TURKEY AND EUROPE

CHALLENGING PARTNERS

COUNTERTERRORISM AS AN AREA OF COOPERATION AND CHALLENGE TO TURKEY - THE EUROPEAN UNION RELATIONS

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Turkey's fight against terrorism is an issue that has a long history and goes back to before the problem emerged as a global one after the 9/11 terror attacks. Turkey's struggle with terrorism began in the 1960s, with extreme left/right-wing political movements, internationalized when ASALA (Armenian Secret Army for the Liberation of Armenia) started to target Turkish diplomats outside the country in the 1970s.[1] Later on, with the emergence of the PKK (Kurdistan Workers' Party) in 1978, and with its attacks on Turkish security forces and civilians since 1984, terrorism became a huge domestic problem with international connections. As for the recent wave of global terrorism in the 21st century, Turkey became the target of both al-Qaida and ISIL (Islamic State of Iraq and the Levant) terror attacks.

Turkey's struggle with terrorism is both domestic and international, with connections between them. Turkey has suffered from domestic terrorism for a long time and it took some time for Turkey to convince its European allies about this threat. It was only after 2002 that the EU put the PKK on its terror organizations list[2], even though some member states have continued to provide asylum and/or residency to former and current PKK members and/or sympathizers.[3] Regarding international terrorism, Turkey and the European Union began effective cooperation, as well as harmonizing their strategies, soon after both perceived similar threats from the time of 9/11. As the current threat perceptions of both Turkey and the EU resemble each other, one could imagine that countering the threat of international terror would be one of the most productive and constructive areas for cooperation between Turkey and the EU.

The 9/11 attacks brought the international community two major challenges: first, the existing international legal system was not sufficient to respond to security breaches in the context of the "new terrorism". The second challenge was the need to find a new delicate balance between the issues of security, on the one hand, and freedom and respect for human rights on the other. It is no coincidence that, at that time , the international political discourse made no

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[1] *The Republic of Turkey, Ministry of Foreign Affairs*, official website at http://www.mfa.gov.tr/18-mart-sehitler-gunu-hk.en.mfa (Accessed on 20 November 2020).

[2] Common Position 2002/340/CFSP, OJ L 160, 18.6.2002, p. 32.

[3] Casier, Marlies, "Designated Terrorists: The Kurdistan Workers' Party and Its Struggle to (Re)Gain Political Legitimacy", *Mediterranean Politics*, No. 399, 2010.

reference to the need to resort to international law, as international rules were seen as the weak link that limited the international community's choices, and made it weak in the face of an emerging global terrorist threat. It was only at the second stage, after an initial period of surprise and embarrassment, that the debate on the need to reform the existing rules and introduce new ones, specifically to prevent and suppress terrorist acts and to harness the cooperation of the world community in these sectors, was launched. [4]

From an academic point of view, the 9/11 attacks marked the end of the "classic era" of terrorism and the beginning of the realization, even among the most skeptical, that national security remains full of holes and exposed to dangers that the advancement of technology cannot prevent. It has been accepted that terrorism has ceased to be an internal state problem and that the phenomenon has evolved into something much more potent and destructive on a global scale. Al Qaeda's rhetoric as the main exponent of this "new terrorism" or "postmodern terrorism" no longer includes a sterile denial of an "unjust" social and economic system, but a widespread questioning of the form of world governance. The new terrorism consists of a network of thousands of members scattered around the world, without attachment to a geographical location and without special infrastructure. The link between its members is ideological: a propagated blind hatred against the new world order. In the new terrorism, there is not a clearly articulated demand, the possible satisfying of which would prevent the terrorist attacks. The targets chosen for the attacks are neither political nor economic, but a host of unsuspecting citizens who are used as a "tool" to spread propaganda.[5]

Following the globalization of terrorism and especially the emergence of postmodern terrorism, the EU is beginning to feel terrorism as a problem which has not only an internal dimension, but also requires the cooperation of all member states, as well as the cooperation of the Union with the international community. It is at this point that the EU begins to view terrorism as a multidimensional phenomenon, just as Turkey has dealt with terrorism up to now. The question of this paper is whether, from being an initially exclusive national security issue of both Turkey and the member states of the European Union, further cooperation between the two partners in the field of international terrorism is possible when these issues often touch nerve ends in the hard core of each state. The search for possible areas of co-operation between the two partners in the field of terrorism requires both knowledge of Turkey's previous negative experiences with domestic terrorism, and the difficulty of establishing a framework for cooperation between the EU member states and its efforts to tackle international terrorism. Analyzing the policies of Turkey and the EU, we will look at possible levels of cooperation in the fight against international terrorism.

Turkey's experience in countering terrorism

Rapaport explains terrorism in four waves, examining it from a historical perspective. The first wave is the "Anarchist Wave" between 1880-1920. The second wave is the "Anti-Colonial Wave", which covers

[4] M. Papakonstantis, "H Tromokratia ston xoro tis eleutherias, asfaleias kai dikaiosynis tis Europaikis Enosis", ed. Nomiki Vivliothiki, Athens, 2019, p. 161.
[5] Ibid, p. 161.

the period 1920-1960. The Third Wave is the "New Left Wave" that covers the period 1960-1990. The fourth wave is the "Religious Wave", which started in 1979 and continues to this day.[6] Unfortunately, Turkey has experienced, on its soil, all these waves, sometimes at the same time. In the latest stage, while PKK terrorism is ongoing, Turkey has also been exposed to both Al-Qaida terrorism from the 2003 Istanbul bombings onwards and ISIL terrorism since 2014.

The ASALA and PKK terrorism made Turkey exposed to heavy terrorist attacks for more than three decades before the post 9/11 period. It was no coincidence that NATO established its Center of Excellence Defense Against Terrorism in Ankara, as Turkey had accumulated counter-terrorism experience long before the 9/11 attacks.[7] Moreover, Turkey became one of the important actors in the so-called "War on Terrorism" in Afghanistan, with its predominantly Muslim population. Thus, Turkish deployment in Afghanistan prevented NATO's as well as the US-led Coalition Forces' operations in Afghanistan from being described as a kind of Christian crusade.

Turkey suffered from the third wave of terrorism without, according to Turkish public opinion, getting the solidarity from its allies which has been due to it for a long time. Nevertheless, Turkey was at the forefront of attempts to counter the fourth wave of terrorism in solidarity with its allies. The doctrine of al-Qaida has

targeted the "far enemy" which means non-Muslims.[8] However, in 2003, al-Qaida attacked Turkey with a series of bombings in İstanbul, similar to the Madrid and London attacks.[9] This signified a change in the doctrine of ISIL, which now started to target the "near enemy" in addition to the "far enemy". Bluntly put, ISIL's ideology (*dava*), represented a threat against Turkey, since Turkey is closer, as an enemy, to ISIL, compared to its European allies. Besides, Turkey was the only NATO country that shared an almost 100 km border with ISIL-held territory in Syria and Iraq for almost two years, beginning in 2014. Moreover, Turkey is the only country that waged a border conflict with ISIL with the execution of "Operation Euphrates Shield" in August 2016.[10] Sharing its border with ISIL-held territory, and the execution of military operations against ISIL resulted in a storm of terrorist attacks against Turkey between 2014 and 2016, with almost 250 civilian deaths inside the country.[11]

Turkey's ISIL experience underlined its role for the West in general and the EU in particular. Thus, Turkey became a kind of buffer zone for Europe, as it played a two-way buffer role in the case of ISIL, both as a European Union candidate state and as one with a primarily Muslim population. As Abu Bekir el Bağdadi, the leader of ISIL at the time declared the founding of the so-called Islamic State in 2014, people from all over the world began to flow into Syria to join it as foreign terrorist fighters, which became a major problem for the rest of the world. Turkey, in addition to

[6] Rapaport, David C., "The Four Waves of Rebel Terror and September 11", *Anthropoetics: The Journal of Generative Anthropology*, 2002

[7] NATO Center of Excellence Defence Against Terrorism, official website, https://www.tmmm.tsk.tr/ (Accessed 20 November 2020).

[8] Wood, Graeme, "What ISIS Really Wants", *The Atlantic*. https://www.theatlantic.com/magazine/archive/ 2015/03/what-isis-really-wants/384980/ (Accessed 20 November 2020).

[9] Aras, Bülent and Şule Toktaş, "Al-Qaida, 'War on Terror,' and Turkey," *Third World Quarterly*, 2007, pp. 1033-1050.

[10] The Global Coalition against DAESH, official website, https://theglobalcoalition.org/en/partner/turkey/ (Accessed 20 November 2020).

[11] Haldun Yalçınkaya, "IŞİD'in Yabancı Savaşçıları ve Yarattığı Tehdit: Türkiye'nin Tecrübesi (2014-2016)", *Uluslararası*, Vol. 14 (53), 2017, pp. 23-43.

Jordan and Lebanon, was on one of the most popular routes into Syria. It was not only a security concern for the world but for Turkey as well. As a matter of fact, at the beginning of the flow of foreign terrorist fighters as well as their families into Syria, Turkey was labeled a 'Jihadi Highway' for foreign terrorist fighters.[12] However, Turkey soon realized how this movement across its territory was threatening Turkey.[13] At the same time, the Global Counter-Terrorism Forum (GCTF) was founded in 2011, with Turkey and the US as co-chairs for the first five years.[14] The role of Turkey in the GCTF paved the way to preventing the flow of foreign terrorist fighters and their families with international collaboration.

The GCTF is a platform that is open to all parties, including states, international organizations such as the United Nations, the European Council, and INTERPOL, along with supranational organizations, namely the EU. The GCTF's mechanism allowed for the establishment of specific instruments to prevent foreign terrorist fighters from traveling to Syria with the creation of a no-entry list. During the early days of the ISIL threat, the international community prioritized the measures against ISIL, and preventing their travel was at the top of the list. To do this, a list encompassing potential foreign terrorist fighters' info was created and shared among the members. If anyone from the list was located at the border gates during passport control, a travel ban was issued. With these measures and with the support of the United Nations Counter-Terrorism Committee, at the beginning of 2017, foreign fighters were prevented from travelling to some extent.

Undoubtedly, this was the most effective cooperation between the European Union and Turkey ever since they had perceived the terrorism threats in parallel to each other.

The evolution of cooperation on terrorism within the EU[15]

In the 60s and 80s, targeted terrorist attacks took place in many European countries, which, however, were on a small scale and did not threaten other countries of the Old Continent. The demands of the terrorists concerned the questioning of the structure of the state in which these crimes were committed (The Irish National Liberation Army, the Basque separatists of ETA) either in terms of the capitalist model of development followed (the Red Brigades, Red Army Factions), or seeking the overthrow of a dictatorship (Greece, Spain). The use of violence by terrorists is a form of blackmail, in order to achieve a political or, secondarily, a social change. These terrorist attacks were therefore an internal problem of the European states.

The European Union policy on preventing and combating terrorism is two decades old. It has however been constantly climbing the Union's list of priorities over the last six years. This is a consequence of the fact that the EU is facing a constant and ever-changing terrorist threat, which seriously affects some member states, with attacks targeting not only their citizens, but also the values and freedoms on which the Union is based and which it operates through. We can distinguish two periods of EU policy: the first one from

[12] Amos, Deborah, "A Smuggler Explains How He Helped Fighters Along 'Jihadi Highway.' https://www.npr.org/sections/parallels/2014/10/07/354288389/a-smuggler-explains-how-he-helped-fighters-along-jihadi-highway (Accessed 20 November 2020).
[13] Haldun Yalçınkaya, "Turkey's Struggle Against the Foreign Terrorist Fighters of DAESH," *Perceptions*, 2016, pp. 27-44
[14] The Global Counter Terrorism Platform, official web site, https://www.thegctf.org/ (Accessed 20 November 2020).
[15] M. Papakonstantis, H Tromokratia ston xoro tis eleutherias, asfaleias kai dikaiosynis tis Europaikis Enosis, op. cit., pp. 161-164.

9/11 until the middle of the last decade, and the other from 2015 after the terrorist attack on the Bataclan (Paris) to today.

The 9/11 attack was instrumental in highlighting the shortcomings of member states' cooperation at the EU level, as well as the inadequacy of the Union's traditional forms of judicial and police cooperation. The EU's interest in terrorism had not been born in 2001, but it was the collapse of the Twin Towers that had a major impact on the "legal conception of the phenomenon" in the Union.[16] Until the 9/11 attacks, the fight against terrorism took place through "first generation" texts which constituted programmatic acts by which the EU institutions proposed various changes or indicated priorities (proposals, green papers, white papers, recommendations, statements, programs, action plans, strategies, etc.).[17]

In the aftermath of the 9/11 attacks, the situation within the EU in combating the phenomenon changed dramatically. The European partners understood that terrorism was now internationalized and that anyone without exception could be targeted. They realized that it was no longer an internal problem of each member state, but an external dynamic threat which with its rhetoric could "recruit" supporters within them, and threaten the democratic foundations of the European states. As the threat of terrorism escalated and the global counterterrorism struggle was in full swing, with the US-led Coalition Forces' counterinsurgency operations in Afghanistan, the European states gradually

delegated power to the EU to provide the endorsement of a union of states assisting in the global effort to combat terrorism. In this endeavor, member states have not given priority to the harmonization of their national criminal law, but to operational cooperation through the creation of parallel means and mechanisms for its management. Gradually, the decision-making process within the EU, known for its slow pace, began to accelerate. The first generation of texts gave way to the second generation of a legal arsenal, which was enriched with regulations, a binding legislative act. The production of rules was encouraged by political texts that ensured coherence and continuity of cooperation. Coordinating bodies in the field of counterterrorism have multiplied, while the ability and flexibility of the relevant institutions to draw up relevant rules within the Union have been strengthened. Throughout this process of rules and policymaking, the 2004 Madrid attacks and the 2005 London attacks provided significant impetus. They led to a fundamental change in the way terrorism was perceived and in the use of the methods and means to combat it.

However, the EU policy of that period was not characterized by a continuum. It restarted each time in response to specific violent attacks with many victims (March 2004 on Madrid's Atocha train station, July 2005 in the London Underground, etc.). These attacks were the reason for the mobilization of the member states, to address their weaknesses, and were the starting point for the creation and organization of a framework for cooperation with the formulation of

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[16] Anne-Sophie Traversac, «*Les politiques européennes de lutte contre le terrorisme*»,Riséo, 2015 (no spécial «lutter contre le terrorisme aujourd'hui»).

[17] For example: Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees, OJ C 026, 30/01/1999, p. 23· 96/610/JHA: Joint Action of 15 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the creation and maintenance of a Directory of specialized counter-terrorist competences, skills and expertise to facilitate counter- terrorist cooperation between the Member States of the European Union, OJ L 273, 25/10/1996, p.1· Council recommendation of 9 December 1999 on cooperation in combating the financing of terrorist groups, O J C 373 , 23/12/1999, p. 1.

strategic goals and the creation of tools to prevent and combat the phenomenon. An important role in the adoption of this piecemeal policy from the EU was played by the mass mobilization of the Western Alliance and the start of "the war on terror" with Afghanistan as its principal focus. The real resurgence of the European interest in tackling terrorism began after the 2016 terrorist attack on Bataclan in Paris, after which the initiatives that had been discussed within the Union since 2005 began to be implemented for the first time.

Terrorism with its current characteristics has its roots in the proclamation of the caliphate by ISIS in 2014. The war against the "infidels", whether it concerned the compatriots of Islamist fighters who deviated from the orthodox (Salafist) version of Islamic law, or those in other nations who do not embrace the divine law, appears to concern issues of the past, with one significant qualitative and quantitative mutation. The so-called Islamic State had a coordinated army, infrastructure, networks, and recruitment mechanism. Terrorism has been widely used as a tool of globalization and its supporters are determined to mobilize entire populations in their struggle against the "far enemy". Thus, from a period of relative security within the member states, with the terrorist attacks of the first decade of the new century in Europe being measured on the fingers of one hand[18] and with suicide attacks taking place outside the Old Epirus, the terrorist attack on the satirical magazine Charlie Hebdo in Paris in early 2015 woke up Europe abruptly from its slumber. Until then, European political attention was focused on other issues such as the

Eurozone crisis, the European elections, immigration, and the refugee crisis. Suddenly, Europeans realized that Islamic terrorism was closer to home than previously thought. The embarrassment that initially characterized the reaction after each terrorist attack in Paris (November 2015), Brussels (March 2016), Nice (July 2016), Berlin (December 2016), London (March 2017), Manchester (May 2017), and Barcelona (August 2017), directly strengthened Europe 's capacity to prevent and respond to such attacks. Terrorism, driven by militant religious fanaticism, has not only cultivated a growing fear within the EU, but also gave rise to Islamophobia, which in turn encouraged anti-immigrant rhetoric at the level of both European public opinion and political dialogue. As a result, far-right populism has emerged in many countries of the Union (Slovakia, Hungary, The Czech Republic) with all its emphasis on the management of the refugee waves into Europe. Characteristic of the change in Europeans' attitude towards terrorism was the statement made by the EU High Representative for the CFSP, Federica Mogherini, a few days after the terrorist attack at Charlie Hebdo. Mogherini declared that "for the first time there was a real awareness of the need to work together to combat a common threat."[19] This statement did not imply the immediate implementation of a single EU counter-terrorism policy. It, however, demonstrated the European leaders' new approach to terrorism, not as a series of individual attacks, but as a set of actions that pose a generalized threat to European security.

The wave of terrorist attacks in Europe after 2015 confirmed the significant

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[18] For the terrorist attacks that take place in Europe in the 21st century, "Comment l'Union européenne lutte contre le terrorismisme", Toute l'Europe, 31 May 2018, http://www.touteleurope.eu/actualite/comment-l-union-europeenne-lutte-t-elle-contre-le-terrorisme. html (Accessed 20 November 2020).

[19] Conseil de L'Union Européenne, 3364e session du Conseil Affaires étrangères, doc. 5411/15, Bruxelles, le 19.1.2015, p. 3, http://www.parliament.bg/pub/ECD/168831ST05411.FR15.PDF(Accessed 20 November 2020).

degree of exposure of the latter to terrorism, and created general insecurity in its population for several reasons. First, the nature of the attacks made it difficult, if not impossible, to predict and prevent them. Second, most terrorists operating in Europe are either second-and third-generation immigrants who have not been socialized but radicalized in the European environment, or European citizens who have traveled to the Middle East to side with the Islamic State, many of whom have returned. Third, the use of social media and the Internet by ISIL fighters facilitated recruiting, training, guiding and transmitting information on terrorist methods and means, planning and coordinating operations, conveying invitations to commit terrorist crimes, and spreading propaganda. Fourth, the growing link between terrorism and international organized crime made it increasingly difficult to distinguish between these two forms of crime and more difficult to suppress them. Fifth, the significant loss of territory of the "Islamic Caliphate" two years after the proclamation of the caliphate in 2014 in Mosul forced it into a show of strength abroad to shake the morale of Europeans and recruit new cadres. Finally, the Arab Spring, uprisings not only failed to democratize the Arab states, but instead highlighted the existence of oppressed societies, vulnerable to extremist rhetoric. The European Union's perception of the threat of the third wave of terrorism is completely identical with the perception of Turkey's threat from the new form of terrorism.

The framework for cooperation between the member states on terrorism

The effort to strengthen cooperation on terrorism through the creation of rules and mechanisms has not been easy. Member states knew that they had to hand over control of part of the core of their national sovereignty to the Union. It is no coincidence, then, that the starting point of the common path of combating terrorism was first sought in intergovernmental cooperation, expecting to create the groundwork for the transfer of cooperation within the first pillar of the EU. In the early stages of the effort, the European partners focused on finding the minimum points of agreement, which in the process became the minimum points of commitment that states undertook to promote the drawing up common rules.

In recent years, both primary and secondary EU law on preventing and combating terrorism has evolved. The creation of the Area of Freedom, Security and Justice under the Amsterdam Treaty undoubtedly contributed significantly to the creation of a framework for cooperation that facilitated the development of joint action by the member states in the fields of police activity and judicial cooperation in criminal matters and, in particular, in the prevention and fight against organized and non-organized crime, including terrorism. Based on this starting point, the Lisbon Treaty strengthened the existing framework, by enabling the European institutions and the member states to work together to establish a coherent EU criminal law and to operationally combat organized crime. In order not to lose national control of the fight against

organized crime and to reinforce the EU's ability to coordinate a transnational mechanism for the fight against organized crime and cooperation with third countries and international organizations, policies in the area of freedom, security, and justice, including terrorism, have been maintained in the common competences of the Union and the member states (Article 4 TFEU). The fight against this form of threat, therefore, remains a national competence, with the EU maintaining a dual role in matters of terrorism: on the one hand, it remains the legislator and implementer of terrorism policies (Chapters 4 and 5, Title V TFEU); on the other, it is the coordinator of national policies and instruments (Article 67 (3) TFEU and 74 TFEU). In other words, the EU has an autonomous policy, which is added to national legal orders without substituting them, while monitoring its implementation to achieve the harmonization of national policies. The Union and the member states can legislate and enact legally binding acts on terrorism. This means in practical terms that the exercise of competence by one body of power potentially replaces the competence of the other, with this substitution being not synonymous with an exclusion, but of interdependence, with "member states [exercising] their competence to the extent that the Union has decided to cease exercising its competence" (art. 2, par. 2 TFEU).

The EU now has a set of rules that facilitate cooperation in preventing and suppressing terrorist acts. Through programs, it defined a framework for cooperation that aims to improve the exchange of information, increase business cooperation, and boost the effective use of new technologies.

It established specialized agencies (ECTC), [20] expanded the responsibilities of existing ones (Europol, Eurojust, CEPOL [21], Frontex, INTCEN[22]), and used the Standing Committee on Operational Cooperation on Internal Security (COSI) to facilitate, promote and strengthen coordination of the operational activities of the authorities of the member states with responsibility for the field of internal security, and created the position of EU Counter-Terrorism Coordinator. Based on the four pillars of the EU Counterterrorism Strategy (2005), which is still in force, it implements actions in four main areas (pillars): prevention, protection, pursuit, and response. The pillar of prevention seeks to combat the radicalization and recruitment of terrorists, facilitates the detection and control of forged travel documents, cooperates with third countries and international organizations, and controls the use of the financial system to finance terrorism. In the pillar of protection, the EU strengthens border management through the operation of databases, protects Europeans from the use of firearms, from precursors of explosives, from the use of chemical, biological, radiological, and nuclear means, as well as from hybrid threats, and protects vital infrastructure and public spaces. In the pillar of prosecution, the EU is constantly seeking to improve the exchange of information and operational cooperation between the competent authorities of the member states and to facilitate their co-operation through the European Arrest Warrant, Europol's mandate, the extension of the range of European cross-border terrorism crimes and the compilation of a list of known terrorists. In the pillar of response, it seeks to minimize the consequences of terrorist attacks through

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[20] European Counter Terrorism Centre (ECTC).
[21] European Police College (CEPOL).
[22] Intelligence and Situation Centre (INTCEN).

the operation of the Civil Protection Mechanism and the solidarity clause, by protecting, supporting, and assisting victims of terrorism, by mutual recognition of decisions to seize and confiscate the products and organs of crime and, by imposing restrictive measures and sanctions against third countries, entities, or persons and by financing policies for combating terrorism.

The external dimension of terrorism

The fight against terrorism, however, is not just a matter for the states within which the relevant attacks take place. As this is an internationalized crime, with members of terrorist groups having international links to similar groups or support from abroad, member states need to cooperate at a regional and international level to initially control and then suppress terrorism.

Many of the threats facing the EU today have their origins outside its borders. Thus, the member states are aware that promotion of the rule of law, respect for human rights, and international obligations through an enhanced partnership with third countries can create "mounds" that will protect the EU, and that fight against terrorism works more effectively in cooperation with the rest of the world. EU policy on the external aspects of the freedom, security, and justice policies, under which terrorism falls, is reflected in the Strategy for the External Dimension of the Justice and Home Affairs Sector, adopted in December 2005.[23] The purpose of the

Strategy is twofold. First, to make a positive contribution to strengthening the area of freedom, security, and justice through the creation of a safe external environment. Second, to facilitate the achievement of the objectives of the EU's external relations: the promotion of the rule of law, democratic values, and sound institutions. The Strategy pinpoints the terrorist threat as a key thematic priority of EU cooperation with third countries, along with organized crime, and the management of migratory flows. On terrorism, the Strategy states that international counterterrorism cooperation is an element of the EU's external relations. It also stresses that the changing nature of the threat demonstrates that the Union must pursue all the objectives of its counterterrorism strategy both inside and outside its borders. For this reason, it is essential to improve the exchange of information with third countries to identify terrorists, obstruct their activities and bring them to justice. The tools for the implementation of the Strategy are the prospect of EU membership, the European Neighborhood Policy, action plans with individual countries, the strategic partnership with the United States, and cooperation with Russia. EU agencies such as Europol, Eurojust, and Frontex are tasked with strengthening appropriate operational cooperation with priority third countries.

Foreign terrorist fighters

The challenge posed by foreign terrorist fighters is typical of the relationship between internal and external security. The issue of foreign terrorist fighters has been on the agenda of the member states since the terrorist attack in January 2015

[23] Council of the European Union, 2,696th Council Meeting, Justice and Home Affairs, 14390/05, Brussels, 1-2 December 2005, https://data.consilium.europa.eu/doc/document/ST-14390-2005-INIT/en/pdf (Accessed 20 November 2020).

in Paris.[24] The central objective of the member states is to improve or restore the conditions for political stability in the region where they are trained, while minimizing the risks to Europe and enhancing regional stability. In the guidelines adopted on 9 June 2017 to complement the EU's Revised Strategy for Combating Radicalization and Recruitment in Terrorism, the Council stated that the recruitment of terrorists should be curbed.[25] To achieve this objective, the Council considers that the member states' efforts should focus, inter alia, on the following actions: a) fighting potential sources of funding and recruiting for ISIL/Daesh needs and making use of Security Council Resolutions 2170 (2014) and 2178 (2014); b) cooperating with the most important third countries of origin of foreign fighters - especially from the Maghreb - or with the countries of transit, to identify and dismantle the recruitment networks, plus on to identify and prosecute foreign fighters; c) disseminating best practices developed within the EU; and d) drawing on the lessons and experiences of third countries and relevant international organizations in this field, and strengthening border security in countries around Syria and Iraq to facilitate the detection and obstruction of travel, as well as the quicker identification of those departing

and who may pose a threat to European citizens in the future. In addition to the Council taking action to combat the phenomenon of foreign terrorist fighters, Eurojust, Europol, Frontex, and the RAN network are active in combating the phenomenon, and there is a relevant reference to it in the SIRENE [26] manual as well.[27] In particular, Eurojust makes efforts to reduce the phenomenon of foreign fighters, and strengthens its judicial cooperation with the competent authorities of third countries.[28] At the same time, it collects and analyzes data on the judicial treatment of this phenomenon at the national level. [29] The Europol Information System (EIS), as a reference system available in all member states, contains information on foreign terrorist fighters.[30] Frontex monitors the passage of foreign terrorist fighters through the development of risk indicators, analyzes threats that may affect the security of external borders, and provides assistance to the member states in cases where increased technical and operational assistance is required at the external borders to combat terrorism. RAN[31] is also active in combating the phenomenon of foreign fighters. The Network, through the organization of cross-sectoral workshops, seeks opportunities to cooperate with the local authorities of the member states in the field of combating

[24] Council of the European Union, Outline of the counter-terrorism strategy for Syria and Iraq, with particular focus on foreign fighters, 5369/15, Brussels, 16 January 2015, https://data.consilium.europa.eu/doc/document/ST-5369-2015-INIT/en/pdf (Accessed 20 November 2020).

[25] Council of the European Union, Draft Revised Guidelines for the EU Strategy for Combating Radicalization and Recruitment to Terrorism, 9646/17, Brussels, 24 May 2017, https://data.consilium.europa.eu/doc/document/ST-9646-2017-INIT/en/pdf (Accessed 20 November 2020).

[26] Supplementary Information Request at the National Entries (SIRENE).

[27] The SIRENE Manual is a set of instructions outlining the general and specific procedures to be followed by the competent authorities for the exchange of information on the following categories of entries: for refusal of residence or entry, for the purposes of arrest, surrender or extradition, for missing persons; for legal proceedings, for discreet and special checks, for items with a view to their seizure or use as evidence.

[28] Council of the European Union, Follow-up to the statement of the Members of the European Council of 12 February 2015 on counter-terrorism: Report on implementation of measures, 9422/1/15, Brussels, 10 June 2015, https://data.consilium.europa.eu/doc/ document/ST-9422-2015-REV-1/en/pdf (Accessed 20 November 2020).

[29] Ibid, p. 8.

[30] In 2016, more than 4,300 persons linked to terrorism, including foreign fighters and their accomplices, were registered with the EIS. Council of the European Union, State of play on implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015, 6785/16, Brussels, https://data.consilium.europa.eu/doc/document/ST-6785-2016-COR-2/en/pdf (Accessed 10 March 2016).

[31] Radicalization Awareness Network (RAN).

extremist propaganda.[32] RAN assists national authorities in recording assistance practices accorded to victims' families and disseminating the main conclusions drawn from these experiences. On 29 January 2015, the Commission amended the SIRENE Manual and upgraded the Schengen Information System (SIS). The purpose of this initiative was to identify canceled travel documents and to facilitate a faster and more targeted exchange of information concerning foreign terrorist fighters and dangerous criminals.[33] The aforementioned would not be complete if it did not refer to the criminalization of travel to and from the Salafist theaters for training or monitoring training, as well as participation in terrorist group activities, knowing that such participation would contribute to criminal activities.[34] The 2020 EU Security Union Strategy includes, among the risks facing the EU, the return of foreign terrorist fighters currently in Syria and Iraq and returning to the member states after their release from prison.[35] Turkey, located at the southeastern border of the EU, has had a significant role in tackling foreign terrorist fighters travelling from Europe to Syria, or on their way back to homes in Europe. Located on the southeastern border of the EU, it was called upon to work with the Europeans to control those terrorists returning to the EU.

Turkey's contribution to the EU's Counterterrorism efforts

Turkey's fight against terrorism has not always been in tandem with its European allies, with the Turkish leaders frequently complaining that their country's struggle was not understood by its allies.[36] Although the PKK was officially recognized by its European allies and was listed as a terrorist organization by the European Union from 2002 onwards, the member states would not always act against it in the way Turkey demanded. [37] Apart from the PKK, the response of the European countries to other domestic terror threats against Turkey, such as, inter alia, FETÖ and DHKP-C, have been most hesitant. Nevertheless, the global terror threat brought the two sides together and cooperation has improved. As Turkey and the European Union share the same threat from global terrorism, their cooperation has become highly effective. Admittedly, as cooperation became inevitable, the willingness of both sides to fight together against terrorism has increased. One could argue that the cooperation between Turkey and the European Union against terrorism is based on what Stephen Walt has labeled "the balance of threat".[38]

A recent example of cooperation in countering terrorism is preventing the

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[32] European Commission, *Preventing Radicalization-Role of the Radicalization Awareness Network*, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/fight-against-radicalisation/role_of_ran_en.pdfn (Accessed 20 November 2020).

[33] Commission Implementing Decision (EU) 2015/219 of 29 January 2015 replacing the Annex to Implementing Decision 2013/115/EU on the Sirene Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document C(2015) 326) OJ L 44, February 18, 2015.

[34] Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, OJ L 88, 31.3.2017, p. 6.

[35] COM(2020) 605 final.

[36] "Turkey summons Belgian Ambassador over PKK tent near Brussels," *Reuters*, March 20, 2016, https://www.reuters.com/article/ us-turkey-belgium-idUSKCN0WM0RO (Accessed 20 November 2020).

[37] Ömer Özkızılcık, "The EU and the PKK: Hypocrisy and Double-Standards at Large," *Politics Today*, Sept. 28, 2021, https://politics today.org/europe-and-the-pkk-double-standards/ (Accessed 15 October 2021).

[38] Stephen M. Walt, *The Origins of Alliances*, Ithaca, Cornell University Press, 1987, pp. 17-28.

travels of foreign terrorist fighters from Europe to Syria through Turkey.[39] As the attacks on Turkey increased through 2015, collaboration with Europe increased, as all parties were aware of Turkey's location in the first circle of violence, with Europe being located in the second circle.[40]

While most of ISIL connected terrorist activities in Europe, during the last five years at the end of the second decade in the twenty-first century were executed by returnee foreign terrorist fighters, every time it was reported that the records concerning these terrorists had already been shared by the Turkish security authorities with their European interlocutors. Unfortunately, the Paris attacks of 2015 showed the cost of failure of cooperation between Turkey and its European allies, as well as showing that the defense of Europe against global terrorism starts at Turkey's eastern borders.[41]

As Turkey is committed to combating terrorism in all its forms, and takes a firm stance against associating terrorism with any religion, nationality, civilization, or ethnic group, Ankara is working closely with the EU to address the common threats and to cooperate in competent international organizations such as the Global Counter-Terrorism Forum (GCTF), the Global Coalition to Counter ISIL/Daesh and the Financial Action Task Force (FATF).[42]

The fight against terrorism was specifically recognized as a priority at the EU-Turkey Summit of 29 November 2015. The EU-Turkey Joint Action Plan of November 2015 agreed to further intensify cooperation with Europol through the deployment of a Turkish liaison officer. On 21 March 2016, Europol and Turkey signed a Liaison Agreement, allowing for enhanced cooperation. At the EU-Turkey Counter-Terrorism Dialogue in June 2016, both sides agreed to explore ways of enhancing collaboration on information sharing, law enforcement, and judicial cooperation, including in the field of terrorism-related deportations and the financing of terrorism. The relationship between the two sides experienced a crisis after the 15 July 2016 coup attempt. In addition to demanding the extradition of Fetullah Gülen from the United States, Turkey also demanded the extradition of many of his followers, who had fled Turkey to seek asylum in Europe. The either slow, or sometimes total lack of response by European countries to this demand became a major bone of contention between Turkey and the EU. As a result of unfulfilled expectations by Ankara from the EU regarding the PKK and the FETO activities in EU members, Ankara has accused the EU and its member states of not helping Turkey in its fight against terrorism. [43] Moreover, the EU's critical attitude in the aftermath of the coup attempt also produced a crisis of confidence. The fact that the EU, institutionally, was late in showing solidarity with the Turkish government on the coup attempt, has mostly not recognized the involvement of FETO in the coup, and has since criticized measures taken by Turkey to suppress FETO related groups and individuals,[44] all led to a period of weakening of the channels for dialogue.

[39] Haldun Yalçınkaya, «International Cooperation Against Foreign Terrorist Fighters: The Experience of Turkey," ORSAM Review of Regional Affairs, No. 22, February 2015.

[40] Yalçınkaya, "IŞİD'in Yabancı Savaşçıları…", pp. 23-43.

[41] Lee Moran, "Turkey says It Warned France Twice About Paris Attacker," *Huffington Post*, November 16, 2015, https://www.huffpost.com/entry/turkey-warned-france-twice_n_5649c5ebe4b060377349be9c (Accessed 20 November 2020).

[42] Press release of EU-Turkey Counter-Terrorism Dialogue, 8 June 2016, https://eeas.europa.eu/headquarters/headquarters-home page_en/5018/Turkey-EU%20Counter%20Terrorism%20Dialogue (Accessed 20 November 2020).

[43] Turkish Ministry of Foreign Affairs Press Release Regarding the 2021 Country Report on Turkey by the European Commission, No. 351, Oct. 19, 2021, https://www.mfa.gov.tr/no_-251_-avrupa-komisyonu-2021-turkiye-raporu-hk.en.mfa (Accessed 20 November 2020)

[44] European Parliament resolution of 6 July 2017 on the 2016 Commission Report on Turkey, COM(2016) 715 final, https://www.euro parl.europa.eu/doceo/document/TA-8-2017-0306_EN.html (Accessed 20 November 2020).

Nevertheless, by the end of November 2017, Turkey and the EU held a meeting in Ankara. Its goal was to look for ways to boost cooperation to prevent and counter violent extremism, terrorism financing, and links between organized crime and terrorism, and to reinforce cooperation in the fields of justice and law enforcement cooperation and information sharing.[45] The main reason the EU sought dialogue with Turkey was that Turkey has become the main transit hub for foreign terrorist fighters traveling to and returning from Syria and Iraq. Thus, in December 2017, the European Commission addressed a recommendation for a council decision, authorizing the opening of negotiations for an agreement between the European Union and the Republic of Turkey on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities, for fighting serious crime and terrorism. [46]

Today, while the EU recognizes that Turkey is still facing threats from terrorist groups and condemns all acts of terrorist violence, it also repeats its criticism that the measures taken in the fight against terrorism need to be proportionate, and that while the government has a legitimate right and responsibility to fight terrorism, it is also responsible for ensuring that these efforts are done with the application of the rule of law, and the protection of human rights and fundamental freedoms. Thus, the EU points out that amending the anti-terror law and practices to bring them in line with European standards is one of the key areas for the improvement of relations between Turkey and the EU. [47]

The Recent Steps toward EU-Turkey cooperation in Counterterrorism

Although the EU and Turkey perceived the same threat from the recent wave of terrorism, their counterterrorism cooperation has had its ups and downs. Admittedly, the cooperation against foreign terrorist fighters has worked well, whereas Turkey's demands over FETO terrorists were not supported sufficiently by the EU. Therefore, there are still question marks concerning an effective counterterrorism mechanism to be established between the EU and Turkey.

The fight against terrorism is not just a matter for the states within which the relevant attacks take place. As it is transnational in nature, states need to cooperate at the regional and international level, first to control and then subdue it. To prevent and eradicate terrorism, the EU has established organizations dealing exclusively with the issue (ECTC) and others with relevant responsibilities (Europol, Eurojust, CEPOL, Frontex). At the same time, in the context of the guarding of borders, it has created information systems that allow border surveillance, control migration flows, and enhance its internal security.

EU agencies play a key role in supporting operational cooperation in the fight against terrorism. They contribute to the assessment of common threats to security, assist in setting common priorities in operational activity, and facilitate cross-border cooperation and prosecution. Member states cooperate with these agencies to maximize their

[45] Joint Turkey-EU Press Release: Turkey-EU Counter-Terrorism Consultations, November 27, 2017, http://www.mfa.gov.tr/joint-turkey_eu-press-release_-turkey_eu-counter_terrorism-consultations_en.en.mfa. (Accessed 20 November 2020).

[46] COM(2017) 799 final.

[47] COM(2019) 260 final· SWD(2020) 355 final.

effectiveness in the fight against terrorism.

The information systems developed at EU level, which are also used to prevent terrorism, are the Schengen Information System (SIS), the Eurodac system, the Visa Information System (VIS), the Entry/Exit System (EES), the Electronic Travel Information and Authorization (ETIAS) and the European Criminal Record Information System for Third-Country Nationals (ECRIS-TCN). Each system has a specific scope, legal basis, user group, and institutional framework. They are complementary and, except for the SIS, focus exclusively on third-country nationals, providing support to national authorities for border management, immigration, visa and asylum procedures, and the fight against crime and terrorism.

Counter-terrorism efforts require the EU to cooperate with all its partner countries on its instruments and databases. Yet Turkey only participates today in Europol after the signing on 21 March 2016 of the Liaison Agreement. [48] A liaison officer representing the Turkish National Police was seconded to Europol in May 2016, which has resulted in some positive developments, and contacts between Turkey and Europol. However, these agreements do not authorize the exchange of data related to identified or identifiable individuals. [49]

Frontex trained 250 experts from the Western Balkans and Turkey in 2017. The training focused on combatting trafficking in human beings, detecting document fraud, and respecting fundamental rights during return operations.[50]

Internal security issues are at the core of states' affairs. It is no coincidence that the cooperation of the member states on these issues has been slow. Cooperation with third parties including Turkey may not be effective in the short term. Nevertheless, Turkey has both the experience and the knowledge to deal with terrorist acts. In addition, it is, in many instances, the "bridge" used by terrorists to cross into Europe. It could therefore join the EU agencies and benefit from the databases it uses to deal with terrorism. Nevertheless, negotiations for an agreement between Europol and Turkey on the exchange of personal data between the two sides for combatting serious crime and terrorism have so far been frozen. The European Parliament has expressed reservations about the respect for fundamental rights in Turkey, as well as the level of their protection.[51] Discussions regarding Turkey's participation in EU-maintained databases have not started, and neither has its active participation in other organizations. This choice on the part of the EU does not strengthen its security but instead deprives it of great advantage and therefore weakens it.

[48] Europol's current cooperation with Turkey is based on an *Agreement on Strategic Cooperation* concluded in 2004, Agreement on Cooperation between Europol and The Republic of Turkey, 28.07.04, https://www.europol.europa.eu/sites/default/files/documents/ agreement_on_cooperation_between_the_european_police_office_and_the_republic_of_turkey.pdf (Accessed 20 November 2020).
[49] Turkey can send, but not receive data. Indirect transmission via Interpol is a useful channel but is not the most effective or rapid solution to address cases requiring immediate reaction.
[50] "Frontex trained 250 experts from Western Balkans and Turkey, News Release", FRONTEX, https://frontex.europa.eu/media-centre/news-release/frontex-trained-250-experts-from-western-balkans-and-turkey-Pmzvkk, (Accessed 20 November 2020).
[51] European Parliament resolution of 4 July 2018 on the Commission recommendation for a Council decision authorizing the opening of negotiations for an agreement between the European Union and the Republic of Turkey on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Turkish competent authorities for fighting serious crime and terrorism (COM(2017)0799 – 2018/2061(INI)), OJ C 118, (2020): 74

Conclusion

Turkey's eastern border could be seen as the front line in the EU's fight against global terrorism. Also, ISIL experience has shown that the radicalization of European citizens might result in security concerns for Turkey, especially during the return of foreign terrorist fighters from Syria to Europe, many of whom have been stuck in Turkey for varying periods. While Turkey wanted to extradite them, their home countries hesitated to accept them back. Turkish and EU security concerns need to be shared so as to jointly tackle the problem.

Radicalization and violent extremism are the two phrases that would best describe the fourth wave of terrorism. In the European case, most of the foreign terrorist fighters are second- or third-generation immigrants. The root cause of their radicalization is based on their failure to integrate into the societies in which they were born and grew up. ISIL offered these people a kind of safe haven where they would feel themselves to be part of society. However, after the military defeat of ISIL, many such youngsters felt disappointed and wanted to go back to their homes. The question and the problem arise at that point, as they must be de-radicalized and re-integrated in the society of their country of citizenship. Many have attempted to return home from Syria via Turkey. In most cases, the returnees would be arrested on the Turkish border, and after some legal procedures would have to be extradited to their home country in Europe. The cooperation begins at that point, as Turkey's interlocutors should not hesitate to take the returnees back, who, through the fault of the states themselves, failed to

be integrated into. This seems like a vicious circle. Yet even the faint hope of deradicalization is possible only if the relevant EU member states and Turkey can cooperate. Unfortunately, many returnees have been extradited by Turkey to a European country and came back again, only to be extraditedagain and to commit more terrorist acts in Europe. Hence, it could be said that much of Europe's security begins on Turkey's eastern border, as well as depending on counterterrorism cooperation between the EU and Turkey. However, it must be acknowledged that there are many areas of cooperation between the EU and Turkey in which the two partners will have to work together if they want to deal effectively with terrorism and if they want to be a model of international cooperation.

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