

**Chapter 13**  
**Terrorism and Organised Crime**  
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**Introduction**

Terrorism and organised crime (OC) are transnational and opaque phenomena operating in the shadows of a deeply interconnected Europe. European counter-terrorism and counter-organised crime strategies form part of distinct sets of security practices. But they are also related and intersecting. Even if the coexistence of terrorism and organised crime are observed to occur only “in some marginalised places” (Europol 2020: 21), the two types of threats are often seen in tandem. European responses to these threats operate in the same policy space where competences often overlap. This makes it difficult to evaluate one without taking into account the other – or *others* - as generally, ‘disaster management’ can be conflated in several policies and mechanisms (cf. Rhinhardt, Boin and Ekengren 2007; cf. also Argomaniz, Bures and Kaunert 2015). In this chapter we will treat terrorism and organised crime as manifesting similar security policy patterns.

EU cooperation in dealing with terrorism and OC has grown significantly since the turn of the century, but preferences for national and bilateral strategies remain salient. European states and regions differ in the security threats they face as well as in their political will for European cooperation in the realm of security. National security agencies across the continent have different cultures, ways of operating and standards to which they hold themselves. Yet European-level integration in the area of security is decisively expanding, and is a key development in the last decade.

In the 2003 European Security Strategy, terrorism and organised crime were listed as two of the main threats facing European peace and security. The Strategy identified the serious risk from the combined threats of “terrorism committed to maximum violence, the availability of weapons of mass destruction, organised crime, the weakening of the state system and the privatisation of force” (European Council 2003: 5). With the shift to viewing transnational threats as the main focus of European security strategies, the neat internal-external security distinction collapsed, leaving scope for European ownership of an expanded portfolio of activities. This allowed the EU, spearheaded by the Commission, to step out of the mainly economic area of cooperation, and assume competencies in areas traditionally the responsibility of Member States.

This shift fostered a people-centred – as opposed to a state-centred – era of security making. Such ‘biopolitics’, where the relationship between governments and people is increasingly concerned with sifting out risks among the population (Vaughan-Williams 2016: 7), is at the centre of European responses to “a more secure Union”. Biopolitics is also at the core of European efforts to counter the threat of terrorism and organised crime. Coupled with an increased presence of geopolitics, seen particularly in European efforts at co-opting neighbouring states for purposes of security and stability (Kaunert, Léonard and Wertman

2020), the field of European counter-terrorism and counter-organised crime makes for a dynamic and multifaceted area of study.

This chapter will discuss developments in the areas of terrorism, organised crime, and their counter-strategies in Europe. In doing so, we account in broad strokes for national differences that exist within Europe. Nevertheless, even when fractured at different levels of decision making, we claim that counter-terrorism and counter-organised crime strategies are tied together in what can be deemed a 'European model'. This is often distinct from a US model, and is also gradually visible in the proliferation and expansion of European-level response mechanisms. The chapter will first, provide some background on counter-terrorism and organised crime in Europe. Then, it will discuss European strategies over the last decade to tackle counter-terrorism and organised crime, both at European and bilateral level. The constant evolution and tension between the national and the supranational continue to shape this core issue area.

## **Terrorism and Organised Crime in Europe**

### *Terrorism*

Terrorism has been a regular feature of European security since the 1970s, when left-wing and separatist terrorism targeted European states. Left-wing terrorism in particular targeted Italy and (West) Germany, while Spain and the UK faced terrorist tactics from the separatist group Basque Homeland and Liberty (ETA) and the Irish Republican Army (IRA), respectively. Given the specific nature of terrorist threats throughout the 1970s and 1980s, terrorism was considered a domestic issue to be tackled 'at home'. This prompted large differences and also conflict over their treatment of the issue: where France would negotiate, the UK would use policing and internment, and where ETA was prosecuted in Spain, they were given a safe haven in neighbouring France (Kaunert and Leonard 2019: 262). While early counter-terror mechanisms such as the TREVI group would initiate both diplomatic and policing coordination, the period up until 2001 was characterised by strong norms of state sovereignty over the matter, with different legal frameworks, priorities and understanding of the issue.

Even with a general growth in relevance across the continent since 2001, European states differ in their priorities and approaches to terrorism. One study compared nine European states along four policy dimensions: Prevent, Protect, Pursue, and Respond (van Dongen 2010). Prevent and Pursue are policy dimensions built on primarily interpreting terrorism as undertaken by human beings. Protect and Respond are more emergency oriented policy dimensions. The study identified the Czech Republic, Denmark, the UK and Germany as belonging to a 'maximalist approach', in which all four dimensions are equally prioritised. The Netherlands and Italy were categorised as pertaining to a 'Human Agent approach', primarily interpreting terrorism as undertaken by human beings, and thus prioritising Prevent and Pursue policies. Finally, France and Portugal were categorised as belonging to a 'Confrontational approach', prioritising measures in the Pursue strand, where a direct action approach to *fight* terrorism is preferred (van Dongen 2010). This categorisation underscores the point that there are significant and salient differences across European counter-terrorism practices. Focused comparisons of specific reactions to terrorist attacks have

moreover emphasised how such events actually deepen differences rather than harmonise counter-terror approaches.

To see these national strategies in action, consider the 2015 attacks (Charlie Hebdo and the Jewish supermarket attacks in January, and the Paris attacks in November) in France and the 2016 Berlin Christmas market attack. France and Germany displayed remarkably different responses across public discourse, political framing and security response mechanisms (Samaan and Jacobs 2020). Notably, whereas France deployed the armed forces and issued a state of emergency in the wake of the first wave of attacks, Germany resorted to a regulatory approach where strengthened police and intelligence capacities took centre stage (Samaan and Jacobs 2020: 407-408). This was partly due to the German Constitution prohibiting the use of the armed forces for such a purpose.

We can also detect a difference in how politicians and decision-makers frame the problems met. France identified the 2015 attacks as threats to its very existence, and public intellectuals concerned with Jihadism and Islam in Society were influential in this framing. In addition, anchoring the issue in a global struggle allowed the identification of sources of radicalization as located beyond French borders. This legitimised French involvement in counter-terror operation in the Middle East and the Sahel. In Germany, the contrary reaction took place. The Berlin Christmas market attack and related smaller terror incidents were perpetrated by immigrants. Coupled with a general lack of awareness of the role of global Jihad, this led to a legal and domestic framing of the issue, linking it to social challenges of migration rather than a global and existential dimension. These differences, the study finds, are likely to provide obstacles and disappointment both at the European- and bilateral-level cooperation on counter-terrorism (Samaan and Jacobs 2020). This is supported by the divisive issue of linking terrorism in Europe to Islam, which saw renewed debate in the wake of the deadly 2020 attacks in Paris, Nice and Vienna. Several governments including the Netherlands, Sweden, Spain, Italy and Luxembourg were seen to oppose an EU Council Common position, backed by France, Germany and Austria, that would have linked counter-terror policy directly with migration, including a proposed EU Imam training centre (Financial Times 2020).

In addition to different political contexts and national security cultures, European states have differing laws to deal with terrorist offences. This makes it difficult to provide a holistic picture of European trends. EU Directive 2017/541 defines terrorism as intentional acts that “seriously intimidate a population, to unduly compel a government or an international organisation to perform or abstain from performing any act, or to seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation” (European Council 2017: para. 8). Yet European states retain the right to flexibility in national legislation within the limits of this definition. This can also be seen also in differences in prosecution across Europe. Germany, for example, prosecutes terrorism only in those cases where the perpetrator is a member of recognised terrorist organisations. This effectively excludes ‘lone wolf’ terrorism, which in other states can be prosecuted on terrorism charges (Europol 2020: 10).

### *Organised Crime*

Organised Crime was largely imported into European securitization discourses from the United States in the 1980s. In Europe, it gradually turned into a vehicle for framing internal security policy and mobilise collective responses according to a European framework (Carrapico 2014). In the 1980s and 1990s, Italy and Germany became early adopters of securitizing OC, and the protagonists of Europeanisation in the area of Justice and Home Affairs. Germany was especially concerned with the issue that led to the first mentioning of OC and the setting up of specific European mechanisms to counter OC in a Schengen context (Fijnaut 1993). The killing of Italian judges Giovanni Falcone e Paolo Borsellino in 1992, together with that of Irish journalist Veronica Guerin in 1996, led to national governments calling for intensified European cooperation to counter OC in Europe (Fijnaut and Paoli: 2004).

The EU Council's Framework Decision 2008/841/JHA applies the UN Office on Drugs and Crime's (UNODC) definition of an Organised Crime Group (OCG). An OCG is "a group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit" (Europol 2017: 14). However, modern organised crime is both more complex and more flexible than this definition indicates. Moreover, the EU definition remains very vague, leading some observers to claim it risks being dysfunctional, and an empty signifier that "opens the door to the inclusion of phenomena as different as the Italian 'Ndrangheta, a group of hooligans or a teenage street gang" (Carrapico 2014: 611).

Having presented a snapshot of the emergence of threats posed by terrorism and organised crime in Europe, the next section will provide an overview of the Europe-level and bilateral responses, strategies and agencies developed to tackle these threats.

## **European Responses: Bilateral and European-level Coordination**

### *EU Level Mechanisms: An Ever-More Secure Union?*

The EU has consistently sought to tackle terrorism and OC through a criminal justice approach, rather than a militarised or foreign policy-oriented approach often associated with other Western states such as the US (Costi 2019: 167). Member States have been hesitant to concede sovereignty over security and defence matters, but they have been more willing to cooperate in terms of fighting criminality across Europe (Davis-Cross 2007; Costi 2019). The EU has focused on mechanisms that facilitate greater judicial and police cooperation, intelligence sharing and harmonisation of substantive criminal law (Monar 2014: 202-3). This depoliticised criminal-justice-orientated paradigm aims to secure the Area of Security, Freedom and Justice across Europe. Despite the hesitancy of member states, the security threats faced by Europe in the last decade and the proliferation of EU level mechanisms to deal with those, has resulted in the EU becoming a more independent and self-reliant security actor (Kaunert and Léonard 2015). At the same time, some Member States are also increasingly mobilised to counter this posture, notably the Visegrad group of 4 (Poland, Hungary, Czech Republic and Slovakia) in the area of border control.

Europol, Eurojust, the European Arrest Warrant and The Security Union are among some of the key EU level mechanisms at the heart of the fight against terrorism and OC. **Europol**, the

law enforcement agency of the European Union, created in 1998 to facilitate police cooperation between and support Member States, can act only at the request of the Member States, but it can demand investigations by competent authorities. Europol has made considerable steps in terms of police cooperation and information sharing between Member States. However, Europol's exceptionally close collaboration with third party states, particularly the United States, is criticised for lacking accountability and transparency (Jansson 2018: 436). In addition, growing levels of bureaucratic powers transferred to Europol raise fundamental questions about a lack of oversight and democratic control of Europol's investigations and activities by both EU institutions and those of Member States (Gruszczak 2016: 15-6).

The European Union Agency for Criminal Justice Cooperation (**Eurojust**) was established in 2002 to coordinate national investigations and prosecute authorities where more than one Member State is involved. Its facilitation of judicial cooperation has been an integral part of EU attempts to better coordinate OC and counter-terrorism policy. In September 2019, Eurojust launched a counter-terrorism register to enable prosecutors across the EU to work together to strengthening and speeding up investigations. During 2019, Eurojust's judicial support ensured more than two billion euros of criminal assets were frozen and 2,800 suspects were arrested and handed over to the relevant member state authorities. The number of cases coordinated through national desks at Eurojust (7804) was double that of 2014 (Eurojust 2020).

**The European Arrest Warrant (EAW)**, introduced in January 2004, represents a deeper level of judicial cooperation than traditional extradition (Rusu 2012: 1). An EAW issued by the judicial authority of an EU member state is automatically valid in every other member state. Decisions on EAWs are made by judicial authorities without any political interference, speeding up the process of bringing an individual back to another Member State (European Council 2002). The European Court of Justice (ECJ) is responsible for resolving EAW disputes, which seems at odds with the initial motivation to avoid political disagreements and speed up extradition of suspected terrorists and those involved in OC (Mortera-Martinez 2019a). The need for the ECJ to step in and arbitrate in such disputes demonstrates there has been push back from Member States who are keen to maintain the primacy of national efforts to combat terrorism and OC. Furthermore, disputes over EAWs have revealed some of the complexities that arise from judicial and police cooperation between states in vastly different legal traditions and cultures of policing. In 2018, for instance, the Irish High Court refused to automatically grant the surrender of a man wanted on drug trafficking charges in Poland. This was due to a set of Polish laws deemed by High Court Justice Aileen Donnelly to undermine the independence of the Polish judiciary (Barrett 2018). The ECJ subsequently ruled that Member States had the right to refuse or postpone EAWs issued by Poland because of concerns about breaches of human rights (ECJ 2018).

In 2016, the European Commission launched the **Security Union** after a wave of terrorist attacks across Europe and the so-called migrant crisis had exposed 'cracks' in the European security structures. It is tasked with improving coordination between EU frameworks and Member States in five key policy areas including terrorism and OC (EU Commission 2019; Mortera-Martinez 2019b). The Security Union is perceived to have achieved tangible progress in policy areas often marred by fragmentation such as coordinating databases,

information sharing and, significantly, counter-terrorism (Volpicelli 2019; Mortera-Martinez 2019b). The Security Union ensured almost all Member States implemented the Passenger Name Record (PNR) Directive, which identifies and tracks dangerous individuals, including terror suspects, flying around and into Europe (Volpicelli 2019). By November 2019, 16 of the 22 legislative initiatives supported by the Security Union put to the European Parliament and the Council of the European Union had been accepted (European Commission 2019: 1).

Despite the growing number of European level organisations and frameworks to tackle organised crime and terrorism, there has been resistance to the Europeanisation of these policy areas over the last decade. For example, evidence of the resistance of some Member States to incremental Europeanisation of counter-terrorism and OC policies can be seen in their response to the creation of The European Public Prosecutor's Office (EPPO). Scheduled to start operations in late 2020, the EPPO would be 'an independent and decentralised prosecution office of the European Union, with the competence to investigate, prosecute and bring to judgment crimes against the EU budget, such as fraud, corruption or serious cross-border VAT fraud' (EU Commission 2020). Citing reasons such as a desire to maintain sovereign control of such affairs and the principle of subsidiarity, several Member States have opted out of the EPPO, including Great Britain, Ireland, Denmark, Poland and Hungary (Ljubas 2020). Sweden has asserted that its national systems are robust enough without the EPPO. This substantiates claims of a trend towards a multi-speed Europe or differentiated integration in the realm of security (Wolfstadter and Kreiling 2017). However, Malta and the Netherlands, who originally opted-out, subsequently decided to join the EPPO in 2018 (EU Commission 2020). This demonstrates that while Member States may be opposed to the growing security personality of the EU in principle, they are also lured by the potential benefits of intergovernmental security cooperation.

EU-level mechanisms represent increasing importance in the European fight against terrorism and OC. Still, security remains an intergovernmental competence area, and the overall picture is that in many internal security policy matters, EU level mechanisms continue to coordinate and supplement rather than replace existing national and bilateral mechanisms in these areas.

#### *Bilateral Cooperation in Counter-Terrorism and Counter-Organised Crime*

Bilateral cooperation in intelligence sharing and police cooperation is considered vital to any efforts to tackle terrorism and OC in Europe. These strategies of cooperation have existed informally at least since the 1970s. Case studies suggest that, in terms of police cooperation, European states prefer to work bilaterally rather than through EU level mechanisms, and have developed long-term cooperation practices at this level (Boer, Hillebrand and Nölke 2018; Jaffel 2019). Given that European-level police cooperation is a relatively new practice, one could suggest that such preferences to work bilaterally are simply due to habit. However, various studies suggest that the preference to work with certain trusted partners is linked to notions of common threats, cultural similarity as well as shared values (Anderson 2002). Indeed, despite European enlargement and deepening integration, this preference to work with a small number of trusted partners persists.

Interviews with police forces in France, Germany, the UK and Spain suggest that many forms of bilateral police cooperation take place informally between trusted established contacts on

an individual case-by-case basis rather than through formalised mechanisms (Guille 2010: 27). A key advantage to bilateral police cooperation is the speed with which forces can communicate and work together. EU level mechanisms, in contrast, can be more cumbersome, bureaucratic and lengthy (Guille 2010). However, challenges to effective cooperation arise because informal bilateral police cooperation practices are not institutionalised. Bilateral cooperation, therefore, relies on personal contacts, the willingness of individuals to cooperate as well as a sense of mutual benefit arising from potential cooperation (Sheptycki 2002).

Before 9/11, bilateral practices were often considered by policymakers to be the most effective form of intelligence sharing in counter-terrorism (Lefebvre 2003: 529). The need to protect intelligence sources and methods is the principal reason for the preference of bilateral liaisons in counter-terrorism intelligence sharing (Lefebvre 2003: 529). Despite increasing numbers of EU-level intelligence-sharing mechanisms, Member States maintain the fear that widening the intelligence circle increases the threat of unauthorised disclosure and privilege certain partnerships and counter-terrorism networks over others (Boer, Hillebrand and Nölke, 2018).

Franco-British intelligence-sharing practices are among the most developed in Europe, and considered especially valuable since the UK has not opted-in to the EU Justice and Home Affairs (JHA) cooperation (Jaffel 2019). While most bilateral intelligence sharing between the two nations is informal and shrouded in secrecy, intelligence sharing, particularly in the realm of counter-terrorism, is enshrined in the Lancaster Treaties signed between the two-nations in 2010 (Burguburu et al 2018). These bilateral intelligence-sharing mechanisms became even more important in maintaining the European defence against terrorism and OC in the context of Brexit. Despite the Brexit agreement being reached in December 2020, the future of European security cooperation with the UK following the Brexit transition period remains somewhat ambiguous. This is because the EU–UK Trade and Cooperation Agreement (TCA) of 24 December 2020 does not cover security or defence matters (CFSP), while it does cover Justice and Home Affairs (JHA) (HM Government 2020). The UK has also withdrawn from several EU-level mechanisms, including the EAW, while it has pledged to new extradition arrangements which follow those under the EAW in everything but name (HM Government 2020). This seems somewhat characteristic of the British desire to continue to engage in certain intelligence sharing and security cooperation practices whilst declaring the supposed restitution of sovereignty (Sweeney and Winn 2021).

Another significant challenge facing European cooperation in tackling organised crime and terrorism in the coming years is a growing sense of divergence between the cultures and practices of police and security services across the continent. European Union Member States are formally defined by their commitment to democratic values, human rights, and the rule of law. This places certain expectations and limits on the activities of security agencies fighting terrorism and OC. However, where rule of law is challenged, concerns about respecting these limits follow. For example, when Romania and Bulgaria joined the European Union in 2007, EU officials and existing Member States were concerned with corruption and links to organised crime, perceived to be endemic to these societies. The EU conditioned enlargement by the acceptance of a Cooperation and Verification Mechanism (CVM). The CVM is designed to monitor Bulgaria and Romania's progress in tackling

corruption and building an independent judiciary. Such situations of differentiated integration act to reinforce Member States' reluctances to work multilaterally. Moreover, in Hungary, Prime Minister Viktor Orbán relies heavily on the securitisation of threats such as terrorism and OC to justify illiberal and authoritarian police practices that represent an erosion of democratic values necessary for EU membership (Harper 2016). These examples further illustrate the dilemmas Member States face in enhancing multilateral police cooperation.

### *Preventing Violent Extremism (PVE) in Europe: new policies, new divergences*

The increase in the number of new policies to prevent radicalisation is a significant development over the last decade. In fact, preventing violent extremism (PVE) is emerging as a global norm in counter-terrorism policy (cf. Stephens, Sieckelinck and Boutellier 2019 for a review). In 2015, the UN Secretary-General stated all nations should consider developing a national PVE strategy (UN General Assembly 2015). PVE is not uncontroversial, however, and exposes the securitization of public policy more generally. For instance, the UK's flagship PVE strategy, 'Prevent' is often criticised by faith groups, community organisations and researchers as profiling and stigmatising British Muslims, potentially deepening social exclusion and resentment, both of which have been directly linked to radicalisation (Fenwick 2019: 22). 'Prevent' has been particularly criticised for the way in which 'educational institutions are securitised through such a policy and tasked to act as the arm of the counter-terror strategy' (Davis and Limbada 2019: 2). In contrast, German PVE models have long been held up as examples of best practice (Lavut 2016). Arguably, Germany's long-established mechanisms to prevent far-right extremism provided a strong basis to develop PVE models to tackle other forms of radicalisation (Lavut 2016). Compared to the very centralised structure of many European models, Germany's PVE efforts operate predominately at local and federal level with a national working group disseminating examples of best practice (Said and Fouad 2018: 3-4).

Article 8 of the EU Counter-Terrorism Strategy (2005) states 'the challenge of combating radicalisation and terrorist recruitment lies primarily with Member States', with the EU providing coordination of national policies, information sharing and determining good practice. National PVE frameworks maintain primacy over EU level mechanisms, and there are divergences between Member States' national frameworks to tackle radicalisation. However, Member States' commitment to the EU's norms and values have shaped their PVE policy frameworks (EU commission 2015). Similarly, Member States' national PVE policies have been developed in junction with EU frameworks and therefore shaped by them (EU Commission 2015).

The contrasting German and British models above demonstrate that it is an over-generalisation to speak of a single European model of PVE. However, research suggests European counter-radicalisation models, in general, tend to differ radically from the American model. The US focuses on ensuring radical beliefs do not translate into terrorist activities while not really engaging on preventing the development of these radical beliefs in the first place (Neumann 2013). In contrast, European nations seek to prevent individuals from developing these extremist views and beliefs in the first instance (Neumann 2013). It is argued that the European model seeks to reduce social divisions that contribute to radicalisation by engaging the broader community such as universities, youth groups,



healthcare providers, specific communities and faith groups in the fight against radicalisation (Ou 2016: 1).

However, the EU's predominately criminal justice approach to counter-terrorism coupled with Member States' reluctance to engage multilaterally on issues such as PVE has meant EU level mechanisms to counter radicalisation are relatively underdeveloped and impotent (Baker 2015). Yet, since 2015 the EU has developed various PVE focused mechanisms such as the EU Radicalisation Network (RAN), a pan-European Network to tackle radicalisation (European Commission 2017: 3). As with other aforementioned elements of security policy, Member States have been more willing to cooperate in EU level intergovernmental information sharing rather than pursuing the Europeanisation of competencies.

## **Conclusion**

The last decade has witnessed a rapid expansion of European-level counter-terrorism and organised crime practices. European counter-terror and counter-organised crime efforts are increasingly concerted. In part, collaboration in this area *drives* efforts towards deeper European integration, cutting through the external-internal security distinction, and creating harmonization in policy areas traditionally defined by national sovereignty. European states developed an onslaught of measures to combat and prevent terrorism and organised crime from emerging in the first place. Where it does, EU member states try to develop criminal justice approaches to manage it. Yet, despite the discourse of a truly European effort, national differences continue to characterise counter-terrorism and organised crime because of bilateral intelligence sharing practices, regional varieties and priorities, and uneven Europeanisation of even basic legislation. Research has shown that similar threats do not necessarily produce similar responses in different national contexts. Recognising that European security politics is an extremely fragmented field, this is unlikely to change in the next decade.

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