

# COUNTER-TERRORISM IN NEW EUROPE

## *What have the new EU members done to combat terrorism after September 11<sup>th</sup>?*

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### Abstract

*In recent years the nature of terrorism has changed dramatically and has taken on a new combination of characteristics. The fight against this terrorism has become a global concern and central issue of international government policies. Counter-terrorism policies have transformed all around the world, and the importance states place on certain aspects of their counter-terrorist measures vary considerably. There is no agreement on how best to fight terrorism. Within the European Union (EU) this disagreement is the most visible, with some countries supporting the United States in their military fight against terrorism, while other strongly oppose it. This paper will focus on five of the ten new EU members that joined in 2004 (Estonia, Poland, the Czech Republic, Slovenia and Malta) and review some of their existing counter-terrorism measures. In doing so the paper will examine the strengths and weaknesses of each individual state's policy and highlight some of the general trends and patterns among them.*

Keywords: counter-terrorism; public policy; enlargement; new Europe; European Union

### 1. INTRODUCTION

Since the terrorist attacks of 11 September 2001 (hereafter 9/11), states around the world have reviewed their counter-terrorism policies. Most of the emphasis when studying these policies has been on the United States and its most powerful traditional allies from the European Union (EU) such as the United Kingdom, Germany and France.<sup>1</sup> Until now there has been very little research into the counter-terrorism public policies of the new EU members.<sup>2</sup>

Due to the global nature of terrorism today it is also important to think about counter-terrorism in a global way. The uncovering of terrorist cells around the world that were involved in the organisation and execution of 9/11 has made it painfully clear that terrorism can not be fought by individual states. With the new EU members now firmly part of the western democracy and its institutions it is important to research their counter-terrorism policies. Experts on the subject of

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<sup>1</sup> See for example Mary Buckley and Rick Fawn (eds.), *Global Responses to Terrorism – 9/11, Afghanistan and Beyond* (London: Routledge, 2003), Fernando Reinares (ed.), *European Democracies Against Terrorism – Government policies and intergovernmental cooperation* (Aldershot: Ashgate, 2000) or K. von Hippel (ed.), *Europe Confronts Terrorism* (Basingstoke: Palgrave MacMillan, 2005).

<sup>2</sup> One exception is Paul Gallis (ed.), *European Counterterrorist Efforts Political Will and Divers Responses* (New York: Nova Science, 2004).

counter-terrorism argue that “[a] chain is only as strong as the weakest link”.<sup>3</sup> By this they emphasise the idea that weaknesses in dealing with terrorism in one country can directly affect the security of other countries. An example of this could be the lack of effective airport security in one country which could result in a plane being high-jacked by terrorists who might then use the plane as a guided missile to attack another country. Therefore global security can be seen to depend on the complex interdependence of countless national counter-terrorism measures at all levels. Identifying the strengths and weaknesses of the counter-terrorism policies of the new EU members should provide a useful insight into the overall situation regarding the fight against terrorism in Europe and the world as a whole.

The aim of this paper is to briefly examine and compare the counter-terrorism public policies of five of the ten new European Union Member States in order to assess their individual strengths and weaknesses. In doing so, one hopes to highlight some of the general trends and patterns that have emerged within this group of countries. The five countries which have been selected represent a good cross-section of the new members, with Estonia from the Baltic, Poland and the Czech Republic being larger states from the centre of eastern Europe, Slovenia formerly part of Yugoslavia and Malta representing one of the two new South Mediterranean members. Although the focus will predominantly be on these five states and their public policies concerning counter-terrorism, the other five members will be mentioned throughout.

The paper will focus on the achievements of each state in five areas relating to the fight against terror. First, the paper will examine the intelligence structure within the new EU Member States, referring to the way the gathering, analysis and distribution of information about terrorism is organised. Furthermore the essential parts of the existing national anti-terrorist legislation in each state will be highlighted. In addition, the international conventions and protocols relating to terrorism will be studied in order to identify what states have ratified which conventions and made them part of their national legislation. Next the paper highlights the extent to which each state co-operates internationally in the fight against terrorism and how far each new member has implemented measures to tighten internal security such as stricter border controls, aviation security, and the protection of important infrastructure and government facilities. Finally, the paper will evaluate to what extent and how each new EU member has taken part in military actions abroad against terrorism. These five areas have been chosen because they represent a wide range of theoretical ways for combating terrorism today.

The descriptions of each individual state’s counter-terrorism policies are based on desk research. The main methods of research include examination of government websites, government reports, and press releases. The extent to which accessible reports or data were available was in some occasions limited due to the often confidential nature of the subject. Furthermore one has to keep in mind that theoretical counter-terrorism policies out-lined in government reports are constantly evolving and changing, and that the practical application of such measures can not be truly evaluated by the research methods used. Nevertheless the research will give some insight into the existing counter-terrorism policies and most importantly will highlight general trends and patterns but also clear differences among the new EU members.

Before being able to examine the counter-terrorism public policies of the new EU Member States it is necessary to establish exactly what is meant by this term. Therefore this paper will first briefly examine some different definitions of what public policy is and how counter-terrorism can fit within such a definition. The next section will review five of the new members and some of their counter-terrorism policies within the six areas mentioned above. After that the paper will highlight some of the general trends and weaknesses of the counter-terrorist policies adopted by the new EU members.

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<sup>3</sup> E. Van de Linde, K. O’Brien, G. Lindstrom, S. de Spiegeleire, M. Vayrynen, & H. de Vries, *Quick scan of post 9/11 national counter-terrorism policymaking and implementation in selected European countries* (Leiden: RAND Europe, 2002), 13.

## 2. COUNTER-TERRORISM AND PUBLIC POLICY

Counter-terrorism and public policy have rarely been discussed together explicitly using these terms<sup>4</sup>; a fact which seems predominantly to come down to the problem of definition on both sides.<sup>5</sup> Using a very wide definition such as Thomas Dye, and claiming that “[a]nything a government chooses to do or not to do”<sup>6</sup> represents public policy, firmly placed counter-terrorism measures inside the public policy domain together with almost everything else. Other more restrictive definitions by authors such as William Jenkins claim public policy is “a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve.”<sup>7</sup> Here it seems more difficult to place counter-terrorism in the realm of public policy. One is left here with the problem of pointing to a clear goal of counter-terrorism. If the goal is to stop terrorism, is this really in the power of actors to achieve, especially those five new members of the EU? One could consider definitions which lie somewhat between the two mentioned above. James Anderson believes public policy to be “a purposive course of action followed by an actor or a set of actors in dealing with a problem or matter of concern”.<sup>8</sup> Viewing counter-terrorism as a public policy with such a definition does appear justified, as very few would deny that terrorism is, or is claimed to be, a problem or a matter of concern.

As with public policy, the problem of establishing a universal definition of terrorism has been covered extensively. However, one can to some extent side-step the problem of implying a moral judgement associated with the terrorist / freedom-fighter dichotomy, as well as avoid the concern of differentiating terrorism from guerrilla fighters, criminals, or psychopaths. We can consider counter-terrorism as referring to all kinds of policies, operations, and programs that governments implement to combat terrorism regardless of whether one agrees with who this terrorist is claimed to be. As long as the policy is declared as a measure of combating terrorism, we may consider it a counter-terrorism public policy. This could include policies such as enhanced border and airport security, tightened security at embassies, the implementation of new anti-terror laws, the investment in anti-terrorist technology, the establishment of crisis management plans, the restructuring of security services and the creation of whole new bureaucratic counter-terrorism departments.<sup>9</sup> The paper will nevertheless focus solely on five specific instruments, which are considered to be ways of dealing with terrorism: intelligence, anti-terrorist legislation, international co-operation, enhanced internal security, and a military response.

J. Bowyer Bell points out that intelligence, the use of often covert means to gather and interpret information about an enemy, is the most important method of combating terrorism as it can provide the information necessary for pre-emptive military attacks abroad, as well as the data needed by police and security services to act within one’s own state to prevent terrorist attacks.<sup>10</sup> Hoffman and Jennifer Morrison-Taw add to this, suggesting that it is not only the intelligence itself which is needed but that the intelligence has to be dealt with by an “effective overall command and coordination structure”.<sup>11</sup> They argue that it is essential in an anti-terrorism campaign that

<sup>4</sup> One exception is Clark McCauley, *Terrorism Research and Public Policy*, (London: Frank Cass, 1991).

<sup>5</sup> In the case of public policy see for example Thomas A. Birkland, *An Introduction to the Policy Process: Theories, Concepts, and Models of Public Policy Making*, (Armonk: M.E. Sharpe, 2001), pp. 21 and in the case of terrorism see: Alex P. Schmid and A. J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature* (New Brunswick: Transaction Books, 1988), 5-6.

<sup>6</sup> Thomas Dye, *Understanding Public Policy*, (Englewood Cliffs: Prentice Hall, 1972), pp. 2.

<sup>7</sup> William Jenkins, *Policy Analysis: A Political and Organizational Perspective*, (London: Martin Robertson, 1978), pp. 15.

<sup>8</sup> James E. Anderson, *Public Policy-Making: An Introduction*, Third Edition, (Boston: Houghton Mifflin, 1984), pp. 3.

<sup>9</sup> For a comprehensive list of different counter-terrorism policies see: United Nations Office for Drugs and Crime, *A Classification of Counter-Terrorism Measures*, available at: [http://www.unodc.org/unodc/terrorism\\_measures.html](http://www.unodc.org/unodc/terrorism_measures.html)

<sup>10</sup> J. B. Bell, *A Time of Terror: How Democratic Societies Respond to Revolutionary Violence*, (New York: Basic Books, 1978), pp. 134.

<sup>11</sup> Bruce Hoffman and J. Morrison-Taw, “A Strategic Framework for Countering Terrorism” in *European Democracies Against Terrorism: Governmental policies and intergovernmental cooperation*, ed. F. Reinares, 9 (Aldershot: Ashgate, 2000).

intelligence information is collected correctly, properly analysed, and then effectively co-ordinated and distributed to the security forces engaged in tactical operations. In their view this can only be achieved by a centralised, co-operative, and integrative intelligence organisation. Without such a structure there is a potential for confusion and competition amongst different security agencies about who is responsible for what. The lack of such an organisation will lead to inefficient gathering and channelling of intelligence information. They also highlight the idea that only with such a structure of centralised intelligence is it possible to develop a unified plan and carry it out.<sup>12</sup>

Bruce Berkowitz highlights the limitations of intelligence as a method of combating terrorism. He argues that reliable specific information is hard to come by, as the infiltration of terrorist groups has become increasingly difficult. Information on terrorist groups is therefore only partial, ambiguous, and often unreliable. In addition, analysing such information is often more difficult than actually gathering it. Therefore the goal in the fight against terrorism today is often not to obtain exact information on the next terrorist operation, but to gather data on strategic intentions of terrorist groups.<sup>13</sup>

Some authors highlight the importance of anti-terrorist legislation, arguing that terrorism can be reduced through domestic laws. They emphasise the need for stronger counter-terrorism laws in order to deter terrorists and make them consider the consequences of their contemplated actions. As well as this, they stress that anti-terrorist legislation can reduce terrorism by imposing long-term imprisonment for terrorist group leaders and perpetrators, which in turn will disturb the management of the terrorist network, as well as suppress and delay further terrorist attacks.<sup>14</sup>

Helen Fenwick disagrees with the idea that domestic anti-terrorist legislation will deter terrorism. She points out that most terrorist attacks against European states occur abroad and therefore it is more difficult to bring the perpetrators to justice. In most cases the states have to rely on foreign governments to convict or extradite the terrorists. As well as this, she highlights the fact that harsh terrorism laws, long prison sentences, or even the death penalty will not deter a terrorist who is prepared to give his own life for the cause of his struggle.<sup>15</sup>

Martin Navias underlines the importance of legislation in the fight against the financing of terrorism. He suggests that money is the most important component of the preparation for any terrorist network. Without money terrorist groups are unable to act or maintain a network. The financing of terrorism can be countered by legislation which makes it possible to freeze accounts of individuals, terrorist groups, and countries sponsoring terrorism.<sup>16</sup>

Jonathan Winer and Trifin Roule criticize this and highlight the fact that the fight against terrorist financing faces several problems. Terrorism is generally funded by micro-financing or short term money such as the illegal sale of drugs, illegal trading with weapons, and other transnational criminal activities, but also from legal sources such as gifts and donations from supporters or Diaspora and charities. Most of these transactions are extremely difficult to follow as they use false names for account holders, use intermediaries, and combine funds from legal and illegal sources. Most of the money laundering laws and anti-terrorist financing measures are insufficient as they only really address macro-financing; in other words significant financing operations which use known channels and financial institutions. Most of the money used to fund terrorist acts is transferred informally, thereby bypassing the formal banking system.<sup>17</sup>

Apart from the domestic anti-terrorist legislation M. Cherif Bassiouni stresses the importance of international conventions and protocols against terrorism. Not only can these conventions and protocols provide a bare minimum of anti-terrorist legislation for many countries, but they can

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<sup>12</sup> Ibid, pp. 9-12.

<sup>13</sup> L. K. Johnson, "Strategic Intelligence: The Weakest Link in the War Against World Terrorism" in *New Global Terrorism – Characteristics, Causes, Controls*, ed. C. W. Kegley, 239-252 (New Jersey: Prentice Hall, 2002).

<sup>14</sup> M. Jimeno-Bulnes, "After September 11<sup>th</sup>: the Fight Against Terrorism in National and European Law. Substantive and Procedural Rules: Some Examples" *European Law Journal* 10, no. 2 (2004): 235-253.

<sup>15</sup> H. Fenwick, "Responding to 11 September: Detention without Trial under the Anti-Terrorism, Crime and Security Act 2001" in *Superterrorism: Policy Responses*, ed. L. Freedman, 80-105 (Oxford: Blackwell Publishing, 2002).

<sup>16</sup> M. S. Navias, "Finance Warfare as a Response to International Terrorism" in *Superterrorism: Policy Responses*, ed. L. Freedman, 65-68 (Oxford: Blackwell Publishing, 2002).

<sup>17</sup> Jonathan Winer and Trifin. J. Roule, "Fighting Terrorist Finance" *Survival* 44, no. 3 (2002): 87-104.

also contribute to the international standardisation of counter-terrorist measures.<sup>18</sup> Most of the conventions and protocols outline concrete measures and policies that each signatory should ratify and implement into its own domestic legislation. Early examples of these include the Convention on Offences and Certain Other Acts Committed on Board Aircraft in 1963, and the Convention for the Suppression of Unlawful Seizure of Aircraft in 1970. More recent examples include the International Convention for the Suppression of Terrorist Bombings in 1997, and the International Convention for the Suppression of the Financing of Terrorism in 1999.<sup>19</sup>

However, Todd Sandler points out that although international conventions and protocols are well intended, they are not very effective as there is no central enforcement agency that can force states to comply. He also believes that in order for these conventions and resolutions to be accepted globally they had to be drafted in such a way as to permit too many loopholes and too much autonomy on the part of the signatories.<sup>20</sup> Walter Enders et al agree and highlight that in many of the cases there is no significant statistical reduction in the number of attacks after the adoption of many of these conventions and protocols.<sup>21</sup>

Nora Bensahel gives prominence to the importance of international co-operation among different governments and security forces. She points out that terrorist groups are spread all over the world and the fight against a global terrorist network such as Al-Qaeda requires co-ordinated efforts of a large number of countries. As Bensahel points out, this international cooperation takes the form of different coalitions operating in different policy areas rather than one large "coalition against terror". She believes that there are at least five different coalitions involved in combating terrorism such as military, financial, law enforcement, intelligence, and reconstruction coalitions. These coalitions are made up of different members and responsible for different tasks, and together "they form a complicated, interlocking web, and their actions both enable and constrain the actions of the other".<sup>22</sup> She argues that this co-operation will not only prevent the free movement of terrorists or the use of cross-border bases or sanctuaries, but it will also improve the co-ordination and sharing of intelligence collection and distribution.

Authors such as Richard Aldrich disagree and argue that total global co-operation between governments is impossible. He stresses the great importance governments place on their autonomy over national security, highlighting that only during times of great threat or war do states give up parts of their autonomy and form close alliances. Every state perceives the threat it is facing very differently and sometimes even possesses economic interests that are at odds with certain counter-terrorist measures.<sup>23</sup>

Others take a more traditional approach to dealing with terrorism and emphasise the need for increased internal security in order to prevent particular types of attack. They argue in favour of improved border and airport security through the introduction of improved metal detectors, x-ray machines, and computerised identity recognition systems. In addition, they may suggest that other measures to tighten internal security, such as the fortifying or securing of important buildings and infrastructure, increasing the number of visible security patrols, and improving access control in public places, are possible ways of preventing terrorist attacks.<sup>24</sup>

Enders and Sandler criticise the idea that increased internal security can stop terrorism. They point out that when one type of terrorist attack becomes more difficult or more expensive, terrorists normally find alternative ways of attacking. They believe that whereas secured borders deflect attacks elsewhere to, for example, embassies or tourist resorts abroad, other internal security measures can make terrorists choose other targets or use other methods of attack. They

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<sup>18</sup> M. C. Bassiouni, *International Terrorism: Multinational Conventions (1937-2001)* (Ardley: Transnational Publishers, 2001).

<sup>19</sup> For more detail see: United Nations Security Council Counter-Terrorism Committee, "International Law and Terrorism," United Nations, <http://www.un.org/sc/ctc/law.shtml> (accessed June 12, 2006)

<sup>20</sup> Todd Sandler, "Collective Action and Transnational Terrorism" *The World Economy* 26, no. 6 (2003): 776-802.

<sup>21</sup> Walter Enders, Todd Sandler and J. Cauley, "UN Conventions, Technology and Retaliation in the Fight against Terrorism: An Econometric Evaluation" *Terrorism and Political Violence* 2, no. 1 (1990): 83-105.

<sup>22</sup> Nora Bensahel "A Coalition of Coalitions: International Cooperation Against Terrorism" *Studies in Conflict and Terrorism* 29, no. 1 (2006): 36.

<sup>23</sup> R. J. Aldrich, "Transatlantic intelligence and security cooperation" *International Affairs* 80, no. 4, (2004): 731-753.

<sup>24</sup> Jonathan Stevenson, *Counter-terrorism: Containment and Beyond* (Oxford: Oxford University Press, 2004), 17-25.

point to examples such as the introduction of metal detectors in airports which resulted in the increase of other forms of terrorist acts.<sup>25</sup>

Barry Posen argues in favour of a strong military presence as a way of combating terrorism, which can take both an offensive and a defensive form. On the one hand he highlights the fact that military forces can under certain circumstances be used to defend the state against direct terrorist attack by protecting potential vulnerable targets at home and abroad. On the other hand he suggests that direct military strikes can limit the power and influence of terrorists and leave them isolated and on the defensive. Military forces can be used to find and destroy terrorist infrastructure such as hideouts, bases, and training camps. Physical damage can leave the targeted group cut off from its resources and distract them from new acts of terrorism, as well as erode their standing by exposing their vulnerability. Not only can a large offensive military operation provide the surveillance that makes it hard for them to plan and organise attacks, but “[e]ven unsuccessful action, which force terrorist units or terrorist cells to stay perpetually on the move to avoid destruction, will help to reduce their capability”.<sup>26</sup> In addition, Mark Kosnik claims that when military strikes expose the weakness of terrorist groups they reduce the fear produced by the terrorists and create a “vacuum effect” which can draw other states into co-operation against terrorism. Furthermore, the mobilisation of a large part of the armed forces following a terrorist attack can play an important symbolic role by demonstrating the determination of the state to bring those responsible to justice.<sup>27</sup>

Karl-Heinz Kamp agrees with Kosnik and emphasises that the offensive military capability together with strong challenging rhetorical statements can act as a strong deterrent against further terrorist attacks and the sponsoring or harbouring of terrorists. He sees the invasion of Afghanistan and the fairly aggressive rhetoric by the US administration as an example of this. Furthermore he cites the fact that further large violent terrorist attacks following 9/11 have not materialised in the US, and that many of the states renowned for harbouring or tolerating terrorist activities within their borders, such as Libya and Sudan, have joined in the condemnation of international terrorism.<sup>28</sup>

Some, such as Paul Wilkinson, have pointed out the limitations of a military response to terrorism which does not use ordinary or conventional combat methods. He highlights the fact that terrorists generally do not engage in extensive operations with thousands of combatants that could be prevented by the deployment of a large number of troops. Furthermore, he emphasises the potential for collateral damage, casualties to innocent civilians and one’s own servicemen, resulting in the alienation of allies and the eroding of international credibility.<sup>29</sup> Other authors have pointed out that the military response in the form of retaliatory raids has had very little long-run impact on terrorism. Brophy-Baermann and Conybeare came to the conclusion in their study of Israeli retaliation raids that they only temporarily suppressed terrorism and that it returned to its old level within eight months.<sup>30</sup> In a similar study Enders and Sandler show that US raids on Libya in 1986 provoked an increase in terrorism which returned to the old level within several months.<sup>31</sup>

As we have seen, the definition of terrorism is controversial but necessary in order to assess the counter-terrorism policies of the new EU members. The main characteristics of terrorism today include religious motives, a global, decentralised, highly unpredictable nature, the use of new techniques and different targets, its orientation towards mass casualties and destruction, and the lack of effective demands. In addition there is no agreement on the correct or best counter-terrorism policy. Analysts have put forth numerous theories ranging from improved intelligence structures, stronger anti-terrorist legislation, increased international co-operation, tighter internal

<sup>25</sup> Walter Enders and Todd Sandler, “The Effectiveness of Antiterrorism Policies: A Vector-Autoregression-Intervention Analysis” *American Political Science Review* 87, no. 4 (1993): 829-844.

<sup>26</sup> B. R. Posen, “The Struggle against Terrorism: Grand Strategy, Strategy, and Tactics” *International Security* 26, no. 3 (2001): 45-47.

<sup>27</sup> M. E. Kosnik, “The Military Response to Terrorism” *Naval War College Review* 53, (Spring 2000): 38-39.

<sup>28</sup> K. H. Kamp, “Sechs Thesen zu den Folgen des 11. September” in *Die weltweite Gefahr: Terrorismus als internationale Herausforderung*, eds. H. Frank, & K. Hirschmann, 420-421 (Berlin: Berlin Verlag, 2002).

<sup>29</sup> Paul Wilkinson, *Terrorism Versus Democracy – The Liberal State Response* (London: Frank Cass, 2000), 124-136.

<sup>30</sup> B. Brophy-Baermann and J. A. C. Conybeare, “Retaliating against Terrorism: Rational Expectations and the Optimality of Rules versus Discretion” *American Journal of Political Science* 38, no. 1 (1994): 196-210.

<sup>31</sup> Enders and Sandler, “The Effectiveness of Antiterrorism Policies”, 829-844.

security, and the establishment of special counter-terrorism units for use in military actions abroad. In the next section this paper will examine which counter-terrorism policies the new EU members employ to deal with terrorism today.

### 3. COUNTER-TERRORISM IN THE NEW EU MEMBERS

The EU itself has established a number of different measures aimed at combating terrorism.<sup>32</sup> Some of these measures include the extension of investigative powers of the European police office (Europol); the establishment of a “counter-terrorism coordinator”; a common definition of terrorism; a European arrest warrant; the establishment of a common range of penalties for terrorist offences; regulations that make it possible to freeze terrorist funds anywhere in the EU; and the standardisation of airport security, to name but a few.<sup>33</sup> When the new members joined the EU on 1 May 2004 they were obliged to adopt the existing EU body of laws including those relating to terrorism. This paper will examine some of the measures that Estonia, Poland, the Czech Republic, Slovenia, and Malta have adopted independently from the EU. The focus will be on the five areas mentioned in the introduction which include their intelligence structure, the anti-terrorist legislation, international co-operation, internal security, and the military action abroad.

#### 3.1. Estonia

Shortly after 9/11 the Estonian Government Security Commission adopted a national action plan of measures against terrorism which outlines the “implementation of international legal measures; support for international efforts; enhanced readiness of Estonian state institutions and greater co-operation between them; enhanced border control; suppression of the financing of terrorism; enhanced international cooperation in police and judicial matters, including information exchange, [and] assessment of domestic security requirements and legislation.”<sup>34</sup> According to the Estonian Security Agencies Act the combat of terrorism and crimes associated with terrorism is in theory the responsibility of the Security Police Board. However, there are other agencies such as the Central Criminal Police, who are responsible for planning some counter-terrorist activities, and again other institutions such as the protection police, who are responsible for safety and protection of the high public officials and foreign guests from terrorist attacks.<sup>35</sup> According to the Security Authorities Act there is a legal obligation for government agencies to assist one another and there are also a number of specific co-operative agreements between various government institutions that outline the procedures for aiding each other. Furthermore, in order to enhance the domestic co-operation a working group of different government agencies responsible for the arrangement and implementation of joint activities was established.<sup>36</sup> However, according to an Estonian government report presented to the United Nations “Estonia has no special strategies for inter-agency co-operation. Estonia has adopted a multi-agency approach for tackling ... terrorism”.<sup>37</sup> This indicates that although there have been some attempts at improving co-operation between different agencies through working groups and other co-operative agreements, the Estonian intelligence structure is not fully co-ordinated and lacks a clear command structure.

Estonia has amended much of its existing legislation regarding terrorism in the recent years and it has increased the severity of punishments for different terrorist offences ranging from three years to life imprisonment. In addition, Estonia has introduced the Surveillance Act and the

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<sup>32</sup> For example, see: G. de Vries, “The European Union’s Role in the Fight Against Terrorism” *Irish Studies in International Affairs* 16(2005): 3-9.

<sup>33</sup> T. Delpech, “International terrorism and Europe” *Chaillot Papers* 56, (Paris: Institute for Security Studies 2002), 1-9.

<sup>34</sup> United Nations Security Council, *Report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001* (10 January 2002), Document-number: S/2001/1315, 3.

<sup>35</sup> Eesti Politsei, *Estonian Law Enforcement System* (Tallinn: Estonian Police, 2003), <http://www.pol.ee/?id=8286> (accessed June 14, 2006).

<sup>36</sup> United Nations Security Council, *Supplementary Report to the Counter-Terrorism Committee” regarding the implementation of resolution 1373 (2001)* (1 August 2002), Document-number: S/2002/870, 8.

<sup>37</sup> United Nations Security Council, *Fourth Report by the Republic of Estonia regarding the implementation of resolution 1373 (2001)* (13 January 2004), Document-number: S/2004/22, 5.

Security Authorities Act which provide measures for organising surveillance activities in the fight against terrorism.<sup>38</sup> Since the ratification of the International Convention for the Suppression of the Financing of Terrorism, the financing of terrorism in any way is considered a crime.<sup>39</sup> These concrete measures indicate that Estonia views anti-terrorist legislation as a main method of combating terrorism. The fact that Estonia has ratified all international conventions and protocols relating to terrorism, including the ratification of four conventions within half a year of 9/11, provides further support for this proposition. Taking into consideration that the ratification of such conventions involves amending a large amount of domestic legislation, this achievement is commendable.<sup>40</sup>

Apart from very close co-operation with its Baltic neighbours Latvia and Lithuania, Estonia has co-operated with foreign states and institutions against terrorism. A co-operation agreement between Estonia and Europol was signed in 2001 and Estonian police participate in the task force for combating organised crime in the Baltic Sea Region.<sup>41</sup> In addition, Estonia has co-operation agreements with several countries on combating organised crime and terrorism which entail the exchange of sensitive information about terrorist groups and their plans. Agreements have been reached with the Czech Republic, Hungary, Slovenia, Germany, France, the UK, Turkey, Romania, Ukraine, Moldova, Kazakhstan, Israel, India and China.<sup>42</sup> Overall Estonia has sixteen bilateral agreements relating to terrorism, which compared to all the other new EU members is below average.

Internal security in Estonia has been improved by the introduction of an integrated technical surveillance system on its borders. This system is made up of fifteen control centres equipped with computers, communications systems, radar, infrared cameras and other detection systems.<sup>43</sup> Furthermore Estonian Border Guards check travel documents more stringently, examine them for forgery, and compare them to a regularly updated database which stores information on terrorists and their supporters. Additionally, they have paid more attention to the enforcement of airport and aviation security measures at Tallinn Airport.<sup>44</sup> However, compared to many of the other members Estonia has not placed as much emphasis on protecting itself from direct terrorist attacks.

Even though Estonia does not possess a special counter-terrorist unit per se, it does have a Quick Response Department (SWAT) which is part of the Central Criminal Police<sup>45</sup>. Estonia's contribution to military actions abroad have consisted of a de-mining team and two explosive-detection dog teams in support of the ISAF in Afghanistan. In Iraq Estonia has contributed a cargo-handling team and a twenty-four man infantry platoon under US command.<sup>46</sup> So far Estonia has not contributed combat troops to the wars in Afghanistan and Iraq.

Although Estonia has implemented measures in all six areas, the focus seems to have been placed on anti-terrorist legislation as a means of combating terrorism. Estonia has attempted to improve co-operation between agencies but still lacks a fully co-ordinated intelligence structure. In addition, its international co-operation in comparison to the other new EU members is below average and it is less concerned with its internal security as it does not participate directly in the physical fight against terrorism by committing troops.

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<sup>38</sup> United Nations Security Council, *Report to the Counter-Terrorism Committee*, S/2001/1315, 7.

<sup>39</sup> United Nations Security Council, *Further Supplementary Report for the Counter-Terrorism Committee regarding the measures taken by Estonia to implement resolution 1373 (2001)* (6 March 2003), Document-number: S/2003/275, 3.

<sup>40</sup> United Nations Security Council, *Fourth Report by the Republic of Estonia*, S/2004/22, 10.

<sup>41</sup> J. Pihl, *Antiterrorist combat in Estonia: Director General's speech in Forum Balticum 2001*, (Tallinn: The Security Police Board, 2001), 2.

<sup>42</sup> United Nations Security Council, *Report to the Counter-Terrorism Committee*, S/2001/1315, pp. 11.

<sup>43</sup> M. Pajula, *Estonia Statement: Debate on Terrorism* (New York: United Nations General Assembly, 3. October 2001), 1.

<sup>44</sup> United Nations Security Council, *Forth Report by the Republic of Estonia*, S/2004/22, 9.

<sup>45</sup> Interpol, *European Police and Justice Systems: Estonia*, (Lyon: Interpol 2004), 1-2, <http://www.interpol.int/public/Region/Europe/pjsystems/Estonia.asp> (accessed May 23, 2006).

<sup>46</sup> Assembly of Western European Union, *Security and Defence in Estonia, Latvia and Lithuania* (Paris: The Interparliamentary European Security and Defence Assembly, Fiftieth Session, Document A/1861, 2, June 2004), 5.

### 3.2. Poland

In Poland the tasks of identifying, preventing, and detecting terrorism as well as the prosecution of terrorists are generally entrusted to the Internal Security Agency (ISA). However, the Police also investigate some terrorist acts more closely connected to criminal matters. At the same time the financing of terrorism is dealt with by the General financial information inspector, the Office for Organised Crime of the National Prosecutor's Office, and the State Protection Agency.<sup>47</sup> In 2002 in order to co-ordinate and ensure the concentration of efforts made by these different agencies, the Polish government appointed the Inter-sector Centre for Fighting Organised Crime and International Terrorism. The organisation is chaired by the Minister of Internal Affairs and Administration and has co-ordination and operational competence deriving from individual competence of the institutions which form it, such as the ISA, police, border guards, and the General Financial Information Inspector.<sup>48</sup> This Inter-sector Centre increases effective co-operation between the agencies responsible for fighting terrorism and to a certain extent it is beginning to establish a coordinated intelligence structure. However, the fact that the Centre derives its authority from the institutions it is made up of illustrates that it lacks the autonomy to act as the head of the intelligence structure.

Since 9/11 the government of Poland has established a special commission to increase the severity of sanctions for acts associated with terrorism and has broadened the context to which it applies.<sup>49</sup> In addition, Poland has tightened its licensing law for the export, import, storage, and transit of strategic goods such as explosives, weapons, dual-use technology, and other dangerous materials.<sup>50</sup> Nevertheless, until very recently Poland did not have a definition of 'terrorism' and as a result Poland did not have a specific law against the financing of terrorism and could not easily freeze funds or assets of suspected terrorists. It was only in September 2003 that Poland ratified the Convention for the Suppression of the Financing of Terrorism, making the financing of terrorism a specific crime.<sup>51</sup> Poland has only ratified eleven international conventions, with the most recently ratified being the International Convention on the Suppression of Terrorist Bombing in February 2004, and the Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation in September 2004. This suggests that Poland does not place as much emphasis on the legalistic measures as on other means of combating terrorism, such as intelligence and military action abroad.<sup>52</sup>

Poland has been fairly active within NATO and regional anti-terrorist initiatives. For example it hosted the Warsaw Conference on Combating Terrorism in November 2001 which included leaders from Central, East and Southeast Europe and outlines some of the measures necessary to combat terrorism.<sup>53</sup> In addition to this, Poland has concluded around twenty-five bilateral agreements relating to the fight of terrorism, which is far above average. Agreements have been reached with all new EU member states, except Estonia and Malta, as well as with Bulgaria,

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<sup>47</sup> United Nations Security Council, *Report of the Republic of Poland to the Counter-Terrorism Committee (CTC)* (27 December 2001), Document-number: S/2001/1275, 4.

<sup>48</sup> G. Kurczuk, *The Response of the Justice System – Civil and Criminal – To Terrorism*, Sofia: Council of Europe, 25<sup>th</sup> Conference of European Ministers of Justice, Speech held by the Polish Minister of Justice, (9 -10. October 2003), 7-8.

<sup>49</sup> United Nations Security Council, *Information additional to the report on the implementation by Poland of Security Council resolution 1373 (2001) submitted to the Counter-Terrorism Committee on 21 December 2001* (17 June 2002), Document-number: S/2002/677, 4-7.

<sup>50</sup> A. Brachmanski, *Future on fight against terrorism – new challenges in enlarged European Union*, Warsaw: Ministry of the Interior of the Republic of Poland, pp. 3-6, Speech delivered by the Secretary of State at the 'Conference on the Security of Citizens of an enlarged Europe' in Bratislava, (28-29. June 2004).

<sup>51</sup> United Nations Security Council, *Report of the Republic of Poland to the Counter-Terrorism Committee (CTC)*, S/2001/1275, 3-9.

<sup>52</sup> United Nations Security Council, *Second supplementary report of Poland on the implementation of resolution 1373 (2001) submitted to the Counter-Terrorism Committee* (10 March 2003), Document-number: S/2003/271, 3-11.

<sup>53</sup> A. Kwasniewski, *Address by the President of the Republic of Poland, at the Inauguration of the Warsaw Conference on Combating Terrorism* (Warsaw: Warsaw Conference on Combating Terrorism, 06. 11. 2001), [http://www.prezydent.pl/ser/en\\_index.php3?tem\\_ID=2820&kategoria=Archive](http://www.prezydent.pl/ser/en_index.php3?tem_ID=2820&kategoria=Archive) (accessed May 12, 2006), 1.

Croatia, Egypt, Finland, France, Greece, Spain, the Netherlands, Ireland, Morocco, Germany, Russia, Romania, Thailand, Tunisia, Turkey, and the Ukraine.<sup>54</sup>

After 9/11 the State Protection Service and the police have increased internal security of strategic significant sites in Poland. For example, the Institute of Atomic Energy has taken more stringent measures for the physical protection of nuclear material.<sup>55</sup> In addition, the control of Polish borders has been tightened and the scrutiny of travel-documents increased. The recruitment and training of border guards has also increased and the EU has supported the implementation of new technology and equipment such as off-road vehicles, helicopters, and patrol planes, as well as a new communication network.<sup>56</sup>

Poland has contributed the most out of all new EU members to the military engagements in Afghanistan and Iraq. Polish Special Forces have taken part in operations in Afghanistan and Iraq, and in September 2003 a Polish-led multinational division took control of the Central-South security zone in Iraq. At present there are around 2000 Polish troops in Iraq and approximately 100 military personnel are involved in mine-clearing in Afghanistan.<sup>57</sup>

Overall, Poland has been very active in almost all of the six areas. The main emphasis has been on the military fight against terrorism and the use of special forces. In addition, internal security, international co-operation, and the intelligence structure have also been improved. However, Poland has given less priority to anti-terrorist legislation, particularly in the form of international conventions and protocols, as it has still not ratified one of the more important conventions, the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

### 3.3. Czech Republic

Similarly to the Baltic States, but in contrast to Poland and Slovakia, the Czech Republic has formulated a publicly available National Action Plan to Combat Terrorism. Traditionally the Security Information Service (Bezpečnostní Informační Služba, BIS) is responsible for collecting information in the field of terrorism, while other bodies are responsible for the actual action taken after the analysis. In order to enhance the efficiency of co-operation between these agencies, like in Estonia, several co-operation agreements and an implementing protocol on co-operation between the Police of the Czech Republic and BIS have been signed.<sup>58</sup> In addition, the Police Presidium began an in-depth reorganisation of its services in 2002 that focuses on the creation of the Criminal Police and Investigation Service, which co-ordinates the activities of the main specialised departments. As part of this reorganisation the Czech Republic is in the process of implementing legislation which will improve the co-operation between different intelligence services and the police and will strengthen the authority of certain intelligence services. Furthermore, a new department was formed to serve as the counterpart of Europol and of the anti-terrorist forces of the EU Member States and candidate countries. In addition, the government established the Financial Police in August 2003, a specialist unit that combats financial crime including the financing of terrorism. Although an increase in co-operation between different security agencies is slowly evolving there is still no clear chain of command in the intelligence structure. Different

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<sup>54</sup> United Nations Security Council, *Report of the Republic of Poland to the Counter-Terrorism Committee (CTC)*, S/2001/1275, 37.

<sup>55</sup> J. Stanczyk, *Republic of Poland Statement: Debate on Terrorism* (New York: United Nations General Assembly, 56<sup>th</sup> Session, Agenda item: 166, 3, October 2001), 1-2.

<sup>56</sup> M. Adamczyk, *The Border Guard Service of the Republic of Poland – A modern European border Force* (Warsaw: Borderpol, 2003), 6-15.

<sup>57</sup> US Department of State, *Pattern of Global Terrorism 2003* (U.S. Department of State: Bureau of Public Affairs, 2003), pp. 52.

<sup>58</sup> Euroskop, *Co-operation in the Field of Justice and Home Affairs*, Chapter 24, Positions Document, (Praha: Ministry of Foreign Affairs of the Czech Republic, 1999), 6, <http://www.euroskop.cz/eng/article.asp?id=41671&cat=5193&ts=7ec70> (accessed October 10, 2005).

agencies and departments at different administrative levels are still combating terrorism separately without fully co-ordinating their effort.<sup>59</sup>

Although the Czech Republic has laws against many activities which would fall under the category of terrorism, it did not have specific anti-terrorist legislation until shortly after the Madrid bombing. As Cyril Svoboda the Czech Foreign Minister has pointed out, the Czech Republic “needs a new piece of legislation dealing with the special protection against terrorism...[t]he legal environment we have got is good, its well functioning, but not for such a dangerous phenomenon as terrorist attacks.”<sup>60</sup> However, the existing Czech legislation does include many laws which are useful in the fight against terrorism. For example, it does recognise the crime of ‘terror’ and it is possible for the Czech security bodies to intercept communications by suspects and record telephone conversations. Furthermore, according to Czech law it is possible to freeze assets in criminal proceedings on the order of the presiding judge, the state prosecutor, investigator, or the police. The freezing of assets can also occur out of court by issuing a suspension order for up to 72 hours as a means to investigate a suspicious transaction and, if needed, to initiate criminal proceedings.<sup>61</sup> In addition, any kind of financial institution has to report suspicious transactions to the authorities.<sup>62</sup> Finally, all trade with and transit through the Czech Republic of weapons and dangerous material requires a permit which can only be issued to certain people.<sup>63</sup> Nevertheless, the Czech Republic is the only new EU member who has not ratified any further international conventions since 9/11. So far it has only ratified nine out of twelve international conventions and protocols related to terrorism. It is currently undertaking legislative measures required for the ratification of the International Convention for the Suppression of the Financing of Terrorism, but until now the ratification is pending review. The Czech Republic has not signed or ratified the ocean related anti-terrorist conventions such as the Convention for the Suppression of the Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on Continental Shelves.<sup>64</sup> Although the Czech Republic is a landlocked country, other new landlocked EU members such as Hungary and Slovakia ratified these conventions in 1992 and 2001. This shows that the Czech Republic places less importance on anti-terrorist legislation than some of the other new EU members.

Co-operation between intelligence services of the Czech Republic and allied foreign services has improved. International police co-operation was commenced with Europol, Interpol, the British Centre for Monitoring Terrorist Acts Committed, and the PWGT as early as 1999.<sup>65</sup> The Czech Republic has also established over twenty-four bilateral agreements related to the fight against terrorism. Some of these include agreements with Estonia, Latvia, Lithuania, Hungary, Slovakia, Slovenia, Belarus, Bulgaria, Ukraine, Croatia, Macedonia, Romania, Yugoslavia, Italy, Belgium, Ireland, the United Kingdom, Germany, France, Austria, Canada, Israel, Japan, and the US. Given that the Czech Republic has twice as many bilateral agreements relating to terrorism than Slovenia, it becomes clear that Czechs do see international co-operation as a key feature of the struggle against terrorism.<sup>66</sup>

The Czech Republic has introduced extensive internal security measures. For example, borders have been tightened through the introduction of new technical equipment such as thermal vision

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<sup>59</sup> Ministry of the Interior of the Czech Republic, *National Action Plan to Combat Terrorism: Current Wording for 2003*, (Prague: Security Policy Department, 2003), 25-34.

<sup>60</sup> Cyril Svoboda quoted in A. Rosenzweig, & I. Willoughby, *Svoboda for anti-terror law as Spain mourns victims of Madrid attacks*, (Czech Radio 7, Radio Prague, 25.03.2004), 1, <http://www.Radio.cz/en/article/52074> (accessed June 17, 2006).

<sup>61</sup> United Nations Security Council, *Report by the Czech Republic to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)* (31 December 2001), Document-number: S/2001/1302, 5-12.

<sup>62</sup> United Nations Security Council, *Replies of the Czech Republic to the supplementary questions of the Counter-Terrorism Committee* (1 August 2002), Document-number: S/2002/872, 3.

<sup>63</sup> United Nations Security Council, *Report of the Czech Republic for the Counter-Terrorism Committee* (2 March 2004), Document-number: S/2004/171, 5 & 27-35.

<sup>64</sup> V. Galuska, *Czech Republic Statement: Debate on Terrorism* (New York: United Nations General Assembly, 3 October 2001), 1-2.

<sup>65</sup> Czech Republic Government Report, *Report on Public Order and Internal Security in the Czech Republic in 2002*, (Prague: Ministry of the Interior, 2002), 61-62.

<sup>66</sup> United Nations Security Council, *Replies of the Czech Republic to the supplementary questions of the Counter-Terrorism Committee* (1 August 2002), Document-number: S/2002/872, 11.

units and CO2 detectors.<sup>67</sup> In addition, authorities have intensified checks of airport property as well as passengers, luggage, and goods being transported by air. Czech Airlines (CSA) has also introduced stricter security measures, and sky-marshals operate on routes operated by Czech carriers to high-risk destinations such as Israel and the US.<sup>68</sup> Furthermore, the Czech Republic has increased the protection of military sites, strategic buildings, and infrastructure such as Temelin and Dukovany nuclear power plants, by introducing various measures such as the extension of no-fly zones.<sup>69</sup> Many government buildings, Jewish, and US premises, are under constant surveillance by Czech police patrols, and other security measures such as CCTV and security traffic measures have been installed. Czech military police are also providing protection for an increased number of people deemed at risk from terrorist attack.<sup>70</sup> As part of the National Action Plan, the Czech Republic has strengthened control measures related to the non-proliferation of weapons of mass destruction, as well as conventional weapons, ammunition, and dual use technology. This strengthening has included thorough checks of buildings in which explosives and weapons are manufactured or stored, in order to prevent theft or illegal manufacturing.<sup>71</sup> As can be seen from these measures, the Czech Republic has placed great importance on its internal security in comparison to many of the other states, which again runs parallel to their increased military contributions to the fight against terrorism.

Compared to Poland the military contributions by the Czech Republic are small. So far the Czech government has provided a nuclear-biological-chemical (NBC) unit and a military field hospital for operations in Afghanistan, and following that, in Iraq. Additionally, it provided around 80 military policemen and several experts to the Coalition Provisional Authority. Furthermore, the air force has provided one TU-154 aircraft with a mission to support NATO Airborne Early Warning, and more recently the Czech Government has deployed 120 special-forces troops to Afghanistan.<sup>72</sup>

When examining the measures implemented by the Czech Republic it becomes clear that on the one hand the government has focused its attention on certain issues such as internal security, international co-operation in the form of bilateral agreements, and the military fight against terrorism. On the other hand it seems to have neglected the legalistic measures in the form of international conventions against terrorism. Although it has improved co-ordination between agencies it also lacks a clear hierarchical intelligence structure.

### 3.4. Slovenia

As in most of the other new EU Member States, Slovenia does not have a single body that specializes in combating of terrorism. There are two intelligence and security services in Slovenia, which are engaged in international counter-terrorism—the Slovenian Intelligence and Security Agency and the Intelligence and Security Office within the Ministry of Defence.<sup>73</sup> After 9/11, the Slovenian government established an interdepartmental working group, which is supposed to provide guidelines and monitor all counter-terrorism measures and activities within Slovenia, as well as implement restrictive measures. This body consists of representatives from many different ministries and other institutions, including the Prime Minister's office, Foreign, Defence, Interior, Justice, Finance, Health, and Transport Ministries, as well as the Slovenian Intelligence and Security Agency.<sup>74</sup> In addition, a number of formal and informal inter-ministerial groups have

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<sup>67</sup> Commission of the European Communities, *2002 Regular Report on Czech Republic's Progress Towards Accession* (Brussels: European Commission, 2002), 113.

<sup>68</sup> United Nations Security Council, *Report by the Czech Republic to the Counter-Terrorism Committee*, S/2001/1302, 9-10.

<sup>69</sup> Ministry of the Interior of the Czech Republic, *National Action Plan to Combat Terrorism*, 39.

<sup>70</sup> Czech Republic Government Report, *Report on Public Order and Internal Security*, 61.

<sup>71</sup> Ministry of the Interior of the Czech Republic, *National Action Plan to Combat Terrorism*, 33-35.

<sup>72</sup> US Department of State, *Pattern of Global Terrorism 2003*, pp. 44.

<sup>73</sup> United Nations Security Council, *Supplementary Report of the Republic of Slovenia on the implementation of Security Council resolution 1373 (2001)* (1. August, 2002), Document-number S/2002/863, 8.

<sup>74</sup> Ministry of Foreign Affairs of the Republic of Slovenia, *International Security, the Organisation for Security and Cooperation in Europe, Disarmament and Weapons Control* (Ljubljana: Press Release, 26 March 2003), 2-5.

been established with a view to improving the efficiency of exchanging relevant information between different national agencies.<sup>75</sup> Although the establishment of an interdepartmental working group will improve co-operation between agencies, there is no clear intelligence structure or chain of command for dealing with terrorism related issues.

Slovenia has introduced anti-terrorist legislation, which establishes acts of terrorism as punishable offences. Slovenia has also outlawed the solicitation of and association with terrorists, and the acquisition of weapons and other means to commit terrorist acts.<sup>76</sup> In 2001 a new Money Laundering Act came into force and although most of Slovenia's legislation in regards to the financing of terrorism complies with most recommendations made by the Financial Action Task Force, Slovenian law does not expressly state that funding of terrorism from legal sources is a criminal offence. Funds intended for the financing of terrorism can only be seized if the funds derive from criminal offences. If they are from legal sources then certain conditions have to be provided; one of these being a suspicion that legally acquired funds would be used for the financing of a group for the purpose of perpetrating a criminal offence.<sup>77</sup> Since 9/11 Slovenia has been fairly slow in ratifying international conventions and protocols relating to terrorism. The fact that Slovenia has only ratified ten conventions together with the problems of its financial legislation (i.e. that the financing of terrorism from legal sources is not easily punishable) indicates that anti-terrorist legislation is not one of Slovenia's main priorities in the fight against terrorism.<sup>78</sup>

Slovenia is a member of the PWGT and was one of the first among EU candidate countries to sign the agreement on cooperation with Europol.<sup>79</sup> However, Slovenia has only twelve bilateral agreements on the co-operation against terrorism with the Czech Republic, Slovakia, Hungary, Poland, Austria, Bulgaria, Romania, Croatia, Albania, Macedonia, Yugoslavia, and the US. This clearly highlights that although Slovenia has co-operation agreements with neighbouring states, there is a lack of international co-operation.<sup>80</sup>

Slovenia has been active on the agenda of border security within the region. For example, an international conference on border security was held at Bled in Slovenia in 2003. This was in part organised by the Slovenian Ministry of Defence and had the purpose of bringing together experts from a number of different countries in order to exchange ideas and enhance existing policies.<sup>81</sup> In addition, border security in Slovenia has been improved by the construction of new facilities and the upgrading of equipment together with the introduction of a new specialised unit responsible for border control. Furthermore, the checking of visa applicants and the validity of guarantors on applications from potentially risky countries has been improved.<sup>82</sup> Although Slovenia claims to have implemented improvements in air traffic safety and also in the protection against potential biological and chemical threats, further detailed information was not available.

So far Slovenia has not participated in any military actions against terrorism abroad in a support or combat role. The Slovenian Ministry of Defence points out that "[t]he decision to participate in the Nato-led ISAF peace support operation was taken by the government ... and we are looking at a possible deployment in spring 2004." However, until now Slovenia has not become involved directly in the conflicts in Afghanistan and Iraq<sup>83</sup>

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<sup>75</sup> United Nations Security Council, *Report of the Republic of Slovenia on the implementation of Security Council resolution 1373 (2001)* (27. December, 2001), Document-number S/2001/1277, 12.

<sup>76</sup> D. Rupel, *Speech held at the Warsaw Conference on Combating Terrorism* (Ljubljana: Ministry of Foreign Affairs of the Republic of Slovenia, 2001), 2-3.

<sup>77</sup> United Nations Security Council, *Report of the Republic of Slovenia*, S/2001/1277, 4-7.

<sup>78</sup> United Nations Security Council, *2<sup>nd</sup> Supplementary Report of the Republic of Slovenia on Counter-Terrorist Measures Pursuant to the UN Security Council Resolution 1373 adopted on the 28 September 2001* (13. November, 2003), Document-number S/2003/1086, 7-8.

<sup>79</sup> E. Petric, *Slovenia Statement to the United Nations: Measures to eliminate international terrorism*, (New York: 56<sup>th</sup> Session of the General Assembly, 3. October 2001), Agenda item 166, 1-2.

<sup>80</sup> United Nations Security Council, *Supplementary Report of the Republic of Slovenia*, S/2003/1086, 10-11.

<sup>81</sup> B., Arnejcic, *Border Security in Southeast Europe: Future Directions in SEDM Cooperation* (Ljubljana: Press Release by the Ministry of Defence of the Republic of Slovenia, 2003), 1.

<sup>82</sup> Ministry of Foreign Affairs of the Republic of Slovenia, *International Security*, 3.

<sup>83</sup> A. Jernejcic, *Changing the Way Slovenia Sees the Armed Forces* (Ljubljana: Press Release by the Ministry of Defence of the Republic of Slovenia, 2003), 2.

On the whole, Slovenia has implemented the fewest measures. Although it has taken some action to improve regional co-operation, enhance internal co-operation between agencies, increase the severity of some anti-terrorist legislation, and slightly tighten internal security, Slovenia has not taken part in military operations against terrorism.

### 3.5. Malta:

Malta's Immigration and Security Police are responsible for checking people entering Malta, identifying possible terrorist suspects and arresting them. At the same time, the Malta Police, as well as maintaining public law and order, is also responsible for part of the immigration process and other state security functions at the Airport. Interagency co-operation exists between the institutions responsible for combating terrorism, but there is no institution responsible for enhancing co-operation or directly co-ordinating counter-terrorist measures. The absence of any institutional framework and the lack of an intelligence structure will directly affect the efficiency of any counter-terrorist measures.<sup>84</sup> However, one should bear in mind that due to the size of Malta, inter-agency co-operation can be established more easily on an ad hoc basis. For example, co-operation between immigration and the police can be easily established because the Principal Immigration Officer is also the Commissioner of the Police.<sup>85</sup>

Although acts closely associated with terrorism were punishable under the criminal code up until the adoption of the EU wide definition of terrorism, Malta did not have a definition of "terrorism" or "terrorist acts" in its legislation. Nevertheless, after 9/11 the government of Malta has regularly issued a list of entities and individuals whose assets are to be frozen to the Central Bank of Malta, which in turn circulates it to all credit and financial institutions in Malta. Besides this, all banks have to report suspicious transactions, and customs reports large amounts of incoming cash to the police and investigates large amounts of outgoing cash. The freezing of assets can also be made possible by means of a court order.<sup>86</sup> Malta has ratified all twelve international conventions relating to terrorism, and was one of the first countries to sign and ratify the Convention for the Suppression of the Financing of Terrorism in 2001.<sup>87</sup> This implies that Malta views anti-terrorist legislation as an important part of the fight against terrorism.

In comparison with many of the other new members of the EU, a co-operation agreement with Europol was only negotiated fairly late in November 2003. Malta has signed sixteen bilateral agreements on co-operation against terrorism with Hungary, Cyprus, Slovakia, Italy, Spain, Sweden, France, Greece, Russia, Israel, Libya, Egypt, China, Albania, Tunisia, and Turkey.<sup>88</sup>

With regard to internal security, Malta has upgraded its border surveillance equipment. For example, Malta is one of the only EU Member States that has increased its border security through the introduction of the Personal Identification Secure Comparison and Evaluation System (PISCES). The system was donated by the United States and is designed to monitor and restrict the movement of terrorists by analysing traveller information through making real-time comparisons of travel documents with the FBI database, thereby allowing the possible interception of terrorist suspects.<sup>89</sup> Equipment, such as x-ray machines for the detection of weapons and hazardous materials has been made available to some customs stations. In addition, Malta, like Cyprus, has a 100% screening process whereby all hand baggage, mail, courier bags, and other aircraft cargo is screened. The Armed Forces of Malta carries out constant surface patrolling and

<sup>84</sup> United Nations Security Council, *Report to the Counter-Terrorism Committee Pursuant to paragraph 6 of the Security Council resolution 1373 (2001) of 28 September 2001: Malta* (28 December 2001), Document-number: S/2001/1250, 7-8.

<sup>85</sup> United Nations Security Council, *Second Report to the Counter-Terrorism Committee Pursuant to paragraph 6 of the Security Council resolution 1373 (2001): Malta* (1 August 2002), Document-number: S/2002/876, 20-21.

<sup>86</sup> J. Borg, *Statement by the Hon. Joe Borg Minister of Foreign Affairs of Malta At the OSCE Ninth Ministerial Council* (Valletta: Ministry of Foreign Affairs, Press Release, 3 December 2001), 3.

<sup>87</sup> United Nations Security Council, *The Chairman of the CTC sub-Committee charged with the consideration of Malta's Second Report on the Implementation Resolution 1373 (2001) has forwarded to Malta's Permanent Representative in New York, a questionnaire regarding the aforementioned report* (24. November 2003), Document-number: S/2003/1118, 4-5.

<sup>88</sup> United Nations Security Council, *Second Report to the Counter-Terrorism Committee*, S/2002/876, 16-17.

<sup>89</sup> M. Vella, "FBI may have its bugs on Malta's arrivals and departures", *Malta Today*, June 27, 2004, 4.

frequent aerial surveillance, both inshore and offshore, and they are also responsible for the control of merchant ships entering and leaving the Mina harbour.<sup>90</sup>

So far, while Malta has established a small universal special police unit, it has not contributed to any military actions abroad against terrorism. Broadly, Malta has placed the most emphasis on anti-terrorist legislation, but has also implemented some measures to improve internal security and international co-operation.

#### 4. GENERAL PATTERNS AND TRENDS OF COUNTER-TERRORISM IN NEW EUROPE

##### 4.1. Intelligence Structure

When examining the intelligence structures of all the new EU Member States several observations can be made. Half of the states, including Estonia, Latvia, Lithuania, the Czech Republic, and Hungary, have issued a publicly available national counter-terrorism plan, whilst others have not formulated a coherent plan or have conducted their policymaking covertly. All have attempted to improve their intelligence gathering and analysis domestically and internationally. However, none of the states have a totally centralised national body to organise and orchestrate counter terrorism measures, and generally their institutional frameworks consist of many players with partial responsibilities and partial authority.

There are clear differences between the states' national institutional intelligence structures. Some share the responsibility amongst many different government agencies at different regional or national levels, while others have a more centralised structure. Malta is the only state that has not implemented concrete measures to enhance its intelligence structure. Several of the states such as Estonia, the Czech Republic, and Hungary have established types of bilateral co-operation agreements between various institutions involved in the fight against terrorism. Other states such as Estonia and Slovenia have also supplemented or replaced these agreements with the introduction of a working group or commission for improving the co-operation between different institutions fighting terrorism. Again, other states such as Slovakia and Cyprus have tackled the problem of co-ordination within the intelligence structure by setting up small units that specialise in the fight against terrorism. States such as Poland and Hungary have established more formal centres or committees responsible for counter-terrorist co-operation within their country such as the Inter-sector Centre for Fighting Organised Crime and International Terrorism and the TKB.<sup>91</sup>

It is apparent from examining the reports that states such as the Baltic States and Slovenia, which have gained, or regained their independence relatively late, have been less successful at co-ordinating their intelligence structures than states such as Poland, Hungary and Cyprus, which have been established for longer. Overall this could indicate that the establishment of successful institutions, including an intelligence structure and networks of co-operation between them, has taken a considerable amount of time and cannot be easily created.<sup>92</sup> States such as the Czech Republic and Slovakia, which split in 1993, have performed better in improving the co-operation of their intelligence structures than the Baltic States and Slovenia, but generally worse than Poland, Hungary and Cyprus. This might be due to the fact that the Baltic States and Slovenia had to create many of their government institutions, including their intelligence service, from scratch. The Czech Republic and Slovakia had not been occupied to the same extent and were able to use many of the existing institutions after the peaceful split. In this case, Malta does not fit neatly into this framework, as it has not taken substantive measures to enhance co-operation between agencies.

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<sup>90</sup> T. Borg, (2003) *Opening speech by Minister for Justice and the Interior Dr Tonio Borg at the 50<sup>th</sup> European Civil Aviation Conference* (Valletta: Ministry of Justice and Home Affairs, Press Release September 2003), 1

<sup>91</sup> For more detail on the issue of bureaucracy and public policy see: Steven J. Balla, "Administrative Procedures and Political Control of the Bureaucracy", *American Political Science Review*, Vol. 92, (September 1988), pp. 663-673, E. Bardach, *Getting Agencies to Work Together*, (Washington: Brookings, 1999), J. Bender & T. Moe, "Adoptive Model of Bureaucratic Politics", *American Political Science Review*, Vol. 79, (September 1985), pp. 755-774 or S. A. Shull, "Presidential Influence Versus Bureaucratic Discretion", *American Review of Public Administration*, Vol. 19, (September 1989), pp. 197-215.

<sup>92</sup> L. J. Alston, T. Eggertsson, & D. C. North, (eds.), *Empirical Studies in Institutional Change* (Cambridge: Cambridge University Press, 1996), 1-6.

However, as mentioned in the case study, Malta's size, with a population under 400,000, makes co-operation between institutions possible without having to implement concrete measures.<sup>93</sup>

#### 4.2. Anti-Terrorist legislation

All new EU members have relied on their criminal code to crack down on terrorists, based on the principle that every terrorist action will also be punishable by criminal law. There are some difficulties with this, as can be seen in the case of Slovenia where there is a problem prosecuting the financing of terrorism by legal means, or the membership of a terrorist organisation, as there is no real crime involved as defined by the statutes. However, all states have increased their ability to prevent money laundering and have strengthened their anti-terrorist legislation to some extent. Seven of the ten new EU members have ratified all twelve international conventions and protocols relating to terrorism. Within these seven it is possible to further group some states together. For example, Slovakia and Hungary had already ratified almost all conventions prior to 9/11, while Cyprus and Latvia managed to ratify all conventions before 2003. Malta had ratified the last convention at the end of 2003, while Estonia and Lithuania have only completed ratification in 2004. Poland is still missing one convention, Slovenia two, and the Czech Republic still has to ratify three conventions. The two countries that have provided the most combat troops to military operations in Afghanistan and Iraq, Poland and the Czech Republic, are also among the three states, together with Slovenia, that have ratified the fewest international conventions against terrorism. In addition, most states that have not contributed to military efforts, such as Malta, as well as those states that have only sent support troops, such as the Baltic States and Slovakia, have ratified all conventions and integrated the necessary amendments into their domestic legislation. On the one hand, this difference could symbolise an ideological contrast of how best to fight international terrorism. On the other hand the fact that Hungary has ratified all ten conventions and contributed many troops to Afghanistan and Iraq implies that this difference could simply be due to the military capability of each new EU member.<sup>94</sup>

#### 4.3. International co-operation

Considering that not all bilateral anti-terrorist agreements between countries are made public, the figures show an interesting pattern.<sup>95</sup> When examining the number of agreements among the new EU members, Hungary is the only one to have agreements with all its fellow new members. The Czech Republic with eight agreements, and Poland and Slovakia with seven, follow closely. Most others have five, and Malta only three. This same pattern is also visible when looking at the overall number of co-operation agreements. Slovakia, the Czech Republic, Poland and Hungary have approximately twenty to thirty agreements world-wide, whilst the rest of the new EU members have only around twelve and nineteen (see appendix). A possible explanation for this pattern could be the population size of each of these four states, compared to the other new EU members. These four states have the largest populations ranging from 5,4 million in the case of Slovakia to 38,6 million in the case of Poland, whereas all the other states have population sizes between around 400 thousand and 3,6 million people.<sup>96</sup> These numbers can have an impact on the size of state institutions and the number of personnel in the diplomatic corps responsible for establishing bilateral agreements with other states. In addition, these four states also have the

<sup>93</sup> Peter J. Katzenstein, "Small States and Small States Revisited", *New Political Economy*, Vol. 8, No. 1, pp. 9-30.

<sup>94</sup> R. L. Kugler, "National Security in a Globalizing World of Chaos: The United States and European Responses" in *Western Unity and the Transatlantic Security Challenge*, eds. P. van Ham and R. L. Kugler, 35-53 (The Marshall Center Papers, No. 4, Garmisch-Partenkirchen: George C. Marshall European Centre for Security Studies, 2002).

<sup>95</sup> On the more general issue of the international realm and its effect on public policy see: Wolfgang H. Reinicke, *Global Public Policy: Governing without Government?*, (Washington: Brookings, 1998), William Coleman & Anthony Pearl, "Internationalized Policy Environments and Policy Network Analysis", *Political Studies*, Vol. 47, pp. 691-709 or Linda Weiss, "Globalization and National Governance: Autonomy or Interdependence", *Review of International Studies*, Vol. 25, pp. 59-88.

<sup>96</sup> Central Intelligence Agency, *The World Fact Book*, (Washington: Central Intelligence Agency, 2006), <http://www.cia.gov/cia/publications/factbook/index.html> (accessed June 12, 2006).

largest GDP and potentially more resources, and therefore might be seen as better partners in the war against terrorism.<sup>97</sup>

#### 4.4 Internal security

Overall, all new EU members have increased their internal security structures by improving border controls through the introduction of new technology, infrastructure, and training. In addition, all have increased security of commercial aviation, designated objects, and components of critical infrastructures, and to a lesser extent, dignitaries. It is difficult to assess whether the tightened security at borders and airports in all the new EU Member States is due to a real fear of terrorists entering their territory or high jacking their planes, or whether they were more concerned with meeting the requirements for the accession to the EU. Although, all countries generally rate the likelihood of a domestic attack as low, some states have taken more precautions than others. For example, the Czech Republic is the only one of the new EU members that has introduced sky-marshals on certain flights, while Hungary has taken some precautionary measures against potential terrorist attacks with chemical, biological and nuclear weapons. Generally, it can be seen that the states that are more involved in military actions abroad, such as Poland, Hungary and the Czech Republic, have been more active in increasing their internal security and protecting strategic sites and infrastructure.<sup>98</sup>

#### 4.5. Military action abroad

The military contribution to the fight against terrorism has been very different among the new EU Member States. Some, such as Estonia, have contributed mainly support units in the form of cargo-handlers, de-mining teams, and engineering units, but have not sent actual infantry or combat troops. Others, such as Latvia and Lithuania, have contributed just over one hundred support troops each to operations in Afghanistan and Iraq, while Hungary has sent around 400 in total. The Czech Republic has sent combat troops to Afghanistan in the form of special-forces units. Poland, with over 2000 troops, is the main contributor, not only among the new EU Member States, but also among the whole of Europe. Slovenia, Cyprus, and Malta have so far not actively contributed to the military fight against terrorism.<sup>99</sup>

When considering why these states contributed to military actions abroad one has to take into consideration that all are fairly recent members of NATO and have, or are trying to establish, close ties with the US. It is noticeable that the states that have been members of NATO since 1999, such as the Czech Republic, Hungary and Poland, have contributed large amounts of troops and special forces. Furthermore, these states were part of the group of eight European countries who openly supported the United States ambitions to disarm Iraq, even though Germany and France opposed such measures.<sup>100</sup> In addition, all states that provided support troops such as Estonia, Latvia, Lithuania, and Slovakia have recently joined NATO in April 2004. The exception is Slovenia, which also joined NATO and is currently considering sending troops. The non-NATO members, such as Cyprus and Malta, have not sent troops.

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<sup>97</sup> R. P. Barston, *The Other Powers: Studies in the Foreign Policies of Small States* (London: George Allen & Unwin 1973), 19-20.

<sup>98</sup> See: B. L. Benson, D. W. Rasmussen & I. Kim, "Deterrence and Public Policy: Trade-offs in the Allocation of Police", *International Review of Law and Economics*, Vol. 18, pp. 77-100.

<sup>99</sup> On public policy and foreign policy more generally see: H. M. Ingram & S. L. Fiederlein, "Traversing Boundaries: A Public Policy Approach to the Analysis of Foreign Policy", *Western Political Quarterly*, Vol. 41, (December 1988), pp. 725-745 or P. James & A. Hristoulas, "Domestic Politics and Foreign Affairs", *Journal of Politics*, Vol. 56, (1994), pp. 327-348.

<sup>100</sup> The United States Mission to the European Union, *Eight European Leaders Support Disarming of Iraq* (Brussels: Office of International Information Programs, US Department of State, 2003), <http://www.useu.be/Categories/GlobalAffairs/Iraq/Jan3003EuropeLetterIraq.html> (accessed August 1, 2006).

## 5. CONCLUSION

Having examined some of the counter-terrorism public policies implemented by the new EU members, one essential question remains. Has it been effective? The issue of analysing public policy and evaluating its effects is one of the main tasks of public policy studies.<sup>101</sup> However, this is not so easy when wanting to examine the effectiveness of the counter-terrorism measures. For one, this is due to the fact that it is virtually impossible to set performance targets on counter-terrorism issues. Although some might argue that the numbers of terrorism related arrests are indicative of the success of present counter-terrorism measures, one should stress that most research is based on reports by the media, which often publicise arrests but do not report if a suspect is released without charge.<sup>102</sup> So far, governments do not normally report statistics on this issue, and any research on counter-terrorism efforts will always encounter a certain lack of transparency due to the confidential nature of the subject. The unsatisfactory answer often given highlights the number of attacks and casualties or looks at the quantity of arrested or killed terrorists. However appealing and easy, taking a 'body-count' or 'number of incidents' approach to measuring success can be deceptive.<sup>103</sup> So what standards could be used to assess the success or failure of existing counter-terrorism measures? Newer developments in public policy studies, which examine the social construction of policy problems, might prove valuable.<sup>104</sup> Without doubt, more detailed research is needed in order to gain an insight into the usefulness of discourse analysis in examining not only the construction of public policies but also its ability to come up with an alternative way of evaluating the outcome and effectiveness of different public policies.

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<sup>101</sup> See for example William N. Dunn, *Public Policy Analysis An Introduction*, Second Edition, (Upper Saddle River: Prentice Hall, 1994) or Stuart S. Nagel, (ed.) *Handbook of Public Policy Evaluation*, (London: Sage, 2002).

<sup>102</sup> The Economist, *Tackling a hydra: Europeans are rounding up a lot of Islamic terrorists – but more are at large*, (January 30 2003).

<sup>103</sup> Richard Falkenrath, "Analytic Models and Policy Prescription: Understanding Recent Innovation in U.S. Counterterrorism", *Studies in Conflict and Terrorism*, Vol. 24, No. 3, (2001) pp. 159-181.

<sup>104</sup> Frank Fischer, *Reframing Public Policy – Discursive Politics and Deliberative Practices*, (Oxford: Oxford University Press, 2003).

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#### APPENDIX: BILATERAL AGREEMENTS RELATING TO TERRORISM<sup>105</sup>

	Estonia	Latvia	Lithuania	Poland	Czech Rep.	Slovakia	Hungary	Slovenia	Cyprus	Malta
Estonia		X	X		X		X	X		
Latvia	X		X	X	X	X	X			
Lithuania	X	X		X	X		X			
Poland		X	X		X	X	X	X	X	
Czech Rep.	X	X	X	X		X	X	X	X	
Slovakia		X	X	X	X		X	X	X	X
Hungary	X	X	X	X	X	X		X	X	X
Slovenia	X			X	X	X	X			
Cyprus				X	X	X	X			X
Malta						X	X		X	
Austria					X	X	X	X		
Belgium					X		X			
Germany	X	X	X	X	X	X	X			
France	X			X	X	X	X			X
Italy					X		X		X	X
Netherlands				X			X			
Spain				X			X			X
Portugal										
Denmark										
UK	X				X	X	X			
Ireland				X	X		X		X	
Sweden		X					X			X
Finland		X		X						
Greece				X			X		X	X
Luxembourg										
Russia			X	X		X			X	X
Ukraine	X	X	X	X	X	X	X		X	
Belarus		X	X		X				X	
Bulgaria				X	X	X	X	X		
Romania	X			X	X	X	X	X	X	
Croatia		X		X	X	X	X	X		
Bosnia-Herzg.					X		X			
Yugoslavia					X	X	X	X		
Albania							X	X		X
Macedonia					X			X		
Turkey	X	X		X		X	X			X
Switzerland							X			
United States		X			X			X	X	

<sup>105</sup> Source: Reports by the new EU members to the United Nations Security Council Counter-Terrorism Committee.