

The Modern Terrorism and its Forms

Edited by

Tadeusz Wallas
&
Sebastian Wojciechowski



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Prof. dr hab. Andrzej Gałganek

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Editorial address:

89 Umultowska Street, 61-614 Poznań, Poland
tel. +4861 829 22 15, tel./fax +4861 829 21 06
e-mail: inpid@amu.edu.pl, www.inpid.amu.edu.pl

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Introduction

In the course of the analysis of the international situation one can observe a certain duality. On the one hand the events or processes are dynamic and evolutionary in nature, whereas on the other they are to some extent repetitive, or even periodic. The overlap of these two tendencies could be observed in the 20th century. They are also reflected in international practice as well as in numerous theoretical studies, such as the concept of democratization waves and the move away from democratization, economic and political cycles or hegemonic wars.¹

The above repetitiveness – cyclicity is particularly distinctive in some cases as exemplified by the ‘theory of 25 years’, which points to a regular occurrence of significant or even groundbreaking international events every 25 years in the 20th century. The years 1914, 1939, 1964, 1989 marked such events. The outbreak of both World War I and World War II, the beginning of the US involvement in Vietnam or the beginning of the transformations related to the collapse of the Eastern Bloc may be considered such groundbreaking events. These observations may provide a starting point for the search for other regularities and for an analysis of the international situation going back in 25-year intervals, starting in 1914 and referring to the years 1889, 1864, 1839, 1814.² However, this regularity can be treated as purely incidental even if these are the coincidences that rule the world (and drive our life and the world around us).

The cyclicity and to a certain extent also the repetitiveness of events and processes are also assumed by some researchers into the problems of terrorism.³ As time goes by, certain terrorist organizations emerge or cease to exist, the form or assessment of their operations changes and new kinds of the phenomenon of terrorism are shaped. This can be exemplified by ecoterrorism, bioterrorism, cyberterrorism or global terrorism to name but a few. The evolu-

¹ A. Gałganek, *Zmiana w globalnym systemie międzynarodowym. Supercykle i wojna hegemoniczna*, Poznań 1992; R. Väyrynen, *Economic Cycles, Power Transitions. Political Management and Wars Between Majors Powers*, “International Studies Quarterly” 1983, vol. 27.

² This theory was comprehensively presented by the author in 2003 during a lecture on the history of international relations.

³ M. Tomczak, *Evolution of International Terrorism*, in: *The Faces of Terrorism*, ed. by S. Wojciechowski, Poznań 2006.

tion of terrorism significantly affects its unpredictability with respect to the place or time of an attack or the method used. In combination with other features of terrorism, such as the profound conspiracy, ruthlessness, fanaticism, unconventional scenarios, international ties and access to modern technologies, these factors make terrorism one of the most significant threats to the entire international community.

Despite an extensive range of activities, the threat of terrorist attacks remains both real and as likely as before September 11, 2001. It is erroneous to associate terrorism exclusively with the areas where it has already marked its presence. This means that one is overlooking its evolutionary characteristics and is underestimating the problem. The terrorist threat involves an exceptionally extensive range of objectives. Apart from the objects that are most susceptible to attacks, related to administrative, political, diplomatic, military or transportation infrastructure, one should also consider the attacks against banking and IT systems, means of communication, power supplies (i.e. of water), commercial centers, hotels and resorts, places of worship, tourist groups, audiences, etc. An exhaustive target list would be significantly longer and it is constantly evolving, its only limitation being the ingenuity and determination of the terrorists. In the US a special expert group was even appointed to analyze the screenplays of action movies with reference to the potential inspiration they may provide for terrorists. One of the first conclusions drawn by this group was that terrorists quite often repeat the scenarios formerly seen on the screen. Their ingenuity can be exemplified by the attacks of the Popular Front for the Liberation of Palestine – General Command, executed by means of powered hang gliders or hot-air balloons, as well as by the attacks upon coaches, tourist ships, banks or trains (Islamic Group), theaters, night clubs, liquor stores (Asbat al-Ansar), churches, hotels or the attempts to poison drinking water intakes (Abu Sayyaf Group).⁴

I believe that at present counterterrorist activity should particularly concern schools, universities, seaports, railroad stations, recreation resorts, commercial centers, venues of public assemblies or places of worship, mainly those of European or world renown (Lourdes, Medjugorje, Rome, Czestochowa, etc.). Although places of worship are frequently neglected in specialist analyses they are an excellent target for terrorist attacks. They meet a range of requirements:

1. Thousands frequently gather in the same place during religious celebrations;
2. Such places frequently do not have an appropriate logistical structure either to prevent an attack or to provide rapid aid to casualties on a larger scale;
3. The crowds and the turmoil can ensure the anonymity of terrorists and thus facilitate an attack;

⁴ P. Ebbig, R. Fiedler, A. Wejkszner, S. Wojciechowski, *Leksykon współczesnych organizacji terrorystycznych*, Poznań 2007.

4. Such places are frequently located outside huge urban agglomerations, which may complicate decision-making processes or the provision of medical aid.

We should also dispose of a relatively common European stereotype that due to their appearance (skin color, clothes, etc.) terrorists would stand out from the worshippers thus being easily identified. This is a profoundly erroneous assumption which does not take into account the opportunities terrorists have to adjust to local conditions or to take advantage of the help of local 'collaborators' who are encouraged with financial or ideological incentives and who do not necessarily fully realize what is happening. This is also one of the numerous forms of contemporary terrorism.

* * *

This book is the fifth one concerning terrorism, prepared by the Institute of Political Science and Journalism (INPiD) of the Adam Mickiewicz University in Poznań, Poland. Like the former publications (see the back of the cover) it aims to present various aspects of terrorism with a particular emphasis on its contemporary range and nature. Another point of reference is the presentation of various interactions between terrorism and the processes and phenomena of the modern world and their political, as well as economic, social, legal, military, cultural etc. consequences.

All papers (including the latest – *Lexicon of Modern Terrorist Organizations*⁵) were developed by the Institute of Political Science and Journalism under a research project "Internal and international aspects of terrorism." We ask for the contribution of new authors representing a variety of backgrounds and fields of science.

To obtain more exhaustive information, please contact wojciechowski.s@wp.pl.

Sebastian Wojciechowski
Project Coordinator

⁵ Publication in the Polish language.

Jarosław JAŃCZAK

Adam Mickiewicz University, Poznań

Counter-Terrorism and Borders in the European Union. Tendencies, Strategies and Reactions in Border Protection Area on Changing Security Threats in Europe

Introduction

The New York September 11 attacks, followed by Madrid and London assassinations alongside with the other terrorist acts, resulted in creation of global security new conditions. Despite the fact that it is the United States that undertook the main responsibility for defeating international terrorism and Al Qaida, European countries and the European Union were also forced to undertake different measures improving the level of security and working against the phenomenon. This paper is aiming at investigating the influence of above mentioned policies on border protection and examining the relations between terrorism and development of border protection tools as well as border protection policies of the EU.

There are three main questions addressed in this analysis. First of all, if and how borders and border protection is relevant for the EU counter-terrorist strategy? Second, what are the tendencies in border-counter-terrorist policies' forms, what are the dominating directions of dealing with terrorism at the borders? And finally third, how border counter-terrorist strategies contribute to integration process development?

Several hypotheses will be suggested here. First, border elements of counter-terrorist policies are determined by differentiation and deterritorialization of borders in the EU, which have been modifying their security-guarantor role. Second the role of borders in above-mentioned policies is influenced by context-related border meaning modifications. Third, the policies contribute to the deepening and widening of cooperation within the EU, following the spill over logics and neofunctional approach assumptions. And finally sovereignty remains the key element in border counter-terrorism activities in the EU.

Territorial borders as fragmentation and control factors

As it is often pointed “territorial borders of all sorts are a means of control involving the use of bounded geographical spaces [...]. Territoriality ‘classifies, communicates and controls’ by drawing borders, assigning things to particular spaces, and regulating cross-border movements and access into and/or out of specified areas.”¹ Post 1989 political discourse emphasized “borderless world” and “Europe without frontiers”² as a result of fall of iron curtain and Berlin Wall. Very soon new elements of the post-cold war world order started to be visible, where re-bordering became a fact. Re-bordering resulting from globalization (noticeable e.g. in increasing human mobility and uncontrolled migration flows) and regionalization (acceleration of regional integration eg. the EU or NAFTA) as well as revival of culturally determined divisions (e.g. as presented by Samuel Huntington³). But borders also occurred to be “a product of the need for order, control and protection in human life and they reflect our contending desires for sameness and difference, for a marker between ‘us’ and ‘them’.”⁴ Also international terrorism with its new face and forms as well as amplitude contributed to the process of re-bordering, making borders and border control one of the tools of counter-terrorist strategies. Additionally, under the new circumstances single states were not able to cope effectively with those new threats at their borders because of the scale of the phenomenon but also because of already existing interdependences as in the case of the EU. As stressed by the UK representatives during British presidency “in globalized world no single country can tackle these problems alone, even in their own country.”⁵

Borders in the European Union – differentiation and deterritorialization

Post World War II closed borders in Europe started to be replaced in the western part of the continent with barriers’ abolition. Together with single market creation process, borders, in the new, more neo-liberal environment, became an obstacle to full implementation of free flow of capital, services,

¹ J. Anderson, L. O’Dowd, T. M. Wilson, *Why Study Borders Now?*, in: *New Borders for a changing Europe. Cross-border Cooperation and Governance*, J. Anderson, L. O’Dowd, T. M. Wilson (ed.), London-Portland 2003, pp. 6-7.

² J. A. Agnew, *A World That Knows No Boundaries? The Geopolitics of Globalization and the Myth of a Borderless World*, CIBR Working Papers in Border Studies, CIBR/WP03-2.

³ S. P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York 1996.

⁴ L. O’Dowd, *The Changing Significance of European Borders*, in: *New Borders for a changing Europe. Cross-border Cooperation and Governance*, J. Anderson, L. O’Dowd, T. M. Wilson (ed.), London-Portland 2003, p. 14.

⁵ *UK Presidency of the EU speech on civil liberties and terrorism*, Speech by Charles Clark, UK Home Secretary, to the European Parliament – 7 September 2005.

persons and goods. Borderless space was to contribute to higher level of competitiveness and efficiency as well as to lower costs.⁶ At the same time use of borders as symbolically exclusive national competence was limited.⁷ Free movement of people, facilitated by abolition of border controls, was initiated by 1984 Saarbrücken Agreement and achieved by 1985 and 1990 Schengen Agreements. As the result controls were to be moved from internal to external borders and cooperation between member states was to be strengthened. It was an intergovernmental initiative what was only modified together with Amsterdam Treaty (plus Schengen Protocol) and *Schengen Aquis* incorporation (Title IV – visas, asylum, immigration, ect., and Title VI-police and judicial cooperation in criminal matters).⁸

Acceleration of European integration was one of the most important reasons of borders differentiation in the Communities. This differentiation, according to Anderson, O'Dowd and Wilson is visible on at least two levels.⁹ First of all, the level of different categories of individuals allowed or not allowed to cross borders. Second, different border types that might be enumerated, e.g external and internal borders.

External borders can be divided into three categories: borders with candidate states, borders with non-candidate states and borders with no state (maritime). But probably much more important perspective when categorizing external borders is the level of safety. Here safe (meaning shared with the neighbors that are not a real or potential threat by themselves or as a transit countries) and problematic (opposite group of states) borders could be mentioned.

Internal borders, on the other hand might be divided into those being subject of Schengen regulated control liberalization and those being not. However regardless of different border categories there is one predominate process: internal ones are “generally being weakened and/or subject to increasing cross-border cooperation [...] while external are in some respects being strengthened as the external defenses of ‘Fortress Europe’.”¹⁰

As the result of described processes border controls between Schengen Group of Member States were abolished (in case of non-Schengen Member States they were softened) and both citizens and visitors could freely circulate in the area of integrating countries. Consequently national security tools had to be changed. Three processes could be observed then. First of all growing importance of the external EU borders, protecting the Community form un-

⁶ L. O'Dowd, *The Changing Significance...*, p. 20.

⁷ K. Hayward, *From Barriers to Bridges: The Europeanisation of Ireland's Borders*, CIBR Working Papers in Border Studies, CIBR/WP04-1, p. 6.

⁸ Nail Alkan, *Borders in Europe*, in: *Borders of Europe*, N. Alkan (ed.), Bonn 2002, p. 44.

⁹ J. Anderson, L. O'Dowd, Th. M. Wilson, *Why Study Borders...*, pp. 10-11.

¹⁰ *Ibidem*, p. 10.

wanted external phenomena. Second deterritorialization of border controls. Third finally and consequently the European level of cooperation has been gaining importance.¹¹

Deterritorialization of borders and border controls consisted of two parallel phenomena: First, controls – in some limited form – were moved away from the internal EU borders to Member States' interior – airports, railways, highways, ect. Second, external border protection and border controls are not only related to the external limes – line limiting territorially specific area. It is no longer only land and water contour. Rapid development of widely available plain connections made the border present also within the territory. It consists of all the international airports being one of the most important entrance gates and first contact points of the arriving individuals.

Border protection as national and communitarian prerogative

It is very important to note that internal border liberalization was not an equivalent to border disappearance. New forms of border management and border regulation have been introduced.¹² Katy Hayward marks that borders, as social constructs, represent the power of state and its apparatus. Under the circumstances of European integration national borders are being re-conceptualized and their meaning is being redefined. "Territory has in some respects become more important in the context of European integration: as cultural norms, political principles and economic practice become less differentiated, territorial location becomes a prime factor in distinguishing the particular interests and identities of states"¹³. In Hobbesian state concept it is a state that poses a monopoly of coercive power. European integration process forces to pose a question about a post-Hobbesian model basing on "voluntary exchanges."¹⁴ That means in practice standardization, unification or even integration of previously state-based border security mechanisms and more active role of the Community. But on the other hand borders remained the most important elements of states' sovereignty and indicator of relations between member states and the Union.¹⁵ For example the United Kingdom by not abol-

¹¹ J. Kunz, M. Leinonen, *Europe without Borders – Rethoric, Reality, or Utopia?*, UNESCO, 7 July 2004, p. 7.

¹² L. O'Dowd, *The Changing Significance...*, p. 21.

¹³ K. Hayward, *Froam Barriers to...*, pp. 4-5.

¹⁴ N. Walker, *European Integration and European Policing: a Complex Relationship*, in: *Policing Across National Boundries*, M. Anderson, M. den Boer (ed.), London-New York 1994, pp. 24, 34.

¹⁵ L. O'Dowd, Th. Wilson, *Frontiers of sovereignty in the new Europe*, in: *Borders of Europe*, N. Alkan (ed.), Bonn 2002, pp. 11-12.

ishing border ID controls expressed lack of trust towards tightness of the other parties' border management.¹⁶ Additionally this mistrust continues and no signs of changing approach are visible.¹⁷

Contemporary shape of European border policies is determined by two contradictory tendencies: abolition of border controls and as a result erosion of borders, and border security leading to maintenance of borders. Both might mean weakening of the member states' prerogatives and strengthening of the European level.¹⁸ Following the spill over logics it is also the matter of necessity – internal border liberalization is a result of previously taken actions in different thematic areas and is difficult to be reversed. Cooperation on external borders must be then strengthened. New conditions – external threat in the form of international terrorism – works only as catalyzer and accelerator.

Border protection postulate plays very relevant role for the EU what is especially visible by enlargements. Border protection is one of most important issues in accession negotiations and entering states are supposed to strengthen control on new external EU borders, being – at the same time – not allowed to apply immediately no-passport control provisions on internal borders.¹⁹ They shall first introduce Schengen rules, visa requirements, border control standards, modernize technical support, ect.²⁰ The enlargement had strong impact on border management of the European Union.²¹ In practice new member states became buffer zones, second defense lines, ect. They are now responsible for border protection and security of very long land border shared with relatively unstable states – heirs of the Soviet Union.²²

Counter-terrorist aspect of the border protection has in practice two aspects: legal – institutional that is strongly determined by political decisions influenced by the Member states vision of further integration and technical.

¹⁶ N. Alkan, *Borders in Europe*, in: *Borders of Europe*, N. Alkan (ed.), Bonn 2002, p. 43.

¹⁷ M. Anderson, *The Agenda for Police Cooperation*, in: *Policing Across National Boundaries*, M. Anderson, M. den Boer (ed.), London-New York 1994, p. 15.

¹⁸ L. O'Dowd, Th. Wilson, *Frontiers of sovereignty...*, pp. 4–5, 24.

¹⁹ *UK Presidency of...*

²⁰ K. Reczkin, *Finlandia – granica zewnętrzna Unii Europejskiej z Rosją. Wnioski dla Polski*, Centrum Stosunków Międzynarodowych, Raporty i Analizy 3/4.

²¹ J. Apap, *Reshaping Europe's Borders: Challenges for EU Internal and External Policy*, Report and Policy Recommendations from the conference on New European Borders and Security Cooperation, Brussels 6–7 July 2001, p. 2.

²² More detailed information on *unprecedented expansion of Europe's borders* as the result of 2004 enlargement might be found on webpage describing The Ljubljana 2004 Workshop that was one of the first steps in a coordinated effort, on the parts of both old and new EU border countries, to ensure a consistent and high-level of security over the whole of the EU's frontiers. *Border Security is expected to form a crucial part of the EU's comprehensive Security Research Programme, starting in 2007*. Please see: *Securing Europe's Borders*, Ljubljana, Slovenia on 18–20 October 2004, http://ec.europa.eu/enterprise/security/articles/article_1641_en.htm.

Terrorist prevention on the borders of the EU – legal and institutional decisions

Europe has long tradition of terrorist attacks on her territory.²³ Starting from political terrorism related to revived nations' struggle for independence at the beginning of XX century, through world war two resistance to post war terrorist attacks in case of Red Brigades, Red Army Fraction, etc.²⁴ In many cases terrorism was related to border conflicts or border communities what for example ETA, IRA or German organizations in South Tyrol represent.

Anti terrorist border protection of the European Union is usually not the separate motive of specific border tightening actions but is rather enumerated together with combating people-smuggling, organized crime and illegal immigration. Terrorist attacks in Spain and in the United Kingdom intensified discussion on immigration and asylum policy. This was extended to external border control issues as elements of stopping immigration and as a result decreasing the threats of terrorist attacks. Different measures were undertaken by different states. For example France has been tightening cooperation with the governments of the other member states and airline companies.²⁵ Spain has strengthened the border protection of Ceuta and Melilla enclaves in Africa. This on the other hand is seen as 'Fortress Europe' creation and first wall after the Berlin one.²⁶

Gijs de Vries stresses three pillars of EU counter-terrorism strategy: national agencies efforts, the EU – third players collaboration and internal cross border cooperation. The first pillar is not a subject of this analysis. The second – from the point of view of border policies – might be illustrated by relations with the USA. In case of the counter-terrorism protection the EU is in fact not only trying not to allow terrorists to enter Community territory by specific controls but also to prevent them to leave the EU. Especially to leave for the United States. Majority of suspected or convicted terrorist in the US came from the Western European countries.²⁷ Border related counter-terrorist activities became also an important element of EU-US cooperation in general counter terrorism strategies. Suggested collaboration was to focus on border controls as well as travel documents containing biometric information.²⁸ The EU has been following to

²³ *Combating terrorism. Interview. Gijs de Vries: EU counter-terrorism coordinator, NATO Review autumn 2005.*

²⁴ T. Delpech, *International Terrorism and Europe*, Institute for Security Studies, "Chaillot Papers" 2003, no. 56, pp. 7-8.

²⁵ L. Bryant, *London Bombings Renew Europe's Fears on Borders*, VOA, Paris 21 July 2005.

²⁶ S. A. Rico, *Tourist, Immigrants, Borders and Walls. Inciting Terrorism*, Worldpress.org, 16 January 2007.

²⁷ C. Lo Monaco, *Border security: Line blurs on terrorism*, Tuscon Citizen, 9.11.2006.

²⁸ *The Fight Against Terrorism*, European Union Factsheet, Published by the European Union on the occasion of the EU-US Summit, Washington, 25 June 2003, p. 3.

some extent the US solutions where terrorism prevention was made on of the priority of Border Patrol.²⁹

The third pillar consists of both cross-border cooperation within the Union as well as at her external borders. Internal border softening and in case of Schengen group disappearance (e.g. with regard to border controls) forced the Union to create legal bases for tighter cooperation and institutional solutions embodying them. National police forces cooperate in the framework of Europol, judges and prosecutors within Eurojust, intelligence in the Situation Center and finally border forces using the European Border Agency.³⁰ Even before (e.g. Tampere Council) efforts concentrated also on judicial and police cooperation as the means to fight against crime. There were, among others, decisions on establishing European visa information system and agency that would be responsible for external border management.³¹ So part of the tools, especially related to internal borders, were motivated by another then terrorism phenomena, but might be very usfull in counter-terrorism activities related to border processes. Those kinds of instruments taken at the EU level are for example:

- European Arrest Warrant;
- Common definition of terrorism;
- Europol;
- Eurojust;
- European Border Agency;
- SIS II;
- Visa Information System;
- Biometric data in travel documents.

On the other hand tools related to the external borders seem to be much more dynamically developing as the result of terrorist attacks in the US and then in Europe as well as, as a consequence of constant terrorist threat.

September 11, 2001 attacks in New York facilitated more intensive cooperation between the EU member states to fight against terrorism. As early as on September 21, 2001 the Plan of Action on terrorism was approved by the EU Heads of State and governments making this problem a priority. Strategy for Combating Radicalization and Recruitment was to be prepared. The plan has been updated every six months and implementation level has been also reported. Border controls as a mean of counter-terrorism ware undertaken consisting of different initiatives viewing to “further improving [the EU] Member States’ ability to combat illegal immigration and possible links to terrorist activities; and gradually introducing an integrated and coordinated management of its external borders.”³² They included a Common Unit dealing with external

²⁹ C. LoMonaco, *Border security: Line...*

³⁰ *Combating terrorism. Interview...*

³¹ C. Parsons, *A Certain Idea of Europe*, London 2003, p. 9.

³² *The Fight Against Terrorism*, European Union Factsheet, Published by the European Union on the occasion of the EU-US Summit, Washington, 25 June 2003, p. 2.

borders that helped to implement several joint initiatives. They were conducted at all three types of borders (see, air and land). Additionally pilot projects were established as well as 17 ad hoc centers (among others Risk Analyses Center). There were also works aiming at upgrading the level of travel documents safety by developing Visa Information System and biometric data.³³

In 2002 the president of the European Commission Romano Prodi proposed long term strategy to tighten external border controls, what was to lead to European Corps of Border Guards creation. He argued that those two means were necessary due to expected Eastern Enlargement as well as terrorism, organized crime and uncontrolled immigration.³⁴ Also the Commission emphasizes in the same year the new challenges to internal security with regard to external borders as top priority, where the EU shall possess the means of combating threats that terrorism poses.³⁵ In case of internal, non-control borders, the “flagship of EU counter-terrorism efforts since 9/11 was the introduction of the European Arrest Warrant, basing on mutual recognition of criminal judgments.”³⁶ It was introduced on 1 January 2004 facilitating arrest and extradition procedures within the territory of the EU.

In March 2004 just after Madrid attacks the EU launched an Plan to Combat Terrorism, where security of international transport and effective systems of border controls were declared as strategic objectives.³⁷ At the same time the EU created the post of counter-terrorism coordinator and Gijs de Vries was appointed.³⁸ In November 2004 the Council established FRONTEX, a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (replacing Common Unit of External Border Practitioners). As stated in Council Regulation *the responsibility for the control and surveillance of external borders lies with the Member States. The Agency should facilitate the application of existing and future Community measures relating to the management of external borders by ensuring the coordination of Member States' actions in the implementation of those measures.* Additionally solidarity in external borders management shall be promoted. The main tasks consist of coordination, assistance analyses as well as research.³⁹ The Hague Program contained a list of tools to combat terrorism. Some of them were related to bor-

³³ Ibidem.

³⁴ O. Lungescu, *EU plans joint border police*, BBC News, 8 May 2002.

³⁵ Communication from the Commission to the Council and the European Parliament – Towards Integrated Management of the External Borders of the Member States of the European Union, COM/2002/0233.

³⁶ P. Wilkinson, *International Terrorism: the Changing Threat and the EU's Response*, Institute for Security Studies, “Chaillot Papers” 2005, no. 84, p. 31.

³⁷ Ibidem.

³⁸ *Combating terrorism. Interview...*

³⁹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

ders: exchange of information, border controls, police and judicial cooperation as well as travel documents security.

In May 2005 five year Action Plan for Freedom justice and Security was launched aiming at creating new IT systems and networks. Cross-border travel management was to be integrated and fight against terrorism joined. The plan consisted of ten strategic policy priorities. During the next five years *Schengen Aquis* was to be fully integrated and new information system – Schengen Information System II was to be created. Additionally new agency responsible for borders management was to be created as well biometric identifiers were to be included in the member states passports. Cross border information exchange was to be facilitated.⁴⁰

In November 2005, in the wake of Madrid and London bombings, The European Union Counter-Terrorism Strategy was announced, basing on four postulates: prevent, protect, pursue, respond. 'Respond' part stresses, among others, border security where European institutions shall create a framework for coordinating national policies. Key priorities enumerated here are: enhancement protection of external borders to make it harder for known or suspected terrorists to enter or operate within the EU, introduction of biometrics to the passports, establishing Visa Information System and Schengen Information System, risk analyses development through Frontex, research, ect.⁴¹

In 2006 works were intensified to – basing on solidarity principle – enhance the external border protection by External Borders Found, supporting the states applying *Schengen Aquis* to external borders.⁴²

Technical counter-terrorist measures

The second set of border protection actions related to counter-terrorism (and described by the EU institutions as counter-terrorist) were technical innovations. Border control was to be supported by new detection and surveillance methods making it more advance and effective and, as a result, safeguarding the EU territory from potential terrorist threats. What is relevant here is again motivation – terrorism is only one of the reasons among other (organized crime, illegal immigration, drug smuggling, ect.). Described projects are addressed to external borders understood as guarded external line but also to deterritorialized borders as analyzed above.

⁴⁰ A. Lipowicz, *EU adopts plan to fight terrorism under open-borders agreement*, Washington Technology 5 October 2005.

⁴¹ The European Union Counter-Terrorism Strategy, 14469/4/05, Brussels 10 November 2005.

⁴² Projekt Rezolucji Legislacyjnej Parlamentu Europejskiego w sprawie wniosku dotyczącego decyzji Parlamentu Europejskiego i Rady ustanawiającej Fundusz Granic Zewnętrznych na lata 2007-2013 jako część programu ogólnego "Solidarność i zarządzanie przepływami migracyjnymi" (COM(2005)0123 – C6-0125/2005 – 2005/0047(COD)).

The leading role in technical innovation initiating was taken by the European Commission. It has been supporting several research projects aiming at new policing, counter-terrorism and border protection technologies. Police forces, custom officers and border patrols in Europe are to be helped with hi-tech equipment for surveillance and anti-terrorism.

European Commission is planning to tighten borders against terrorism and illegal immigration introducing a plan worth of approximately 0,7 billion euro.⁴³ It created in European Security Research Advisory Board (ESRAP). The Board might be consulted by the Commission on issues related to European Security Research Programme (ESRP). Preparatory Action for the EU Security Research Programme 2004–2006 (PASR) contained only in the first step twenty four security projects worth about 30 million euro, then the program has been continued.⁴⁴ First of its aims was defined as *improving situation awareness* and was related to surveillance and intelligence gathering. Ten of the projects could be located in this area. Three of them were directly related to the border protection and border controls. They were SOBCAH, TERASEC and PROBANT.⁴⁵

Safer European Borders, called previously Surveillance of Borders Coastlines, and Harbours (SOBACAH). It was addressed to the problem of illegal emigration, smuggling drugs and terrorism. What is interesting the project deals with both land and coast borderlines (accordingly six and eighty five thousand kilometers) and shall create a proposal of *technical and operational solutions*. The project is led by Galileo Avionica (Finmeccanica) company from Italy when Thales UK is responsible for the architectural framework.⁴⁶ The main goals of SOBACAH is “to identify the main threats relevant to ‘green’ and ‘blue’ borders, to elaborate the most suitable architectural solutions based on the most advanced existing sensors and network technologies and to execute a proper modeling of the established solutions.” The new technology is to be validated in the port of Genova, described as “significantly exposed to terrorist attacks.”⁴⁷ The system is to base on sensors (electro-optics, radar, sonar, Smart Container System linked with Satellite Movement Control as well as Early Warning System) and data fusion giving together the whole picture of threats.⁴⁸

⁴³ *European Commission plans spyplanes to patrol EU borders*, Europe Immigration News 5 June 2006.

⁴⁴ For detailed information on progress in security research, calls for proposal, accepted projects, ect., please see: *Official webpage of the European Union, Enterprise and Industry, Security Research*, http://ec.europa.eu/enterprise/security/index_en.htm.

⁴⁵ B. Hayes, *Arming Big Brother. The EU's Security Research Programme*, Transnational Institute Briefing, Series no. 1, 2006, pp. 27–28.

⁴⁶ *Ibidem*, p. 28.

⁴⁷ *SOBACAH – Surveillance of Borders Coastlines, and Harbours*, presentation Ispra 30–31 March 2006.

⁴⁸ *Ibidem*.

Active Terahertz Imaging for Security (TERASEC) aims at improving detection of luggage and letters. The system is to find explosives, chemicals and pathogens and is based on terahertz radiation (alternative to dangerous X-ray) and advanced sensors. The system might be used, among others in the airports. German Institute of Planetary Research is leading the project where 14 partners (industrial companies and universities) are involved.⁴⁹ As a result of system's implementation "support for governments, agencies, and public authorities to protect the public against terrorism will be given."⁵⁰

People Real-Time Observation in Buildings: Assessment of New Technologies in Support of Surveillance and Intervention Operations (PROBANT) project concentrates on "visualization and tracking of people inside buildings and will integrate technological novelties like arrays of sensors, modulated scattering, pulsed signal techniques, advanced data processing, biometric measurements."⁵¹ People hidden behind walls and their movements will be monitored as well as biometric data will be measured.⁵² The project is led by French company Satimo.

The European Union is involved in at least four other projects that are related to border security and border control as well as security research. First of them is Galileo system public-private initiative, where European Commission and European Space Agency are participating in. It consists of 30 ground stations and satellites that might be used for objects location and – among others – justice systems and customs services, e.g. location of suspects and border controls. The project also involves two private consortia iNavSatand (EADS, Inmarsat, Thales France) and Eurely (Alcatel, Finmeccanica, Hispasa).⁵³

Another tool of counter terrorism was introduction of biometrics. They include it the case of the EU scanned fingerprints as well as digitized photos.⁵⁴ They shall be included into documents issued by the member states: passports, visas and residence permits. All those will be on a large scale used at the borders. There are also propositions to store date in the mentioned documents on radio frequency identification chips RFID that might be read form a distance by special detectors.⁵⁵

⁴⁹ Deutsches Zentrum für Luft- und Raumfahrt, Institut für Planetenforschung, www.dlr.de, 5 February 2007.

⁵⁰ *Active Terahertz Imaging for Security*, Directorate General Enterprise and Industry, Security Research, Information Leaflet, Brussels 2004.

⁵¹ B. Hayes, *Arming Big Brother...*, p. 29.

⁵² *People Real-Time Observation in Buildings: Assessment of New Technologies in Support of Surveillance and Intervention Operations*, Directorate General Enterprise and Industry, Security Research, Information Leaflet, Brussels 2004.

⁵³ B. Hayes, *Arming Big Brother...*, p. 29.

⁵⁴ Council Regulation (EC) No. 15152/2004 on Standards for Security Features and Biometrics in Passports and Travel Documents Issued by the Member States.

⁵⁵ B. Hayes, *Arming Big Brother...*, p. 30.

Further border protection related project is Border Surveillance by Unmanned Aerial Vehicles (BSUAV) that is to “understand the problems posed by various types of borders and to define realistic UAV based systems that would answer those problems.”⁵⁶ Similar technologies used to be applied for military purposes by the European states. Now his approach is changing due to the change of border protection challenges. European Commission is planning to use them to patrol the borders of the entire Union. Unmanned aircraft, equipped with cameras are planned to watch the borders of the European Union starting from the English Channel, Balkans and Mediterranean coast.⁵⁷

Standardization of the Technical Interface Between a Secure Container and a Data Reader at a Port or Border Crossing (SECCOND) is to be a network initiating standardization of the technical interface between a secure container or vehicle and a data reader at a port or border crossing. The project is led by Thales Research and Technology from the UK.⁵⁸

Most of the European border counter-terrorism steps related to technology and IT are almost automatically put into question by human rights and citizen liberties defenders and are seen by them a serious threat for democracy. Security stays then in opposition to liberty. The research initiative of the EC was considered as dangerous for the human rights and liberties by many civil rights groups. They saw it as legally (was not previously consulted with European Parliament and member states) and morally (resulting from military industry pressure) doubtful.⁵⁹

At the same time what is noted is illusory nature of achieved security. In case of technical innovations in counter-terrorist border protection two elements might be mentioned. First of all border tightening as a counter terrorist tool might lead to the opposite effect. ‘Fortress Europe’ is becoming in that case more and more distant and hostile to the surrounding world. At the same time potential for terrorism is located also – if not first of all – within the borders of the EU (The New York attacks were designed in Hamburg, Germany, groups involved in Madrid attacks were active in many Western European states starting from Scandinavia and ending in Spain).⁶⁰ Second, application of technical innovations especially at the external EU borders creates a danger of passiveness in fighting with the sources and reasons of terrorism. Again isolation might be effective in a short time as an attractive solution that will on the other hand fail in the long run perspective.

⁵⁶ Ibidem, p. 31.

⁵⁷ S. Carrell, *Revealed: robot spyplanes to guard Europe's borders*, The Independent, 4 June 2006.

⁵⁸ *13 new security research project to combat terrorism*, European Commission Press Releases, MEMO/05/277, Brussels 2 August 2005.

⁵⁹ S. Carrell, *Revealed: robot spyplanes ...*

⁶⁰ C. Wikstrom, *EU fails to curb terrorism within its borders*, “International Herald Tribune,” 6 June 2005.

Tools and systems created to protect borders tempt European politicians and bureaucrats to use them in much wider form. As Charles Clark, UK Home Secretary, said "we need to be sure that we do not impose unnecessary restrictions on our law enforcement agencies on the use of data, including data collected for use principally at the borders, which they could use to combat serious crime and terrorism. In making these judgments we need to reflect in each case on the balance between the civil liberty being effected and the increased security being achieved to ensure any changes we make to the status quo are proportionate and reasonable."⁶¹

Border counter – terrorism strategies and further development of integration processes

Despite the fact that border protection does not play the most important role in counter-terrorism, it is visible and relevant in the EU policies. Additionally the interrelations between those two contribute to deepening of the integration process and widening the scope of integration.

At the very beginning border cooperation (in Schengen form) was an initiative of the Member States caused by the previous economic integration decision. Together with its development it became more relevant for the European cooperation structure. External threats in the form of – among other – terrorism accelerated works on more advanced solutions and contributed to change imposing.

Schengen implementation took a long time as the states saw border controls as very sensitive area. Initially purely intergovernmental, by Amsterdam Treaty "allows the Union to control the external borders from a" more "supranational position rather than" only "intergovernmental position," basing however on Councils unanimity for *Achengen Aquis* implementation.⁶² Part of it was moved to the First Pillar, making it a part of Community law, part to the Third Pillar dealt⁶³ intergovernmentally.

One of the propositions deepening this direction was the European Corps of Border Guards initiative. It was to create international forces patrolling external borders, "which would have a function of supporting the national services of the Member States, but not replacing them."⁶⁴ It could be seen as

⁶¹ UK Presidency of the EU speech on civil liberties and terrorism, Speech by Charles Clark, UK Home Secretary, to the European Parliament – 7 September 2005.

⁶² D. W. Boettcher, *The Impossibility of Schengen: a Multi-Level Game Analysis of the State of Refugees and Asylum in the European Union*, "The Online Journal of Peace and Conflict Resolution," Issue 2.5/3.1, March 2000.

⁶³ A. Wiener, *Forging Flexibility – the British 'No' to Schengen*, ARENA Working Papers WP 00/1.

⁶⁴ Speech by António Vitorino European Commissioner for Justice and Home Affairs at the Ministerial Conference on External Borders at the Ministerial Conference on External Borders Rome, 30 May 2002, Speech/02/243.

suproanationalization of border protection but also as mistrust towards new members' abilities and reliability. As solution related to sensitive area of security it was not agreed on by some of the Member states and as a result the project collapsed. Now "the idea of European border guards seems to be a distant future and moving whole units of Polish border guards to the Turkish-Greek border or Germans on the Hungarian-Ukrainian border is not necessarily rational."⁶⁵ On the other hand the need for collectively supported and managed border security strengthening was recognized and institutionalized in European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union creation.⁶⁶

A the same time internal borders liberalization together with the new security challenges intensified cooperation in the field of judicial cooperation. Together with Maastrich and especially Amsterdam Treaties some areas as asylum went in the EU sphere, where Tampere Council established certain bodies: Eurojust and European Judicial Network. The policies form a system of shared data and centralized bodies.⁶⁷

Divisions in further development of the EU governance in the area of internal security follows two cleavages: supranationalism vs. intergovernmentalism and centralism vs. decentralism. In case of the later centralism (potentially leading to supranationalism), preferred for example by Germany, assumes strong centrally coordinated agencies, decentralism (corresponding with intergovernmentalism), supported by the UK sees information exchange and coordination as key elements.⁶⁸

On the other hand terrorist attacks did not make the member states more eager to collaborate more intensively in the area of intelligence, the role of Eurojust was in practice restricted. Also European Arrest Warrant was undermined by some member states preferring national control over unconditional transfer of suspects.⁶⁹ Security as one of the most sensitive areas and one of the most important determinants of self-determination and sovereignty is preferred to stay in national hands. Despite that the question of reasons of progress could be posed. One of the explanations could go towards seeing it as a consequence of previous developments following the functional spill over effect. To-

⁶⁵ J. Apap, J. Boratynski, M. Emerson, G. Gromadzki, M. Vahl, N. Whyte, *Friendly Schengen Borderland Policy on the New borders of an Enlarged EU and its Neighbors*, A collective CEPS-Batory Foundation paper, prepared for the conference New European Borders and Security Cooperation, Brussels 6-7 July 2001, p. 15.

⁶⁶ M. Krystyniak, *European Border Agency as an Element of the EU's border Management System*, "The Polish Diplomatic Review" 2005, no. 3.

⁶⁷ *The Institute of Study for Civil Society*, www.civitas.org.uk, 2 January 2007.

⁶⁸ K. Henderson, P. Lynch, V. Mitsilegas, J. Monar, G. Wyn Rees, *Towards the New European Governance of 'Internal Security'. Challenges, Objectives and Structures*, Unpublished paper, 2000.

⁶⁹ P. Wilkinson, *International Terrorism: the...*, p. 31.

gether with four freedoms, border differentiation and diminishing role of the internal ones, external has to be strengthened. Border counter-terrorist protection is then in practice the necessity not a choice. Craig Parsons suggests three explanations of institution building: structural, institutional and constructivist. The first one assumes that structural circumstances create specific institutions due to similar preferences and interests of individuals (e.g. security, welfare). Second sees top down created institutions as influencing surrounding environment. Third is related to the ideas the main actors hold and are embodying those ideas.⁷⁰ If the border cooperation in counter-terrorism context would be evaluated from the institution building point of view, constructivist approach would have to be abandoned and structural as institutional approach seem to have the most powerful explanatory value.

Terrorism threat has been influencing the debate on further integration logics. At the level of European Parliament voices might be heard stressing the need of political role of the European Union in solving this problem what is often linked with appeals of qualified majority voting as well as co-decision with Parliament to achieve improvements on home affairs issues.⁷¹

Conclusions

Border protection as a part of counter-terrorism strategy is well settled and well described in the EU security activities. But it is always a minor part of wider policies: border protection is on the one hand only one of the elements of the fight with terrorism among other like prevention from radicalization, cooperation with third countries, etc. On the other hand stricter external border protection is motivated mainly by illegal immigration limitation and organized crime prevention, where counter-terrorism is only one of the aims. Additionally due to deterritorialization of border controls and differentiation of borders in the EU many other projects and policies contribute de facto to border counter-terrorism.

Borders are being treated in counter-terrorist activities two dimensionally: as the subject of legal and institutional efforts and as a training ground for technical protection innovations. The former is influenced by changing political context of internal and external borders when the later is often exemplary for other forms of cooperation, and additionally is again a subject of deterritorialization.

Border cooperation in counter-terrorism strategy context seems to contribute to deepening and widening integration process and to centralization and supranationalisation of specific areas. The process is at the same time very difficult due to sovereignty paradigm in security areas.

⁷⁰ C. Parsons, *A Certain Idea...*, pp. 4-5.

⁷¹ *Deepen EU cooperation on terrorism and justice, say MEPs and nationalMPs*, "European Parliament News", 4 October 2006.