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The actorness of the European Union in the fight against terrorism

How Critical Junctures drive Securitization

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Table of contents.

1. Introduction.....	4
1.1. The origins of terrorism.	5
1.2. The universal definition of terrorism.	8
2. Argumentation.	17
2.1. Methodology.	17
2.2.1. Critical Juncture #1: the Munich Massacre in 1972.....	29
2.2.2. Critical Juncture #2: the Pan Am Flight 103 in 1988.....	33
2.2.3. Critical Juncture #3: the Omagh Bombing in 1998.....	36
2.2.4. Critical Juncture #4: 9/11 in 2001.	38
2.2.5. Critical Juncture #5: 11M in 2004.....	41
2.2.6. Critical Juncture #6: 7/7 in 2005.	44
2.2.7. Critical Juncture #6: the Paris Attacks in 2015.	47
2.2.8. Critical Juncture #7: the Brussels Bombings in 2016.	50
3. Conclusion.	52
4. Bibliography	58

1. Introduction.

Terrorism: people know what it is and how it looks like. Jeremy Wisniewski defines terrorism as “Violence during peace or war against non-combatants”¹. Terrorism, despite the universal comprehension, still lacks a universal definition. Bruce Hoffman explains that “(...) people have a vague idea or impression of what terrorism is, but lack a more precise, concrete, and truly explanatory definition”². The consequence identified by therefore consists in over 250 definitions of terrorism across the literature³.

Émile Lahoud explains that “It is not enough to declare war on what one deems terrorism without giving a precise and exact definition”. Boaz Ganor established 8 merits of formulating a universal definition of terrorism⁴: 1) “Developing an effective (...) strategy requires agreement (...)”; 2) “International mobilization (...) cannot lead to operational results as long as the participants cannot agree on a definition”; 3) “Without a definition, it is impossible to formulate or enforce international agreements against terrorism”; 4) “Although many countries have signed bilateral and multilateral agreements concerning a variety of crimes, extradition for political offences is often explicitly excluded, and the background of terrorism is always political”; 5) “The definition (...) will be the basis and the operational tool for expanding the international community's ability to combat terrorism”; 6) “It will enable legislation and specific punishments against those perpetrating, involved in, or supporting terrorism (...)”; 7) “At the same time, the definition of terrorism will hamper the attempts of terrorist organizations to obtain public legitimacy, and will erode support (...)”; 8) “The operational use of the definition of terrorism could motivate terrorist organizations, due to moral and utilitarian considerations, to shift from terrorist activities to alternate courses (...), thus reducing the scope of international terrorism”.

Alex Schmid explains that the formulation of a universal definition of terrorism has been such a challenge because of 4 variables: 1) “Because terrorism is a contested concept (...)”; 2) “Because the definition is linked to legitimization, delegitimization, and criminalization (...)”; 3) “Because there are many types of terrorism (...)”; and 4) “Because terrorism term has undergone changes of meaning (...)”⁵.

All-in-all, the lack of a definition vis-à-vis terrorism feeds perspective identified by Gerald Seymour that “One man's terrorist is the other man's freedom fighter”⁶. The international community has been attempting to tackle the fundamental challenges

¹ Wisniewski, Jeremy. (2008). “Torture, Terrorism, and the Use of Violence”. Cambridge Scholars Publishing.

² Hoffman, Bruce. (1998). “Inside Terrorism”. Columbia University Press.

³ Schmid, Alex. (2011). “The Routledge Handbook of terrorism research”. Taylor & Francis.

⁴ Boaz, Ganor. (2010). “Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter”. International Institute for Counter-Terrorism.

⁵ Schmid, Alex. (2004). “Terrorism - The Definitional Problem”. Case Western Reserve University. <https://scholarlycommons.law.case.edu/jil/vol36/iss2/8/>.

⁶ Seymour, Gerald. (1975). “Harry's Game”. The Overlook Press. Transnational Publishers.

launched by terrorism since the 1930s⁷. The European Union has been, however, the actor that has taken the most steps in the fight against terrorism.

The present dissertation has been entitled “The actorness of the European Union in the fight against terrorism: how Critical Junctures drive Securitization”. The ambition consists in filling the gap in the literature about the nexus between terrorism and the European Union. The research studies particular examples, such as Madrid in 2004, London in 2005, Paris in 2016, Brussels in 2016, London in 2017, Barcelona in 2017, and Strasbourg in 2018, and particular tools, such as Europol, Interpol, European Arrest Warrant, Counter Terrorism Coordinator, and Counter Terrorism Group. The present dissertation therefore aims to solve the ambiguity vis-à-vis the fight against terrorism by the European Union. The fundamental argument namely establishes that the European Union has conducted the securitization of terrorism through Critical Junctures between periods of salience and obscurity, which drives ambiguity. The timeframe covers the period between 1975 and 2022.

The present dissertation applies a triple structure: the Introduction will conclude by establishing the origins and the universal definition of terrorism to lay a foundation for the research; the Argumentation will explain the methodology, namely the paradigm laid on the nexus between Securitization and Critical Junctures, and the Critical Junctures that led to the Securitization of terrorism in European Union; the Conclusion will aggregate the results.

1.1. The origins of terrorism.

History traces three origins of terrorism: the Sicarii, the Order of Assassins, and the Reign of Terror. The Sicarii refers to the faction of the Zealots, a political and religious movement during the Jewish War between 66 and 70 that applied a range of strategies to incite the citizens of Judea to exile the Roman Empire from the Holy Land⁸. The Sicarii assassinated Romans in public with sicas concealed under cloaks⁹. The Order of Assassins refers to the Nizari sect of Shia Islam that operated in Syria and Persia between 1090 and 1275¹⁰. Hassan-i Sabbāh founded the organization, that ruled from the Masyaf Castle in Syria and the Alamut Caste in Persia. The literature describes the Order of Assassins as a unit, although only the Fedayeen, meaning fighters who were apt and willing to sacrifice lives within the framework of larger purposes¹¹, actually engaged in combat. The Order of Assassins therefore relied on the Fedayeen for spying and assassinating any enemies, both Christian and Muslim¹². The Fedayeen targeted

⁷ Ramraj, Victor; Hor, Michael; Roach, Kent. (2009). “Global Anti-Terrorism Law and Policy”. Cambridge University Press.

⁸ Goodman, Martin. (2008). “Rome and Jerusalem: The Clash of Ancient Civilizations”. New York City: Vintage Books.

⁹ Pichtel, John. (2011). “Terrorism and WMDs: Awareness and Response”. CRC Press.

¹⁰ Lewis, Bernard. (2002). “The Assassins”. Basic Books.

¹¹ Rea, Tony & Wright, John. (1997). “The Arab-Israeli Conflict”. OUP Oxford.

¹² Wasserman, James. (2001). “The Templars and the Assassins: The Militia of Heaven”. Destiny Books.

assassinations in public with daggers to trigger intimidation¹³. The Reign of Terror refers to the period between the First Republic in 1792 and the French Revolution in 1789 characterized by executions and even massacres in public to squash the popular riots¹⁴. Maximilien Robespierre constituted one of the leaders of the French Revolution¹⁵ who co-organized the Insurrection of 10 August 1792, when the Republicans stormed the Tuileries Palace against the Royalists, arrested Louis XVI, and established the First Republic¹⁶.

The Reign of Terror describes the public executions committed by the Committee of Public Safety under the leadership of Maximilien Robespierre¹⁷. Terror actually dates to the Thermidorian Reaction between 1794 and 1795 following the Coup d'État of 9 Thermidor that culminated in the arrest and execution of Maximilien Robespierre¹⁸, when the National Convention launched a split from the policies of the Committee of Public Safety¹⁹.

The origins of terrorism therefore point towards a set of three fundamental characteristics: 1) The threat of the use or the use of violence; 2) The violence targets the civilian population; 3) The author incites the civilian population to forge pressure towards the compliance of a political objective. The Sicarii and the Order of Assassins therefore coined the dimension of publicity, while the Reign of Terror coined the dimension of terror.

The Global Terrorism Database constitutes the database established by the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland in the United States that traced 200 000 examples of terrorism since 1970. The Global Terrorism Index constitutes the annual report established by the Institute for Economics and Peace that identifies trends in terrorism through the data compiled by the Global Terrorism Database.

The Global Terrorism Index 2020 established that terrorism decreases in the World since 2014. Deaths caused by terrorism decreased by 59% between 2014 and 2019 from 33 438 to 13 826²⁰. Incidents caused by terrorism decreased by 50% between 2014 and 2019 from 17 000 to 8 500. The economic damage caused by terrorism decreased by 81% between 2014 and 2019 from 67,8 billion \$ to 26,4 billion \$.

¹³ Daftary, Farhad. (1998). "A Short History of the Ismailis: Traditions of a Muslim Community". Edinburgh University Press.

¹⁴ Livesey, James. (2001). "Making Democracy in the French Revolution". Harvard University Press.

¹⁵ Desan, Suzanne, Hunt, Lynn, & Nelson, William Max. (2013). "The French Revolution in Global Perspective". Cornell University Press.

¹⁶ Jordan, David. (2013). "Revolutionary Career of Maximilien Robespierre". Free Press.

¹⁷ Linton, Marisa. "The Terror in the French Revolution". Kingston University.

¹⁸ McPhee, Peter. (2012). "Robespierre: A Revolutionary Life". Yale University Press.

¹⁹ Scurr, Ruth. (2007). "Fatal Purity: Robespierre and the French Revolution". Metropolitan Books.

²⁰ Institute for Economics & Peace. (2020). "Global Terrorism Index 2020: Measuring the Impact of Terrorism". Sydney. <http://visionofhumanity.org/reports>.

Terrorism has been anchored in the Middle East and North Africa since 2001²¹. Deaths caused by terrorism reached 96 360 in the Middle East and North Africa between 2002 and 2019. Deaths caused by terrorism in the Middle East and North Africa, however, decreased by 87% since 2016. The economic damage caused by terrorism in the Middle East and North Africa decreased by 63% between 2018 and 2019 from 8,7 billion \$ to 4,7 billion \$.

The Global Terrorism Index 2020 therefore confirms that terrorism decreases in the World. The evidence, however, points towards a shift rather than a decrease or an increase. The shift namely occurs from the Middle East and North Africa towards South Asia and Sub-Saharan Africa²². Deaths increased between 2018 and 2019 from 1 to 266 in Sri Lanka, from 86 to 593 in Burkina Faso, from 427 to 592 in Mali, from 131 to 319 in Mozambique, and from 410 to 559 in the Democratic Republic of the Congo. Deaths caused by terrorism reached 74 087 in South Asia and 49 791 in Sub-Saharan Africa between 2002 and 2019²³.

The West refers to the nations and states located in Europe and North America^{24,25}. The Clash of Civilizations argued that the foundation of conflict following the Cold War stands along the lines of culture and religion rather than ideology and politics^{26,27} and that therefore a civilization constitutes the most fundamental identification. The World currently houses 9 civilizations: West, Orthodox, Latin American, Sinic, Japanese, Islamic, African, Hindu, and Buddhist. The fundamental dimension of conflicts sits along “The West and the Rest”²⁸.

The West reached the apex of terrorism in 2015 and 2016, following 340 incidents in 2015 and 233 deaths in 2016²⁹. The Global Terrorism Index 2020 identifies religious terrorism as the first and political terrorism as the second terrorist threats faced by the West. The toll caused by terrorism strikes all civilizations, although the Islamic, African, Hindu, and Buddhist have statistically suffered the most, while the West statistically suffered the least. The period between 2002 and 2019 identified 236 422 deaths caused by terrorism in the World compared to 1 215 deaths in the West.

Religious terrorism has been the most deadly face of terrorism in the West. Islamic terrorism caused 814 deaths in the West between 2002 and 2019, while the Islamic

²¹ Cordesman, Anthony. (2017). “Tracking the Trends and Numbers: Islam, Terrorism, Stability, and Conflict in the Middle East”. Center for Strategic & International Studies (CSIS). https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/170215_MENA_Islam_Terrorism.pdf.

²² Lutz, Bernda & Lutz, James. (2015). “Globalization and Terrorism in the Middle East”. Perspectives on Terrorism. https://www.jstor.org/stable/26297432?seq=1#metadata_info_tab_contents.

²³ Institute for Economics & Peace. (2020). “Global Terrorism Index 2020: Measuring the Impact of Terrorism”. Sydney. <http://visionofhumanity.org/reports>.

²⁴ Stearns, Peter. (2003). “Western Civilization in World History”. Routledge.

²⁵ Huntington, Samuel. (2002). “The Clash Of Civilizations And The Remaking Of World Order”. Simon & Schuster.

²⁶ Haynes, Jeffrey. (2021). “A Quarter Century of the Clash of Civilizations”. Routledge.

²⁷ Hendrikson, Hollie. (2016). “Summary of The Clash of Civilizations and the Remaking of World Order”. Beyond Intractability. <https://www.beyondintractability.org/bks/sum/huntington-clash>.

²⁸ Scruton, Roger. (2003). “The West and the Rest: Globalization and the Terrorist Threat”. Continuum.

²⁹ Institute for Economics & Peace. (2020). “Global Terrorism Index 2020: Measuring the Impact of Terrorism”. Sydney. <http://visionofhumanity.org/reports>.

State of Iraq and the Levant claimed 471 deaths through 78 incidents between 2014 and 2019. Political terrorism, however, has been the most popular face of terrorism in the West. Deaths caused by Far-Right terrorism in the West increased by 709% between 2014 and 2019 from 11 to 89.

The merit of studying terrorism in the West stems from a couple of variables: 1) The League of Nations formulated the first definition of terrorism within the framework of the Convention for the Prevention and Punishment of Terrorism in 1937³⁰. The West therefore laid the foundation to comprehend, prevent, and fight terrorism, even though only 0,51% of deaths caused by terrorism occur in the West; 2) The United States and the Member States of the European Union launched an abundance of tools to fight terrorism, such as the War on Terror, the PATRIOT Act, the Homeland Security Act, Operation Chammal, Operation Barkhane, the Joint Counter-Terrorism Centre, and the Joint Terrorism and Extremism Prevention Centre. The tools launched by the European Union, however, remain ambiguous even after the Security Union Strategy and the Counter-Terrorism Agenda.

The present dissertation therefore aims to trace the securitization of terrorism by the European Union. The timeframe covers the period between 1975 and 2022. The literature studies the definition, the History, the causes, the strategies, and the incidents. The merit therefore consists in bridging the gap in the literature by tracing and establishing the securitization of terrorism by the European Union through the identification of critical junctures.

1.2. The universal definition of terrorism.

The international community has been pursuing a universal definition of terrorism since the 1900s. The first shot namely dates to the Convention for the Prevention and Punishment of Terrorism by the League of Nations in 1937. Article 1 establishes that “Acts of terrorism mean criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons, or the general public”. Article 2 establishes that “Terrorist Acts” refer to five examples of crimes. First, “Any willful act causing death or grievous bodily harm or loss of liberty to: Heads of State, persons exercising the prerogatives of the Head of State, their hereditary or designated successors; the wives or husbands of the above-mentioned persons; persons charged with public functions or holding public positions when the act is directed against them in their public capacity”. Second, “Willful destruction of or damage to public property or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party”. Third, “Any willful act calculated to endanger the lives of members of the public”. Fourth, “Any attempt to commit an offence falling within the foregoing provisions (...)”. Fifth, “The manufacture, obtaining, possession, or supplying of arms, ammunition, explosives or harmful substances with the view to the commission in any country

³⁰ Saul, Ben. (2006). “The Legal Response of the League of Nations to Terrorism”. *Journal of International Criminal Justice*. <https://academic.oup.com/jicj/article-abstract/4/1/78/822012?redirectedFrom=PDF>.

whatsoever of an offence (...). Article 3 establishes that “Each of the High Contracting Parties shall make the following acts criminal offences when they are committed on his own territory with a view to a terrorist act (...)” and enumerates five examples: first, “Conspiracy to commit any such act”; second, “Any incitement to any such act (...)”; third, “Direct public incitement (...), whether the incitement be successful or not”; fourth, “Willful participation in any such act”; and fifth, “Assistance, knowingly given, towards the commission of any such act”. Article 9 and Article 10 both tackle extradition for terrorism³¹, which refers to the pursuit of a person under an accusation or a conviction for a crime between jurisdictions³².

Article 9 namely states that “When the principle of extradition of nationals is not recognized by a High Contracting Party, nationals who have returned to the territory of their own country after the commission abroad of an offence (...) shall be prosecuted and punished in the same manner as if the offence had been committed on that territory, even in a case where the offender has acquired his nationality after the commission of the offence”, while Article 10 states that “Foreigners who are on the territory of a High Contracting Party and who have committed abroad any of the offences (...) shall be prosecuted and punished as though the offence had been committed in the territory of that High Contracting Party (...)”.

The Convention for the Prevention and Punishment of Terrorism therefore laid the foundation to fight terrorism. Article 1 namely established a definition of terrorism, while Article 2 established the criminalization of terrorism. The international community, however, failed to reach an agreement. The ratification never occurred³³.

The second shot dates to the Comprehensive Convention on International Terrorism by the United Nations in 1996. The United Nations General Assembly established the Ad Hoc Committee in 1997. The Resolution 51/210 “Decides to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies (...), to elaborate an international convention (...), to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism”, “Decides also that the Ad Hoc Committee will meet from 24 February 1997 to 7 March 1997 to prepare the text of a draft international convention (...)”, “Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work”, “Requests the Ad Hoc Committee to report to the General Assembly (...) on progress made towards the elaboration of the draft convention”, and “Recommends that the Ad Hoc Committee (...) to continue

³¹ Joyner, Christopher. (2002). “International Extradition and Global Terrorism: Bringing International Criminals to Justice”. Law Journal Library, LA Int'l & Comp Rev.

³² Sadoff, David. (2016). “Bringing International Fugitives to Justice: Extradition and its Alternatives”. Cambridge University Press.

³³ Schmid, Alex. (2004). “Terrorism - The Definitional Problem”. Case Western Reserve University. <https://scholarlycommons.law.case.edu/jil/vol36/iss2/8/>.

its work (...)”³⁴³⁵. The Ad Hoc Committee pushed towards the ratification of three treaties³⁶.

The International Convention for the Suppression of Terrorist Bombings has been ratified in 1997 and criminalizes the terrorist application of explosives by reinforcing international cooperation, investigation, and prosecution³⁷.

The International Convention for the Suppression of the Financing of Terrorism has been ratified in 1999 and criminalizes terrorism financing³⁸ by reinforcing international cooperation, prevention, investigation, and prosecution. The fundamental merit stems from Article 2, which defines the financing of terrorism: “Any person commits an offence (...) if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out (...) any (...) act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act”.

The International Convention for the Suppression of Acts of Nuclear Terrorism has been ratified in 2005 and criminalizes nuclear terrorism³⁹ reinforcing international cooperation, prevention, investigation, and prosecution. The fundamental merit stems from Article 2, which defines nuclear terrorism: “Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally possesses radioactive material or makes or possesses a device with the intent to cause death or serious bodily injury or with the intent to cause substantial damage to property or to the environment, or uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material with the intent to cause death or serious bodily injury or with the intent to cause substantial damage to property or to the environment or with the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act”.

³⁴ Diaz Paniagua, Carlos Fernando. (2008). “Negotiating Terrorism: The Negotiation Dynamics of Four UN Counter-Terrorism Treaties, 1997-2005”. Pontifical Gregorian University & City University of New York. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1968150.

³⁵ Ruder, Nicole; Nakano, Kenji; Aeschlimann, Johann. (2017). “The GA Handbook: A Practical Guide to the United Nations General Assembly”. New York: Permanent Mission of Switzerland to the United Nations. https://www.eda.admin.ch/dam/mission-new-york/en/documents/UN_GA_Final.pdf.

³⁶ Hmoud, Mahmoud. (2006). “Negotiating the Draft Comprehensive Convention on International Terrorism: Major Bones of Contention Get access Arrow”. Journal of International Criminal Justice. <https://academic.oup.com/jicj/article-abstract/4/5/1031/835064?redirectedFrom=PDF#no-access-message>.

³⁷ Witten, Samuel. (2017). “The International Convention for the Suppression of Terrorist Bombings”. Cambridge University Press.

³⁸ Jacobson, Michael. (2010). “Terrorist Financing and the Internet”. Studies in Conflict & Terrorism. <https://www.tandfonline.com/doi/full/10.1080/10576101003587184>.

³⁹ Bunn, Matthew. (2005). “Preventing a Nuclear 9/11”. <https://issues.org/bunn/>.

The International Convention for the Suppression of Terrorist Bombings, the International Convention for the Suppression of the Financing of Terrorism, and the International Convention for the Suppression of Acts of Nuclear Terrorism therefore tackled specific faces of terrorism. The Comprehensive Convention on International Terrorism, however, has been stuck in a stalemate over the most fundamental question: the definition of terrorism. The United Nations General Assembly strived to forge a universal definition of terrorism, and a legal framework to reinforce cooperation, and to prosecute terrorism. The stalemate over the universal definition of terrorism stems from the opposition of a couple of actors within the United Nations General Assembly. Both seek exceptions to protect interests: the United States wishes to exclude acts committed by the armed forces during peacetime; and the Organization of Islamic Countries wishes to exclude acts committed by National Liberation Movements⁴⁰. The stalemate over universal definition of terrorism by the international community drives the pursuit of particular definitions of terrorism. The scientific community, for example, came up with a couple of proposals⁴¹.

Leonard Weinberg, Ami Pedahzur, and Sivan Hirsch-Hoefler studied 73 definitions of terrorism to forge a consensual definition of terrorism based on the lowest common denominator: “Terrorism is a politically motivated tactic involving the threat or use of force or violence in which the pursuit of publicity plays a significant role”⁴². Alex Schmidt, however, observes that such a definition fails to “Reference perpetrators or victims, mention fear or terror, mention motive or goal, mention non-combatant targets, and mention the criminal and immoral nature of the tactics”⁴³.

Alex Schmidt therefore forged a comprehensive definition of terrorism based on a consensus of the scientific community which stands on 16 variables: “Terrorism is an anxiety-inspiring method of repeated violent action, employed by clandestine individual, group, or State actors, for idiosyncratic, criminal, or political reasons, whereby – in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat-based and violence-based communication processes between the terrorist and the victims are used to manipulate the main target audience, turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought”⁴⁴.

⁴⁰ Schmid, Alex. (2004). “Terrorism - The Definitional Problem”. Case Western Reserve University. <https://scholarlycommons.law.case.edu/jil/vol36/iss2/8/>.

⁴¹ Senechal de la Roche, Roberta. (2004). “Toward a Scientific Theory of Terrorism”. American Sociological Association, Theories of Terrorism: A Symposium. <https://www.jstor.org/stable/3648954>.

⁴² Weinberg, Leonard; Pedahzur, Ami; Hirsch-Hoefler, Sivan. (2004). “The Challenges of Conceptualizing Terrorism”. Terrorism and Political Violence.

⁴³ Schmid, Alex. (2004). “Terrorism - The Definitional Problem”. Case Western Reserve University. <https://scholarlycommons.law.case.edu/jil/vol36/iss2/8/>.

⁴⁴ Schmid, Alex & Jongman, Albert. (2005). “Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature”. Routledge.

Alex Schmid updated the comprehensive definition by shrinking the variables from 16 to 12 founded on the consideration of 260 definitions: “Terrorism refers (...) to a doctrine about the presumed effectiveness of a special form or tactic of fear-generating, coercive political violence and, on the other hand, to a conspiratorial practice of calculated, demonstrative, direct violent action without legal or moral restraints, targeting mainly civilians and non-combatants, performed for its propagandistic and psychological effects on various audiences and conflict parties”⁴⁵.

Thomas Mitchell launched a fresh perspective by forging a negative definition rather than a positive definition⁴⁶ of terrorism. The author namely enumerates 9 variables⁴⁷ that fail to fit into descriptions of terrorism⁴⁸: 1) “Excluding mere acts of property damage as well as acts of sabotage and interrupting the flow of an oil pipeline (...); 2) “Excluding attacks on military installations, aircraft, navy vessels, barracks which are guarded (...); 3) “Excluding acts of political violence which are spontaneous, as in riots, demonstrations, revolts”; 4) “Excluding attacks on police stations and armed police on patrol in situations of armed conflict”; 5) “Excluding cases of collateral damage where the targeting of civilians was not deliberate”; 6) “Excluding cases of attacks on secular or religious symbols unless it is combined with the victimization of people”; 7) “Excluding acts of war which do not qualify as war crimes”; 8) “Excluding guerrilla warfare activities which are not war crimes”; 9) “Excluding acts of legal use of force by legitimate authorities to impose public order when acting within the boundaries of the rule of law”.

Alex Schmid reaches the conclusion that “The broader a definition, the more terrorism there is that ought to be countered and the more difficult it becomes to prevent it. If countries have different definitions of terrorism, extradition of terrorist suspects and mutual legal assistance become more difficult and often impossible”⁴⁹. Dean Alexander and Yonah Alexander reinforce the conclusion reached by Alex Schmid by listing 10 variables that encourage terrorism: 1) “The absence of a universal definition of terrorism”; 2) “Disagreement as to the root causes”; 3) “Religionization of politics”; 4) “Exploitation of the media”; 5) “Double standards of morality”; 6) “Loss of resolve by governments to take effective action against terrorism”; 7) “Weak punishment of terrorists”; 8) “Violation of international law by, and promotion of, terrorism by some nations”; 9) “Complexities of modern societies”; and 10) “High cost of security in democracies”⁵⁰. Hans Corell also reinforces the conclusion reached by Alex Schmid

⁴⁵ Schmid, Alex. (2012). “The Revised Academic Consensus Definition of Terrorism”. Perspectives on Terrorism.

⁴⁶ Bichenbach, Jerome & Davies, Jacqueline. (1996). “Good Reasons for Better Arguments: An Introduction to the Skills and Values of Critical Thinking”. Broadview Press.

⁴⁷ Young, Joseph & Findley, Michael. (2011). “Promise and Pitfalls of Terrorism Research”. International Studies Review. <https://www.jstor.org/stable/23016716>.

⁴⁸ Charters, David. (1991). “Democratic Responses to International Terrorism”. Transnational Publishers Inc.

⁴⁹ Schmid, Alex. (2021). “Handbook of Terrorism Prevention and Preparedness”. International Centre for Counter-Terrorism.

⁵⁰ Alexander, Dean & Alexander, Yonah. (2002). “Terrorism and Business: The Impact of September 11 2001”. Martinus Nijhoff.

by listing 5 controversies that halt definitions of terrorism: 1) “Whether or not terrorism should apply to actions of Governments and States in the same way that it applies to actions of non-State groups”; 2) “Whether or not one should differentiate between terrorism the rights of peoples to self-determination and to combat foreign occupation forces”; 3) “Whether not to include activities of national armed forces in the exercise of their official duties and during armed conflicts if these are governed or by in conformity with international law”; 4) “Whether or not to include the activities of national armed forces related to their potential use of nuclear weapons”; and 5) “The issue of the relationship of the comprehensive convention to existing and future counter-terrorism treaties”⁵¹.

States have also fired shots to forge national definitions of terrorism. Examples include the PATRIOT ACT⁵², the Code of Federal Regulations⁵³, and the Title 18 of the United States Code⁵⁴ in the United States, and the Terrorism Act 2000 in the United Kingdom⁵⁵. Carlos Diaz-Paniagua, however, argues that “Criminal law has three purposes: to declare that a conduct is forbidden, to prevent it, and to express society's condemnation for the wrongful acts. The symbolic, normative role of criminalization is of particular importance in the case of terrorism. The criminalization of terrorist acts expresses society's repugnance at them, invokes social censure and shame, and stigmatizes those who commit them. (...) Criminalization may serve, in the long run, as a deterrent to terrorism, as those values are internalized”⁵⁶. Ben Saul corroborates and reinforces the view laid out by Carlos Diaz-Paniagua: “The definition of the offence in criminal law treaty plays several roles. First and foremost, it has the symbolic, normative role of expressing society's condemnation of the forbidden acts. Second, it facilitates agreement. Since states tend to be reluctant to undertake stringent obligations in matters related to the exercise of their domestic jurisdiction, a precise definition of the crime, which restricts the scope of those obligations, makes agreement less costly. Third, it provides an inter-subjective basis for the homogeneous application of the treaty's obligations on judicial and police cooperation. This function is of particular importance in extradition treaties because, to grant an extradition, most legal systems require that the crime be punishable both in the requesting state and the requested state. Fourth, it helps states to enact domestic legislation to criminalize and

⁵¹ Corell, Hans. (2002). “Combating international terrorism: the contribution of the United Nations”. The Legal Counsel of the United Nations. <https://www.un.org/law/counsel/english/remarks.pdf>.

⁵² Lind, Dara. (2015). “Everyone's heard of the Patriot Act. Here's what it actually does”. Vox. <https://www.vox.com/2015/6/2/8701499/patriot-act-explain>.

⁵³ Garrison, Arthur. (2003). “Terrorism: The nature of its history”. *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*.

⁵⁴ Perry, Nicholas. (2003). “The Numerous Federal Legal Definitions of Terrorism: The Problem of too Many Grails”. *Journal of Legislation*.

⁵⁵ Walker, Clive. (2007). “Briefing on the Terrorism Act 2000”. *Terrorism and Political Violence*, Volume 12, Issue 2. <https://www.tandfonline.com/doi/pdf/10.1080/09546550008427559?needAccess=true>.

⁵⁶ Diaz Paniagua, Carlos Fernando. (2011). “Negotiating Terrorism: The Negotiation Dynamics of Four UN Counter-Terrorism Treaties, 1997-2005”. Pontifical Gregorian University & City University of New York. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1968150.

punish the wrongful acts defined in the treaty in conformity with their human rights' obligations"⁵⁷.

The universal definition of terrorism therefore remains required, even though the Comprehensive Convention on International Terrorism remains stuck in a stalemate. Sara De Vido argues that the stalemate remain solvable by ratifying a definition founded on the lowest common denominator⁵⁸, alike the analysis by Leonard Weinberg, Ami Pedahzur, and Sivan Hirsch-Hoefler⁵⁹. The literature, however, points the merits of a universal definition based on the comprehensive consideration of variables. Bruce Hoffman identifies 5 variables for example: 1) "Political in aims and motives"; 2) "Violent or threatens violence"; 3) "Designed to have far-reaching psychological repercussions beyond the immediate victim or target"; 4) "Conducted either by an organization with an identifiable chain of command or conspiratorial cell structure, whose members wear no uniform or identifying insignia, or by individuals or a small collection of individuals directly influenced, motivated, or inspired by the ideological aims or example of some existent terrorist movement and its leaders"; and 5) "Perpetrated by a subnational group or nonstate entity"⁶⁰; whereas Harry Jackson identifies 4 variables: 1) "An involvement of an act of violence"; 2) "An audience"; 3) "The creation of a mood of fear"; 4) "Innocent victims"; and 5) "Political goals or motives"⁶¹. Carsten Bocksette assembles the most variables and reaches the conclusion that "Terrorism is defined as political violence in an asymmetrical conflict that is designed to induce terror and psychic fear (...) through the violent victimization and destruction of noncombatant targets (...). Such acts are meant to send a message from an illicit clandestine organization. The purpose of terrorism is to exploit the media in order to achieve maximum attainable publicity as an amplifying force multiplier in order to influence the targeted audience in order to reach (...) political goals"⁶².

The pursuit after a universal definition of terrorism follows 3 principles: *Malum In Se*, *Malum Prohibitum*, and *Nulla Poena Sine Lege*. *Malum In Se* refers to "A wrong in itself. An act (...) involving illegality from the very nature of the transaction, upon principles of natural, moral, and public law. An act is said to be *Malum In Se* when it is inherently and essentially evil, that is, immoral in its nature and injurious in its consequences, without any regard to the fact of its being noticed or punished by the law of the State"⁶³. *Malum Prohibitum* refers to: "A wrong prohibited. A thing which

⁵⁷ Saul, Ben. (2008). "Defining Terrorism to Protect Human Rights". Cambridge Scholars Publishing. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1292059.

⁵⁸ De Vido, Sara. (2017). "The future of the draft UN Convention on international terrorism". *Journal of Criminological Research, Policy and Practice*. <https://doi.org/10.1108/JCRPP-09-2016-0020>.

⁵⁹ Weinberg, Leonard; Pedahzur, Ami; Hirsch-Hoefler, Sivan. (2004). "The Challenges of Conceptualizing Terrorism". *Terrorism and Political Violence*.

⁶⁰ Hoffman, Bruce. (2006). "Inside Terrorism". Columbia University Press.

⁶¹ Jackson, Harry. (2005). "Understanding Terrorism". Peace Operations Training Institute.

⁶² Bockstette, Carsten. (2008). "Jihadist Terrorist Use of Strategic Communication Management Techniques". George Marshall Center Occasional Paper Series.

⁶³ Gray, Richard. (1995). "Eliminating the (Absurd) Distinction Between *Malum In Se* and *Malum Prohibitum* Crimes". *Washington University Law Review & Washington University Law and Linguistics Conference*. https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1686&context=law_lawreview.

is wrong because prohibited. An act which is not inherently immoral, but becomes so because its commission is expressly forbidden by positive law (...)”⁶⁴. Nulla Poena Sine Lege refers to: “(...) No person shall be punished except in pursuance of a statute which fixes a penalty for criminal behavior. (...) The prohibition is that no conduct shall be held criminal unless it is specifically described in the behavior-circumstance element of a penal statute. (...) The rule that penal statutes must be strictly construed”⁶⁵.

Terrorism constitutes a *Malum in Se*, because the strategy relies on targeting not only combatants, but also non-combatants. Terrorism therefore remains condemnable even within the framework of the Just War Theory, which establishes triple conditions to ensure the morality of warfare: *Jus Ad Bellum*, *Jus In Bello*, and *Jus Post Bellum*⁶⁶. The international community, on the hand, could argue for *Jus Ad Bellum* on terrorism, for example, under the failure of a State to uphold the Responsibility to Protect⁶⁷, but would be forced to argue against *Jus In Bello*, as terrorism targets non-combatants in Asymmetric Warfare and Scorched Earth, and against *Jus Post Bellum*, as terrorism, even successful in taking over power, rely on the threat of violence and violence⁶⁸. The prosecution of terrorism stand on the *Malum In Se*, reinforced by the *Malum Prohibitum*. The lack of a universal definition of terrorism, however, weakens the Nulla Poena Sine Lege, as the international fails to agree on what constitutes terrorism and on how to prosecute terrorism.

The European Union has arguably taken the most steps towards forging the universal definition of terrorism⁶⁹. The Council of the European Union published the Council Framework Decision 2002/475/JHA in 2002. Article 1 defines terrorism as “Each Member State shall take the necessary measures to ensure that the intentional acts referred to below in points (a) to (i), as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organization where committed with the aim of: seriously intimidating a population, or unduly compelling a Government or international organization to perform or abstain from performing any act, or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization. Shall be deemed to be terrorist offences: (a) Attacks upon a person’s life which may cause death; (b) Attacks upon the physical integrity of a person; (c) Kidnapping or hostage-taking; (d) Causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information

⁶⁴ Ibid.

⁶⁵ Hall, Jerome. (1937). “Nulla Poena Sine Sine Lege”. The Yale Law Journal, Volume 47, Number 2.

⁶⁶ Kamm, Frances. (2004). “Failures of Just War Theory: Terror, Harm, and Justice”. The University of Chicago Press. <https://www.journals.uchicago.edu/doi/10.1086/383441>.

⁶⁷ Courtenay, Conrad; Conrad, Justin; Young, Joseph. (2014). “Tyrants and Terrorism: Why Some Autocrats are Terrorized While Others are Not”. International Studies Quarterly Volume 58 Issue 3. <https://doi.org/10.1111/isqu.12120>.

⁶⁸ Becker, Michael. (2015). “When terrorists and target governments cooperate: the case of Syria”. Perspectives on Terrorism. <https://www.jstor.org/stable/pdf/26297329.pdf>.

⁶⁹ Schmid, Alex. (2012). “The Revised Academic Consensus Definition of Terrorism”. Perspectives on Terrorism.

system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss; (e) Seizure of aircraft, ships or other means of public or goods transport; (f) Manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons; (g) Release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life; (h) Interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life; (i) Threatening to commit any of the acts listed in (a) to (h). The fundamental merit of the Council Framework Decision 2002/475/JHA consists in forging the exhaustive list of crimes that fit under terrorism and in forging the foundation of the fight against terrorism in the European Union. The Council Framework Decision 2002/475/JHA has been replaced by the Directive 2017/541 in 2017. The novelty consists in “(...) Establishing minimum rules concerning the definitions of offences and related sanctions in this area” and in “(...) Introducing measures of protection, support and assistance for victims”. The definition of terrorism established by the Council Framework Decision 2002/475/JHA remains, however.

Alex Schmid identifies 8 characteristics that all definitions share⁷⁰: 1) “The demonstrative use of violence against human beings”. 2) “The conditional threat of violence”. 3) “The deliberate production of terror and fear in a target group”. 4) “The targeting of civilians, non-combatants, and innocents”. 5) “The purpose of intimidation, coercion, and propaganda”. 6) “The importance of communicating the acts of violence to larger audiences”. 7) “The predominantly political character of the act”. 8) “Its use as a tool of psychological warfare to mobilize or immobilize sectors of the public”. Three elements particularly stand out across all definitions: terror, coercion, and illegality.

⁷⁰ Schmid, Alex. (2004). “Terrorism - The Definitional Problem”. Case Western Reserve University. <https://scholarlycommons.law.case.edu/jil/vol36/iss2/8/>.

2. Argumentation.

The theoretical framework and the conceptual framework establish the foundation to study the actorness of the European Union in the fight against terrorism. First, the theoretical framework forges the perspective to conduct the research. Second, the conceptual framework follows the theoretical framework by applying concepts that guide the research. The present dissertation namely formulates a new paradigm: the theoretical framework follows the nexus between the Copenhagen School and Historical Institutionalism; the conceptual framework follows Securitization and Critical Juncture. Securitization will explain how and why terrorism shifted from the national dimension between the 1950s and the 1970s to the international dimension between the 1970s and the present in the European Union; Critical Juncture will explain what caused Securitization.

2.1. Methodology.

The present dissertation will forge a theoretical framework to study the securitization of terrorism in the European Union by selecting a primary theoretical framework and secondary theoretical frameworks. The primary framework will rely on constructivism. Alexander Wendt explains that “Constructivism sees the world, and what we can know about the world, as socially constructed. This view refers to the nature of reality and the nature of knowledge that are also called ontology and epistemology in research language”⁷¹.

The development of constructivism occurred in the 1980s to challenge neorealism and neoliberalism. Neorealism has been coined by Kenneth Waltz in the book entitled “Theory of International Politics”. The author explains that the theory stands on a triple foundation⁷²: 1) Anarchy refers to the absence of a universal authority; 2) Structure refers to the competition between State actors on the international scene; 3) Distribution of power refers to the presence of Small Power, Middle Powers, Great Powers, Superpowers, and Hyperpowers on the international scene. State actors therefore compete for the Survival of the Fittest. Neoliberalism has been coined by Robert Keohane in the book entitled “After Hegemony”. The author explains that the theory stands on a double foundation: cooperation, and international institutions. First, State actors strive for cooperation to cope with the anarchy. Second, State actors strive towards cooperation within the framework of international institutions.

Constructivism therefore fits into the lens forged by the Critical Theory, which “(...) incorporates a wide range of approaches all focused on the idea of freeing people from the modern state and economic system – a concept known to critical theorists as emancipation. The idea originates from the work of authors such as Immanuel Kant and Karl Marx (...). Both Kant and Marx held a strong attachment to the

⁷¹ Wendt, Alexander. (1995). “Constructing International Politics”. *International Security*, Volume 20, Number 1. https://www.jstor.org/stable/2539217?seq=1#metadata_info_tab_contents.

⁷² Waltz, Kenneth. (2003). “The Anarchic Structure of World Politics”. *International Politics: Enduring Concepts and Contemporary Issues*.

Enlightenment theme of universalism – the view that there are social and political principles that are apparent to all people, everywhere”⁷³.

Marcos Farias Ferreira explains that “There are two themes uniting these approaches that show the connective glue within the critical theorist family. First, they both use emancipation as a principle to critique, or assess, society and the global political order. Second, they both detect the potential for emancipation developing within the historical process, but consider that it may not be inevitable”. Robert Cox challenges absolute statements, whether the realist assumption that State actors compete in anarchy, or the liberal assumption that State actors cooperate in international institutions⁷⁴, while Andrew Linklater challenges systemic discrepancies, whether realist or liberal, and the failure, whether realist or liberal, to question the theoretical foundation that feed such discrepancies⁷⁵.

Nicholas Onuf coined Constructivism in the book entitled “World of Our Making”⁷⁶. The author challenges the stand-off between the neorealist competition and neoliberal cooperation by arguing that international relations follow construction⁷⁷. Peter Katzenstein developed the foundation laid by Nicholas Onuf by arguing that norms shape international relations and that the construction of norms requires study to preserve security⁷⁸. Alexander Wendt, however, constitutes the most fundamental author for Constructivism who laid the foundation for Constructivism by arguing that even Power Politics, which refers to the weight of the distribution of power on the stability of international relations⁷⁹, follows a construction⁸⁰. Alexander Wendt argues that “(...) agency and structure are mutually constituted, which implies that structures influence agency and that agency influences structures. Agency can be understood as the ability of someone to act, whereas structure refers to the international system that consists of material and ideational elements” and that “(...) States can have multiple identities that are socially constructed through interaction with other actors. Identities are representations of an actor’s understanding of who they are, which in turn signals their interests. They are important to constructivists as they argue that identities constitute interests and actions. It should be noted, though, that the actions of a State should be aligned with its identity. A State can thus not act contrary to its identity

⁷³ Farias Ferreira, Marcos. (2018). “Introducing Critical Theory in International Relations”. E-International Relations. <https://www.e-ir.info/pdf/72788>.

⁷⁴ Cox, Robert. (1981). “Social Forces, States and World Orders: Beyond International Relations Theory”. Millenium: Journal of International Studies.

⁷⁵ Linklater, Andrew. (1990). “Beyond realism and Marxism”. Palgrave Macmillan.

⁷⁶ Finnemore, Martha (1996). “National Interests in International Society”. Cornell University Press.

⁷⁷ Onuf, Nicholas. (2012). “World of Our Making: Rules and Rule in Social Theory and International Relations”. Routledge.

⁷⁸ Katzenstein, Peter. (1996). “The Culture of National Security”. Columbia University Press.

⁷⁹ Williams, Michael. (2004). “Why ideas matter in international relations: Hans Morgenthau, classical realism, and the moral construction of power politics”. International organization.

⁸⁰ Wendt, Alexander. (1992). “Anarchy is what States Make of it: The Social Construction of Power Politics”. International Organization. https://www.jstor.org/stable/2706858?seq=1#metadata_info_tab_contents.

because this will call into question the validity of the identity, including its preferences”⁸¹⁸².

The Copenhagen School constitutes, however, the most pertinent variation of Constructivism for the present dissertation. The perspective has been launched in 1983 by Barry Buzan in the book entitled “People, States and Fear: The National Security Problem in International Relations”. The creation of the Copenhagen Peace Research Institute followed in 1985.

The Copenhagen School stands on a couple of foundations: 1) National security, which refers to the security and defense pursued by the State actor to preserve sovereignty; 2) International security, which refers to the tools and decisions pursued by State actors and Non-State actors to preserve sovereignty. Both therefore emphasize survival.

The scientific community agrees that security constitutes a contested concept⁸³⁸⁴⁸⁵. Ken Booth explains, however, that “(...) security is contested because of the politically mobilizing and powerful connotations”⁸⁶, while Harold Dwight Lasswell explains that “Security is politically powerful and it is understandable as to why respective groups would want their security to be prioritized: security is about who gets what, when and how”⁸⁷. The Copenhagen School therefore strives to bridge conventional frameworks that envision security between State actors, and unconventional frameworks that push for “Broadening and Deepening”⁸⁸. The Copenhagen School namely studies the pursuit of national and international security by State actors and Non-State actors across contexts. The Copenhagen School therefore fits not only into Constructivism, but also into Security Studies⁸⁹⁹⁰. Stephen Walt explains that Security Studies “(...) explore the conditions that make the use of force more likely, the ways that the use of force affects individuals, states, and societies, and the specific policies that states adopt in order to prepare for, prevent, or engage in war”⁹¹⁹².

⁸¹ Theys, Sarina. (2018). “Introducing Constructivism in International Relations Theory”. E-International Relations. <https://www.e-ir.info/pdf/72842>.

⁸² Hopf, Ted. (1998). “The Promise of Constructivism in International Relations Theory”. *International Security*, Volume 23, Number 1. https://www.jstor.org/stable/2539267?seq=1#metadata_info_tab_contents.

⁸³ Buzan, Barry. (1991). “People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era”. London: Harvester Wheatsheaf.

⁸⁴ Smith, Steve. (2005). “The Contested Concept of Security”. Boulder: Lynne Rienner Publishers.

⁸⁵ De Bhal, John. (2014). “Security: An Essentially Contested Concept”. E-International Relations.

⁸⁶ Booth, Ken. (1991). “Security and Emancipation”. *Review of International Studies*.

⁸⁷ Lasswell, Harold Dwight. (1936). “Politics: Who Gets What, When and How”. New York: McGraw-Hill Book Company.

⁸⁸ Booth, Ken. (2007). “Theory of World Security”. Cambridge, Cambridge University Press.

⁸⁹ Browning, Christopher & McDonald, Matt. (2011). “The future of Critical Security Studies: ethics and the politics of security”. *European Journal of International Relations*.

⁹⁰ Nye, Joseph & Lynn Jones, Sean. (1988). “International Security Studies: A Report of a Conference on the State of the Field”. *International Security*. <https://www.jstor.org/stable/2538992>.

⁹¹ Walt, Stephen. (1991). “The Renaissance of Security Studies”. *International Studies Quarterly*, Volume 35, Number 2. <https://www.jstor.org/stable/2600471>.

⁹² Browning, Christopher & McDonald, Matt. (2011). “The future of Critical Security Studies: ethics and the politics of security”. *European Journal of International Relations*.

The secondary framework will rely on Historical Institutionalism. Orfeo Fioretos explains that “Historical institutionalism is neither a theory of politics, nor a general theory of institutional development. Like rational choice and sociological institutionalism, it is better characterized as a theoretical tradition that gives particular attention to a discrete set of substantive themes that are analyzed with a distinct combination of analytical concepts and methods. (...) The most distinguishing mark of historical institutionalism is the primacy it accords to temporality - the notion that the timing and sequence of events shape political processes. In more specific terms, historical institutionalism suggests that timing and sequence contribute to unpredictability (...), inflexibility (...), (...), and inefficiencies (...)”⁹³.

The development of Historical Institutionalism occurred in the 1990s to study the causality of events. The framework has been coined by Kathleen Thelen, Sven Steinmo, and Frank Longstreth in the book entitled “Structuring Politics: Historical Institutionalism in Comparative Analysis”⁹⁴. The foundation for Historical Institutionalism has been laid by New Institutionalism, which has been developed in the 1980s and which studies the consequences of informal and formal rules on the behavior of individuals and groups in decision-making⁹⁵. The framework has been coined John Meyer and Brian Rowan in the article entitled “Institutionalized Organizations: Formal Structure as Myth and Ceremony”.

The conceptual framework will reinforce the theoretical framework via the application of concepts to guide the study. The Copenhagen School and Historical Institutionalism both provide a couple of concepts that establish a foundation: Securitization and Critical Juncture.

Securitization refers to the process pursued by State actors to construct a threat to security. Başar Baysal explains that “To analyze how security issues are constructed, Securitization Theory focuses on the speech acts of political elites. The elites convince the audience that an issue is an existential security threat to a referent object that must be protected. They thereby legitimize the subsequent implementation of extraordinary measures to overcome this threat”⁹⁶.

Securitization has been coined in 1997 by Barry Buzan, Ole Wæver, and Jaap De Wilde in the book entitled “Security: A New Framework for Analysis”. Securitization stands on the Speech Act, which has been coined by John Langshaw Austin and developed by John Rogers Searle, and which refers to the statement expressed by an individual that not only communicates, but also performs⁹⁷. Clara Eroukhmanoff explains that “Central to Securitization Theory is showing the rhetorical structure of

⁹³ Fioretos, Orfeo. (2011). “Historical Institutionalism in International Relations”. *International Organization*, Volume 65, Number 2. <https://www.jstor.org/stable/23016816>.

⁹⁴ Mahoney, James. (2017). “Shift Happens: The Historical Institutionalism of Kathleen Thelen”. *PS: Political Science & Politics*, Volume 50, Issue 4. <https://doi.org/10.1017/S1049096517001494>.

⁹⁵ Meyer, John & Rowan, Brian. (1977). “Institutionalized Organizations: Formal Structure as Myth and Ceremony”. *American Journal of Sociology*. <https://www.jstor.org/stable/2778293>.

⁹⁶ Baysal, Başar. (2020). “20 Years of Securitization”. *International Relations*, Volume 17, Number 67. <https://www.jstor.org/stable/10.2307/26928568>.

⁹⁷ Austin, John Langshaw. (1962). “How to Do Things with Words”. Clarendon Press.

decision-makers when framing an issue and attempting to convince an audience to lift the issue above politics”, because “Conceptualizing securitization as a Speech Act is important as it shows that words do not merely describe reality, but constitute reality, which in turn triggers certain responses” and “Hence, threats are not just threats by nature, but are constructed as threats through language”⁹⁸.

Securitization lies on four components: 1) The Actor, meaning the authority that launches the securitization; 2) The Threat, meaning the danger that the actor identifies; 3) The Object, meaning the victim that the threat chases; and 4) The Audience, meaning the target by the threat. Securitization occurs within five contexts: military, political, societal, economic, and environmental⁹⁹. Clara Eroukhmanoff explains that “In each sector, a specific threat is articulated as threatening a referent object. (...) By sectorializing security, we understand that existential threats are not objective, but instead relate to the different characteristics of each referent object. This technique also highlights the contextual nature of security and threats. (...) By talking about referent objects we can ask: Security for whom, (...) from what, and (...) by whom”¹⁰⁰.

The literature, however, points out that Securitization constitutes a continuation rather than a novelty. The foundation has namely been laid by Politization, which refers to “Politicization, in the most general terms, means the demand for, or the act of, transporting an issue or an institution into the sphere of politics, making previously unpolitical matters political”¹⁰¹. Michael Zürn explains that “Politicization, therefore, can be generally defined as moving something into the realm of public choice (...)” and that “In most political systems, a collective choice about an issue is based on a prior process of putting the issue on the agenda, some deliberation about the right decision, and the interaction of different positions regarding the choice. The more salient the issue, the more actors and people participate in the debate, the more positions are polarized, and the more politicized a decision or institution is”. Clara Eroukhmanoff therefore argues that security sits on a triple scale between Depoliticization, Politicization, and Securitization.

Critical Juncture refers to the causal consequences of events. David Collier and Gerardo Munck explain that “A critical juncture is a major episode of institutional innovation, occurring in distinct ways, and generating an enduring legacy”¹⁰². Critical Juncture has been coined in 1967 by Seymour Lipset and Stein Rokkan in the book entitled “Cleavage Structures, Party Systems, and Voter Alignments” to explain the fundamental cleavages that shape History. The authors namely identified three stages:

⁹⁸ Eroukhmanoff, Clara. (2018). “Securitisiation Theory: An Introduction”. E-International Relations. <https://www.e-ir.info/pdf/72393>.

⁹⁹ Buzan, Barry; Wæver, Ole; De Wilde, Jaap. (1997). “Security: A New Framework For Analysis”. Lynne Rienner Publishers.

¹⁰⁰ Eroukhmanoff, Clara. (2018). “Securitisiation Theory: An Introduction”. E-International Relations. <https://www.e-ir.info/pdf/72393>.

¹⁰¹ Zürn, Michael. (2019). “Politicization compared: at national, European, and global levels”. Journal of European Public Policy. <https://www.tandfonline.com/doi/full/10.1080/13501763.2019.1619188>.

¹⁰² Collier, David & Munck, Gerardo. (2017). “Building Blocks and Methodological Challenges: A Framework for Studying Critical Junctures”. Qualitative and Multi-Method Research.

Cleavage, Critical Juncture, and Legacy. Stein Rokkan developed the Critical Juncture even more in 1970 by explaining that the Critical Juncture set the stage for convergent, divergent, and sequential paths¹⁰³.

The Critical Juncture, however, has been developed since across the literature: Stephen Krasner established in 1984 in the article entitled “Approaches to the State: Alternative Conceptions and Historical Dynamics” that the Critical Juncture applies to politics; William Brian Arthur established in 1989 in the article entitled “Competing Technologies, Increasing Returns, and Lock-In by Historical Events” that the Critical Juncture followed positive feedback rather than negative feedback, thus causing reinforcement through a feedback loop¹⁰⁴; Kathleen Thelen established in 2004 in the book entitled “How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States and Japan” that the Critical Juncture operates through gradual and cumulative cleavages¹⁰⁵.

2.2. The 1975 Effect.

The timeframe launches in 1975. The fallout in following Second World War sparked the idea of the United States of Europe coined by Winston Churchill, which referred to the establishment of the federation of States located in Europe. James William Fulbright explained that “(...) the impulse toward federation is strongest immediately after a destructive and devastating war. (...) the concept of a federation of Europe has passed, rather suddenly, from the realm of academic and theoretical contemplation into the arena of practical politics”¹⁰⁶. The establishment of the United States of Europe, however, has been too ambitious, both in the past and in the future.

James William Fulbright identified 7 obstacles for the United States of Europe: 1) “The basic difficulty which must be overcome is the intensity of national feeling (...). National feelings are so powerful that they keep Europe divided (...); 2) “The bogey of a resurgent Germany is another obstacle (...). Working together, there is no reason why the other people in the federation could not avoid domination by the Germans”; 3) “(...) Soviet Russia's efforts to unite the Continent in her own interests by power methods similar to those used by Louis XIV, Napoleon, the Kaiser, and Hitler”; 4) “(...) the language problem. It makes difficult the ordinary intercourse of the citizens and hampers the free movement of persons and the flow of ideas and information (...); 5) “(...) incompatible political ideologies, which are still active and which cannot be considered as conducive to co-operative or unified actions between or among States (...); 6) “(...) cultural differences, which oftentimes are much stronger than blood differences”; and 7) “(...) religious differences, which are especially

¹⁰³ Mjøset, Lars. (2000). “Stein Rokkan's Thick Comparisons”. Acta Sociologica & Sage Publications. <https://www.jstor.org/stable/4201232>.

¹⁰⁴ Arthur, William Brian. (1989). “Competing Technologies, Increasing Returns, and Lock-In by Historical Events”. Oxford University Press. <https://www.jstor.org/stable/2234208>.

¹⁰⁵ Thelen, Kathleen. (2004). “How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States and Japan”. New York: Cambridge University Press.

¹⁰⁶ Fulbright, James William. (1948). “A United States of Europe”. The Annals of the American Academy of Political and Social Science. <https://www.jstor.org/stable/1026642>.

pronounced in Eastern Europe”¹⁰⁷. The second argument fell following the unification of the German Democratic Republic and the Federal Republic of Germany into Germany in 1990, while the third argument grew towards ambiguity following the Fall of the Soviet Union in 1991. The first, the fourth, the fifth, the sixth, and seventh argument, however, still hold up, although the obstacles have been identified by James William Fulbright in 1948.

The United States of Europe have never been established, although William James Fulbright observed that “In their weakness and helplessness, the nations of Western Europe seem to recognize their interdependence and are drawn to their neighbors by the urge for security”¹⁰⁸, which led to the establishment of the European Coal and Steel Community in 1951 laid on the foundation of the Monnet Plan launched in 1946, which pursued economic convalescence following the Second World War through nationalization, development, and investment, under the Marshall Plan¹⁰⁹.

The Schuman Declaration has been launched in 1950 by Robert Schuman, the Prime Minister, Foreign Minister, and Finance Minister of France, to prevent conflict between France and the Federal Republic of Germany by economic cooperation by regulating the production of coal and steel. Robert Schuman argued that “World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it. (...) The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany. Any action taken must in the first place concern these two countries. (...) It proposes that Franco-German production of coal and steel as a whole be placed under a common High Authority, within the framework of an organization open to the participation of the other countries of Europe. The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims”¹¹⁰.

The European Coal and Steel Community has been formalized in 1951 with the ratification of the Treaty of Paris by Belgium, France, Luxembourg, the Netherlands, Italy, and the Federal Republic of Germany. The Inner Six have been represented by Paul-Henri Spaak, Jean Monnet, Robert Schuman, Alcide De Gasperi, Altiero Spinelli, Joseph Bech, Johan Beyen, Sicco Mansholt, Walter Hallstein, and Konrad Adenauer, and have pioneered European cooperation. Robert Schuman namely argued that the supranational principle under the High Authority, and the common market for coal and steel, establish the foundation for conflict prevention between France and the Federal Republic of Germany: “The solidarity in production thus (...) make it plain that any

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Hill, John. (1992). “American Efforts to Aid French Reconstruction between Lend-Lease and the Marshall Plan”. *The Journal of Modern History*, Volume 64, Number 3. <https://doi.org/10.1086/244513>.

¹¹⁰ Fulbright, James William. (1948). “A United States of Europe”. *The Annals of the American Academy of Political and Social Science*. <https://www.jstor.org/stable/1026642>.

war between France and Germany becomes not merely unthinkable, but materially impossible”¹¹¹.

The European Coal and Steel Community sparked the establishment of the European Defense Community and the European Political Community under the Treaty of Paris in 1952. The European Defense Community stood on the centralization of the national forces under a shared armament and shared finances. The national forces delegated by Belgium, France, Luxembourg, the Netherlands, and Italy, remained under the national authority, while the national forces delegated by the Federal Republic of Germany remained under the supranational authority¹¹². The supranational authority integrated and coordinated the national forces¹¹³. The multilateral command thus halted the unilateral command of any national forces, and avoided the remilitarization of the Federal Republic of Germany. France, however, refused the ratification in 1954 from fear of losing sovereignty vis-à-vis security¹¹⁴.

The Inner Six organized the Messina Conference in 1955 to reassess the progress of integration within the European Coal and Steel Community following the failure of the European Defense Community under the Treaty of Paris. The Member States reached the conclusion that economic integration through the establishment of the customs union carried the likelihood of penetrating the deadlock¹¹⁵. The Spaak Report inferred that horizontal rather than vertical integration gradually abolished restrictions on international trade to forge the customs union.

The Spaak Report therefore set the stage for the Treaty of Rome, which has been ratified by the Inner Six in 1957. The Treaty on the Functioning of the European Union namely launched a couple of fundamental shifts that drove integration: the European Economic Community and the European Atomic Energy Community. The European Economic Community strived to pursue economic integration via the establishment of a common market and customs union¹¹⁶. The European Single Market established the Four Freedoms, meaning the unrestricted movement of people, capital, goods, and services, the Community Customs Union established a Common External Tariff and abolished restrictions on international trade. The European Atomic Energy Community strived to establish a market for nuclear power, to develop nuclear power,

¹¹¹ Ibid.

¹¹² Keukeleire, Stephan. (2009). “European Security and Defense Policy: from Taboo to a Spearhead of EU Foreign Policy”. Brookings Institution Press.

¹¹³ Wiggerhaus, Norbert & Foerster, Roland. (1994). “The Western Security Community 1948-1950: Common Problems and Conflicting National Interests during the Foundation Phase of the North Atlantic”. Berg Publishers.

¹¹⁴ Karp, Basil. (1954). “The Draft Constitution for a European Political Community”. University of Wisconsin Press. <https://www.jstor.org/stable/2704310>.

¹¹⁵ Pistone, Segio. (2005). “The Messina Conference and the advance of European unification”. The Federalist. <https://www.thefederalist.eu/site/index.php/en/notes/2160-the-messina-conference-and-the-advance-of-european-unification>.

¹¹⁶ Lee, Jae-Seung. (2004). “The French Road to European Community: From the ECSC to the EEC (1945-1957)”. Institute of International Affairs at Seoul National University. <https://www.jstor.org/stable/43111451>.

to distribute nuclear power between Member States, and to sell the excess of nuclear power beyond the European Atomic Energy Community¹¹⁷.

The European Coal and Steel Community, the European Economic Community, and the European Atomic Energy Community constituted the European Communities. The Treaty of Brussels has been concluded in 1965 to replace the High Authority by the European Commission, the Council of Ministers by the Council of the European Union, and the Common Assembly by the European Parliament¹¹⁸. The Treaty of Brussels constitutes the foundation of the European Union.

The Treaty of Rome has been amended three times: by the Single European Act in 1986, by the Treaty of Maastricht in 1992, and by the Treaty of Lisbon in 2009. The Single European Act established the foundation for the European Single Market and for the Common Foreign and Security Policy¹¹⁹. The Treaty of Maastricht established the European Union. The Member States namely boosted integration along the dimensions of 1) Citizenship of the European Union, 2) Common Foreign and Security Policy, and 3) Justice and Home Affairs¹²⁰, and set the stage for the Economic and Monetary Union through the creation of the Euro, and for the formulation of the Maastricht Criteria, which list the conditions required for the Member States to join the Euro. The legal foundation of the European Union shifted from the European Communities to the Three Pillars: 1) European Communities; 2) Common Foreign and Security Policy; 3) Justice and Home Affairs. Morgane Griveaud explains that “The particularity of this organization is that even if each Pillar was designed to be independent from one another, bridges could be made, (...) as the action of one community would generate issues in another”¹²¹. The Treaty of Maastricht therefore forges a couple of merits: regarding the political union “(...) one of the major innovations (...) with its (...) Pillars (...) was the establishment of a political union. There had already been some agreements (...) after the SEA, but integration was more focused on the economic aspect of European cooperation. (...) The Twelve (...) would agree on adopting common position concerning events in the World (...). However, it was quite difficult for them to find common ground for agreement”; regarding the economic union “Another significant development (...) was the establishment of the Economic and Monetary Union. It was considered as the strongest form and the last step towards full economic integration”¹²². The Treaty of Amsterdam has amended the Treaty of Maastricht in 1997 by reinforcing the Common Foreign and Security Policy, by reinforcing the powers of the European Parliament, and by setting the stage for the

¹¹⁷ Scheinman, Lawrence. (1965). “Euratom: nuclear integration in Europe”. International Conciliation. <https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/intcon36&id=908&men-tab=srchresults>.

¹¹⁸ Weil, Gordon. (1967). “The Merger of the Institutions of the European Communities”. Cambridge University Press. <https://www.jstor.org/stable/2196831>.

¹¹⁹ Moravcsik, Andrew. (22 May 2009). “Negotiating the Single European Act: national interests and conventional statecraft in the European Community”. Cambridge University Press.

¹²⁰ Griveaud, Morgane. (29 May 2011). “Why is the Maastricht Treaty considered to be so significant”. E-International Relations. <https://www.e-ir.info/pdf/8928>.

¹²¹ Ibid.

¹²² Ibid.

accession of new Member States in 2004¹²³. The Treaty of Maastricht has also been amended by the Treaty of Nice in 2001 by reinforcing the institutions of the European Union to withstand the challenges launched by the accession of new Member States in 2004¹²⁴. The Treaty of Lisbon centralized the European Union¹²⁵. The Reform Treaty namely enforces five fundamental shifts: 1) The Charter of Fundamental Rights of the European Union; 2) The vote in the Council of the European Union turned from Unanimity Voting to Qualified Majority Voting reinforced by a Double Majority; 3) The Council of the European Union and the European Parliament conduct decision-making under the Ordinary Legislative Procedure¹²⁶; 4) The establishment of the permanent position of a President of the European Council, who represents the European Union, appointed by the European Council through Qualified Majority Voting for a period of 2,5 years, renewable once; 5) The establishment of the permanent position of a High Representative of the Union for Foreign Affairs and Security Policy, who represents and coordinates the Common Foreign and Security Policy, appointed by the European Council upon the approval of the President of the European Commission.

The fallout from the Second World War therefore points towards Spillover. Jean Monnet argued for the Monnet Method, which explains how intergovernmental cooperation founded on subsidiarity gradually forged European integration¹²⁷. Thomas Dunn explains that “Jean Monnet (...)believed that in achieving integration in one sector of common policy amongst sovereign States, this would eventually lead to a Spillover into other policy areas. This would then lead to integration in these policy areas and in turn, more Spillover”¹²⁸. Economic integration therefore drove Spillover towards political integration to the European Union.

Economic-political integration, however, occurred at the expense of militaristic integration. The European Union plowed through four shots at addressing the neglect: 1) The Pleven Plan in 1950; 2) The European Defense Community in 1952; 3) The European Political Co-Operation in 1970; 4) The Common Foreign and Security Policy in 1993.

The Common Security and Defense Policy has been launched in 1999 and functions under the Common Foreign and Security Policy to drive civilian and militaristic operations in a bilateral and multilateral set-up to guarantee conflict prevention, conflict management, conflict resolution, peacebuilding, and peacekeeping. The

¹²³ Moravcsik, Andrew & Nicolaïdis, Kalypso. (1999). “Explaining the Treaty of Amsterdam: Interests, Influence, Institutions. Journal of Common Market Studies. <https://www.princeton.edu/~amoravcs/library/amsterdam.pdf>.

¹²⁴ Gray, Mark & Stubb, Alexander. (2001). “The Treaty of Nice - Negotiating a Poisoned Chalice”. Journal of Common Market Studies. <https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-5965.39.s1.2>.

¹²⁵ Alesina, Alberto & Wacziarg, Romain. (22 June 2008). “Europe Was Going Too Far: the Lisbon Treaty is a Trojan horse”. Vox EU (CEPR). <https://voxeu.org/article/lisbon-treaty-trojan-horse>.

¹²⁶ Mifsud, Rebecca. (5 May 2021). “How decisions are made at an EU Level”. Dr Werner & Partner.

¹²⁷ Dunn, Thomas. (28 November 2012). “Neo-Functionalism and the European Union”. E-International Relations. <https://www.e-ir.info/2012/11/28/neo-functionalism-and-the-european-union/>.

¹²⁸ Ibid.

European Union Forces namely conduct such operations through the coalition of national forces by the Member States under the budget provided by the European Union¹²⁹. The operations fall under a quadruple typology: 1) terrestrial, like European Corps; 2) aerial, like European Air Group; 3) naval, like European Maritime Force; 4) multi-component, like European Rapid Operational Force. Three variables have shaped the operations that have been conducted under the Common Security and Defense Policy: 1) the Petersberg Declaration; 2) the Saint-Malo Declaration; and 3) Berlin Plus.

The Petersberg Declaration has been concluded in 1992 by the Western European Union, which refers to the international organization that pursued political, militaristic, and economic cooperation and that established a defensive alliance¹³⁰. The Petersberg Tasks referred to operations that included peacebuilding, peacekeeping, conflict management, and conflict resolution and have been included in the Common Security and Defense Policy when the European Union took over the mandate of the Western European Union in 2009¹³¹.

The Saint-Malo Declaration has been concluded in 1998 between the Prime Minister of the United Kingdom Tony Blair and the President of France Jacques Chirac to boost the establishment of the European Security and Defense Policy¹³². Both Heads of State also published the Declaration on European Defense, which essentially calls for the European Union Army¹³³. The goal stemmed from the Kosovo War, which challenged and questioned the authority and competence of the European Union regarding security, and which thus set the stage for the Helsinki Headline Goal concluded in 1999 by the European Council to pledge commitment to “Capacity Building” for the Petersberg Tasks¹³⁴.

Berlin Plus has been concluded in 2002 by the European Union and NATO to boost crisis management of the European Union and cooperation between the European Union and NATO. Nicholas Williams explains that “Berlin Plus allows the EU in a crisis to supplement its own military resources (...) by drawing on NATO’s collective assets and capabilities. The arrangements fully protect the EU’s authority and political

¹²⁹ Bickerton, Chris; Irondelle, Bastien; Anand, Menon. (2011). “Security Co-operation beyond the Nation-State: The EU's Common Security and Defence Policy”. *JCMS: Journal of Common Market Studies*.

¹³⁰ Liszczyk, Dorota. (18 May 2010). “The Dissolution of the Western European Union”. The Polish Institute of International Affairs (PISM). <https://www.files.ethz.ch/isn/118987/a151-2010.pdf>.

¹³¹ Whitman, Richard & Juncos, Ana. (2009). “The Lisbon Treaty and the Foreign, Security and Defense Policy”. *European Foreign Affairs Review*.

¹³² Jones Parry, Emyr. (2008). “The St Malo Declaration 10 years on”. *FT*. <https://www.ft.com/content/7d97f048-bfc7-11dd-9222-0000779fd18c>.

¹³³ Shearer, Andrew. (2007). “Britain, France and the Saint-Malo declaration: Tactical rapprochement or strategic entente”. *Cambridge Review of International Affairs*. <https://doi.org/10.1080/09557570008400316>.

¹³⁴ Rehrl, Jochen. (2021). “Handbook on CSDP: The Common Security and Defense Policy of the European Union”. The Federal Ministry of Defense of the Republic of Austria.

control in such an eventuality. (...) the EU can request NATO to make available its assets and capabilities to the EU for an EU-led and directed operation”¹³⁵.

Spillover therefore shows all in all that economico-political integration in the European Union occurred at the expense of militaristic integration. Both the Member States and the European Union lack power to guarantee security in Europe. David Herszenhorn observes that “Much of Europe’s military hardware is in a shocking state of disrepair. Too many of Europe’s forces aren’t ready to fight. Its fighter jets and helicopters aren’t ready to fly, its ships and submarines aren’t ready to sail, and its vehicles and tanks aren’t ready to roll”. (...) Europe lacks capabilities (...)”¹³⁶. Giles Merritt explains that “Europe’s national governments are far more united on the inadequacy of their own military capabilities. Decades of underspending while sheltering comfortably under Uncle Sam’s nuclear umbrella have crippled Europe’s military outreach (...)”¹³⁷. The reliance on the United States led to the set up where “The weaponry picture is darker still. National defense industries have resisted cross-border mergers and governments have actively prevented them (...)”¹³⁸. Security conducted by the European Union therefore stands on ambiguity: “Speak Softly and Carry a Big Stick famously summarized the Foreign Policies of US president Teddy Roosevelt at the dawn of the 20th century. The European Union’s approach to its external relations is exactly the opposite: Moralize loudly while brandishing a twig”¹³⁹.

Spillover that shaped Security in the European Union stands on the foundation of ambiguity. Member States, in consequence, faced terrorist threats on the national rather than international level. Counter-terrorism in Europe follows a couple of stages: pre-9/11 and post-9/11. Javier Argomaniz describes the evolution of European counter-terrorism as “Pre-9/11: the EU as a non-actor in counter-terrorism” and “Post-9/11: initial stage in the institutionalization process”¹⁴⁰.

Pre-9/11, Securitization of terrorism in the European Union has been was tenuous. Member States have been actively tackling terrorism, such as the United Kingdom, Federal Republic of Germany, Spain, and Italy¹⁴¹. Examples include the Irish Republican Army in the United Kingdom, the Red Army Faction in the Federal Republic of Germany, the Euskadi Ta Askatasuna in Spain, and the Red Brigades in Italy. Examples therefore fit political terrorism, ranging from nationalist, to separatist, communist, and anarchist. Counter-terrorism in the European Communities therefore occurred on the national rather than on the international, namely European, level. Peter Chalk argues that three reasons explain why the Member States failed to conduct the

¹³⁵ Williams, Nicholas. (2018). “NATO-EU Cooperation: Don’t Forget Berlin Plus”. ELN.

¹³⁶ Herszenhorn, David. (2021). “Biden embraces NATO, but European allies are weak”. Politico.

¹³⁷ Merritt, Giles. (2019). “Europe must face up to the true cost of its military weakness”. Friends of Europe.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Argomaniz, Javier. (2009). “Post-9/11 institutionalization of European Union counter-terrorism: emergence, acceleration and inertia”. European Security. <https://doi.org/10.1080/09662830903460103>.

¹⁴¹ Kaunert, Christian & Léonard, Sarah. (2019). “The collective securitization of terrorism in the European Union”. West European Politics. <https://www.tandfonline.com/doi/full/10.1080/23340460.2021.2002098>.

securitization of terrorism at the European level¹⁴². 1) The discrepancy vis-à-vis the perception of the terrorist threat: the United Kingdom, the Federal Republic of Germany, Spain, and Italy faced terrorism throughout the 1970s and the 1980s, while the European Communities all in all remained safe. 2) The discrepancy vis-à-vis the nature of the terrorism threat: the United Kingdom faced the Irish Republican Army, and Spain faced the Euskadi Ta Askatasuna, which pertain to the nationalist and separatist waves, while the Federal Republic of Germany faced the Red Army Faction and Italy faced the Red Brigades, which pertain to the communist and anarchist waves. The terrorist threat therefore stood unanimous, although the fundamental nature of the terrorist threat stood varied. 3) The pursuit of national sovereignty launched historical, political, legal, and cultural between States vis-à-vis the terrorist threat: for example, France, the Federal Republic of Germany, and Spain negotiated with terrorists¹⁴³, whereas Ireland waged war with terrorists¹⁴⁴.

Post 9/11, Securitization of terrorism in the European Union has been abundant. Christian Kaunert and Sarah Léonard argue that three reasons explain why 9/11 launched the securitization of terrorism¹⁴⁵. 1) Its modus operandi has been deadlier than ever, hitting a couple of potent symbols: the Twin Towers, which symbolized the prosperity of capitalism, and the Pentagon, which symbolized the militaristic leadership and prowess of the United States. 2) Its scope has been larger and deadlier than ever. 3) Its hype has been lit and boosted by the media. Claire Kramsch explains that 9/11 forged a new perspective vis-à-vis terrorism¹⁴⁶. Member States namely faced a couple of wake-up calls: first, the advent of not only political, but also religious terrorism; second, the powerlessness, vulnerability, and unpredictability of the terrorist threat. The 1975 Effect therefore refers to the Critical Juncture that laid the foundation for the Securitization of terrorism in the European Union.

2.2.1. Critical Juncture #1: the Munich Massacre in 1972.

The Black September Organization refers to a terrorist organization established in Palestine in 1970¹⁴⁷, which abducted and murdered 9 representatives of Israel at the Summer Olympics in Munich in 1972. Lutfi Afif represented the Black September Organization and demanded a couple of conditions: first, liberating Andreas Baader and Ulrike Meinhof, the founders of the Red Army Faction, from the Stammheim

¹⁴² Chalk, Peter. (1996). "West European terrorism and counter-terrorism: the evolving dynamic". Springer.

¹⁴³ Briggs, Rachel & Wallace, Jon. (13 January 2022). "We do not negotiate with terrorists - but why". Chatham House. <https://www.chathamhouse.org/2022/01/we-do-not-negotiate-terrorists-why>.

¹⁴⁴ Simpson, Peter. (1986). "Just War Theory and the IRA". Journal of Applied Philosophy, Volume 3, Number 1. <https://www.jstor.org/stable/24353474>.

¹⁴⁵ Kaunert, Christian & Léonard, Sarah. (2019). "The collective securitization of terrorism in the European Union". West European Politics. <https://www.tandfonline.com/doi/full/10.1080/23340460.2021.2002098>.

¹⁴⁶ Kramsch, Claire. (2005). "Post 9/11: Foreign Languages between Knowledge and Power". Applied Linguistics, Volume 26, Issue 4. <https://doi.org/10.1093/applin/ami026>.

¹⁴⁷ Silke, Andrew & Filippidou, Anastasia. (22 May 2019). "What drives terrorist innovation? Lessons from Black September and Munich 1972". Security Journal. <https://link.springer.com/article/10.1057/s41284-019-00181-x>.

Prison in Stuttgart; second, liberating 234 Palestinian prisoners from prisons all over Israel¹⁴⁸.

Simon Reeve explains that “On 5 September 1972, eight heavily armed militants from Black September, a faction of the PLO, arrived on the outskirts of Munich and scaled a perimeter fence protecting thousands of athletes sleeping in the Olympic Village. Carrying assault rifles and grenades, the Palestinians ran towards (...) the building housing the Israeli delegation to the Munich Olympic Games. Bursting into the first apartment, they took a group of Israeli officials and trainers hostage: Yossef Gutfreund, Amitzur Shapira, Kehat Shorr, Andrei Spitzer, Jacov Springer and Moshe Weinberg. In another apartment, they captured the Israeli wrestlers and weightlifters Eliezer Halfin, Yossef Romano, Mark Slavin, David Berger (...) and Zeev Friedman. When the tough Israelis fought back, the Palestinians opened fire, shooting Romano and Weinberg dead. The other nine were subdued and taken hostage. Issa, the Black September leader, (...) demanded a plane to fly his men and the Israelis to the Middle East. German officials agreed to move the group in helicopters to Fürstenfeldbruck airfield base on the outskirts of Munich, where a Boeing 727 would be waiting to fly them to Cairo. Secretly, however, the Germans began planning a rescue operation at the airfield. Just as the Palestinians and Israelis were about to land at Fürstenfeldbruck, a group of German policemen on the 727 took a fateful decision and abandoned their positions. Five German snipers were then left to tackle eight well-armed Palestinians. (...) Issa realized it was a trap, and the German snipers opened fire, missing their targets. A gunfight began, and bullets sliced through the control tower, where Zamir was standing. Then a stalemate developed and Zamir realized the Germans had no idea what to do. An hour of sporadic gunfire ended when German armored cars lumbered on to the airfield. The gunner in one car accidentally shot a couple of men on his own side, and the Palestinians apparently thought they were about to be machine-gunned. A terrorist shot four of the hostages in one helicopter as another Palestinian tossed a grenade inside. The explosion ignited the fuel tank, and the captive Israelis burned. Another terrorist then shot the Israelis in the other helicopter. Eleven Israelis, five Palestinians and one German police officer died (...)”¹⁴⁹.

The Munich Massacre therefore constitutes the first Critical Juncture that launched the securitization of terrorism in the European Union. TREVI has been established in 1976 as a forum between the Ministries of the Interior and the Ministries of Justice at the international level. The operation, however, has been independent from the European Economic Community to facilitate and boost the flow of points of view. Christian Kaunert and Sarah Léonard explain that 2 Working Groups have been set up to focus on counter-terrorism: “WG1 focused on information exchange and mutual assistance regarding terrorist activities, whereas the remit of WG2 was mainly training matters and the exchange of technical and scientific information to facilitate the fight against

¹⁴⁸ Reeve, Simon. (22 January 2006). “Olympics Massacre: Munich - The real story”. The Independent.

¹⁴⁹ Ibid.

terrorism”¹⁵⁰. John Benyon, however, points out that 5 Working Groups have actually been set up: “TREVI 1 was responsible for measures to terrorism; TREVI 2 was tasked with scientific and technical knowledge and police training; the work of this group was later expanded to embrace order and football hooliganism; TREVI 3 was set up to deal with security procedures for civilian air travel. Its work was later taken over by TREVI 1 and the role of TREVI 3 was redefined to look at organized crime and drug trafficking; TREVI 4 was tasked with safety and security at nuclear installations and transport; TREVI 5 was supposed to focus on contingency measures to deal with emergencies”¹⁵¹.

Oldrich Bures argues that “There is consensus in the literature that TREVI was an informal body whose primary objective was to advance practical cooperation. Since both the specific counter-terrorism and more general police matters remained beyond the EC’s competence in the 1970s, TREVI has to be independent of the European Community’s institutional structure”¹⁵². The European Commission, the European Parliament, and the European Court of Justice therefore lacked windows to peek at the work pursued within TREVI.

TREVI has been launched as a forum between Ministers. Tony Bunyan explains, however, that operations actually occurred at three levels: 1) Ministers, who meet every June and December; 2) TREVI Senior Officials, who meet every May and November; 3) Working Groups¹⁵³. The author cautions regarding the Working Groups that “Of the original five working parties only two were active - TREVI 1 and TREVI 2. TREVI 3, 4, and 5 never met”¹⁵⁴. The decision-makers agreed in 1977 that “TREVI 1 would 1) Produce reports outlining the experience gained from the handling of any major terrorist incident; 2) Exchange information on their arrangements for handling major terrorist incidents, particularly at government level, to enhance cooperation in the event of an incident involving more than one country; 3) Establish central contact points for the exchange of information on international terrorism matters”¹⁵⁵. TREVI 3 has been established in 1985 to tackle organized crime at the international level. Tony Bunyan explains that “Its principal area of activity has been with drug trafficking. The group decided on the need for posting Drugs Liaison Officers (DLO's) to countries outside the EC (...). These officers would liaise if posted to the same country and that the information gathered would be shared. The Home Office reported to the Home Affairs Select Committee (...). The group had agreed that all Member States should set up a National Drugs Intelligence Unit and that consideration was

¹⁵⁰ Kaunert, Christian & Léonard, Sarah. (2019). “The collective securitization of terrorism in the European Union”. *West European Politics*. <https://www.tandfonline.com/doi/full/10.1080/23340460.2021.2002098>.

¹⁵¹ Benyon, John. (1994). “Policing the European Union: the changing environment”. *International Affairs*.

¹⁵² Bures, Oldrich. (2012). “Informal counter-terrorism arrangements in Europe: Beauty by variety or duplicity by abundance”. *Cooperation and Conflict*. <https://www.jstor.org/stable/45084704>.

¹⁵³ Bunyan, Tony. (1993). “Statewatching the new Europe : a handbook on the European State”. *Statewatch*.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

being given to the need for a European Drugs Intelligence Unit. TREVI 3 also works on armed robbery, stolen vehicles, the protection of witnesses, the illegal use of non-cash payment, the protection of cultural property, and training to combat (...) organized crime”¹⁵⁶.

Richard Dykes, the Ambassador of the United Kingdom to the Netherlands, has been shot by the Irish Republican Army in the Hague in 1979. The Member States therefore launched the Police Working Group on Terrorism, that has been shaped by TREVI, but that has been engineered to remain independent. Belgium, the Netherlands, the Federal Republic of Germany, and the United Kingdom strived to “Facilitate cooperation between members of anti-terrorism units” by “Exchanging information”, “Gathering criminal intelligence”, “Ensuring operational cooperation”¹⁵⁷.

The European Communities, the United States, Canada, Switzerland, Norway, South Africa, and Israel also launched the International Counter-Terrorist Intelligence Network following the Munich Massacre to “Provide and exchange information on the activities of Palestinian and international terrorists”¹⁵⁸. The Kilowatt Group, according to Shlomo Shpiro, constituted “The first truly European intelligence forum, comprising representatives of intelligence services”¹⁵⁹.

Georgios Karyotis argues that “Unfortunately, as in the case of the other counter-terrorism bodies, any evaluation of TREVI’s work and results is a daunting task, because of the high security salience and confidentiality (...)”¹⁶⁰. TREVI namely operated on the foundation of confidentiality established by the informal set-up, which not only entailed a lack of accountability, but also a lack of legitimacy¹⁶¹, thus reinforcing the Democratic Deficit of the European Union. The reliance on informal rather than formal set-ups estranges both the Member States and the European Union from the decision-making, and therefore actually disreputes the framework of decision-making in the European Union¹⁶².

Georgios Karyotis explains, however, that the fundamental merit established by TREVI consists in “The first regular, if informal, forum of cooperation on internal security issues among EC Member States lies in the gradual influencing of norms and perceptions of the participating national officials”¹⁶³. Tony Bunyan explains that

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ Shpiro, Shlomo. (2001). “The communication of mutual security: frameworks for European-Mediterranean intelligence sharing”. Bar-Ilan University Department of Political Studies.

¹⁶⁰ Karyotis, Georgios. (17 February 2007). European migration policy in the aftermath of September 11: the security-migration nexus”. *Innovation: The European Journal of Social Science Research*, Volume 20, Issue 1. <https://doi.org/10.1080/13511610701197783>.

¹⁶¹ Benyon, John. (1994). “Policing the European Union: The Changing Basis of Cooperation on Law Enforcement”. *International Affairs*, Volume 70, Number 3. <https://www.jstor.org/stable/2623708>.

¹⁶² Gegout, Catherine. (2002). “The Quint: Acknowledging the Existence of a Big Four-Us Directoire at the Heart of the European Union's Foreign Policy Decision-Making Process”. Wiley-Blackwell Publishing Limited. <https://doi.org/10.1111/1468-5965.00357>.

¹⁶³ Karyotis, Georgios. (17 February 2007). European migration policy in the aftermath of September 11: the security-migration nexus”. *Innovation: The European Journal of Social Science Research*, Volume 20, Issue 1. <https://doi.org/10.1080/13511610701197783>.

TREVI set the stage for “Setting up a secure communications link between police forces of the Member States, intensification of liaison between police forces, and the mutual exchange of information about people excluded from the territory of any one Member State”¹⁶⁴.

Georgios Karyotis explains that “TREVI became the precursor and the prototype for the more formal intergovernmental structures instituted first under the Schengen Agreements in the 1980s and finalized in the form of the Third Pillar of the Maastricht Treaty in the 1990s”¹⁶⁵. TREVI shed light on the challenges vis-à-vis international security, especially organized crime and counter-terrorism, following the ratification of the Schengen Agreement in 1985 and the establishment of the Schengen Area: the Four Freedoms, namely the unrestricted movement of people, capital, goods, and services, concretized under the European Single Market in 1993, “(...) were welcome features of the envisioned Common European Market, free movement of criminals and terrorists was clearly an unwanted corollary”¹⁶⁶, thus boosting the securitization of European rather than national borders. All in all, TREVI revealed that “The European mobility area must also be a security area”¹⁶⁷.

2.2.2. Critical Juncture #2: the Pan Am Flight 103 in 1988.

The Pan American World Airways scheduled a transatlantic flight from Frankfurt to Detroit through London. The plane has been destroyed over Lockerbie in Scotland in 1988, causing 270 fatalities, including 16 aircrew, 243 passengers, and 11 citizens¹⁶⁸. The terrorists placed a bomb on the plane, namely Semtex, which refers to an all-purpose plastic explosive that consists of RDX and PETN¹⁶⁹, which has been detonated remotely, which has been undetectable by security at airports¹⁷⁰, and which has been used by Rogue States, especially Libya in the 1970s and 1980s¹⁷¹, and by terrorists¹⁷².

Responsibility for the Pan Am Flight 103 has been claimed by several entities. The major suspect has been the Popular Front for the Liberation of Palestine, which refers

¹⁶⁴ Bunyan, Tony. (1993). “Statewatching the new Europe : a handbook on the European State”. Statewatch.

¹⁶⁵ Karyotis, Georgios. (17 February 2007). European migration policy in the aftermath of September 11: the security-migration nexus”. *Innovation: The European Journal of Social Science Research*, Volume 20, Issue 1. <https://doi.org/10.1080/13511610701197783>.

¹⁶⁶ Bures, Oldrich. (2012). “Informal counter-terrorism arrangements in Europe: Beauty by variety or duplicity by abundance”. *Cooperation and Conflict*. <https://www.jstor.org/stable/45084704>.

¹⁶⁷ Ibid.

¹⁶⁸ Strantz, Nancy Jean. (1990). “Aviation Security and Pan Am Flight 103: What Have We Learned”. *Journal of Air Law and Commerce*.

¹⁶⁹ Hobbs, John. (1993). “Analysis of Semtex explosives”. *Advances in Analysis and Detection of Explosives*, National Transportation Systems Center, Research and Special Programs Administration, US Department of Transportation. <https://apps.dtic.mil/sti/pdfs/ADA265002.pdf#page=405>.

¹⁷⁰ Mostak, Petr & Stancl, Miroslav. (2002). “Detection of Semtex plastic explosives”. Springer, Dordrecht.

¹⁷¹ Cruz, Eric. (2018). “Muammar Gaddafi’s Proxy War through the Provisional Irish Republican Army against England”. Editorial Staff Chief Editor. <https://sites.clas.ufl.edu/polisci/files/UFIR-Total-Edition-Spring-2018-Draft-Final-Version.pdf#page=96>.

¹⁷² Haley, Edward. (1991). “Brian Davis, Qaddafi, Terrorism, and the Origins of the US Attack on Libya”. New York: Praeger.

to a terrorist organization that pursued sovereignty and independence for Palestine, and that has been established by Ahmed Jibril in 1968¹⁷³. The secondary suspect has been the Islamic Jihad Organization, which refers to a terrorist organization that pursued the retreat of the United States from Lebanon, and that has been established by Imad Mughniyah in 1983¹⁷⁴.

Muammar Gaddafi ultimately admitted responsibility in 2003¹⁷⁵. Libya allegedly retaliated following the head-to-heads with the United States in the Gulf of Sidra throughout the 1980s, which allegedly killed Hana Muammar Gaddafi¹⁷⁶, the adopted daughter of Muammar Gaddafi, during the Operation El Dorado Canyon in 1986¹⁷⁷.

Libya paid 2,7 billion \$ to the families of all 270 victims, thus adding up to 10 million for every family¹⁷⁸. Kreindler & Kreindler namely settled that the international community reduced sanctions in batches following the payment: upon 40%, the sanctions enforced by the United States; upon 80%, the sanctions enforced by the United States on trade; and upon 100%, the removal from the State Sponsors of Terrorism by the United States¹⁷⁹. The settlement has been ended on 15 May 2006¹⁸⁰.

The Munich Massacre therefore constitutes the second Critical Juncture that coincided with the establishment of the Schengen Agreement in 1985, which has been reinforced by the Schengen Information System in 1990. Both set the stage for the establishment of the Schengen Area in 1995. The Schengen Agreement has been concluded by Belgium, France, the Federal Republic of Germany, Luxembourg, and the Netherlands, of the European Economic Community to gradually abolish all check at the border between the Member States. Article 2 namely stipulates that “With regard to the movement of persons, from 15 June 1985 the police and customs authorities shall as a general rule carry out simple visual surveillance of private vehicles crossing the common border at reduced speed, without requiring such vehicles to stop. However, they may carry out more thorough controls by means of spot checks. These shall be performed where possible off the main road, so as not to interrupt the flow of other vehicles crossing the border” while Article 6 stipulates that “Without prejudice to the application of more favorable arrangements between the Parties, the latter shall take the measures required to facilitate the movement of nationals of the Member

¹⁷³ Leopardi, Francesco Saverio. (2017). “The Popular Front for the Liberation of Palestine during the First Intifada: From opportunity to marginalization (1987–1990)”. *British Journal of Middle Eastern Studies*. <https://doi.org/10.1080/13530194.2017.1281574>.

¹⁷⁴ Fletcher, Holly. (10 April 2008). “Palestinian Islamic Jihad”. Council on Foreign Relations.

¹⁷⁵ Barringer, Felicity. (16 August 2003). “Libya Admits Culpability In Crash of Pan Am Plane”. *The New York Times*. <https://www.nytimes.com/2003/08/16/world/libya-admits-culpability-in-crash-of-pan-am-plane.html>.

¹⁷⁶ Flock, Elizabeth. (26 August 2011). “Gaddafi’s daughter Hana’s death in 1986 all a hoax”. *The Washington Post*.

¹⁷⁷ Walker, Peter. (26 August 2011). “Gaddafi’s daughter Hana: dead or a practicing doctor”. *The Guardian*. <https://www.theguardian.com/world/2011/aug/26/hana-gaddafi-daughter-mystery>.

¹⁷⁸ Koppel, Andrea & Labott, Elise. (29 May 2002). “Libya offers 2,7 billion \$ Pan Am 103 settlement”. *CNN*. https://archive.ph/20120707022256/http://articles.cnn.com/2002-05-28/us/libya.lockerbie.settlement_1_libyan-offer-commercial-sanctions-families-of-terror-victims.

¹⁷⁹ Ibid.

¹⁸⁰ O’Neil, John. (15 May 2006). “US Restores Diplomatic Ties to Libya”. *The New York Times*.

States of the European Communities resident in the local administrative areas along their common borders with a view to allowing them to cross those borders at places other than authorized crossing points and outside checkpoint opening hours. The persons concerned may benefit from these advantages provided that they transport only goods permitted under the duty-free arrangements and comply with exchange regulations”.

Member States, however, also set the stage for tackling the threats to security both at the national and European levels: Article 7 namely stipulates that “The Parties shall endeavor to approximate their visa policies as soon as possible in order to avoid the adverse consequences in the field of immigration and security that may result from easing checks at the common borders” while Article 9 stipulates that “The Parties shall reinforce cooperation between their customs and police authorities, notably in combating crime, particularly illicit trafficking in narcotic drugs and arms, the unauthorized entry and residence of persons, customs and tax fraud and smuggling. To that end and in accordance with their national laws, the Parties shall endeavor to improve the exchange of information and to reinforce that exchange where information which could be useful to the other Parties in combating crime is concerned. Within the framework of their national laws the Parties shall reinforce mutual assistance in respect of unauthorized movements of capital”.

The Schengen Information System constitutes a database that contains information shared by the Member States and that the European Commission manages¹⁸¹. The alerts namely indicate name, Date of Birth, gender, nationality, and Record of Arrests and Prosecutions, to facilitate cooperation vis-à-vis law enforcement and border control. The management of the database also includes the formulation of instructions for the national authorities regarding targets. SIRENE refers to the Supplementary Information Request at the National Entries, which operates in all Member States to exchange information at national and European levels under the alerts¹⁸². The Schengen Area concertized the free movement of people, capital, goods, and services under the Four Freedoms through the establishment of an open border between the Member States.

The second Critical Juncture launched by the Pan Am Flight 103 requires explanation regarding the Schengen Agreement, namely because the United Kingdom refused to ratify the Schengen Agreement. The nexus therefore stems from the Schengen Acquis, which refers to a set of legislation within the framework of the European Union Law

¹⁸¹ Bellanova, Rocco & Glouftisios, Georgios. (2022). “Controlling the Schengen Information System (SIS II): The infrastructural politics of fragility and maintenance”. *Geopolitics*, Volume 27, Issue 1. <https://doi.org/10.1080/14650045.2020.1830765>.

¹⁸² Mahmood, Shiraz. (1995). “The Schengen Information System: an inequitable data protection regime”. *International Journal of Refugee Law*. <https://heinonline.org/HOL/P?h=hein.journals/intjrl7&i=189>.

that regulates the establishment of an open border between the Member States¹⁸³¹⁸⁴, and which grants an opt-out the United Kingdom. The withdrawal of the State that has initially been hit with the ramifications of Pan Am Flight 103, which essentially launched the Critical Juncture, paradoxically raised awareness and pushed the Member States to consider the threats to security, especially terrorism and international crime, that the Schengen Area opened the window to.

2.2.3. Critical Juncture #3: the Omagh Bombing in 1998.

A vehicle-borne improvised explosive device refers to an improvised explosive device launched in a vehicle¹⁸⁵. Such bombs have been used vis-à-vis the inside, to kill the victims inside of the car¹⁸⁶, or vis-à-vis the outside, to kill the victims on the outside of the car, and damages structures¹⁸⁷. The Irish Republican Army refers to a paramilitary and a terrorist organization established in 1969 to pursue the Unified Ireland¹⁸⁸. The Good Friday Agreement has been concluded in 1998 between the United Kingdom, and Ireland, especially between Northern Ireland and Southern Ireland, to end the Troubles, which refers to a period of a political, nationalistic, and sectarian violence in Northern Ireland between Catholics and Protestants. The Irish Republican Army refers to a paramilitary established in 1969 to forge the United Ireland by ending the governance of the United Kingdom in Northern Ireland. The Real Irish Republican Army refers to a renegade paramilitary established in 1997 to forge the United Ireland too, but through violence aimed at enforcing sovereignty away from the United Kingdom¹⁸⁹.

The Drumcree Stand-off boosted the Troubles, when violence blew up in Portadown in Northern Ireland over the annual parade, because Portadown hosts a Protestant majority and a Catholic minority¹⁹⁰. The United Kingdom and Ireland reached the Mitchell Principles in 1997, which laid six fundamental rules for both governments to

¹⁸³ Katina, Michael & Michael, Michael. (2008). "Schengen Information System II: The balance between civil liberties, security and justice". Australia and the new technologies: evidence based policy in public administration.

¹⁸⁴ Huybreghts, Gerrit. (2015). "The Schengen Convention and the Schengen acquis: 25 years of evolution". Era Forum, Volume 16, Number 3. <https://link.springer.com/article/10.1007/s12027-015-0402-3>.

¹⁸⁵ Yokohama, Hiroshi; Sunde, Jadranka; Ellis-Steinborner, Simon; Ayubi, Zelaikhah. (2015) "Vehicle-borne improvised explosive device (VBIED) characterisation and estimation of its effects in terms of human injury". International Journal of Protective Structures. <https://doi.org/10.1260/2041-4196.6.4.607>.

¹⁸⁶ Bunker, Robert & Sullivan, John. (2013). "Cartel car bombings in Mexico". Strategic Studies Institute & US Army War College Press. <https://publications.armywarcollege.edu/pubs/2238.pdf>.

¹⁸⁷ Enders, David. (23 June 2015). "Car Bombs Have Become the Islamic State's Assault Weapon of Choice". Vice News. <https://www.vice.com/en/article/bjxwd/car-bombs-have-become-the-islamic-states-assault-weapon-of-choice>.

¹⁸⁸ White, Robert. (1997). "The Irish Republican Army: an assessment of sectarianism". Terrorism and Political Violence. <https://www.tandfonline.com/doi/abs/10.1080/09546559708427385>.

¹⁸⁹ Horgan, John & Taylor, Max. (2007). "The provisional Irish republican army: Command and functional structure". Terrorism and Political Violence, Volume 9, Issue 3. <https://doi.org/10.1080/09546559708427413>.

¹⁹⁰ Hughes, Joanne. (1998). "Community relations in Northern Ireland: lessons from Drumcree". Journal of Ethnic and Migration Studies, Volume 24, Issue 3. <https://doi.org/10.1080/1369183X.1998.9976643>.

pursue negotiations¹⁹¹. The Real Irish Republican Army, however, considered that the Mitchell Principles violated the foundation of the struggle for independence.

The Good Friday Agreement has been concluded by both governments in 1998 to end the violence throughout the Troubles. The Real Irish Republican Army broke the Good Friday Agreement just four months after the conclusion. A Vauxhall Cavalier has been stolen on 13 August 1991 in Carrickmacross and loaded with explosives. A scout drove ahead to identify any checkpoints. The Vauxhall Cavalier has then been parked nearby the Omagh Courthouse on Market Street.

Three calls have been effectuated to warn the authorities: first warning “Martha Pope”; second warning “There’s a bomb, courthouse, Omagh, main street, 500 pounds, explosion thirty minutes”; third warning “Bomb, Omagh town, fifteen minutes”¹⁹². The callers have allegedly warned the authorities on behalf of Óglaigh na hÉireann, which refers to “Warriors of Ireland” in Irish. The warnings have been received by the Royal Ulster Constabulary, which referred to the police in Northern Ireland between 1922 and 2001.

The Royal Ulster Constabulary evacuated the Omagh Courthouse following the contents of the three warnings, which have ultimately been inaccurate: Omagh lacks a “Main Street”. The Vauxhall Cavalier, however, has been parked on Market Street following traffic. The bomb killed 29 and injured over 300¹⁹³. The national and international community both upreared against the Real Irish Republican Army, who admitted responsibility for placing and arming the bomb, but denied responsibility for targeting civilians.

The Omagh Bombing therefore constitutes the third Critical Juncture that coincided with the establishment of the European Union Agency for Law Enforcement Cooperation in 1998. The foundation for Europol has been laid within TREVI in 1991 by the Chancellor of Germany Helmut Kohl to forge “A central organization to facilitate the exchange and coordination of criminal information, and the development of intelligence between Member States in respect of crime extending across the borders of Member States (...)”¹⁹⁴; in 1993, Europol Drugs Unit has been established under the Schengen Information System to fight organized crime and drug trade by gathering and analyzing intelligence at the European level, and by delegating the conclusions to the national level to facilitate prosecution. The Treaty of Maastricht, however, boosted to scope of Europol to fight not only organized crime and drug trade, but also terrorism, namely: “Member States shall regard the following areas as matters of common interest: (...) police cooperation for the purposes of preventing and combatting terrorism, unlawful drug trafficking and other serious forms of international crime,

¹⁹¹ McKittrick, David. (20 May 1996). “Sinn Fein ready to accept Mitchell principles”. The Independent. <https://www.independent.co.uk/news/sinn-fein-ready-to-accept-mitchell-principles-1348380.html>.

¹⁹² Mathers, Matt. (23 July 2021). “Omagh bombing: What happened and could attack have been prevented”. The Independent.

¹⁹³ Connolly, Kevin. (20 December 2007). “How the Omagh case unravelled”. BBC News.

¹⁹⁴ Bunyan, Tony. (1993). “Trevi, Europol and the European state”. Statewatching the new Europe.

including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol)”.

Europol therefore constitutes a hub for conducting research, launching investigation, and gathering intelligence at the level of the European Union to reinforce prosecution at the level of the Members States¹⁹⁵. Europol thus operates on consultative powers and lacks performative powers to prosecute.

2.2.4. Critical Juncture #4: 9/11 in 2001.

Osama bin Laden has been the most famous member of the family of Bin Laden, who advised the House of Saud and who managed Saudi Binladin Group. Osama bin Laden, however, remains famous for establishing Al-Qaeda in 1988, which refers to a terrorist organization that operates internationally on the foundation of jihadism, and for conducting the 9/11.

“The Letter to America” has been published by Osama bin Laden in 2002 to explain the reasons for 9/11 to the public: 1) Operation Southern Watch, which refers to a military operation conducted by the United States in Iraq between 1992 and 2003; 2) sanctions against Iraq enforced by the United Nations Security Council between 1990 and 2003; 3) the United States’ support for Israel; 4) the United States’ support for Russia in Chechnya; 5) the United States’ support for India in Kashmir; and 6) the United States’ support for Israel in Lebanon.

Al-Qaeda operated based on the simultaneous centralization of decision-making a decentralization of execution. 9/11 has been designed and presented to Osama bin Laden by Khalid Sheikh Mohammed in 1996¹⁹⁶¹⁹⁷.

9/11 has been executed by 19 jihadists who hijacked 4 planes, all headed to LAX: 1) the American Airlines Flight 11 in a Boeing 767 headed from Logan Airport to LAX with 11 crew, 76 passengers, and 5 perpetrators; 2) the American Airlines Flight 77 in a Boeing 757 headed from Washington Dulles International Airport to LAX with 6 crew, 53 passengers, and 5 perpetrators; 3) the United Airlines Flight 175 in a Boeing 767 headed from Logan Airport to LAX with 9 crew, 51 passengers, and five perpetrators; and 4) the United Airlines Flight 93 in a Boeing 757 headed from Newark International Airport to San Francisco International Airport with 7 crew, 33 passengers, and 4 perpetrators.

¹⁹⁵ Disley, Emma; Irving, Barrie; Hughes, William; Patrui, Bhanu. (2012). “Evaluation of the implementation of the Europol Council Decision and of Europol’s activities”. RAND Europe. https://www.europol.europa.eu/cms/sites/default/files/documents/rand_evaluation_report.pdf.

¹⁹⁶ Durkin, Joshua. (2010). “Khalid Sheikh Mohammed And the Developments of the 9/11 Trial”. Western Connecticut State University (WCSU) & West Collections Repository (WCR). <https://westcollections.wcsu.edu/bitstream/handle/20.500.12945/3014/On%20the%20KSM%20trial%20-%20Thesis%20Spring%202010%282%29.pdf?sequence=1&isAllowed=y>.

¹⁹⁷ Clarke, Steven. (2019). “9/11 plotter Khalid Sheikh Mohammed will face trial in 2021”. UWIRE Text.

The American Airlines Flight 11 hit the World Trade Center on the North at 8:46; the United Airlines Flight 175 hit the World Trade Center on the South at 9:03; the American Airlines Flight 77 hit the Pentagon at 9:37; the United Airlines Flight 93, intended to hit either the White House or the Capitol, crashed in Pennsylvania at 10:03 a.m. after passengers fought the four hijackers. Flight 93's target is believed to have been either the Capitol or the White House. All-in-all, the perpetrators used Maces and Leathermans to overwhelm the crew and passengers to and to fly the planes at the targets, and have succeeded in Flight 11, 175, and 77, but failed in Flight 93 due to resistance, leading to the crash.

9/11 has been the deadliest example of a terrorist attack in History¹⁹⁸: overall, 2 996 have died, and 25 000 have been injured¹⁹⁹. 19 terrorists died on the planes along with 265 victims upon the hits²⁰⁰; 2 606 died in the World Trade Center; 125 died at the Pentagon; also, 343 firefighters, 72 police officers, and 55 military officers died personnel²⁰¹²⁰².

9/11 constitutes the fourth Critical Juncture, which not only launched, but also shaped the Securitization of terrorism by the European Union²⁰³. The Member States have namely been forced to establish a framework to fight terrorism²⁰⁴, both at European and national levels, through 3 tools.

1) The Council Framework Decision 2002/475/JHA has been ratified by the Council of the European Union in 2002 to acknowledge that terrorism constitutes a threat to the security vis-à-vis both the Member States. The European Union namely established the foundation to prosecute terrorism by defining what crimes constitute terrorism and by coordinating legislation at the national and European levels.

2) Eurojust has been ratified by the Treaty of Nice in 2002 to establish an agency of the European Union that conducts and manages judicial cooperation between Member States, namely vis-à-vis the prosecution of serious crimes²⁰⁵.

¹⁹⁸ Morgan, Matthew. (4 August 2009). "The Impact of 9/11 on Politics and War: The Day that Changed Everything". Palgrave Macmillan.

¹⁹⁹ Stempel, Jonathan. (29 July 2019). "Accused 9/11 mastermind open to role in victims' lawsuit if not executed". Reuters. <https://www.reuters.com/article/us-usa-sept-11-saudi-ksmohammed/accused-9-11-mastermind-open-to-role-in-victims-lawsuit-if-not-executed-idUSKCN1UO27M>.

²⁰⁰ Patteson, Callie & Chamberlain, Samuel. (7 September 2021). "Case resumes against 9/11 Plotter Khalid Sheikh Mohammed". The New York Post. <https://nypost.com/2021/09/07/case-resumes-against-9-11-plotter-khalid-sheikh-mohammed/>.

²⁰¹ Stone, Andrea (20 August 2002). "Military's aid and comfort ease 9/11 survivors' burden". USA Today. https://usatoday30.usatoday.com/news/sept11/2002-08-20-pentagon_x.htm.

²⁰² Beveridge, Andrew. (2 September 2011). "9/11/01-02: A Demographic Portrait of the Victims in 10048". Gotham Gazette.

²⁰³ De Vries, Gijs. (2005). "The European Union's Role in the Fight Against Terrorism". Irish Studies in International Affairs, Volume 16. <https://www.jstor.org/stable/30001931>.

²⁰⁴ Hartig, Hannaj & Doherty, Carroll. (2 September 2021). "Two Decades Later, the Enduring Legacy of 9/11". Pew Research Center. <https://www.pewresearch.org/politics/2021/09/02/two-decades-later-the-enduring-legacy-of-9-11/#CHAPTER-the-new-normal-the-threat-of-terrorism-after-9-11>.

²⁰⁵ Monar, Jörg. (2010). "The Institutional Dimension of the European Union's Area of Freedom, Security and Justice". Peter Lang.

The Council of the European Union initially formed Pro-Eurojust in 2000 as the forerunner to Eurojust to test *modus operandi* finally designed for Eurojust. 9/11 proved the fundamental relevance of international cooperation in prosecution of justice, and sparked the boost from Pro-Eurojust to Eurojust through the Council Decision 2002/187/JHA.

Eurojust namely drives judicial cooperation between Member States by brokering, moderating, and troubleshooting prosecutions at the national level through the legitimacy and know-how at the European level. The Council Decision 2002/187/JHA explains and enumerates that serious crimes refer to organized crime, human trafficking, drug trafficking, arms trafficking, money laundering, smuggling, kidnapping, counterfeiting, racketeering, murder, and most importantly, terrorism.

Eurojust namely triggers following any such crime in at least a couple of Member States and the involvement of Europol; its powers, however, consist in consultation and coordination, without any powers and rights to investigate and prosecute²⁰⁶. Cases managed by Eurojust rose from 202 in 2002, to 2 306 in 2016, to over 10 000 in 2021²⁰⁷²⁰⁸.

3) The European Arrest Warrant has been ratified by the Council Framework Decision 2002/584/JHA in 2002 to establish an arrest warrant in all Member States of the European Union. An arrest warrant constitutes an authorization published by a magistrate to arrest, detain, and prosecute a person²⁰⁹.

The European Convention on Extradition has been concluded in 1957 by the Council of Europe, which refers to an international organization that has been established in 1949 to pursue Rule of Law, Human Rights, and democracy in Europe²¹⁰, and which constituted the only multilateral agreement that established a framework for extradition in Europe until the 1990s. The Treaty of Maastricht and 9/11 drove the Member States to pursue projects with the aim of streamlining extradition across the European Union. Graham Watson, the Chair of the Committee on Civil Liberties, Justice and Home Affairs in the European Parliament called for the establishment of the European Arrest Warrant on 5 September 2001, only days before 9/11²¹¹, which has ultimately been confirmed by the Laeken European Council on 15 December 2001, and which ousted the European Convention on Extradition.

The fundamental aim of the European Arrest Warrant consisted in tackling terrorism following 9/11, but quickly been boosted to include most crimes vis-à-vis criminal law

²⁰⁶ Ibid.

²⁰⁷ Coninsx, Michèle. (2017). "Eurojust Annual Report 2016". Eurojust.

²⁰⁸ Reynders, Didier. (2022). "Eurojust Annual Report 2021". Eurojust.

²⁰⁹ Klimek, Libor. (2015). "European Arrest Warrant". Springer. <https://link.springer.com/book/10.1007/978-3-319-07338-5>.

²¹⁰ Juncker, Jean-Claude. (2006). "Council of Europe - European Union: A sole ambition for the European continent". Council of Europe.

²¹¹ Wouters, Jan & Naert, Frederik. (2004). "Of Arrest Warrants, Terrorist Offences and Extradition Deals: An Appraisal of the EU's Main Criminal Law Measures against Terrorism after 11 September". Institute for International Law, KU Leuven. <https://www.law.kuleuven.be/iir/nl/onderzoek/working-papers/WP56e.pdf>.

in the Member States²¹². The European Arrest Warrant moreover establishes the fundamental merits for prosecution: 1) Prosecution, namely that the execution of the European Arrest Warrant occurs within 60 days; 2) Surrender, namely that the delivery of a perp through the European Arrest Warrant stands compulsory for the Member States; 3) Proportionality, namely that the crime complies with the scope of the; European Arrest Warrant 4) Double criminality, namely that the requirement within the framework of any extradition for a conduct to constitute a crime in at least a couple of Member States has been eliminated within the framework of the European Arrest Warrant.

The application of the European Arrest Warrant has been rising Member States have been gradually rising over the years: 16 144 in 2015; 16 636 in 2016; 17 491 in 2017²¹³; 17 471 in 2018; 20 226 in 2019.

2.2.5. Critical Juncture #5: 11M in 2004.

Cercanías refers to a rail network located in Spain operated by the Renfe around metropolitan areas. Thirteen improvised explosive devices have been placed on four trains that have all started from the same station, namely Alcalá de Henares, between 7:01 and 7:14 in the morning on 11 March 2004²¹⁴. The devices have been remotely detonated between 7:37 and 7:40 on four stations around Madrid: 1) Atocha, 2) Calle Téllez, 3) El Pozo del Tío Raimundo, and 4) Santa Eugenia.

At Atocha, four devices have been placed. The first device exploded at 7:37, while the second and third exploded at 7:38. TEDAX, which stands for Technician Specialist in Deactivation of Explosive Artifacts, and refers to Spanish bomb disposal, found and conducted a controlled detonation of the fourth device around 9:30. At Calle Téllez, four devices have been placed. All four devices exploded at 7:39. At El Pozo del Tío Raimundo, four devices have been placed. The first and second devices exploded at 7:38. The third device has been found and detonated under control hours later by TEDAX along with the fourth device, which has been disabled²¹⁵. At Santa Eugenia, only one device has been placed and exploded at 7:38²¹⁶. All in all, 193 people have been killed and more than 2 000 have been injured²¹⁷.

The improvised explosive devices have been set up with Goma-2 that has been concealed in backpacks. Goma-2 refers to an industrial explosive manufactured and

²¹² Fennelly, Nial. (2007). "The European Arrest Warrant: Recent developments". Springer-Verlag. <https://link.springer.com/content/pdf/10.1007/s12027-007-0034-3.pdf>.

²¹³ Wahl, Thomas. (12 January 2020). "Statistics on Use of EAW in 2017". EUCRIM.

²¹⁴ Marghella, Pietro & Ashkenazi, Isaac. (2014). "The Lessons of Tragedy: The 2004 Madrid Train Bombings". Browse-Jones & Bartlett Learning.

²¹⁵ Rose William; Murphy, Rysia; Abrahams, Max. (2007). "Does Terrorism Ever Work? The 2004 Madrid Train Bombings". International Security, Volume 32, Number 1. <https://www.jstor.org/stable/30129805>.

²¹⁶ Sánchez de Roda, Carlos. (11 March 2016). "11-M: el tren de Santa Eugenia y sus increíbles misterios". El Español. https://www.elspanol.com/opinion/20160310/108609140_12.html.

²¹⁷ Gopesh, Sushrut. (25 February 2022). "11M: Terror In Madrid Explained: Why Did The Government Blame ETA". Digital Mafia Talkies. <https://dmtalkies.com/11m-terror-in-madrid-explained-2022-documentary-film/>.

used for mining in Spain. The terrorist attack occurred on 11 March 2004, while the parliamentary elections have been held on 13 March 2004. The Prime Minister José María Aznar and the Partido Popular directly argued for the responsibility of Euskadi Ta Askatasuna. The opposition, led by José Luis Rodríguez Zapatero and the Partido Socialista Obrero Español, however, claimed that the government sought to conceal the causality with the Iraq War²¹⁸²¹⁹. Abu Dujana Al-Afghani claimed responsibility on behalf of Al-Qaeda through a video published on 14 March 2004²²⁰.

11M constitutes the fifth Critical Juncture that sparked the publication of the Declaration on Combating Terrorism on 25 March 2004 by the Member States. The European Council expressed “(...) sympathy and solidarity to the victims, their families and to the Spanish people. The callous and cowardly attacks served as a terrible reminder of the threat posed by terrorism to our society. Acts of terrorism are attacks against the values on which the Union is founded. The Union and its Member States pledge to do everything within their power to combat all forms of terrorism in accordance with the fundamental principles of the Union (...)” in Article 1; welcomed “(...) political commitment of the Member States and of the acceding States, taken as of now, to act jointly against terrorist acts, in the spirit of the Solidarity Clause contained in Article 42 (...)” in Article 2; and identified “(...) terrorism as one of the key threats to EU interests and requested the Presidency and Secretary General/High Representative Solana, in coordination with the Commission, to present concrete proposals for implementing the Strategy, including recommendations for combating the threat posed by terrorism and dealing with its root causes. In light of the events in Madrid, the European Council believes that full implementation of measures to combat terrorism is a matter of urgency” in Article 3.

The fundamental merit of the Declaration on Combating Terrorism, however, consists in the establishment of the position and mandate vis-à-vis the Counter-Terrorism Coordinator by Article 14: “The European Council emphasizes that a comprehensive and strongly coordinated approach is required in response to the threat posed by terrorism. The European Council accordingly agrees to the establishment of the position of a Counter-Terrorism Coordinator. The Coordinator, who will work within the Council Secretariat, will co-ordinate the work of the Council in combating terrorism and, with due regard to the responsibilities of the Commission, maintain an overview of all the instruments at the Union’s disposal with a view to regular reporting to the Council and effective follow-up of Council decisions (...)”.

²¹⁸ Sotero, Paloma. (31 October 2007). “El 11-M se queda sin autores intelectuales al quedar absueltos los tres acusados de serlo”. El Mundo. <https://www.elmundo.es/elmundo/2007/10/31/espana/1193830716.html>.

²¹⁹ Hamilos, Paul & Tran, Mark. (31 October 2007). “21 guilty, seven cleared over Madrid train bombings”. The Guardian. <https://www.theguardian.com/world/2007/oct/31/spain.marktran>.

²²⁰ Nash, Elizabeth. (7 November 2006). “Madrid bombers were inspired by Bin Laden address”. The Independent. <https://web.archive.org/web/20080706184144/http://news.independent.co.uk/europe/article1961431.ece>.

The Counter-Terrorism Coordinator namely constitutes the bridge vis-à-vis the fight against terrorism between the Member States and the European Union through the Council of the European Union. The mandates includes: 1) Monitoring the policy-making vis-à-vis terrorism; 2) Formulating recommendations; 3) Coordinating across the national, European, and international levels. David Spence explains that the Counter-Terrorism Coordinator has been established to: “1) Present proposals aimed at better organizing and streamlining the work of the EU Council Secretariat relating to the fight against terrorism; 2) Prepare proposals for strengthening coordination between the different configurations of the Councils of Ministers and their preparatory bodies; and 3) Maintain regular contacts with the Member States, so as to enhance coordination between EU level and national actions”²²¹.

Alex Mackenzie, Oldrich Bures, Christian Kaunert, Sarah Léonard argue that “The EU CTC has virtually no power, apart from that of persuasion”²²². The reason consists in that “There is no specific legislation that establishes the post of EU CTC and lays down its specific powers”, because “The actual formal mandate of the EU CTC is rather general and his precise tasks and powers are not entirely clear. This is largely due to the persisting divisions amongst Member States over his exact role”²²³. The Counter-Terrorism Coordinator has also been designed to “(...) cajole the Member States towards the timely implementation of EU-level counterterrorism agreements and initiatives. The ability of the EU CTC to do so in practice is, nevertheless, severely circumscribed by the fact that he cannot coerce national governments into taking action, has no independent budget, cannot propose legislation, nor can he chair meetings (...)”²²⁴.

The Counter-Terrorism Coordinator, on the internal dimension, therefore lacks power and tools to drive policy-making; on the external dimension, however, “(...) the EU CTC has been the face of the EU in the presentation of its counter-terrorism policy to the outside (...)”, “(...) has established himself as a key point of contact for interactions between the EU and third states on issues pertaining to terrorism”, and “(...) has been very active in fostering political dialogue on counter-terrorism issues across the world and promoting various practical and technical initiatives”²²⁵. All-in-all, the Counter-Terrorism Coordinator therefore “(...) lacks the ability to perform any executive tasks or to coerce Member States into taking action, but he can coordinate activities and bring the EU (...) closer together on counter-terrorism issues, help the EU and the Member States formulate counter-terrorism action in certain areas around

²²¹ Spence, David. (2007) “The European Union and Terrorism”. London: John Harper.

²²² Mukhopadhyay, A.R. (2004) EU counter-terrorism coordinator office: A non-starter?, Observer Research Foundation Analysis, 22 April.

²²³ Mackenzie, Alex; Bures, Oldrich; Kaunert, Christian; Léonard, Sarah. (2013). “The European Union Counter-terrorism Coordinator and the External Dimension of the European Union Counter-terrorism Policy”. Perspectives on European Politics and Society. <https://www.tandfonline.com/doi/abs/10.1080/15705854.2013.817810>.

²²⁴ Ibid.

²²⁵ Ibid.

the world (...). the EU CTC actually provides certain important functions for the Union that the EU Member States cannot provide themselves (...)²²⁶.

2.2.6. Critical Juncture #6: 7/7 in 2005.

The London Underground refers to a network of metro in Greater London. Germaine Lindsay, Shehzad Tanweer, Mohammad Sidique Khan, and Hasib Hussain all lived in the United Kingdom as children of Pakistani and Jamaican Parents; on 7 July 2005 at 8:49 in the morning, the perpetrators boarded three trains and one double-decker bus in Greater London with improvised explosive devices hidden in backpacks²²⁷²²⁸.

The first device exploded on a metro headed to Aldgate; the second device exploded on a metro headed to Edgware Road; the third device exploded on a metro headed to King's Cross; the fourth device exploded on double-decker bus headed to Tavistock Square. All-in-all, the 4 perpetrators committed suicide by launching the device, killing 52 victims: 7 at Aldgate, 6 at Edgware Road, 26 at King's Cross, and 13 at Tavistock Square²²⁹. 700 have moreover been injured.

The perpetrators have been Lone Wolves²³⁰; Shehzad Tanweer and Mohammad Sidique Khan, however, have both recorder videos²³¹²³² expressing allegiance to Islam, Al-Qaeda and Osama Bin Laden, and condemning the War on Terror²³³²³⁴. Al-Qaeda, however, denied any engagement and responsibility.

7/7 constitutes the sixth Critical Juncture that sparked the establishment of the European Union Counter-Terrorism Strategy in 2005. The Council of the European Union driven by the presidency of the United Kingdom launched the European Union Counter-Terrorism Strategy upon the foundation of 4 pillars: 1) Prevent: "To prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalization and recruitment, in Europe and internationally"; 2) Protect: "To protect citizens and infrastructure and reduce our vulnerability to attack, including through improved security of borders, transport and critical infrastructure"; 3) Pursue: "To

²²⁶ Ibid.

²²⁷ Campbell, Duncan & Laville, Sandra. (13 July 2005). "British suicide bombers carried out London attacks, say police". The Guardian. <https://www.theguardian.com/uk/2005/jul/13/july7.uksecurity6>.

²²⁸ Vince, Gaia. (15 July 2005). "Explosives linked to London bombings identified". New Scientist.

²²⁹ Murphy, Paul. (2005). "Report into the London Terrorist Attacks on 7 July 2005". Intelligence and Security Committee. http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/11_05_06_isc_london_attacks_report.pdf.

²³⁰ Worth, Katie. (14 July 2016). "Lone Wolf Attacks Are Becoming More Common - And More Deadly". PBS Frontline. <https://www.pbs.org/wgbh/frontline/article/lone-wolf-attacks-are-becoming-more-common-and-more-deadly/>.

²³¹ Townsend, Mark. (9 April 2006). "Leak reveals official story of London bombings". The Observer & The Guardian. <https://www.theguardian.com/uk/2006/apr/09/july7.uksecurity>.

²³² Laville, Sandra; Gillan, Audrey; Dilpazier, Aslam. (15 July 2005). "Father figure inspired young bombers". The Guardian. <https://www.theguardian.com/uk/2005/jul/15/july7.uksecurity6>.

²³³ Shiv, Malik. (30 June 2007). "My brother the bomber: What turned Mohammad Sidique Khan, a softly spoken youth worker, into the mastermind of 7/7". Prospect. <https://www.prospectmagazine.co.uk/essays/my-brother-the-bomber-mohammad-sidique-khan>.

²³⁴ Ford, Richard & O'Neill, Sean. (26 May 2017). "Relative of 7/7 bomber Mohammad Sidique Khan backs Prevent". The Times UK. <https://www.thetimes.co.uk/article/relative-of-7-7-bomber-backs-prevent-chwgstvw>.

pursue and investigate terrorists across our borders and globally; to impede planning, travel, and communications; to disrupt support networks; to cut off funding and access to attack materials, and bring terrorists to justice”; and 4) Respond: “To prepare ourselves, in the spirit of solidarity, to manage and minimize the consequences of a terrorist attack, by improving capabilities to deal with: the aftermath; the co-ordination of the response; and the needs of victims”. Rik Coolsaet argues that “The EU now has a strategic concept, multidimensional in character, corresponding to the multifaceted reality that terrorism is. Its strategy even contains a specific European dimension. The fact that the very first pillar of its Strategy (...) is titled “Prevent” illustrates a strategic difference between the European fight against terrorism and the American War on Terror. (...) Characteristic of the European approach to counter-terrorism is the constant reminder of the need to address socio-economic and political root causes of terrorism”²³⁵²³⁶.

7/7 also coincides with the establishment of Frontex in 2005, which refers to the European Border and Coast Guard Agency. The agency namely monitors and regulates the borders of the Schengen Area. The Council Regulation (EC) 2007/2004 initially tasked the agency with: “(a) Coordinating operational cooperation between Member States in the field of management of external borders; (b) Assisting Member States on training of national border guards, including the establishment of common training standards; (c) Carrying out risk analyses; (d) Following up on the development of research relevant for the control and surveillance of external borders; (e) Assist Member States in circumstances requiring increased technical and operational assistance at external borders; (f) Provide Member States with the necessary support in organizing joint return operations”.

7/7 in 2005 and the European Migrant Crisis in 2015, however, launched the Securitization of borders around the Schengen Area. Frontex namely lacked a mandate, staff, resources, tools, and powers to actually monitor and secure the terrestrial, maritime, and aerial. The European Commission therefore boosted the agency in 2016 through a mandate based on the Treaty on the Functioning of the European Union which filled such gaps, granting staff, resources, and a budget. The European Commission boosted the agency again in 2019 Regulation (EU) 2021/1134 through a mandate that includes security, operations, and monitoring.

A couple of tools stand especially pertinent for counter-terrorism. 1) Eurosur refers to the European Border Surveillance System which has been established in 2013 by the European Parliament. The program namely monitors immigration into the European Union via drones, satellites, and reconnaissance aircraft²³⁷ to gather, study, and share

²³⁵ Coolsaet, Rik. (2005). “Radicalisation and Europe’s counter-terrorism strategy”. Ghent University, Royal Institute for International Relations, Center for Strategic and International Studies (CSIS). http://www.egmontinstitute.be/content/uploads/2014/01/CSIS_081205_Rev.pdf?type=pdf.

²³⁶ Bures, Oldrich. (2013). “EU Counterterrorism Policy: A Paper Tiger”. E-Interntional Relations. <https://www.e-ir.info/pdf/42298>.

²³⁷ Sheryazdanova, Kamilla. (18 Mar 2016). “Illegal Immigration and Fight against Illegal Migration in Member States of the European Union”. Acta Universitatis Sapientiae, European and Regional Studies, Volume 8, Issue 1. <https://sciendo.com/article/10.1515/auseur-2015-0015>.

intel about the criminal dimension of immigration between the Member States²³⁸. 2) Copernicus refers to the program conducted by the EUSPA, which refers to the European Union Agency for the Space Programme, under the know-how of the ESA, which refers to the European Space Agency, to forge the framework to monitor the Earth to not only tackle climate change and to preserve the environment, but also to pursue security. The Copernicus In Situ Component especially reinforces Frontex by monitoring any movement along the borders of the Schengen Area to fight terrorism and organized crime.

Nick Vaughan-Williams argues that “(...) the origins of the agency lie in the broad context of a series of moves designed to implement the principle of the free movement of people (...)”²³⁹. Monica Den Boer explains that “Though Frontex is not a counter-terrorism agency by any means, its activities are intelligence-driven. The Executive Director of Frontex explains that the mandate of his agency is to co-ordinate intelligence-driven operational cooperation at the EU level to strengthen security at the external borders. The basis for all Frontex activities is risk analysis. The trend is towards pre-frontier real-time intelligence gathering”²⁴⁰. Frontex therefore became the hub not only for gathering, analyzing, and sharing intel, but also for creating and maintaining informal and formal relationships with actors across national, European, and international dimensions²⁴¹. On the one hand, Monica Den Boer argues that “The role of Frontex in counter-terrorism is secondary as it is primarily responsible for monitoring migratory movements into the EU”²⁴²; on the other hand, Nick Vaughan-Williams argues that “(...) the role of Frontex and integrated border security has also been presented as a specific solution to the problem of the need to respond to the threat of terrorism in the EU since 9/11”²⁴³. The literature points out such debates fluctuate following peaks, like 7/7 for example. Andrew Neal concludes that “Frontex is not the product of securitizing links between terrorism, security, migration, and borders made by EU institutions in response to 9/11, but rather of their failure”²⁴⁴.

²³⁸ Bensman, Todd. (2019). “What Terrorist Migration Over European Borders Can Teach About American Border Security”. Center for immigration studies. <https://cis.org/sites/default/files/2019-11/bensman-europe-terror.pdf>.

²³⁹ Vaughan-Williams, Nick. (2008). “Borderwork beyond Inside/Outside? Frontex, the Citizen–Detective and the War on Terror”. *Space and Polity*. <https://www.tandfonline.com/doi/full/10.1080/13562570801969457>.

²⁴⁰ Den Boer, Monica. (2015). “Counter-Terrorism, Security and Intelligence in the EU: Governance Challenges for Collection, Exchange and Analysis”. *Intelligence and National Security*. <https://doi.org/10.1080/02684527.2014.988444>.

²⁴¹ Léonard, Sarah. (18 Jan 2011). “EU border security and migration into the European Union: FRONTEX and securitisation through practices”. *European Security*. <https://doi.org/10.1080/09662839.2010.526937>.

²⁴² Den Boer, Monica. (2015). “Counter-Terrorism, Security and Intelligence in the EU: Governance Challenges for Collection, Exchange and Analysis”. *Intelligence and National Security*. <https://doi.org/10.1080/02684527.2014.988444>.

²⁴³ Vaughan-Williams, Nick. (2008). “Borderwork beyond Inside/Outside? Frontex, the Citizen–Detective and the War on Terror”. *Space and Polity*. <https://www.tandfonline.com/doi/full/10.1080/13562570801969457>.

²⁴⁴ Neal, Andrew. (2009). “Securitization and Risk at the EU Border: The Origins of FRONTEX”. *Blackwell Publishing*, Volume 47. Number 2. <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-5965.2009.00807.x>.

2.2.7. Critical Juncture #6: the Paris Attacks in 2015.

The Islamic State of Iraq and the Levant set, coordinated, and conducted 6 terrorist attacks Paris on 13 November 2015. 9 perpetrators organized into 3 groups namely launched 6 attacks²⁴⁵, which fall under three categories: 1) Stade de France, 2) Restaurants, and 3) Bataclan.

At Stade de France, 3 perpetrators conducted 3 Istishhads at 21:16, 21:19, and 21:53. A match in football has been hosted by France against Germany, with the attendance of President François Hollande and Minister of the Interior Bernard Cazeneuve on the French side, and Minister of Foreign Affairs Frank-Walter Steinmeier on the German side. At Restaurants, a Seat León has been rented by 3 perpetrators who shot at civilians. The victims fell at Le Carillon and at Le Petit Cambodge around 21:25; at Café Bonne Bière and La Casa Nostra around 21:32; at La Belle Équipe around 21:36; and at Comptoir Voltaire around 21:40. At Bataclan, the Eagles of Death Metal began a concert around 21:50 for an audience of around 1 500 people. 3 perpetrators armed with Zastava M70 AKMs began shooting at the crowd at the outside just to reach the inside while vociferating Allahu Akbar²⁴⁶. Hundreds of victims have been mowed down in the dark by the perpetrators' methodical mix between assault fire and cover fire that ensured efficiency^{247,248}. The BRI arrived at the Bataclan at 22:15 followed by the RAID. The perpetrators therefore took around 20 hostages as shields. The RAID entered the Bataclan at 23:30; the negotiator enchanted 4 calls with the perpetrators; the Police launched the assault at 00:20, which lasted until 00:23.

All-in-all, 7 perpetrators have been killed by the authorities, while the perpetrators have killed 130 victims, namely²⁴⁹: 1 at Stade de France, 13 at Le Carillon and Le Petit Cambodge, 5 at Café Bonne Bière and La Casa Nostra, 21 at La Belle Équipe, and 90 at Bataclan²⁵⁰. 416 victims have been injured²⁵¹. The Islamic State of Iraq and the Levant claimed responsibility on 14 November in revenge for 1) foreign policy

²⁴⁵ Parlapiano, Alicia; Andrews, Wilson; Park, Haeyoun; Buchanan, Larry. (17 November 2015). "Finding the Links Among the Paris Attackers". The New York Times.

²⁴⁶ Nossiter, Adam & Higgins, Andrew. (13 November 2015). "Scene of Carnage Inside Sold-Out Paris Concert Hall". The New York Times. <https://www.nytimes.com/2015/11/14/world/europe/paris-attacks.html>.

²⁴⁷ Chrisafis, Angelique. (20 November 2015). "It looked like a battlefield: the full story of what happened in the Bataclan". The Guardian. <https://www.theguardian.com/world/2015/nov/20/bataclan-witnesses-recount-horror-paris-attacks>.

²⁴⁸ Cruickshank, Paul. (30 October 2017). "The inside story of the Paris and Brussels attacks". CNN.

²⁴⁹ Harress, Christopher. (14 November 2015). "How Many People Died in Paris Shooting? Update on Mass Attacks in French Capital". International Business Times. <https://www.ibtimes.com/how-many-people-died-paris-shooting-update-mass-attacks-french-capital-2184689>.

²⁵⁰ Aubourg, Lucie. (25 November 2015). "This Is What Happened at the Bataclan Concert Hall During the Paris Attacks". Vice News. <https://www.vice.com/en/article/ev9bnm/this-is-what-happened-at-the-bataclan-concert-hall-during-the-paris-attacks>.

²⁵¹ Steafel, Eleanor; Mulholland, Rory; Sabur, Rozina; Malnick, Edward; Trotman, Andrew; Harley, Nicola. (18 November 2015). "Paris terror attack: Everything we know on Wednesday evening". The Telegraph. <https://web.archive.org/web/20151119081020/http://www.telegraph.co.uk/news/worldnews/europe/france/11995246/Paris-shooting-What-we-know-so-far-on-Wednesday-afternoon.html>.

pursued by François Hollande in the Middle East, and 2) airstrikes in Iraq and Syria^{252,253}.

The Paris Attacks in 2015 constitute the seventh Critical Juncture that coincides with couple of developments: 1) the establishment of the ECTC, which refers to the European Counter Terrorism Centre, and 2) the first application of Article 42 Paragraph 7 of the Treaty on European Union, which states that “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defense policy of certain Member States”.

1) The European Counter Terrorism Centre has been established by Europol in 2016 to constitute a hub in the European Union for know-how on counter-terrorism. The ECTC namely gathers, studies, and shares data with the Member States to boost national operations, based on 4 pillars: 1) “Facilitation of information exchange and cross-border cooperation”, 2) “Effective operational support, coordination and expertise for EU Member States’ investigations”, 3) “Proactive mitigation of the use of social media for radicalization purposes and support for operational analysis in online investigations”, and 4) “Central strategic support capability”²⁵⁴. The CTJLT refers to the Counter Terrorism Joint Liaison Team, which constitutes a platform established by ECTC to share reliable intel on counter-terrorism between the authorities based in Member States²⁵⁵.

2) The CFSP refers to the Common Foreign and Security Policy which constitutes the foreign policy of the European Union vis-à-vis security and defense. The Member States shape policy-making through votes based on unanimity in the Council of the European Union. The High Representative of the Union for Foreign Affairs and Security Policy represents and coordinates the CFSP²⁵⁶. CSDP refers to the Common Security and Defense Policy. The CFSP focuses on foreign policy, while the CSDP focuses on security, defense, and crisis prevention and management. The CSDP namely deploys civilian-led and military-led missions to prevent, manage, and solve crises vis-à-vis security²⁵⁷. The European Union lack permanent forces. The staff for

²⁵² Jones, Sam. (14 November 2015). “Paris attacks: Bloody atrocity signals shift in Isis strategy”. The Financial Times. <https://www.ft.com/content/f2135be4-8ac5-11e5-a549-b89a1dfede9b>.

²⁵³ Elgot, Jessica; Phipps, Claire; Bucks, Jonathan. (14 November 2015). “Paris attacks: day after atrocity - as it happened”. The Guardian. <https://www.theguardian.com/world/live/2015/nov/14/paris-terror-attacks-attackers-dead-mass-killing-live-updates>.

²⁵⁴ Drewer, Daniel, & Ellermann, Jan. (2016). “May the (well-balanced) force be with us! The launch of the European Counter Terrorism Centre (ECTC)”. Computer Law & Security Review. https://www.sciencedirect.com/science/article/pii/S0267364916300310?casa_token=-RRsaoFgUxUAAAAA:AfJ2xspuwIDFFtx8ubCLt_JVXe7qdHOdxGqrYsUxT0w5aAazg8LMv_T_MC_Mge0S-sHpJ7gq0yJmhP.

²⁵⁵ Ibid.

²⁵⁶ Ferreira-Pereira, Laura & Oliveira Martins, Bruno. (2016). “The European Union’s fight against terrorism: the CFSP and beyond”. Routledge.

²⁵⁷ Ferreira-Pereira, Laura & Oliveira Martins, Bruno. (2012). “Stepping inside? CSDP missions and EU counter-terrorism”. European Security. <https://www.tandfonline.com/doi/full/10.1080/09662839.2012.688814>.

such missions therefore flows through a couple of channels: like the European Corps, that have been voluntarily provided by the Member States through Article 42 of the Treaty on European Union and that remain under the leadership of the Member States²⁵⁸, or like the Battle Groups, that have also been voluntarily provided by the Member States through Article 42, but that remain under the leadership of the Council of the European Union at the European rather than the national level²⁵⁹. The CSDP has been deployed time and time again since the 2000s, both on military-lead operations, like Operation Concordia, Operation Althea, Operation Artemis, and Operation Atalanta, and civilian-led operations, like EUJUST LEX²⁶⁰.

The Paris Attacks in 2015 emphasize the paradox identified by Bruno Oliveira Martins and Laura Ferreira-Pereira vis-à-vis counter-terrorism and the Common Security and Defense Policy, namely that on the one hand, the framework has been designed without counter-terrorism, but that on the other hand, the European Union has been not only acknowledging but also calling for the relevance and application of the framework for counter-terrorism. The vacuum stems from first “(...) the nature of the CSDP itself”, and from second “(...) the EU’s overall response to terrorism”²⁶¹. The authors explain that “(...) neither CFSP nor CSDP, in their early days, was conceptualized or institutionalized having counter-terrorism in mind. (...) it was only after the terrorist attacks in Madrid, in March 2004, that the EU tried effectively to build up a tighter link between the Union’s security and defense dimension and its counter-terrorism strategy. (...) ESDP’s contribution was structured around four key concepts: Prevention (...); Protection (...); Response/consequence management (...); and Support (...). On the impact of the traumatic experiences caused by terrorists attacks in Madrid and London (...), the Treaty of Lisbon reconfirmed the Solidarity Clause foreseeing mutual help in case a Member State falls victim to a terrorist attack. The link established between (...) solidarity and (...) terrorism was symptomatic of the countries proclivity to give the external dimension of the Union’s counter-terrorism greater latitude and consistency in the name of stability and peace”²⁶². Counter-terrorism, however, has consistently been absent from the agendas of the Common Security and Defense Policy, despite the operational variety.

Bruno Oliveira Martins and Laura Ferreira-Pereira explain the vacuum through 3 arguments. 1) “(...) the lack of a political consensus among Member States about how to put CSDP at the service of the Union’s fight against terrorism. The major reasons for this can be found both on the State Members’ different views on CSDP’s merits and on their different levels of terrorist threat perception. (...) the counter-terrorism

²⁵⁸ Ibid.

²⁵⁹ Juncos, Ana. (2018). “Research Handbook on the EU’s Common Foreign and Security Policy”. Edward Elgar Publishing.

²⁶⁰ Mattelaer, Alexander. (2010). “The CSDP mission planning process of the European Union: innovations and shortfalls”. European Integration Online Papers (ELOP). <http://www.eiop.or.at/eiop/pdf/2010-009.pdf>.

²⁶¹ Oliveira Martins, Bruno & Ferreira-Pereira, Laura. (2012). “Stepping inside? CSDP missions and EU counter-terrorism”. European Security. <https://doi.org/10.1080/09662839.2012.688814>.

²⁶² Ibid.

dynamics tend to develop itself at the national and bilateral level between like-minded EU Member States, with the EU being ascribed a coordination role”; 2) “(...) the absence of EU leverage for carrying out more demanding objectives on security affairs. Despite the intensification of cooperation in the security sphere and the increase in the number of security issues (...), the EU as polity is unable go beyond a certain level. (...) it is difficult for the EU to secure the presence of counter-terrorism objectives in the framework of CSDP activities other than by means of an indirect action: be it through fostering legal and criminal institutions or be it through reinforcing the preparation of local police and military authorities”; 3) “(...) the general absence of counter-terrorism objectives in CSDP missions’ mandates is linked to both CSDP’s nature and with terrorism as a threat in itself. Diverging views compete on the adequacy of CSDP to address the terrorist threat. On the one hand, (...) CSDP’s hybrid civil-military nature constitutes an asset in fighting asymmetric threats. Given that countering terrorism calls for a combination of instruments of distinct natures, CSDP’s flexibility (...) seems to make it especially suited for (...) counter-terrorism (...). On the other hand, (...) the major added-value of CSDP is not related with counter-terrorism nor with any other hard power issue, which should be confined to NATO’s jurisdiction (...) to avoid the duplication of capabilities”²⁶³.

2.2.8. Critical Juncture #7: the Brussels Bombings in 2016.

The Islamic State of Iraq and the Levant set up and conducted a couple of terrorist attacks in Brussels on 22 March 2016. 5 perpetrators namely executed 3 Istishhads: 2 in Zaventem at Brussels Airport and 1 in Maalbeek at Brussels Metro. The perpetrators belonged to the same cell based in Brussels that set up and conducted the Paris Attacks in 2015. The weapon consisted in nail bombs, which refer to a device that contains nails and various shrapnel, like needles, razors, and screws, and that explodes upon activation. The devices have been concealed in personal and portable luggage.

At Brussels Airport, 3 perps carried the devices: the first perp executed the device at 7:58; the second at 7:58, just seconds after the first; the third failed²⁶⁴²⁶⁵. At Brussels Metro, 2 perps carried the devices: the first perp executed the device at 9:11; the second perp failed. Thus, 3 perps committed suicide, and 2 perps fled. All-in-all, 33 victims have been killed and 340 injured.

The Brussels Bombings in 2016 constitute the eight Critical Juncture that coincide with the establishment of the European Union Global Strategy in 2016. The EUGS namely formulates the strategy of the European Union to pursue security in the Schengen Area; strategic autonomy constitutes its foundation, and refers to

²⁶³ Ibid.

²⁶⁴ Drozdak, Natalia; Steinhauser, Gabriele; Verbergt, Matthias. (22 March 2016). “ISIS Claims Responsibility for Brussels Attacks; More Than 30 Dead”. The Wall Street Journal. <https://www.wsj.com/articles/people-injured-after-explosion-at-brussels-airport-police-say-1458632527>.

²⁶⁵ Miller, Nick. (26 March 2016). “Brussels attacks: man in the white coat blown away by other bombs”. The Sydney Morning Herald. <https://www.smh.com.au/world/brussels-attacks-man-in-the-white-coat-blown-away-by-other-bombs-20160326-gnrihw.html>.

independence and autonomy of the European Union to pursue security through the development of tools vis-à-vis Hard Power²⁶⁶²⁶⁷²⁶⁸. The EUGS declares that “Major terrorist attacks have been carried out on European soil and beyond. Increased investment in and solidarity on counter-terrorism are key. We will therefore encourage greater information sharing and intelligence cooperation between Member States and EU agencies. This entails shared alerts on violent extremism, terrorist networks and foreign terrorist fighters, as well as monitoring and removing unlawful content from the media. (...) Most crucially of all, the EU will live up to its values internally and externally: this is the strongest antidote we have against violent extremism”. Michael Smith cautions, however, that “After years of debates about the creation of independent European armed forces, the EU has been launching its own CSDP military, policing, and other security operations (...). With these actions the EU has deployed a full range of foreign and security policy instruments (...). These efforts clearly demonstrate the EU’s growing confidence as a security actor, and its ability to back up its aspirational goals with innovative foreign policy operations. Of course, the EU still has major capabilities shortfalls (...). And although the EU has demonstrated that it has the capability to bring together all of its policy instruments, (...) far more work is needed to ensure effective use of those combined instruments, and to respond to more violent emergencies”²⁶⁹.

The Brussels Bombings in 2016 also coincide with the establishment of JIT and ETIAS. 1) JIT refers to the Joint Investigation Team established by the Council Resolution on a Model Agreement for setting up a Joint Investigation Team in 2017. The JIT namely operates through the authorities from at least a couple of Member State, such as police, judges, and prosecutors, setting up cooperation for a time to pursue investigations and prosecutions. The back-up provided constantly by Europol and Eurojust gifts know-how, intel, and network t boost operations. Marin Petkov and Dragomir Krastev explain that a JIT “(...) is an international cooperation tool based on an agreement between competent authorities - both judicial and law enforcement - of two or more States, established for a limited duration and for a specific purpose, to carry out criminal investigations in one or more of the involved States. Compared to traditional forms of police and judicial cooperation, JITs have the following added

²⁶⁶ Tamma, Paloma. (15 October 2020). “Europe wants strategic autonomy - it just has to decide what that means”. Politico. <https://www.politico.eu/article/europe-trade-wants-strategic-autonomy-decide-what-means/>.

²⁶⁷ Youngs, Richard. (8 March 2021). “The EU’s Strategic Autonomy Trap”. Carnegie Europe, European Democracy Hub. <https://carnegieeurope.eu/2021/03/08/eu-s-strategic-autonomy-trap-pub-83955>.

²⁶⁸ Järvenpää, Pauli; Major, Claudia; Sakkov, Sven. (2019). “European Strategic Autonomy: Operationalizing a Buzzword”. International Centre for Defense and Security (ICDS) & Konrad-Adenauer-Stiftung. https://icds.ee/wp-content/uploads/2019/10/ICDS_Report_European_Strategic_Autonomy_J%C3%A4rvenp%C3%A4%C3%A4_Major_Sakkov_October_2019.pdf.

²⁶⁹ Smith, Michael. (2018). “Transatlantic security relations since the European security strategy: what role for the EU in its pursuit of strategic autonomy”. Journal of European Integration. https://www.tandfonline.com/doi/pdf/10.1080/07036337.2018.1488840?casa_token=c0F0-ohy4tAAAAA:NWHMw5-a7WK3ZVW7wX_6-EltG9lgA3HeAWEfIN01FFrLZERRqSuHIQDj8-SsPuRyjSdnAc9cdPYG0jI.

value: JITs enable the direct gathering and exchange of information and evidence without the need of using traditional channels of mutual legal assistance”²⁷⁰. 2) ETIAS refers to the European Travel Information and Authorization System proposed by the European Commission in 2016 to verify the access of travelers into the Schengen Area and the European Union that have been exempted from applying for a visa. Kinga Gál argues that “ETIAS will identify terrorists and criminals before they reach European borders”²⁷¹. The fundamental merit of ETIAS consists in filling the gap vis-à-vis security on the borders of the Schengen Area, namely through the establishment of a process to screen visitors from States pertaining neither to the European Union nor to the Schengen Area. ETIAS boosts counter-terrorism by cross-checking the applicant in databases, such as Frontex and SIS, for threats to security.

3. Conclusion.

The present dissertation has been entitled “The actorness of the European Union in the fight against terrorism: how Critical Junctures drive Securitization”. The fundamental merit consists in filling the gap vis-à-vis the literature: namely, Bruno Oliveira Martins and Laura Ferreira-Pereira explain that “In the existing literature, the most explored subtopics can be grouped into three main baskets. The first one is EU cooperation with the USA in counter-terrorism. The second one comprises internal aspects of EU counter-terrorism. The third one focuses on the legal dimension of EU counter-terrorism”²⁷².

The research establishes the paradigm forged by Securitization and Critical Junctures to explain how the European Union fights against terrorism. Gunnar Sjöstedt explains that actorness constitutes “(...) the capacity to behave actively and deliberately in relation to other actors in the international system”²⁷³. Joseph Jupille and James Caporaso identified 4 variables that shape actorness: 1) Authority, 2) Autonomy, 3) Cohesion, and 4) Recognition²⁷⁴ whereas Charlotte Bretherton and John Vogler identified 4 variables that shape actorness: “1) A shared commitment to a set of overarching values and principles, 2) The domestic legitimization of decision processes and priorities relating to external policy, 3) The ability to identify policy priorities, 4) The availability of policy instruments, as well as the capacity to utilize policy instruments”²⁷⁵.

²⁷⁰ Petkov, Marin & Krastev, Dragomir. (2018). “Concept of Joint Investigation Teams”. *International E-journal of Advances in Social Science*.

²⁷¹ Gál, Kinga. (2018). “ETIAS will identify terrorists and criminals before they reach European borders”. *European People's Party (EPP)*. <https://www.eppgroup.eu/newsroom/news/etias-will-identify-terrorists-and-criminals-before-they-reach-european-borders>.

²⁷² Oliveira Martins, Bruno & Ferreira-Pereira, Laura. (2012). “Stepping inside? CSDP missions and EU counter-terrorism”. *European Security*. <https://doi.org/10.1080/09662839.2012.688814>.

²⁷³ Sjöstedt, Gunnar. (1977). “The External Role of the European Community”. *Saxon House*.

²⁷⁴ Jupille, Joseph, & James Caporaso. (1998). “States, agency, and rules: The European Union in global environmental politics”. *The European Union in the World Community*.

²⁷⁵ Bretherton, Charlotte & Vogler, John. (2013). “A global actor past its peak”. *International Relations*. https://journals.sagepub.com/doi/pdf/10.1177/0047117813497299?casa_token=obpbXZL7AmcAAA:AA:MkQl-Mj8D-4HUyIHfCeQw7vEAkdQ-uAOx37bQhgl1ZnHc9uZ-jM-EvYyZP4Qe-0hExBmJb6AvtyQk.

Alex Mackenzie, Oldrich Bures, Christian Kaunert, and Sarah Léonard reached the conclusion that the variables overlap and established a comprehensive framework of 6 variables that shape actorness: “(1) Capacity: legal competence to act and ability to utilize policy instruments; (2) Initiative: ability to identify and pursue policy priorities; (3) Legitimacy: existence of legitimization mechanisms for decision processes and priorities; (4) Autonomy: commitment to a distinctive set of values and principles; (5) Cohesion: capacity to act in a unitary way towards other actors; and (6) Recognition: acceptance of competence to act by third actors”²⁷⁶.

The framework established by Alex Mackenzie, Oldrich Bures, Christian Kaunert, and Sarah Léonard, applied to the nexus between the European Union and terrorism reveals that the European Union securitized terrorism. 1) Capacity has been achieved by Europol, Eurojust, the European Arrest Warrant, and the Counter-Terrorism Coordinator, which constitute the instruments to conduct counter-terrorism policies. 2) Initiative has been achieved by Europol, the Counter-Terrorism Coordinator, Frontex, the European Counter Terrorism Centre, and the Common Security and Defense Policy, which prioritize decision-making and policy-making. 3) Legitimacy has been achieved by the Counter-Terrorism Coordinator, which constitutes a bridge vis-à-vis counter-terrorism between the Member States and the European Union through the Council of the European Union. 4) Autonomy has been achieved by TREVI, the Council Framework Decision 2002/475/JHA, the Declaration on Combating Terrorism, the European Union Counter-Terrorism Strategy, which express the principles that drive counter-terrorism pursued by the European Union. 5) Cohesion has been achieved by Europol, the Counter-Terrorism Coordinator, Frontex, and the European Counter Terrorism Centre, which established centralized policy-making of the European Union regarding counter-terrorism. 6) Recognition has been achieved by Europol, Eurojust, the European Arrest Warrant, the Counter-Terrorism Coordinator, Frontex, and the Common Security and Defense Policy, which forged and shaped the role of the European Union in counter-terrorism through legitimization on the international scene.

Alex Mackenzie, Oldrich Bures, Christian Kaunert, and Sarah Léonard therefore point out that the actorness of the European Union vis-à-vis counter-terrorism has been established and confirmed. Jörg Monar explains that the European Union conducts counter-terrorism through 4 fundamental dimensions. 1) “Strategy formulation”: “In the immediate aftermath of the 9/11 attacks there was little external counter-terrorism strategy formulation in the EU except the strong priority given to strengthening cooperation with the US (...). Yet in the following years the move towards comprehensive counter-terrorism strategy (...) resulted in the gradual emergence of a more strategic approach with defined general objectives and priorities”. 2) “Law enforcement and judicial cooperation”: “The development of the EU’s internal

²⁷⁶ Mackenzie, Alex; Bures, Oldrich; Kaunert, Christian; Léonard, Sarah. (2013). “The European Union Counter-terrorism Coordinator and the External Dimension of the European Union Counter-terrorism Policy”. Perspectives on European Politics and Society. <https://doi.org/10.1080/15705854.2013.817810>.

political, legal and institutional counter-terrorism framework has (...) enabled it to assume a more substantial role (...) and made it a more relevant cooperation partner (...). 3) “Capacity-building”: “(...) the EU has since the 9/11 attacks engaged in significant efforts of counter-terrorism capacity-building (...). The potential benefit is a double one. Not only can enhanced counter-terrorism capabilities abroad reduce the terrorist threat in countries of origin and transit but they can also contribute to making the respective countries more effective partners for counter-terrorism cooperation with the EU”. 4) “Cooperation with and within international organizations”: “The UN, the Council of Europe and the G8 have been the main international frameworks through which the EU has tried to contribute after the 9/11 attacks to shore up the international coalition to terrorism and maximize multilateral efforts”²⁷⁷.

The Securitization-Critical Junctures paradigm points out and explains that the European Union conducts counter-terrorism through the pattern between apex and nadir since the 1970s. Javier Argomaniz identifies 4 periods when the European Union institutionalized counter-terrorism that corroborate the present dissertation²⁷⁸.

“Pre-9/11: the EU as a non-actor in counter-terrorism” means that “Previous to the 9/11 (...), the EU was far from being a significant counter-terror actor. (...) during this period, terrorism was not a salient security issue for the large majority of European countries”. The fundamental reason consists in the perception of terrorism, namely that since the 1970s, only a dab of Member States conducted counter-terrorism at the national level, such as France, Germany, Spain, and the United Kingdom, which halted any push for Securitization from the national to the European level. Pre-9/11 therefore corresponds to the Munich Massacre in 1972, which launched TREVI, to the Pan Am Flight 103 in 1988, which coincided with the Schengen Information System, and to the Omagh Bombing in 1998, which coincided with Europol.

“Post-9/11: initial stage in the institutionalisation process” means that “(...) the immense political salience of the attacks, and the resulting high-level attention, led to the rapid adoption of a record number of internal security policies that had remained stuck for years (...)”. The fundamental reason consists in the pursuit after actorness by the European Union vis-à-vis counter-terrorism to not only establish a new role on the international scene, but also to shield the partnership with the United States. Jörg Monar corroborates that “(...) the 9/11 attacks have presented the EU with an opportunity to assume new roles and responsibilities in a field in which it had before legally none and practically hardly any”²⁷⁹.

Post-9/11 therefore corresponds to 9/11 in 2001 which launched the Council Framework Decision 2002/475/JHA, Eurojust, and the European Arrest Warrant. All-in-all, policy-making following 9/11 established the actorness of the European Union

²⁷⁷ Monar, Jörg. (2015). “The EU as an International Counter-terrorism Actor: Progress and Constraints”. *Intelligence and National Security*. <https://doi.org/10.1080/02684527.2014.988448>.

²⁷⁸ Argomaniz, Javier. (2009). “Post-9/11 institutionalisation of European Union counter-terrorism: emergence, acceleration and inertia”. *European Security*. <https://doi.org/10.1080/09662830903460103>.

²⁷⁹ Monar, Jörg. (2015). “The EU as an International Counter-terrorism Actor: Progress and Constraints”. *Intelligence and National Security*. <https://doi.org/10.1080/02684527.2014.988448>.

vis-à-vis counter-terrorism. Javier Agromaniz points out that the foundation for such actorness has been laid when “(...) the EU became the first international actor to settle on a common definition of terrorism”²⁸⁰.

9/11 therefore constitutes not only a Critical Juncture, but also a Punctuated Equilibrium. Jonathan Andrew and Stewart Honig namely explain that “(...) political processes tend to be a slow-moving and incremental operation. Rapid changes are rare, and normally political processes are typified as being stable. However, this isn’t always the case. Although stasis is typically the norm in a large amount of policy areas most of the time, there are occasionally abrupt and sudden large-scale changes in public policy. (...) Punctuated Equilibrium (...) seeks to explain this duality, between incrementalism as the norm in public policies with occasional drastic breaks and changes”²⁸¹. Why and how 9/11 fits into the framework of a Punctuated Equilibrium has been explained by James True, Bryan Jones, and Frank Baumgartner: “As issues are defined in public discourse in different ways, and as issues rise and fall in the public agenda, existing policies can be either reinforced or questioned (...). Reinforcement creates great obstacles to anything but modest change, but the questioning of policies at the most fundamental levels creates opportunities for major reversals in policy outcomes”²⁸².

“Post-Madrid 2004: institutionalisation accelerates” means that “Given that the initial post-9/11 impetus had greatly slowed-down by the end of 2003, there can be little doubt that the March 2004 Madrid bombings acted as a loud wake up call. (...) whereas the policies after 9/11 had been influenced by previous EU commitments, those that followed Madrid were more closely tailored to the terrorist threat. (...) after Madrid (...) counter-terrorism started becoming a truly differentiated policy (...) and therefore the Madrid bombings had a deeper impact in EU anti-terrorism policy-making than 9/11 itself”. The fundamental reason consists in the entrepreneurship of the European Commission vis-à-vis counter-terrorism through an institutional overhaul. Post-Madrid therefore corresponds to 11M in 2004 which launched the Declaration on Combating Terrorism, and the Counter-Terrorism Coordinator.

“Post-London 2005: stability and inertia” means that “The immediate reaction to the attacks was to speed up ongoing work and build on the existing framework. (...) It is not difficult to argue that the lack of any major attack in the three years following London have resulted in political stagnation”. The fundamental reason consists in the correlation between peace, conflict, and Securitization, namely that conflict fuels policy-making vis-à-vis counter-terrorism. Post-London therefore corresponds to 7/7 in 2005, which launched the European Union Counter-Terrorism Strategy, and which

²⁸⁰ Argomaniz, Javier. (2009). “Post-9/11 institutionalisation of European Union counter-terrorism: emergence, acceleration and inertia”. *European Security*. <https://doi.org/10.1080/09662830903460103>.

²⁸¹ Andrew, Jonathan & Honig, Stewart. (2020). “The Punctuated-Equilibrium Theory and US Counterterrorism Policy”. *International Relations & Foreign Policy*, Volume 8, Number 1. <http://jirfp.com/vol-8-no-1-june-2020-abstract-1-jirfp>.

²⁸² True, James; Jones, Bryan; Baumgartner, Frank. (2019). “Punctuated-equilibrium theory: explaining stability and change in public policymaking”. *Theories of the Policy Process & Routledge*. <https://edwardwimberley.com/courses/IntroEnvPol/theorypolprocess.pdf#page=161>.

coincided with Frontex, to the Paris Attacks in 2015, which coincided with the European Counter Terrorism Centre, and with Article 42 of the Treaty on European Union, and to the Brussels Bombings in 2016, which coincide with the European Union Global Strategy, with JIT; and with ETIAS.

Counter-terrorism pursued by the European Union therefore stands a couple of foundations. The first, entitled “Counter-Terrorism Cycle”, refers to the permanent play between driving and idling based on the salience of terrorist attacks. Christian Kaunert and Sarah Léonard confirm that “After an intense phase of Securitization of the terrorist threat in the EU between 2001 and 2004, a period of relative inertia followed. This is a pattern that has repeated itself over the years. Terrorist attacks tend to lead to a spike in the number of EU counter-terrorism policy initiatives, to be followed by a period of deceleration until a new terrorist attack pushes terrorism to the top of the policy agenda once more. In so doing, the new terrorist attack sheds light on the remaining challenges and possible problems of implementation, which may then be addressed by new initiatives”²⁸³. The second, entitled, “Intelligence, Cooperation, & Coordination”, refers to the permanent tug-of-war faced by the European Union vis-à-vis counter-terrorism between 1) The European Union sitting in the driver’s seat and the Member States sitting the passenger’s seat or 2) The Member States sitting in the driver’s seat and the European Union sitting the passenger’s seat. Javier Argomaniz confirms that “Whilst Member States are the pillars of European counter-terrorism and national authorities still do the lion’s share of the counter-terror work in practice, EU action has so far focused on cooperation and coordination rather than integration and harmonization”²⁸⁴. The permanent tug-of-war thus “(...) reflect the contradiction inherent in Member States’ conviction of the need to involve the EU in combating terrorism but their equal reluctance to provide EU institutions with greater powers due to the political sensitivity of this issue”²⁸⁵.

The present dissertation provides 3 fundamental merits. First, the research fills the gap in the literature²⁸⁶ on the pursuit of counter-terrorism and the European Union by formulating a fresh paradigm based on Securitization and Critical Junctures to establish when, how, and why the European Union forged the actorness vis-à-vis counter-terrorism. Second, the research constitutes a rather comprehensive explanation vis-à-vis how the European Union conducts counter-terrorism. Third, the research points towards the caveats of the counter-terrorism pursued by the European Union.

The present dissertation, however, also falls into 3 holes. Firstly, the Securitization-Critical Junctures paradigm: namely, the framework arguably constitutes a fresh point-of-view that applies to any dimension of security, whether national or international;

²⁸³ Kaunert, Christian & Léonard, Sarah. (2019). “The collective securitization of terrorism in the European Union”. *West European Politics*. <https://doi.org/10.1080/01402382.2018.1510194>.

²⁸⁴ Argomaniz, Javier. (2009). “Post-9/11 institutionalisation of European Union counter-terrorism: emergence, acceleration and inertia”. *European Security*. <https://doi.org/10.1080/09662830903460103>.

²⁸⁵ Ibid.

²⁸⁶ D’Amato, Silvia & Terlizzi, Andrea. (2022). “Strategic European counterterrorism? An empirical analysis”. *European Security*. <https://doi.org/10.1080/09662839.2022.2029847>.

however, the dimension of counter-terrorism appears to raise questions that require study; especially the question that Critical Junctures that have been researched throughout the present dissertation follow either continuity or discontinuity, namely the Munich Massacre in 1972, 9/11 in 2001, 11M in 2004, and 7/7 in 2005 launched Securitization, whereas the Pan Am Flight 103 in 1988, the Omagh Bombing in 1998, the Paris Attacks in 2015, and the Brussels Bombings in 2016 coincided with Securitization. Secondly, the comprehensive identification of tools launched and coincided with Securitization: namely, the framework carries the essential merit of identifying and explaining the tools applied by the European Union to pursue counter-terrorism, which has been missing in the literature; however, the research arguably fails enumerate all tools in the counter-terrorism toolbox of the European Union, especially the agendas, agreements, agencies, and programs, like the EU Crisis Coordination Arrangements (EUCCA), the European Union Intelligence and Situation Centre (INTCEN), the Critical Infrastructure Warning Information Network (CIWIN), the General Rapid Alert System (ARGUS), and the European Programme for Critical Infrastructure Protection (EPCIP)²⁸⁷²⁸⁸. Thirdly, the follow-ups: namely, the research leaves ample room to not only follow-up, but also build-up.

The present dissertation arguably opens at least a couple of new roads to new research. Firstly, the framework: namely that research could build-up and pursue a completely constructivist point-of-view vis-à-vis the Securitization-Critical Junctures paradigm to study and explain the dichotomy between launched and coincided Securitization. Secondly, the follow-ups: namely that research could build-up and pursue new points-of-view; foresight appears fundamentally pertinent as a result of the fundamental reason that terrorism currently shifts away from the religious towards the political, and especially nationalist, dimension.

All-in-all, the present dissertation points out that since the Paris Attacks in 2015 and the Brussels Bombings in 2016, the Securitization of counter-Terrorism by the European Union has been on idle rather than on drive vis-à-vis the Counter-Terrorism Cycle. The European Union therefore stands akin to the bear in the Polish tag entitled “Stary niedźwiedź mocno śpi”, which corresponds to the English wolf in “What's the time, Mr Wolf” and to the American fox in “What time is it, Mr. Fox”: the Counter-Terrorism Cycle namely points out that the European Union as the beast has been asleep; the question consists in whether the beast awakens before another Punctuated Equilibrium like 9/11 or another Critical Juncture like 11M and whether the beast claims and achieves powers beyond intelligence, cooperation, and coordination towards operation and prosecution. Only time will tell.

²⁸⁷ Argomaniz, Javier. (2009). “Post-9/11 institutionalisation of European Union counter-terrorism: emergence, acceleration and inertia”. *European Security*. <https://doi.org/10.1080/09662830903460103>.

²⁸⁸ Walsh, James. (2006). “Intelligence-sharing in the European Union: institutions are not enough”. *JCMS: Journal of Common Market Studies*. <https://doi.org/10.1111/j.1468-5965.2006.00638.x>.

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Abstract: the present dissertation has been entitled “The actorness of the European Union in the fight against terrorism”. The purpose consists in filling the gap in the literature by studying why, when, and how the European Union established actorness in counter-terrorism. The merit namely consists in establishing a paradigm founded on the nexus between Securitization and Critical Junctures to establish what tools have been created by the European Union to conduct counter-terrorism. The present dissertation found that the European Union conducted the Securitization of counter-terrorism following events that constitute Critical Junctures and that the Securitization of counter-terrorism follows the Counter-Terrorism Cycle. The conclusion evaluates counter-terrorism pursued by the European Union, its strengths and weaknesses, explains the consequences of the Counter-Terrorism Cycle, and questions the pertinence of the paradigm, while also proposing follow-ups.

Keywords: actorness, European Union, terrorism, Securitization, Critical Junctures