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THE RUSSIA-EU PERSPECTIVE: NATIONAL SECURITY AND COUNTERTERRORISM FROM A DIFFERENT ANGLE

Statistics have proven that both the European Union (“EU”) and the Russian Federation (“Russia”) suffer from terrorism in its current form. Hence intensifying partnerships to combat terrorism would be a good idea. This essay envisages illustrating a common base for cooperation in the fight against terrorism despite of some general differences in policy and structure between the EU and Russia. According to the author there are five fundamental issues which ask for more attention in the EU-Russia dialogue on Freedom, Justice and Security. Firstly, statistics prove that Europe (EU and Russia) are impacted by modern terrorism. Secondly, Russia’s experience in counterterrorism is crucial. Thirdly, the scale ‘freedom’ and ‘human rights’ versus ‘security’ has not the same ratio in the EU and in Russia. Fourthly, the concept sovereignty is differently filled in by the EU, the EU Member States and Russia. Fifthly, there is the debate between integration versus social exclusion, and solidarity versus strong governmental intervention. By highlighting these differences in attitudes, the objective becomes clear that possibly the EU could learn things from Russia, as one of the key states to have experience in counterterrorism. Although the EU and Russia experience different forms and problems of terrorism and the roots of West-European terrorism cannot be traced back to the same reasons why Russia suffered terror attacks, it does not invalidate that they could foster cooperation.

Key words: *counterterrorism, terrorism, European Union, Russian Federation, cooperation, differences, system, legislation, political deadlock, mutual trust.*

1. Common base for cooperation.

In the EU, the amount of terror attacks and the terror threat level rose relatively sharply the past four years, with peaks in 2015-2016, having France as the

first Western European country ranked in the list of most attacked countries by terrorists, subsequent to some developing countries in the Middle East and North Africa region (3), where terror is a common occurrence. In addition, modern Russia is – as well – statistically one of the most attacked countries of the developed world by terrorists, ranked in the top four of developed countries within the Global Terrorism Index [9], sharing a second place with the United States and China, which makes it actually secondly after France and on a 33rd place in the world ranking [5]. This paper aims to indicate that there is a common base for the EU and Russia to cooperate in the fight against terrorism, despite the different perspectives. This is illustrated by the fact that both have different policies and another structure to deal with this problem, notwithstanding the idea that the EU can see Russia as a model. Despite the political deadlock between the EU and Russia, there are **opportunities to cooperate more** intensively in the field of internal security. The EU has much to learn from Russia, in particular with regard to adopting different attitudes and policies in dealing with incoming security threats within their borders, such as terrorism. It is exactly by this “**modelling process**” that cooperation will be activated, under the condition that the political dialogue will intensify towards more trust in each other, especially an effort from Brussels is vital. Partnerships should be fostered. So what are the main differences between the EU and Russia, and what can the EU light up from Russia?

2. The different perspectives

Firstly, Russia is one of the countries of the developed world most impacted by terrorism. It is ranked in the top four of developed countries within the Global Terrorism Index 2017, taking into account the developing countries in the MENA region where terror is almost daily routine [5]. The MENA region is the epicentre of terroristic activity, which is proved by the fact that the top 10 of countries most impacted by terrorism worldwide in 2017, were all situated in that region (Iraq, Afghanistan, Nigeria, Syria, Pakistan, Yemen, Somalia, India, Turkey and Libya) [5]. These results measure the impact of terrorism globally. Russia has been suffering from contemporary terrorism since the late 90's [9]. While the EU suffers from terror problems mainly coming from the Maghreb countries in Northern Africa, Russia is affected by terrorism which has often its roots in the Northern Caucasus and Central Asia (see *infra*). Both the EU and Russia are as civilised societies affected by people and groups of organizations who are destabilizing society by disrupting tranquillity and peace. Certain organisations and persons are creating violence and extreme fear against civilians to achieve political or ideological objectives. Europe (2) should fight those who are involved in these kind of criminal activities. Although the EU and Russia don't suffer from the same kind of terrorism (the roots of terrorism in Western Europe are not the same as those of Russia), one must be aware of the phenomenon of “terror networks” and common support for terrorism or in other words: the Jihad. Through these networks, terrorists are in contact with each other, and not only that: the financing

of terrorism, logistic support and extremist ideology could be arranged by these transnational networks [3].

Secondly, Russia is very experienced in counterterrorism. Russia has built up a strong operational system and expertise due to its experiences of managing acts of terrorism. However, it cannot be excluded that, in the meantime, countries as Belgium, France, Spain, Germany and the UK also are obtaining more experience in dealing with this problem, given the many attacks which happened the last four years. This opens the way for cooperation. Besides, Russia created an institutional framework and legislation to counter terrorism. Russia adopted the Federal Law “On Combating Terrorism” in 1998. In this law the legal regime of the counterterrorist operation is designed as well as the organisational basis of counterterrorism. In 2006 a new Federal Law was adopted “On Counteraction to Terrorism”, which replaced the earlier version [11]. In March 2016 the State Duma adopted the Federal Law on Ratification of the Council of Europe Convention in the Prevention of Terrorism. Russia has become party of more than 20 counterterrorist international legal acts under the auspices of the UN, the Council of Europe, the CIS and the SCO [12]. Russia’s most lethal period of terrorism occurred between 2002 and 2004 although it was also considerably impacted between 2010 and 2011 [6]. In 2016, Russia had the third lowest impact from terrorism – globally – with an average GTI score (4) of 2.12. According to statistics provided by the University of Maryland and their Global Terrorism Database there is currently a decrease in attacks and fatalities in Russia compared to their most deadly years [8]. One could deduce that perhaps this decrease is due to Russia’s significant method of counterterrorism.

In 2016, Europe (5) was the second best performing region according to the Global Terrorism Index despite being 2016 the deadliest year for the region since 2002. The increase in fatalities caused the region’s score to substantially deteriorate. Over the last 15 years to 2016, Europe had the fourth largest deterioration in terms of average GTI score [7]. In overall terms the level of activity in the EU attributed to jihadist terrorism remains high, with indications of it continuing to rise [4]. There is a trend that the number of attacks in the EU is decreasing (from 226 attacks in 2014 to 142 attacks in 2016) [4]. In other words, and according to statistics, there is relatively speaking deterioration in Europe compared to their average situation, but there is no absolute increase in attacks and fatalities since the beginning of the 21st century until now. Nevertheless, the relatively improving situation in Russia and the relatively deteriorating situation in the EU, leads to some reflections: 1) Has Russia a better counterterrorism approach?, 2) Is the EU witnessing another kind of terrorism and other terror groups which causes the deterioration? 3) The EU could learn from Russia’s approach but perhaps only in some aspects because different kinds of terrorism ask for different approaches. Terrorism has different roots and triggers. The terrorism that the EU is facing nowadays is partly a consequence of the decolonization process by the

former European colonies in Africa and the Maghreb region, which happened too rapidly and the fact that many of those second and third generation immigrants coming from these former colonial states don't integrate smoothly into the indigenous population. Instead some of them radicalise and experience social exclusion, partly because they stick to their archaic belief and customs. Russia was not involved with colonisation in Africa, this was done by West European countries. On the other, there is the centuries-long conflict with hostilities dating back to 1785 between the Russian Empire and the North Caucasian region, an important trade and communication route to the Middle East (former Persian and Ottoman Empires). This conflict probably gave rise to some problems of terrorism in modern Russia. Today labour migration from Central Asia has a prominent presence in Russian society, which has economic benefits but also entails security threats. Besides of these historical reasons, there are many other roots and triggers of modern terrorism.

Thirdly, in the EU, the ratio in the scale of freedom and human rights versus security is different than in Russia, i.e. there is another balance. Even with repeated terror attacks in EU countries, the European Parliament and human rights organisations are not ready to sacrifice their rights and freedoms for more internal security. However it is noble to involve the human rights approach in their governance, human rights organizations in the EU are sometimes going too far by blocking or trying to hold back the government – by lobbying and other campaigns – from prioritizing internal safety above certain freedoms. Nevertheless, it is true that when advocating for a stronger counter-terrorism approach and a vigilant policy towards a mass migration influx (whereby there is a chance that terrorists potentially can migrate as well), a minimum of human rights should always be taken into consideration. Integration is the recipe not to worsen terrorism. One of the triggers of terrorism is social exclusion. At any one time, not one single population group, ethnic group or religion may have the feeling to be socially excluded. One should always have empathy with every situation that populations have been through. As for Russia, human rights activists and their constituencies are not widely recognised. With this in mind, Russia can probably take stronger measures against incoming terrorism. The (partially) blocking of Telegram in Russia – an encrypted messaging app – illustrates that this balance also plays in Russia: the protection of the state and its citizens and the aim for countering terrorist acts versus the right to privacy of correspondence, telephone conversation, postal, telegraphic and other communications according to article 23 of the Constitution of the Russian Federation and the management of Telegram. One of the primary difficulties of implementing effective counter-terrorist measures in West Europe is the waning of civil liberties and individual privacy that such measures often entail for citizens. Human rights advocates claim that measures which are designed to tighten security can be seen as abuses of power or even violations of human rights. They argue that such violations could

exacerbate rather than counter the terrorist threat. They advocate for the protection of human rights while countering terrorism [16]. Summarized in the EU is the balance or proportion human rights and freedom versus stronger internal security the opposite as in Russia. The EU focuses more on freedoms and human rights for its citizens (at least this is how it is presented by their politics) whereas Russia has a stronger internal intelligence and will target more on internal safety for its citizens. Probably both the EU's and Russia's wish is equal to create safety for its citizens and target more on security and law enforcement, but the human rights approach is more established in West Europe than in Russia. In any case, this is how it is externalised by the politics towards its citizens.

Fourthly, since security is a shared competence (1) between the EU and the Member States (according to art. 4, par. 2, j) of the Treaty on the Functioning of the European Union), it implicates that the problem of sovereignty will always play a role in the EU, whereas Russia doesn't have this "sovereignty problem". Art 4 TFEU [14] lays down that freedom, justice and internal security are "shared competences". This means that the principle of subsidiary of EU law is applicable here since in order to do the test of subsidiary, it must be a shared competence [13] and e.g. no exclusive or supportive or coordinating competence [2]. The subsequent step is to do the actual subsidiary test following Art. 5, par. 3 TEU [15] "*Is action at EU level more effective or not?*". It is very obvious: it is "internal" security so everything in the sphere of internal security like terrorism, (unless there are transnational aspects) is a competence closer to the nations (6). So according to this principle, internal security is a competence which can be better executed by the nations. Also in the "Draft Council Conclusions on the Renewed European Union Internal Security Strategy 2015-2020" it is recognised that national security remains the sole responsibility of each Member State according to art. 4 (2) TFEU. Also in this Internal Security Strategy 2015-2020 it is interesting to see how they refer to the principles of subsidiary and proportionality and ask to bear in mind the necessity at the European Union level to focus on those actions having a clear "added value" to the on-going efforts of the Member States in the field of the European Union Internal Security. So it could be understood as follows: according to the subsidiary principle and art 4 (2) TFEU the Member States are responsible for internal security – but the EU can have an "added value" to these on-going efforts of the Member States. In Russia's Federation on the other, all matters of internal security and law enforcement are centralized, except of some privatization initiatives of course, which also exist in the EU countries. The EU has a fragmented structure. Findings revealed that all countries have their own intelligence agencies and law enforcement bodies which can report and exchange intelligence data to Europol on a voluntary basis. This illustrates that Europol is an umbrella organization with no real arresting or intelligence gathering power, contrary to the law enforcing or intelligence services of the EU countries. Discussions in the EU institutions and meetings held by

the ministers of interior of the EU countries, entail there are voices for a “Central European Intelligence Agency”. The idea of creating a European Intelligence Agency – which questions the current status of Europol, a mere supervisory and overarching organization without arresting power – where the intelligence and police agencies from respective EU countries need to exchange data to obligatorily, will make some Member States sensitive to losing their sovereignty. Russia doesn’t face these problems. All of this can be explained by the political methods of decision making wherein the EU and Russia differ. The EU, which is a new type of political entity, is sometimes described as a supranational union, a type of multinational political union, where negotiated power is delegated to an authority by governments or member states. One could describe supranationalism as submission to an international authority with formal preservation of its own sovereignty. Supranationalism is in terms of decision-making between the other methods of decision-making: on the one hand, intergovernmentalism where state governments play a more important role and, on the other, federalism. Within the European Union there exist of course federal states. Actually the EU has a mainly supranational nature but to a less extent has an intergovernmental system of decision-making. The members of the EU’s supranational institutions (the EU Commission, the EU Parliament and the EU Court of Justice) need to act completely independent from their nation states and it is forbidden to take instructions from national governments. However the Council of the EU and the European Council are intergovernmental bodies with some supranational properties. Nevertheless, it can thus be said that the EU is a supranational entity, that possesses a horizontal cohesion between its Member States but promotes a vertical network of authority in which Member States and their population are domineered by pan-European institutions. Because of that their can be strafes for sovereignty and there will be a dilemma whether the subsidiary allows if the Member States or the EU are competent for the space of freedom, security and justice.

Fifthly, Russia seems to have a hybrid migration policy, combing all the good aspects: the government advocates for intercultural and interethnic tolerance among its people, while they act strongly against illegal and abusive forms of migration and criminality. In the EU it seems more the opposite scenario today: in some countries the action against abusive forms of migration is too lax which caused more criminality, more illegal migration and more abuse of the social welfare systems of states by an distinct type of migrants. As a result the indige-nous people became divided, the politics split up. In Russia immigrants seem to feel more integrated in society, contrary to West Europe where some immigrants integrate less and where there is a more prominent divide between native people and immigrants of first and second generation of whom some of them are a possible victims for radicalisation and criminality. Obviously Russia and the EU also attract different types of immigrants, which is reflected in the specific needs of the states. That immigrants feel more integrated in Russian society,

can be ascribed to the simple fact that many of them experienced Soviet reign, and even long before where part of its predecessor the Russian Empire, and thus share much culture in common with Russia. Not to speak of the shared language. Integration processes run smoother when there are shared cultures, practices, languages. Even now, in the year 2018, one can feel in public life there exists less hate, less polarised feelings among people of different religions than in Western Europe nowadays, but with the nuance that the new generation of immigrants, mainly coming from Central Asia don't share anymore the common soviet heritage and language, which could become a point of alertness. The opposite is true for Western-Europe, where there came a split between the native population of on the one hand sympathizers advocating for more solidarity and tolerance, influenced by left-wing political parties and on the other the indigenous people advocating for more closed borders and recovery of the own ethnical and national character, influenced by right-wing parties. The wedge for this split of the native population into polarised extremes, is the migration crisis (since 2013) and terror crisis (since 2015) Western Europe is facing the past years. In the EU there is no common language as like Russian was for the Soviet Union and now is for contemporary Russia. There are many different languages spoken. However, European countries share the same historical heritage: that of the Judeo-Christian civilization and the Enlightenment era and Industrial Revolution which made especially of Western Europe a world hegemony and strong progressive power in new industries, inventions, sciences etc. This enormous economical, industrial and scientific progress is at right angles to the non-educated and underdeveloped world, especially to those immigrants coming from Maghreb countries who conducted terror attacks in Western-Europe the past four years or who became FTFs in the Levant, due to their influential marketing propaganda. This is thus a big difference between the EU and Russia why in Western Europe those immigrants feel more social exclusion and are more susceptible for extremist terroristic behaviour. Although in Western Europe they feel social exclusion, many efforts have been taken the past years to integrate these people more in society, to the extent that it sometimes leads to positive discrimination towards the indigenous people. Another reason could be that in Russia, people "feel" more "Russian", in that sense that there is a "Russia feeling", a feeling of all these people that they belong to Russia, whereas in the EU, people have less "patriotic feelings" of being an "EU citizen" because the EU exists of many different nations since feelings of sovereignty and nationalist feelings still play a role in the mindset of states and in the minds of people. Russia, contrary to some other European states, has a more repressive and strict approach to track illegal immigrants and terrorists. Law enforcement agencies conduct on a regular basis police raids in apartments and expel terrorists and illegal's directly to their native countries or to jail. While Russia has a strong state authority, every country of the EU decides on its own initiative how to deal with security threats of illegal migration and terrorism. There

is thus no real unanimity. Besides, in Western Europe there is more openness and solidarity towards a certain type of immigrants, which is facilitated by the power of far-left political parties, whose electorate is strongly interdependent of these newcomers. As a reaction far-right parties became more significant. Both far left and far right seems to polarize the population, although it is understandable that on a too tolerant, and even lax administration follows a counter reaction. However that there is nothing wrong with immigration in itself - with many positive aspects with it, there might be chances that terrorists also surf towards Western Europe on the same wave of “solidarity, openness and humanity” of the EU. On the other, migration is welcomed by Western European countries such as Germany, Belgium and France, which have an ageing population and are welcoming young workers. The question is whether this argument that the West and Russia undergo a demographic decline and need to attract new working forces in order to support their economies, is founded or not [1. P. 117].

3. Conclusion.

It is a fact that the EU and Russia have different approaches towards internal security, issues such as counterterrorism. According to statistics Europe (EU and Russia) are quite impacted by terrorism. Therefore alone, partnerships should be encouraged since there are many common challenges, despite the different approaches. This was also one of the focus points of the EU-Russia dialogue on Freedom, Justice and Security. The goal of this paper was to illustrate the different (not the common) perspectives of the EU and Russia towards the security threat of terrorism: diversity is usually stimulating and inspiring and can be enriching. In this way both can learn from each other and set out the way for cooperation. Russia's expertise in counterterrorism could be beneficial for the EU, although it is not excluded that in the meanwhile the EU is also seriously working on this aspect since many terror attacks happened in 2015-2016. The ratio between freedom and human rights versus security is not the same in the EU and Russia. The one focuses more on freedom and respect for human rights, and the other focuses more on security, which could be an obstacle for cooperation, or if both parties converge, it could be a working point to learn more from each other and synchronize and flow into one another. The EU and Russia have a different political structure of cooperation and methods of decision-making. The EU is a mere supranational decision-making union (with some intergovernmental properties) whereas Russia is a federal state. The concept of sovereignty is differently filled in by the EU and its institutions, the EU Member States and Russia. Because the EU is from nature mainly supranational, some competences such as internal security, justice and freedom are shared competences and can be carried out by the Member States or EU, depending on the principle of subsidiarity. According to this principle of subsidiarity and art. 4 (2) TFEU this means Member States will want to centralise the authority on internal security in their own hands because of their desire for sovereignty. Secondly this has as consequence that an institution

such as Europol is mere overarching without any arresting power. In Russia, internal security is a federal competence. Another difference between the EU and Russia is the attitude towards immigrants, whom can potentially form a risk for radicalisation, criminality and in particular terrorism. The EU, as a united union, is only a recent reality which is fragile and not yet an established player. Contrary to Russia, a federal state which exists of more than 200 nationalities and people of different cultures who are accustomed to live with each other for centuries and especially during the soviet-era of internal migration between the Soviet states, sharing one common language: Russian. The different Member States of the EU are so diverse in culture and history to the extent that they are all marked by the many wars and conquests their people experienced. Before the EU was established, they did not trust each other enough. Because many European states became conquered by neighbouring oppressors and regimes, they have mixed feelings towards immigrants. Domination of the indigenous people by foreign rulers is still in the collective memories of some people. That is why there is no consensus on the migration issue today between the EU Member States. Today the EU is more an economical union than something else. The most important feature of the union, is that it eliminated the long during wars in the axis France-Germany. With respect to partnerships, Russia and the EU could for example set up a working group on anti-terrorism. This could be a platform of mutual consultation whereby both partners exchange information on possible suspect behaviour of criminals. In addition, it is desirable that the Ministries of the Interior and law enforcement agencies of the EU Member States and Russia's collegial bodies cooperate more intensively, though this is only possible under the condition of political will. As long as they don't have a common view on who to qualify as a criminal or terrorist, they are counterparts rather than partners. Globally, the less developed countries need to adapt faster and better to the modern society of the developed world in such a way they follow the same line of reasoning in what is good and bad and share the same values.

NOTES:

- (1) Art. 4, par. 2, j) of the Treaty on the Functioning of the European Union.
- (2) In this by "Europe" is meant the European Union and the Russian Federation since the latter is a European nation as well and should be included in the political debate. It is not correct to exclude the Russian Federation from Europe, as often happens in the West. In this essay the distinction will be made by using "EU" and "Russia".
- (3) Not all MENA countries are intended here. Only those were terrorists gather and operate from.
- (4) The Global Terrorism Index uses the GTI scoring system. The GTI score for a country in a given year is based on a unique scoring system to account for the relative impact of incidents in the year. There are four factors counted in each

country's yearly score: the total number of terrorist incidents in a given year (1), the total number of fatalities caused by terrorism in a given year (2), the total number of injuries caused by terrorism in a given year (3) and the approximate level of total property damage from terrorist incidents in a given year.

(5) The Global Terrorism Index is referring to "Europe" and excluding Russia from being part of Europe. Russia and Eurasia are considered together in this GTI. When GTI refers to Europe, they mean the EU.

(6) The Member States are best placed because the word itself says it: "internal" security, so it must stay "internal" or "national".

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