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commentary

# ARE WE PUTTING AT RISK YET ANOTHER OF OUR FREEDOMS - THE FREEDOM OF MOVEMENT?

**JANUARY 2015**

**□AFTER** the tragic attacks on Charlie Hebdo's offices in Paris, on 19 January EU foreign affairs ministers convened for a ministerial level meeting which pushed for more concrete steps to be taken in the fight against terrorism on European soil. This is not the first meeting of this kind, but an expected one after the horrible events in Paris which left many people around the continent in a state of distress. Having such a meeting right after the deadly attacks in the French capital was supposed to send a strong message, demonstrating the EU's determination in the fight against terrorism and uniting national governments with a view ultimately to joint response activities.

The Charlie Hebdo's attack has illuminated once again the threats of terrorism in Europe. This includes the risk coming from the several thousands European born and raised foreign fighters, currently fighting in Syria and Iraq and affiliated primarily with structures like ISIS, Alu Nusra etc. While EU member states have already made several attempts to synchronise their national policies regarding foreign fighters, they have failed to establish a common EU framework which will serve as a basis for further action to minimise the possibility of terrorist attacks on the soil of member states. Such a meeting occurred in Milan in the summer 2014, on the margins of the EU internal ministers meeting, discussing counter-terrorism action plans. Much of the plans however remained secretive and targeted only a few member states and was not what one would call an EU wide response.

This can be attributed to the diverse scale of risk that different EU member states are facing when it comes to the question of foreign fight-

ers. For example, the risk of terrorist attacks in the United Kingdom and Belgium is greater when compared to that in Italy or Spain. On the other hand, some countries, such as the UK, have gone one step ahead in tightening the screws on their home grown foreign fighters by incorporating measures such as withdrawal of UK citizenships for those with double citizenship and naturalised Britons. This action is different when compared with Germany, where such possibilities are still only debated and the deployment of softer measures, such as community projects and a community based approach, is still the preferred option. Last, some of the (newer) EU member states, such as those from Eastern Europe, are not directly affected by the issue of foreign fighters going to the Middle East, but are actively looking into the possibilities of employing foreign fighters as a way of asymmetrical warfare in potential conflicts with Russia.

Having in mind the complexity of this issue, EU's foreign affairs ministerial meeting held this January saw a number of efforts aimed at narrowing down these gaps between members states including calls for the increased sharing of intelligence data between EU member states internally, as well as between the EU and countries from Northern Africa, Turkey and Asia. This by itself is, in fact, good news, but is it enough? The idea of forming a joint EU intelligence gathering institution did not make a comeback and apparently is not high on the agenda due to the still high-gated secretive world of many member states. In the efforts to bridge this split the European Commission expressed readiness to support a less political option, the withdrawal of EU [member state] passports for those under suspicion of leaving to fight in foreign paramil-

itary organisations.

The number of foreign fighters coming from EU member states is not decreasing. This poses a number of serious questions. To what extent are the current policies which member states employ in combating this phenomenon, successful, taking into account the intrusiveness of the counter terrorism measures undertaken by governments across Europe? Additionally, has the anti ISIS coalition in the way that it has acted proved to be (among other things) a deterrent to those wanting to join this terrorist network? Last, but not least, has the increasing numbers of Europeans fighting in Syria and Iraq on the one hand and the increased sense of insecurity across Europe as a result of this on the other hand, set the ground for the adoption of a new strategy towards the Syrian conflict and a different approach towards Bashar al Assad?

### **Western Balkans, the unforeseen threat?**

The countries of the Western Balkans are often overlooked when speaking about the European foreign fighter threat, even though around seven hundred of their citizens are fighting in Syria and Iraq. The Western Balkans for example was not mentioned in EU's Foreign Affairs ministerial meeting on 19 January when discussing fight against terrorism and enhanced exchange of intelligence. Geographically speaking the region is in the EU's backyard, serving also as a transit hub for those Europeans wanting to reach Syria by land. While they are formally not yet members of the EU, the bonds at political and economic level with the EU are exceptional. One of the benefits of the EU accession path for these countries was the lifting of the visa barriers for their citizens, enabling freedom of movement across almost the entire EU (except



the UK and Ireland). This in effect scrapped one layer of security which normally is present through the visa application process. Additionally, the existence of low cost carriers in the region, enabling direct contact with many European cities at very affordable prices, could also be seen as a security issue when combined with the visa free travel.

However, the countries from the Western Balkans are one step ahead, compared with many of the EU countries affected by the foreign fighter threats, when it comes to legal sanctions. Most of them have already adopted legislation tackling this issue with the hope of discouraging those wanting to join these groups and sanctioning those who have participated in the battlefields in Syria and Iraq. For the first time ever, in an almost synced manner, the governments in Albania, Kosovo, Bosnia and Herzegovina, Macedonia and Serbia have criminalised recruitment and participation of their nationals in paramilitary armed groups such as ISIS. The Macedonian criminal code prescribes 4 and 5 years jail sentence as a minimum, while in the case of Bosnia this varies from 1-to10 years. In the case of Albania, those participating in external wars are facing sentences of up to 10 years. For Kosovo this is somewhat higher and extends to 15 years.

However, taking into account the limited time these laws have been in force (only several months), the practice so far has shown that

the laws which the Western Balkans countries have enacted are difficult in their implementation, requiring further measures and building of their institutional capacities. Most of the difficulties stem from the difficulties that prosecutors face in terms of building a case against a person who has allegedly participated in the Syrian conflict. The countries from the region have not yet developed capacities for evidence collection in remote and conflict ridden areas like Syria. Moreover the regions' intelligence services are far from gaining access to data which might reveal a person's travel history.

In order to address these issues the region is receiving support from the US and several EU member states. In November 2014 the US administration announced the sending of teams of prosecutors, lawyers and counter-terrorism experts to Albania, Bosnia and Herzegovina, Kosovo, Serbia and Croatia with the intention of supporting national institutions in fighting the foreign fighter threat. This should result in helping states bridge the gaps between legislation and practice leading to increased arrests and intensified judicial processes. However, ethnically diverse societies such as that of Macedonia can be very sensitive and any slight mishandling of the situation would illuminate ethnic divisions and could lead to ethnic unrest.

Aiming for a better coordination and prevention of possible terrorist attacks on Europe-

an soil coming from the citizens of the Western Balkans, will require national governments to participate in a greater sharing of intelligence data on the movement of those potentially connected to foreign fighters with law enforcement agencies across the region and across the EU. The increased calls for tightened European security in light of the terrorist attacks in Paris will also result in a wide spectrum of counter terrorism activities. This could entail greater scrutiny at border controls when entering EU Schengen countries, such as asking for detailed documentation about the purpose of the visit, proof of finances, return ticket etc. In fact these are not new methods of control but involve greater use of the current ones. The examples above show the much-needed boost of security cooperation between the Western Balkans and the EU in this regard.

Freedom of travel, being one of the EU's founding pillars, is under increased pressure as never before. The pressure comes mainly from populist/right wing parties across Europe asking for an alteration to the Schengen agreement which would provide greater control at national borders. Taking steps in this direction would not necessarily guarantee better results in counterterrorism efforts but make those wanting to defeat our ideals a step closer to winning by wounding yet another sacred value - the freedom of movement. □



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