agreements[2] to CEE countries, the EU suggested clear and unambiguous prospects for a full membership in the Union.

Analyzing enlargement processes, the European Union has acted as an exporter of stability through its external policy mechanisms. However, the 2004 enlargement process was accompanied by a certain fatigue and fear of expansion, and a potential risk of importing instability from the new neighbouring region of the EU.[3] When the 2004 enlargement took place, the EU launched the new and revised European Neighbourhood Policy (ENP), taking into a consideration the changes of its borders and the new geopolitical reality of the region. Moreover, the European Commission under the motto "Building the Wider Europe" applied its new Neighbourhood Policy in order to strengthen relations with its neighbouring countries.[4]

The European Neighbourhood Policy is not the first neighbourhood instrument. With the creation of MEDA and TACIS funds[5] during the 90's, the EU tried to develop policies having goals similar to those of its neighbours based on colonial legacy of prominent EU member states with former colonies in North Africa and in the Middle East.[6] This new form of relations between the European Union and its neighbouring region was instrumentalised in 2003 in the new ENP. The idea for the ENP derived from the necessity for lasting regional security and the capability to deal with changes characterizing the global socio-economic and political arena.

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2   The Europe agreements constituted the legal framework of relations between the European Union and the Central and Eastern European countries. These agreements were adapted to the specific situation of each partner state while setting common political, economic and commercial objectives. In the context of accession to the European Union, they formed the framework for implementation of the accession.

3   Wallace, William, "Looking After the Neighbourhood: Responsibilities for the EU – 25", Working paper of Notre Europe, Groupement d'etudes et de recherches, Paris, 2003, p. 4.

4   European Commission, "Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", COM (2003) 104 final, Brussels, 11 March 2003, Internet: http://eur-lex.europa.eu/LexUriServ/site/en/com/2003/com 2003_0104en01.pdf, p. 24; 03/03/2008.

5   Mennonite Economic Development Associates (MEDA) and Technical Assistance to the CIS countries (TACIS).

6   European Commission, "European Neighbourhood Policy", Internet: http://ec.europa. eu/world/enp/index_en.htm, 14/02/ 2008.

To begin with, the European Neighbourhood Policy is aimed at "avoiding new dividing lines between the enlarged EU and its neighbours to the east and on the southern and eastern shores of the Mediterranean".[7] The existing cooperation is expected to deepen via economic, political, cultural and security cooperation, via political dialogue, fight against terrorism, and through issues related to transport, energy, environment, technological development, and strengthening of societal links between the citizens of the EU and its neighbours. The final objective is to provide partners with an opportunity in the EU's internal market and eventual further integration by the endorsement of the free movement of persons, goods, services and capital, thus enabling the neighbours to participate in key aspects of the EU policies and programs.[8]

Geopolitically speaking, the new policy covers Western independent states of the Commonwealth of Independent States (CIS) – Ukraine, Moldova, Belarus and the ten Southern Mediterranean countries – Morocco, Algeria, Tunisia, Egypt, Libya, Israel, Jordan, Lebanon, Syria and Palestinian Authority. These countries have become linked to the EU via the implementation of several bilateral agreements.[9] However, the Union's largest neighbour, the Russian Federation is not a part of the ENP. The relations between the EU and Russia are regulated under a strategic partnership covering the common space between these two regions.[10]

The May 2004 enlargement pushed the European Commission to adopt a Strategy Paper regarding the ENP, whose main aim was to shift the policy into a higher gear, by trying to detect weaknesses regarding the previous policy and

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7   European Commission, "Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", loc. cit.

8   Kok, Wim, "Enlarging the European Union – Achievements and Challenges", Report to the European Commission, European University Institute, Florence, 2003, Internet: http://www.iue.it/RSCAS/e-texts/200303KokReport_EN.pdf, p. 92, 01/03/2008.

9   The countries belonging to the North African coast and Middle East are excluded from the possibility of joining the EU primarily because of their geographical position. The other group, the Eastern countries, although being geographically and culturally close to the EU is currently far from meeting the EU's accession criteria.

10 The Partnership and Cooperation Agreement between the European Union and the Russian Federation is composed of four main elements: 1. Summits composed out of Heads of States and Governments; 2. Permanent Representation in the Council for Partnership and Cooperation; 3. Cooperation at senior official and expert level; 4. Political dialogue. Moreover, the Common Space between the EU and Russia covers areas such as: economic space, shared area of freedom, justice and security, research, education, science, energy.

introduce a new and more updated approach to the issue by introducing Action Plans (AP) as a method and new form of benchmarking and indication of the follow up execution of the ENP content. The bilateral Action Plans (for three to five years) between the Prodi Commission and seven neighbours (Morocco, Tunisia, Israel, Jordan, Palestinian Authority, Moldova, and Ukraine) represented a comprehensive approach; but simultaneously, they have specified a number of key priorities.[11]

Within the European Neighbourhood Policy there are five main areas: political dialogue and reform; trade and measures necessary for partners in order to participate in the EU's internal market, external dimension of justice and home affairs, energy, transport, information society, environment and research, and innovation, and people-to-people contacts. Moreover, the significance of democracy issues and human rights protection was stressed again as part of the new political approach between the EU and its neighbours.

The European Neighbourhood Policy does not want to replace the existing frameworks of regional cooperation, formerly regulated under the MEDA, TACIS[12] and EIDHR instruments, but only to complete the gaps detected in the previous programme. The newly introduced concept of Action Plans is intended to minimize and reduce the weaknesses of the previous approach. The originality of the new approach lies in the emphasis given to the elements of differentiation, progressiveness, joint ownership and improved regional cooperation as stipulated by the Commission's Communication to the Council and the European Parliament, *Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*.[13] The level of participation, involvement and integration in domains such as a free trade area between the EU and the ENP countries, together with economic and financial cooperation of each neighbouring country will depend on its progress in reaching agreed benchmarks of reforms that are usually set separately in the

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11 European Commission, "Implementing and Promoting the European Neighbourhood Policy", Communication to the Commission SEC(2005) 1521, Brussels, 22 November 2005, Internet: http://ec.europa.eu/world/enp/pdf/sec_2005_1521_en.pdf, p. 15, 06/03/2008.

12 MEDA and TACIS, like other programs from which these countries currently benefit, have been replaced by a single instrument – the European Neighbourhood and Partnership Instrument.

13 European Commission, "Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", loc. cit.

different Action Plans tailor made according to the specifics of the neighbouring country concerned.[14]

While the south Mediterranean and the Middle East and the Southern Caucasus are in favour of the ENP proposals for further integration, Ukraine, Moldova, and Belarus seem to be less ready to cooperate. Such discord has put in question the applicability of terms such as reciprocity, enhanced partnership and conditionality, all three highly encouraged and considered by the Commission as necessary for effective and uniform execution of the ENP.[15] Even though each Action Plan between the European Commission and the neighbouring countries is tailor made, still the principles under which they are executed remain uniform.

Going back to the enlargement process, Mr. Javier Solana, the EU High Representative of the Common Foreign and Security Policy, clearly stated its importance in relation to security issues by stipulating the following: "The reunification and the integration of acceding states will increase our security but they also bring Europe closer to trouble areas. Our task is to promote a ring of well-governed countries to the East of the EU and on the borders of the Mediterranean... The area continues to undergo serious problems of economic stagnation, social unrest and unresolved conflicts..."[16] This meant, as realized by the EU at that time, that the potential risks and crises need to be addressed carefully, and that the EU of 27 member states needs protection from the influx of refugees, illegal activities and other threats from the neighbouring states. The EU's external action is to deal with the fight against terrorism, the non-proliferation of weapons of mass destruction, addressing regional conflicts, and cooperation in the external dimension of the justice and home affairs issues.

Theoretically speaking, a study by Wćver in accordance with Barry Buzan, has argued that "national security can neither be sufficiently understood nor realistically achieved from a perspective limited to one's own state. National security is fundamentally dependent on international dynamics, especially

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14   Batt, Judy et al., "Partners and Neighbours: a CFSP for a Wider Europe", Chaillot Papers, No. 64, 2003, p. 150.

15   Tassanari, Fabrizio, (2005), "Security and Integration in the EU Neighbourhood: The case for regionalism", Brussels, Center for European Policy Studies, Working Document, No. 226/2005, p. 9.

16   Solana, Javier, "A Secure Europe in a Better World," paper presented at the European Council Summit, Thessaloniki, 20 June 2003, Internet: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/reports/76255.pdf, 02/03/2008.

regional ones..."[17] In addition, within the context of securitization theory, security is a *speech act*, that alone by uttering 'security' something is being done. "It is by labelling something a security issue that it becomes one".[18] Based on the securitization theory, as coined by Wæver, the securitizing actor achieves the status of 'securitizing actor' by setting itself apart from an 'existential' threat, the other. There are two reasons for this: first, security is always relational in the sense that one actor's insecurity/security hinges on another actors insecurity/security (the classic formulation of the security dilemma), and second, it makes little sense to speak of one actor's security (the 'self') without recognizing the source of the threat (the 'other'), as in the absence of 'the other' there is no need for security.[19]

According to Bendiek, the September 11, Madrid and London cases led to the securitization of the European agenda meaning that a security gap has been noticed between the internal and external security of the Union.[20] Prior to those events, the European Union dealt with external security under the Common Foreign and Security Policy Pillar (the Justice and Home Affairs Pillar only dealt with internal/domestic issues and judicial and police cooperation between national authorities). Moreover, in order for the security gap to be minimized, the EU should extend the dimension of the area of freedom, justice and security externally by the development of cross-pillar security concepts.[21]

According to Stetter, the securitization component is highly visible and traceable in the overall external policy of the EU. Therefore, the EU has intensified its overall strategy regarding fight against terrorism.[22] The concept

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17   Buzan, Barry, People, States, and Fear: An Agenda for International Security Studies in the Post – Cold War Era, Dorchester, Pearson Longman, 1991, p. 46.

18   Wæver, Ole, "Aberystwyth, Paris, Copenhagen – New Schools in Security Theory and the Origins between Core and Periphery," Internet: http://www.allacademic.com/ meta/p74461_index.html, p. 13, 23/04/2008.

19   Wæver, Ole, Concepts of Security, PhD Dissertation, University of Copenhagen, Institute of Political Science, 1997, p. 353.

20   Bandiek, Annegret, "Cross-Pillar Security Regime Building in the European Union: Effects of the European Security Strategy of December 2003", European Integration online Papers, Internet: http://eiop.or.at/eiop/index.php/eiop/article/view/2006_009a/ 29, 20/12/2008.

21   Ibid.

22   Stetter, Stephan, "Theorizing the European Neighbourhood Policy: Debordering and Rebordering in the Mediterranean", European University Institute, Robert Schuman Center for Advanced Studies, Florence, EUI Working Paper RSCAS No. 2005/34, 2005, p. 8.

of counter-terrorism has underlined the European cross-pillar security regime-building, incorporated in the Security Strategy of the Union and the European Neighbourhood Policy. Hence, based on the arguments mentioned above, the *European Security Strategy (ESS)* of December 2003, on whose basis rests the ENP security system, enhanced the process of securitization of the European agenda in response to threats challenging the EU.

Thus, tackling the issue of terrorism in terms of the new European Neighbourhood Policy appears to be a vital synergic component linking the EU member states and its partners. The ESS gives terrorism its significant place on the ENP by stipulating the following:

> ...the challenge is to benefit from the advantages of free movement, whilst minimizing the security threats and to handle the fight against terrorism within a wider framework of action. Security within the EU cannot be achieved at the cost of creating an inward-looking Union. The EU approach is therefore to strengthen internal security in a co-ordinated and multidisciplinary manner and to promote stability and security beyond our borders whilst avoiding new dividing lines, particularly with the near neighbours.[23]

The ENP relates to the ESS in the way that ENP is about the mutual interest of the Union and its neighbours in sharing a zone of security, stability and well-being. It is created on the basis of common values and interests including the need for a joint response to common challenges (prosperity gaps, migration, crime, extremism, and terrorism). Having this in mind, it can be argued that the ENP contributes to regional and international stability and security.

Therefore, this particular point raises an important question: Can the European Neighbourhood Policy constitute an instrument for the fight against terrorism engaging joint participation of the European Union and its neighbouring region?

CONCEPTUALISING TERRORISM AND ITS SECURITY IMPLICATIONS FOR THE EUROPEAN UNION

Terrorism is not a new phenomenon. More than 2000 years ago, the first acts of what is now understood as 'terrorism' were perpetrated by religious

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23 European Security Strategy, (2003), "A Secure Europe in A Better World", Internet: http://www.consilium.europa.eu/cms3_fo/showPage.ASP?id=266&lang=EN&mode =g, 02/02/2008.

fanatics.[24] Minorities used acts of terrorism in order to demonstrate their ethnic identity while majorities used it to enforce their dominance.[25] It was in the 19th century that terrorism became associated with non-governmental groups and linked to the assassination of political leaders and heads of states.[26] Later on, terrorism became more secular and was deployed by groups with definite political objectives, usually independence. Moreover, terrorism emerged as a phenomenon with global proportion. Terrorism in the 20th century took a new form and it was characterized as a highly organized method of obtaining certain goal(s) under the threat of using violence and inhuman means.[27]

Different definitions of terrorism have been put forward over time. The first attempt to frame an internationally accepted definition of terrorism dates back to 1937 when the League of Nations failed to agree upon it. Later, when in the 1960s the United Nations General Assembly tried to define terrorism and not much progress was made, the UN decided to focus on a number of practical measures, namely prohibiting aircraft hijacking and diplomatic hostage-taking.[28] According to Hoffman in his book *Inside Terrorism*, the meaning and usage of the term 'terrorism' used to change over time in order to accommodate the political discourse of each successive era, and thus terrorism proved increasingly elusive in the attempts to give one consistent definition.[29] Hoffman has characterized terrorism as

> virtually any especially abhorrent act of violence that is perceived as directed against society – whether it involves the activities of anti-government dissidents or governments themselves, organized crime syndicates or common criminals, rioting mobs or persons engaged in militant protest, individual psychotics or lone extortionists.[30]

Terrorism is a *modus operandi* that can be regulated from different groups, in different circumstances and therefore producing different consequences. In

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24 Rapoport, David, Terrorism: Critical Concepts in Political Science, Vol. 1, Routledge, London, 2006, pp. 3-6.

25 Kronenwetter, Michael, Terrorism: A Guide to Events and Documents, Greenwood Press, Westport, 2004, p. 39.

26 Dittrich, Mirjam, "Facing the Global Terrorist Threat: a European Response", European Policy Centre, Brussels, 2005, p. 7.

27 Hoffman, Bruce, Inside Terrorism, Columbia University Press, New York, 2006, p. 40.

28 Dittrich, Mirjam, "Facing the Global Terrorist Threat: a European Response", loc. cit., p. 9.

29 Hoffman, Bruce, Inside Terrorism, loc. cit., p. 20.

30 Ibid., p. 1.

the 21st century terrorism is perceived as a well-organized crime present at both regional and international level, thus a global phenomenon, making states incapable of having absolute control over their territories when it comes to terrorist threats. Terrorism includes political objectives achievable through the use of violence or threat of violence. Its goal is to provoke fear and multiply it among people not being the immediate victims of the particular act. The violence consists of a non-state actor(s) playing the role of the perpetrator of the violence, the victims or both. After all, terrorism is projected to establish power in circumstances where it did not previously exist.[31]

At the European level, under the Council of Europe auspices, a greater homogeneity regarding European States' interest was possible as early as in 1977 with the signing of the *European Convention on the Suppression of Terrorism.*[32] The Convention did not offer a comprehensive definition on terrorism because its objective was mainly of a procedural nature. However, this Convention was the first attempt ever to address the wide spectrum of terrorist acts and also to impose an obligation on the signatory states to consider terrorist acts as "political offences, offences connected with a political offence or as offences inspired by political motives".[33] The European Convention on the Suppression of Terrorism was ratified by all the EU's member states. Furthermore, the Madrid European Council in 1995 established in its conclusions that terrorism should be regarded as a threat to democracy, to the free exercise of human rights and to economic and social development.[34] Prior to September 11, the general provisions of the counter terrorist activities by the EU were considered by the Treaty of Amsterdam and the Vienna Action Plan on Justice and Home Affairs.

In the aftermath of the September 11 events, the European Council during the Extraordinary Summit restated that such terrorist attacks were not only acts against the United States, but rather against humanity itself.[35] Terrorists were

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31   Lutz, James & Lutz, Brenda, Global terrorism, Routledge, London, 2004, pp. 6-10.

32   The European Convention on the Suppression of Terrorism, signed at Strasbourg on 27 January 1977, available at http://convetions.coe.int/.

33   Dumitriu, Eugenia, (2004), "The EU's Definition of Terrorism: The Council Framework Decision on Combating Terrorism, Part 1," German Law Journal, No. 5/2004, p. 1.

34   Dittrich, Mirjam, "Facing the Global Terrorist Threat: a European Response", loc. cit., p. 12.

35   European Council, "Extraordinary European Council Meeting", Brussels, September 2001, Internet: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/140.en.pdf, 14/02/2008.

redefined as extremists with a totalitarian perception of politics, biased by their ideology or religion. The most alarming characteristic of modern terrorism is its international/global proportion.[36] During the Extraordinary Summit, it was acknowledged that the EU would engage in the fight against terrorism in all its forms and that "the fight against terrorism will, more than ever, be a priority objective for the EU".[37] Based on these conclusions, the EU made a substantial effort to strengthen cooperation between supranational and national authorities in charge of fighting and countering terrorism. It can be noted that the fight against terrorism continues to be highly regarded and prioritized in each Presidency of the EU.

The European Union has had to modify its policies to effectively combat security threats, mostly by improving and implementing existing counter-terrorism measures and increasing coordination between the Member States.[38] The European Security Strategy has defined terrorism as being a form of psychological warfare that threatens the European economic system, its social structures and the lives of European citizens.[39] The European Parliament has stated that each member state shall take necessary measures to ensure that offences such as bombings, shooting, kidnapping, will be punishable as terrorist offences.[40] The final aim regarding European security policy is to deliver a powerful multilateral system of global governance, depending on common priorities and strong institutions able to cope and respond to terrorist threats.[41]

Since September 11 the European Union's collective actions have concentrated on creating stronger judicial and operational structures for combating transnational terrorism in the EU territory, while European governments warned that those reactions might cause racist feelings across

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36   Rapoport, David, Terrorism: Critical Concepts in Political Science, Vol. 1, loc. cit., pp. 65-70.

37   European Council, "Extraordinary European Council Meeting", Brussels, September 2001.

38   Dittrich, Mirjam, "Facing the Global Terrorist Threat: a European Response", loc. cit., p. 4.

39   European Security Strategy, pp. 2-3.

40   European Parliament, "Activities of the European Parliament", Strasbourg, November 2001, Internet: http://www.europarl.europa.eu/bulletins/pdf/12a2001_en.pdf, 20/02/2007.

41   Coolseat, Rik, "European Security: What, Why, When, How", lecture given at the IES, VUB, October 2003, http://www.rikcoolsaet.be/en/articles.list.php?type=art_ip_wz&lng=en, 07/02/2008

Europe.[42] Moreover, according to Ulla Holm, in order to ensure security at home, the Union must export modernity to its neighbouring region, with special attention to the southern Mediterranean, meaning that the essential guarantee for stable and secure Europe rests within the security systems found in the neighbouring countries. In addition, the relation between the EU and the Mediterranean is to be found in "the discourse on political i.e. democracy – to uphold internally in the EU and to export to the Arab states – which is dominating".[43]

The current framework of the EU's strategic approach towards the fight against terrorism is based on the *EU Action Plan to Fight Terrorism* dating from September 2001 and which was revised and updated during the European Council Summit in June 2004. Moreover, the EU has considered the outcome of the December 2004 European Council Summit and the EU Counter Terrorism Strategy of December 2005.[44] The latest revision of the Action Plan was finalized in February 2006. Furthermore, after the Madrid terrorist act, the EU adopted the *Declaration on Combating Terrorism* providing political impetus to the Union's effort among its member states. The effort pointed out the importance of "strengthening co-operation in intelligence and measures for making international policing activities more efficient, improving measures for freezing bank accounts linked to suspicious groups and giving priority to the care of victims of extremism".[45]

Deriving from the above mentioned strategic documents on the fight against terrorism that are currently available to the EU, the first *European Union Counter-Terrorism Strategy (EUCTS)* was enacted in 2005.[46] This particular strategy is complimentary to the existing documents on the same matter and it also considers and reflects the *European Security Strategy* of 2004. The main attribute of the EUCTS is the setting out of the objectives to

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42　Gasparini, Giovanni, "An action plan for European Defence: Implementing the Security Strategy", Rome, Supplemento All'Osservatorio Strategico, No. 5/2005, p. 10.

43　Holm, Ulla, "The EU's Security Policy Towards the Mediterranean: An (Im)possible Combination of Export of European Political Values and Anti-Terror Measures?", Danish Institute for International Studies, Copenhagen, p. 5.

44　Bandiek, Annegret, "Cross-Pillar Security Regime Building in the European Union...", loc. cit., p. 10.

45　Ibid.

46　Council of the European Union, "The European Union Counter – Terrorism Strategy", Internet: http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf, 07/07/2008.

prevent new recruitment into terrorist organizations and groups, enabling mechanisms for more effective protection of potential targets, pursuit and investigation and prosecution of members of the existing terrorist networks, and general improvement of the EU's capability for efficient responses and management of the consequences of terrorist attacks.

More concretely, the EUCTS stated that "... The European Union's strategic commitments are to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice".[47] Moreover, the new measures introduced in the Strategy are based on a four-pillar structure: prevent, protect, pursue and respond. Under the first pillar, or the prevent measures, the Strategy's task is to prevent people and citizens turning to terrorism by tackling the factors that can lead to radicalization. Under the protect measures of the Strategy, the EU commits to protect its citizens and infrastructure and to reduce European vulnerability to attacks through improved border management, transport and critical infrastructure. The EUCTS in the third pillar stipulates that it is a strategic commitment of the EU to pursue terrorist across European borders and globally, to impede planning, travel and communication among terrorist networks, and to cut off financial support. In the last pillar, or under the respond measure, the Strategy aims to prepare the EU to manage and minimize the consequences of a terrorist attack, by improving capabilities to deal with the aftermath.[48] Finally, the EUCTS states that the member states have the primary responsibility for combating terrorism, and that the European Union can add value in the following ways: by strengthening national capabilities, by facilitating wider European cooperation, by developing collective capability and by promoting international partnership.[49]

However, even the contemporary academic discourse on what constitutes terrorism has failed to deliver a uniform definition applicable to all member states of the European Union. This issue was considered with a lot of caution and interest in the *Council Framework Decision of June 13th 2002 on combating terrorism*.[50] The Decision calls the Union's member states to

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47   Ibid.

48   Ibid.

49   Ibid.

50   ISN, "Council Framework Decision of 13 June 2002 on combating terrorism", Zurich, International Relations and Security Network: Primary Resource in International Affairs (PRIA), p. 1.

approximate a definition on terrorist offences, on which grounds later penalties and sanctions can be delivered. Therefore, according to Article 2 of the Framework Decision, a meaningful definition is provided on terrorist groups. So, a terrorist group is a "structured group of more than two persons, established over a period of time and acting in concern to commit terrorist offences".[51] Also, the same article obliges the Union's member states to take all the necessary means and measures in order to ensure that those terrorist acts are punishable. In addition, the Decision takes into a consideration that the member states can fail in their attempts to enable efficient national strategies and measures by which they can sufficiently execute the content of the Decision. Also, the Decision provides that if this occurs, the Union might adopt the principle of subsidiarity in order to enable the Union to act on the behalf of its member states and ensure implementation of the anti-terrorist measures provided in the legislative acts of the Union. Therefore, the European Neighbouring Policy regarding anti-terrorist measures is based on the provisions in the area of security, justice and freedom provided by the Treaty of Amsterdam and the Tempere European Council in 1999.[52]

Each government is expected to provide its citizens with protection from terrorist threats and with secure environment guaranteeing confidence. Regarding confidence and security in Europe, the EU shares this responsibility with its member states.[53] While seeking the exclusion of Western secularism and values, terrorists also seek the exclusion of those who support the Western values.[54] It can be argued that Islamic fundamentalism is viewed as a threat to Western culture in the same manner as Western culture is understood as a threat to the Islamic world. Social, cultural and religious values of one society can be threatened by an external influence. The existing gap between the two worlds is increasing due to the terrorist threats.

In the course of 2003, the first *European Security Strategy* was enacted for the member states and the Mediterranean partners with a clear goal to develop a more secure environment for its citizens and the neighbouring countries. Member states agreed on the adoption of different measures to combat terrorism and national governments acknowledged the importance of

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51 Ibid., p. 2.

52 Ibid., p. 1.

53 Coolseat, Rik, "European Security: What, Why, When, How"*, loc. cit., p. 1

54 Serafim, Ana, "Terrorism – A Cultural Phenomenon?", PfP Consortium Quarterly Journal, Spring 2005, p. 67.

cooperation among themselves, and finally, on the development of an integrated system against terrorism. As clearly put in the introductory paragraph of the ESS, "as a Union of 25 states with over 450 million people producing a quarter of the world's Gross National Product, the European Union is inevitably a global player… it should be ready to share in the responsibility for global security and in building a better world".[55]

The *European Security Strategy* is one of the main strategic documents of the Union concerning its external security. The EU's member states through the ESS for the first time defined key threats. The threats were defined on the basis of multidimensional concept of security, poverty, pandemics and competition for energy resources, terrorism, organized crime on international scale, "... and regional conflicts such as *inter alia* in the Middle East".[56] Therefore, the European Neighbourhood Policy gives high regard to the EES in relation to the definition of the Action Plans with the partner states when it comes to the development of joint strategies for crisis managements and general security issues, while putting special accent on counter terrorism and prevention of terrorist acts in the partner states and in the Union.

Particularly regarding terrorism, the ESS defines terrorism to be a one of the key threats, "... large scale aggression against any Member State is now improbable; instead, Europe faces new threats which are more diverse, less visible and less predictable".[57] As stated in the Strategy, terrorism seeks to undermine the openness and tolerance of the European society, and it poses a threat to the whole of Europe. The Strategy makes clear that the EU is aware that terrorist movements nowadays are well resourced, connected by electronic networks, and willing to use violence to cause casualties.

Due to the call of the ESS for "...international security by exercising effective multilateralism, international co-operation and the strengthening of multilateral institutions",[58] the European Commission based the updated ENP on those grounds, meaning that the policy aims at principles such as inclusion,

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55 European Security Strategy, loc. cit., p. 2.

56 European Council, "A Secure Europe in a Better World. European Security Strategy. Presidency Conclusions", Brussels, December 2003, Internet: http://ue.eu.int/uedocs/ cmsUpload/78367.pdf, 20/02/2008.

57 European Security Strategy, loc. cit., p. 3.

58 European Council, "A Secure Europe in a Better World. European Security Strategy. Presidency Conclusions," loc. cit.

cooperation and multilateralism regarding the EU's neighbouring region, especially on security threats and terrorism.[59]

POLITICAL DIALOGUE AND THE PROCESS
OF EUROPEANIZATION IN RELATION TO THE EUROPEAN
NEIGHOURHOOD

The study will now focus on two major elements of the ENP regarding development of security system as a response to terrorism and other related threats. The EU since the development of the ENP has insisted on open political dialogue with its partners by whom it can share security information; and also, the process of Europeanization as considered by the ENP for ensuring that the countries involved are serious and aware when it comes to anti-terrorist measures and strategies with the European Union.

In the Mediterranean region, the EU has endorsed political dialogue through the Barcelona Process. At the beginning, the EU aimed and insisted on having a major role in the conflict resolution between Israelis and Palestinians, considering the importance of peace, namely strategic, social, economic and political aspects in the entire Southern Mediterranean and Middle East region and its influence on Europe.[60] It is argued that within the framework of the ENP, political dialogue has produced insufficient results due to the weak institutional capacity of the policy to mediate the dialogue between the Union, its member states and the neighbourhood of the Union. Hence, the EU member states have been unsuccessful in engaging with their partners in a serious dialogue thereby giving the real meaning to the principles previously agreed in the Barcelona Declaration. The effort by the EU through its Action Plans to convince the Southern Mediterranean states to respect basic civil liberties proved unsatisfactory.[61] An important aspect to mention is that the ENP allows partner countries to practice a policy of self-differentiation. Using this policy, the EU is engaged in a multispeed policy in the Mediterranean region and perfectly shaped reform packages that could be subject to the EU requirements.[62] The EU has emphasized that the fight against terrorism must be in concordance with the

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59   European Security Strategy, loc. cit., p. 7.

60   Balfour, Rosa, "Rethinking the Euro-Mediterranean political and security dialogue", 2004, p. 5.

61   Ibid., p. 21.

62   Hanggi, Heiner & Tanner, Fred, "Promoting Security Sector Governance in the EU's Neighbourhood", 2005, p. 71.

respect for rule of law and human rights. Thus, the EU should support regional dialogue and cooperation on issues covering the external dimension of the EU's freedom, security and justice by exporting stability and trying to avoid import of instability from its closest neighbours. The scarcity of welfare, freedom and security challenges in the EU's neighbouring states is considered as threats and is feared by the democratic Europe, due to its implications on illegal immigration, organized crime and terrorism.[63]

Political dialogue is a mean used to change policies and political conditions in order to formulate aid more effectively. Moreover, people to people contacts facilitate the process of engaging the national governments in political dialogue with the neighbours. Secure cross-border mobility is the main policy issue for the EU stimulating further development of the civil dialogue.[64] Democracy itself plays an important role, being a necessary component of good governance. It is a difficult job to stabilize other countries from abroad. The EU has faced problems in many neighbouring countries over a long history and it will be difficult to have them resolved in a short term period.

Approaching these issues, the EU is testing itself in foreign and security policy in its temptation to make 'ring of friends' and secure its borders.[65] The partner countries are expected to share with the EU an interest in maintaining confidence, supporting growth, providing employment and strengthening their political position.[66] Thus, political dialogue is an arena where all partners participate on equal basis having a common interest. The dialogue is a necessary response to the growing tension and extremism. The neighbours' consistent presence in political dialogue is important as it influences the final decisions and they should not feel threatened or inferior, but equal.

The EU since the development of the ENP has insisted on well-grounded political dialogue between the Union and the neighbouring partners. The political dialogue plays a crucial part in every action plan because it is considered to be of vital importance for the Union to have open and structured way of

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63 Dauderstadt, Michael, "Exporting Stability to A Wider Europe: From a Flawed Union to Failing States", 2004.

64 Council of the European Union, "Integrating the Fight against Terrorism into EU External Relations Policy", Internet: http://www.statewatch.org/news/2005/may/eu-terr-ext-relations.pdf, 07/02/2008.

65 Harris, Geoffrey, The Wider Europe. The future of European Integration and Enlargement, Routledge, London, pp. 98-100.

66 Ludlow, Peter, Europe and the Mediterranean, Brasseys, London, p. 109.

communication with the national authorities of the partner countries in charge of implementing action plans. In addition, the open dialogue is crucial in sharing and exchanging views on potential security threats with special accent on terrorism and counter terrorism measures.[67] Due to the fact that the security is an outstanding issue dominating the political agendas of each partner country, including the EU, the political dialogue was seen to be a forum of communicating to each other information regarding counter terrorism strategies and joint action plans in that direction. However, until now there has not been significant evidence to prove that the political dialogue served its purpose. Besides the occasional meetings, the EU and its partners have failed in their attempt to create vivid, open and dynamic political dialogue that would deliver the results stipulated in the European Neighbourhood Policy.[68] As already suggested, in order for the Union to engage in more substantial and fruitful dialogue with its partners, the dialogue should be institutionalized and put into use on a more frequent basis for the accomplishment of the strategic aim under the ENP.

For the European Union, Europeanization[69] of the partner states (through adoption of common values, rules and practices, democratization, and strengthening of security mechanisms) is binding and is perceived as the best way to assure security and stability.[70] According to Holm, the New European

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67 European Commission, "European Neighbourhood Policy", Internet: http://ec.europa. eu/world/enp/index_en.htm, 14/02/2008.

68 Missiroli, Antonio, "The ENP Three Years on: Where From and Where Next?", Brussels, European Policy Center, 2007, pp.3-4.

69 Emerson and Noutcheva in their research on Europeanization in the working document (2004) "Europeanization as a Gravity for Democratization," and Emerson et al. research in the working document "The European Union as a democracy promoter in its neighbourhood" (2005), define Europeanization, EU-ization or democratization, as a phenomena under which certain countries follow the EU model on political and economic system for national reform in order for perspective membership in the EU. The term Europeanization was mainly coined regarding the transition of the CEE countries; however, nowadays this term has a broader sense and it encompasses the ENP countries. The Europeanization also means European integration, or integration within the socio-cultural-economic space of the EU. According to the most recent definition on Europeanization, according to the both authors, is a process that works in three ways which are synergetically interconnected. Those three ways are: legal obligations (under the EU Acquis, objective changes (ex. economic reforms) and subjective changes (political will to adapt to the EU's values and norms).

70 Grazulis, Arunas, "European Neighbourhood Policy. Enlargement Prevention or Preparation for the next Wave?", in: Francis Snyder (ed.), L'elargissement at la nouvelle Europe, Bruylant, Brussels.

Neighbouring Policy is based purely on the traditional Western model, disregarding specific and different parameters found in the partner countries under the ENP. The New Neighbouring Policy of 2003 is inserted in the same contemporary discourse on the export of political and economic liberalism, democracy and the rule of Law.[71] Therefore, according to the European Neighbouring Policy, "the privileged relationship with neighbours will build on mutual commitment to common values principally within the field of the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, and the principles of market economy".[72]

Returning to the discourse on the export of European model of democracy, Holm considers the following:

> [the] fear of a possible spill-over effect from the conflict-ridden Mediterranean to the Europe is reflected in the prioritization of the EU with regard to cooperation with the Southern part on issues of terrorism, illegal immigration, organized crime... feared too strong pressure for political reforms that could lead to violent transitions processes or result in Islamic taking over government power.[73]

To this statement contributes Mr. Landaburu, Director General of DG External Relations of the European Union, an elaboration suggesting that the ENP acts as a mean of Europeanization on its neighbourhood through the ENP's external instruments on security "...working with our neighbours to tackle new threats e.g. cooperation against terrorism, tackling the root causes of extremism, thwarting international organized crime, contributing to resolve conflicts..."[74]

The concepts of respect and recognition of others marks a key element in the development of modern Europe. Moreover, the idea of having 'the ring of friends' reflects the EU's understanding of peace and stability. Specifically to the Mediterranean as a region, this idea is viewed as a good way of engaging countries whose populations are reluctant to the Western world and encourage them to contribute to regional cooperation necessary for lasting peace and

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71 Holm, Ulla, "The EU's Security Policy Towards the Mediterranean...", loc. cit., pp. 6-8.

72 European Commission, "European Neighbourhood Policy – Strategy Paper", Internet: http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf, 03/03/2008.

73 Holm, Ulla, "The EU's Security Policy Towards the Mediterranean...", loc. cit., p. 10.

74 Landaburu, Eneko, "From Neighbourhood to Integration Policy: Are There Concrete Alternatives to Enlargement?", Center for European Policy Studies, Brussels, 2006, p. 3.

economic progress. However, despite the EU's direction, at various times, of aid towards reforms in its neighbouring region, it can be argued that the Mediterranean countries have not gone far in the process of Europeanization. If neighbours corresponded to the action plans guidelines, the Europeanization process would penetrate them positively. The ENP views principles of conditionality, wider cooperation, assistance and access to the market as components of deeper Europeanization.[75] The EU argues that security and stability can only be achieved if neighbours become Europeanized, meaning if they incorporate right values, norms and institutional practices. This suggests that the process of Europeanization, on which the EU is seriously insisting, acts as a measure under the ENP when it comes to ensuring that the partner countries act in concordance with the political 'requirements' under the Action Plans.

While the EU has sustainable development, political and cultural structures, it also fears the others, namely countries from the Middle East, North Africa and South Caucasus, because they are often indisposed to change themselves or they simply lack the means to reform their societies and become Europeanized. In analyzing East European countries, although infected by political instability, corruption, devastated economy, the situation is different as those countries were seeking the EU membership. It is worth mentioning that international terrorism is associated with policies and regions of the world where economic globalization has not taken place because their public institutions do not sustain the evolution of capitalist markets.[76]

Regional cooperation while being a basis for peace and economic development should be extended to Arab states. It is questionable if this will be possible to achieve considering the role the United States plays in its relation to Israel. Both the US and the EU have an interest in regional security in Middle East, but while the US calls for urgent changes, the EU has involved in slow daily process for peace and democratic development.

Regarding the above, the current academic discourse on the ENP and its measures aimed in the direction of development of solid counter terrorism mechanisms within the ENP suggests that the EU is employing the concept of 'Europeanization' as a means of achieving the strategic goals under the ENP. Also, the EU is trying to externalize to its ENP partners its own concepts and

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75 Harris, Geoffrey, *The Wider Europe. The future of European Integration and Enlargement*, Routledge, London.

76 Kitschell, Herbert, Origins of International Terrorism in the Middle East, Friedrich Ebert Stiftung, Boon, 2003, p. 159.

definitions on security, terrorism and terrorist groups. As argued by Barbarosie in his article *The ENP and Development*, many ENP partners are reluctant to the idea of undergoing a process of imported Europeanization without certain perspectives offered by the EU.[77] According to Emerson and Noutcheva, the European Union through its internal market is giving some incentives to its ENP partners to implement political requirements of the Action Plans in order to be entitled to free trade arrangements and certain financial contribution by the EU.[78] Furthermore, regarding the wider literature on EU enlargement to the CEE, due to the fact that the EU offered particular and unambiguous perspectives on membership, those countries decided to undergo economic and political reforms that would satisfy the Copenhagen criteria[79] for membership. However, this is not the case with the Neighbourhood policy. Besides the 'more than a partnership, less than a membership' approach, the EU is not offering anything concretely to its partners in order to successfully execute its security agenda in those countries. As suggested by Emerson and Noutcheva, the EU will continue to insist on the process of Europeanization together with new incentives (such as trade, more structured financial contribution and development of new finance programmes) to push for political and economic reforms, thus satisfying the main goal of the ENP 'ring of well-governed countries'.[80] The process of Europeanization, as seen by the academia, is a powerful but ambiguous tool of the EU when it comes to the countries under the ENP.

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77 Barbarosie, Arcadie, "The European Neighbourhood Policy and Development", Development and Transition, Issue 04/2006, p. 3.

78 Emerson, Michael & Noutcheva, Gergana, "From Barcelona to Neighbourhood Policy: Assessments and Open Issues", Study Working Document No. 220/2005, pp. 15-16.

79 Any country seeking membership of the EU must conform to the conditions set out by Artice 49 and the principles laid down in Article 6(1) of the Treaty on the EU. Relevant criteria were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995. To join the EU, a new Member State must meet three criteria: Political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; Economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union; and Acceptance of the Community acquis: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. For the European Council to decide to open negotiations, the political criterion must be satisfied.

80 Emerson, Michael & Noutcheva, Gergana, loc. cit., pp. 20-22.

CONCLUSIONS

The European Neighbourhood Policy is a new policy and its evaluation at the present stage does not seem valid due to the fact that the first seven action plans are still being realised. Still, even from the initial phase of the updated version of the new ENP, the main critique by the academic discourse is aimed at the organizational structure of the policy. As argued by Missiroli, the current ENP is not different from the previous neighbourhood instruments, and it is not a single policy but an umbrella of pre-existing instruments and EU funds. The main difference, as seen by the author, is the fact that the previous bilateral agreements with every single neighbouring country are now replaced with the general template of the Action Plan being a central component of the ENP.[81]

In the initial launching of the first seven Action Plans and the recent evaluation by the Commission, it has been suggested that progress is noticed when it comes to the institutional aspects of execution of the ENP in the partner countries. The seven countries appointed national authorities that would supervise and guide the process of implementation of the Action Plan's components. However, the initial evaluation of the Commission is based on mid-term observation, and as noticed in the *Communication from the Commission on the Strengthening of the ENP* and the *Sectoral Progress Report*.[82] The EU and its partners have demonstrated significant progress in customs affairs and a more integrated approach in the trade exchange under the free trade arrangements. Still, the ENP action plans have a duration of three to five years depending on specific needs and targets. When the Action Plan period expires, an evaluation report will be issued in order to ascertain the results obtained. Once the final reports are issued, the Commission will have the necessary information for a comprehensive analysis and additional suggestions for improvement of the general ENP framework. When analyzing political dialogue under the current ENP, significant progress is needed. Due to the fact that the political dialogue as a means was instituted within the action plans in order to improve the communication of the Union with the partners on security matters and counter-terrorism measures, and so far there is no evidence that any concrete anti-terrorism strategy has come out of the political forum. It

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81   Missiroli, Antonio, "The ENP Three Years on: Where From and Where Next?", loc. cit., p. 1.

82   European Commission, "Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy", Internet: http://ec.europa.eu/world/enp/pdf/sec06_1512-2_en.pdf, 08/02/2008.

can be argued that terrorism will not disappear just because the partners show readiness to cooperate. Political dialogue should go deeper and explore the origins of terrorism, thus going into the root of the problem. As elaborated in this study, so far the Union and its partners have failed in the attempt to agree on a common definition of terrorism and terrorist groups and it is evident that disputes on this particular issue persist.

It has been suggested that the new outlook of the ENP is casting serious doubts on whether the organizational and institutional structure of the ENP will be able to correspond and complete the strategic aims of the policy. Hence, the current doubts are based on the question of whether the ENP can fulfil its ambitious objectives regarding its implementation, especially on the enacted security strategies with its partners. Even though the ENP has offered new opportunities, the current content is not sufficiently developed and differentiated from the policy that was in place before.[83] When it comes to delivering specific implementing parameters for security issues, in order to increase the overall efficiency of the ENP, the EU should apply the so-called 'carrot' policy. This means that by enabling certain, clear and unambiguous incentives to the EU's internal market opportunities and inclusion within the development policy, the neighbouring countries will be more eager to follow the instructions and dedicate themselves to efficient implementation of the action plans under the ENP. However it has been suggested that the costs for compliance of the ENP countries regarding the EU's internal market opportunities are not considered by the current ENP framework. Thus, in the future, if the EU wants to pursue its policy of a security zone creation in the Europe's periphery it will have to offer a certain degree of perspectives hard to be resisted by the partner countries. This particular issue is difficult to be realized at this moment because the EU has not yet concluded the action plans with all ENP countries. Still, as pointed out by Emerson and Noutcheva in their working document, the ENP is too broad as a policy to encompass the diverse regions it currently covers. In addition, the current institutional setting of the ENP does not enable sufficient organizational framework that would be able to sufficiently realize and implement the security strategies under the bilateral agreements with the partner countries. As Stetter claims, the organizational framework does not provide the means for good governance in the ENP and moreover, the path dependency of the current institutional setup of ENP means that the policy has strong centre-periphery complex towards the neighbouring

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83   Stetter, Stephan, "Theorizing the European Neighbourhood Policy...", loc. cit., pp. 12-13.

region of the EU.[84] In order for the EU to improve the quality of the relations with its neighbouring region, as suggested earlier in the text, the EU must include the partner countries.

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ANTITERORISTIČKE MERE U OKVIRU
EVROPSKE POLITIKE SUSEDSTVA

APSTRAKT

Po okončanju hladnog rata usledio je period stabilnosti koji je za Evropsku uniju značio dodatni stimulans da se odluči za vodeću ulogu u međunarodnom sistemu bezbednosti. Međutim, iz straha od novih oblika nestabilnosti, Evropski savet ministara je 2003. godine usvojio Evropsku strategiju bezbednosti pod sloganom *Sigurna Evropa u boljem svetu* – što je prva strategija zemalja članica Evropske unije. Evropska politika susedstva je kreirana sa ciljem ublažavanja razlike izmedju proširene Evrope i njenih suseda prema istoku i jugo-istočnim obodima Mediterana. U skladu s tim adresiranje terorizma predstavlja sinergičnu komponentu izmedju država članica Evropske unije i njihovih suseda. Ovaj rad analizira kapacitet Evropske politike susedstva da ustanovi adekvatan instrument u borbi protiv terorirzma, uključujući zajedničke napore kako EU tako i njenih suseda.

Ključne reči: Evropska unija, Evropska politika susedstva, terorizam, bezbednost, antiterorističke mere.