

# WAR ON TWO FRONTS

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FIGHTERS OF ISIL

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THE EU PERSPECTIVE ON THE FOREIGN TERRORIST FIGHTERS OF ISIL



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- The ISIL surge has inspired a new generation of jihadist terrorists.
- The large number of foreign volunteers in Syria may cause a global terrorism blowback when ISIL is defeated in Syria/Iraq. This underlines the need for common goals and policies regarding the foreign terrorist fighter phenomenon.
- The EU has not been able to take a decisive role regarding the Syrian conflict and foreign terrorist fighters, but it can still play an important role in coordinating the responses of the member states.
- The EU could take a role in establishing common guidelines for social media regarding extremist material and agitation for violence.
- Finding common ground with Turkey on information gathering and sharing would be essential in preventing the travel-for-terrorism cause.
- Countries bordering Syria and Iraq are in danger of ISIL spill-over effects in the form of potential affiliates and organizations emulating the rebel group. Egypt and Libya are also likely to become breeding grounds for such groups.

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The rise of the terrorist organization ISIL has shifted the focus of counter-terrorism efforts towards preventing foreign terrorist fighters from joining the rebel group, as well as confronting the possible threats from those individuals who return from the battlefield. United Nations Security Council Resolutions 2170 and 2178 will surely boost the already heated policymaking and legislation on the topic. In Europe, many countries have already responded to the threat, and political debates on further measures are widespread. However, the EU has been slow to respond. The main reason for the late awakening has been the EU electoral cycle and the changing of the guard in the EU Commission, but the EU has finally drafted a strategy against ISIL,<sup>1</sup> which is built on its External Action Services non-paper on the Syria/Iraq foreign fighters Strategic Engagement Plan.<sup>2</sup> Similarly, there were increasing efforts in autumn 2014 to coordinate the domestic responses of the member states.

In this analysis the focus is on the special nature of the current foreign terrorist fighter phenomenon caused by the Syrian conflict and on the rise of the Islamic State in Iraq and the Levant (ISIL), as well as the additional measures that could be taken against it. There is already an extensive toolbox for countering terrorism both in the member states and in the EU institutions, but even if many of the existing measures are still highly relevant, the question here is: What more can be done? The EU's role and actorness regarding the foreign terrorist fighter phenomenon will also be analyzed. Is it too late for the EU to have any kind of relevant role in the fight against foreign terrorist fighters, and if so, what kind of role might that be?

## Historical perspective

The phenomenon of foreign fighters is nothing new per se, but it seems to have acquired a new dimension when coupled with the ISIL surge. Traditionally, conflicts with significant ideological differences on either side have drawn volunteers from across the

globe. A classic example is the Spanish Civil War of 1936-1939, where approximately 32,000 foreign fighters participated in the conflict, mostly due to the international nature of the different leftist ideologies on the Republican side. Similarly, the Soviet war in Afghanistan in 1978-1992 lured roughly 20,000<sup>3</sup> foreign fighters to join the fight against the Soviet Union. The Afghanistan war can be seen as the cradle of global jihadism, since many of its veterans continued their fight in later conflicts, such as those in Bosnia and Chechnya.

Current estimates put the number of foreign fighters in the Syrian and Iraqi civil war at around 15,000.<sup>4</sup> Comparing the high number to the very low contingent of foreign fighters in other conflicts during the past 20 years, it is evident that this new wave of global jihadism is being triggered by something in particular in the Syrian civil war. Since ISIL has framed itself as an extremely brutal organization that does not hesitate to use terrorist methods, the concept of *foreign terrorist fighters* is used in this analysis to refer to the foreign fighters in its ranks in order to distinguish them from those foreign fighters that fight with more conventional methods.

Previous studies conducted among returning foreign fighters estimate that only one out of every 15 or 20 returnees might be interested in terrorist activities in their home country.<sup>5</sup> Since there are roughly 3,000 foreign fighters from EU countries in Syria, the estimated number of potential returnees from Syria willing to act in Europe is in the region of 150-200 individuals. However, comparing past experiences with foreign fighters is difficult in the case of ISIL, since those fighters that are currently leaving for the Syria/Iraq conflict are fully aware of

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1 14479/14 EU RESTRICTED.

2 <http://www.statewatch.org/news/2014/jul/eu-eeas-syrian-foreign-fighters-44.pdf>

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3 Hegghammer, Thomas: "The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad", *International Security* 35, 2010.

4 Lister, Charles: "Profiling the Islamic State". *Brookings Doha Center Analysis Paper*, Number 13, November 2014. [http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling%20islamic%20state%20lister/en\\_web\\_lister.pdf](http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling%20islamic%20state%20lister/en_web_lister.pdf)

5 Hegghammer, Thomas: <http://edition.cnn.com/2014/10/16/opinion/hegghammer-isis-foreign-fighters/index.html>

the war crimes and terrorist activities that ISIL is practising, which means that in all probability there are now more hardliners among the volunteers than during the earlier phase of the Syrian conflict, when many of the volunteers joined the war in order to topple president Assad's regime and establish a democracy. Furthermore, each conflict has its own dynamics, and the number of foreign volunteers is also dependent on the dynamics of the countries where the volunteers come from. Whatever the extent of the volunteer blowback, studies show that foreign fighters with battlefield experience are capable of committing more lethal attacks than those without it.<sup>6</sup> This justifies the alarm caused by ISIL and its foreign terrorist fighters.

### The EU's windows of opportunity

ISIL's rapid success in Iraq and Syria and the declaration of the so-called caliphate has been reflected in the influx of new volunteers into Syria. Through highly skillful campaigning in the social media, ISIL has managed to create a dynamic and invincible image of itself. The ISIL "disseminators" provide information on the situation on the ground, whereas the western media is absent, due to the evident danger that ISIL poses to western journalists. This means that the beheadings of journalists not only provoked the US to launch military operations in Syria, but also left the dissemination of information entirely in the hands of ISIL due to the media withdrawal from the ISIL-controlled areas.

Since there is already a US-led coalition against ISIL in Syria and Iraq, the EU is not going to take any military role in the fight against the rebel group. The reason for this is that many of the EU member states are already active in this regard, and the EU **does not have the relevant military capacities**. However, the German initiative to train Iraqi officials might become a joint EU Common Security and Defence Policy (CSDP) operation in Iraq at a later phase, when the situation stabilizes. That would be a natural continuation of the previous EUJUST LEX operation in Iraq between 2005 and 2013. As the

problem in Iraq was due to the fact that the military did not bother to fight ISIL at all, it is essential to convince the local populations, namely the Sunni tribes, to fight alongside the Baghdad government. Supporting the military is important in the first phase of the fight against the terrorist organization, but the police should take the lead when the group no longer controls territory, and infiltrates amongst civilians instead. A remote possibility would also be a border management or assistance operation, again when the situation in Syria is stabilized. Meanwhile, the EU could excel in providing humanitarian aid to civilians in the conflict areas and to refugees in neighbouring countries. This could be done under the aegis of the EU's Instrument for Stability and would alleviate the suffering of the population, which is, in the end, one of the arguments that the volunteers use when leaving for Syria and Iraq.

Beating ISIL on the ground could force many of its activists to search for another location for their fight. Most likely the blowback will hit hardest in the countries bordering Syria and Iraq, as well as in Egypt and Libya. ISIL should be regarded as a qualitative evolution of the al-Qaida model. It is not only about a specific military strategy that combines guerrilla tactics with terrorist attacks and the professional use of social media to gain worldwide attention for ISIL's atrocities, but also the fact that ISIL incorporates a practical model for social governance, namely how to deal with civilians from different ethnic and religious backgrounds under the control of a self-proclaimed state,<sup>7</sup> which al-Qaida never did.

Furthermore, ISIL has managed to utilize regional grievances between the Sunnis and Shias and address the local problems better than the highly global al-Qaida. The model is therefore tempting to similar jihadist groups in other areas, and the flow of foreign terrorist fighters can be directed elsewhere when the momentum for ISIL has waned. ISIL is already present in Lebanon and Jordan in the form of its own activists, affiliates or allies, while some groups in Libya, Egypt, Pakistan and Indonesia have pledged their allegiance to the rebels. Certain groups, in Nigeria for instance, are also trying to emulate the rebel group. Due to the high number of

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6 Hegghammer, Thomas: "The Rise of Muslim Foreign Fighters: Islam and the Globalization of Jihad", *International Security* 35, 2010.

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7 Lister, Charles, 2014.

foreign terrorist fighters, their countries of origin are also possible areas for terrorist action, especially if they are actively fighting ISIL in the US-led coalition. The rise of ISIL has lent momentum to a whole new generation of terrorists, the repercussions of which will be felt for decades after the organization is beaten on the ground.

Despite the fact that many of the root causes of terrorist activity and radicalization are specific to the region and can be tackled only through case-specific tools, ISIL and its affiliates are receiving a significant amount of international support in terms of both volunteers and finances. The volunteers largely come from other Muslim countries, but there is also a very significant contingent from western countries, including almost all of the EU member states. The flow of financing is equally international. Despite the fact that ISIL has managed to obtain a steady supply of arms and resources like crude oil, and is not currently dependent on foreign support, preventing support for all potential ISIL affiliates and other similar groups is necessary.

One of the key areas of operation where the EU can play an important role is that of information and social media. The ISIL-dominated narrative on the conflict situation must be challenged. Journalists can enter ISIL-controlled areas only if they agree to play and publish according to the organization's rules. Unilateral and biased information is directly linked to the number of volunteers willing to join the rebels,<sup>8</sup> since ISIL can paint whatever picture it wants about the state of affairs. This means that the terrorist organization must be confronted in the virtual world as well.

First of all, there is a need for common guidelines for social media companies regarding the dissemination of inflammatory material related to violent extremism. In this regard the EU could play an important role similar to the one it has played in relation to international aviation regulation, where the Union has successfully set an example in providing rules, regulations and best practices, and the rest of the

international community has followed suit.<sup>9</sup> Second, there is a need for impartial and reliable information on the conflict. It is hard to see how any monitoring mission would be possible in the conflict area before the war ends, but independent media houses could be encouraged to take a stronger role in reporting events on the ground.

### Approaches on the domestic front

Unlike in the 1980s and 1990s when al-Qaida emerged, European countries are now prepared to confront the threat. In the aftermaths of the 9/11 attacks, and the 2004 Madrid and 2005 London bombings, most of the current counter-terrorism strategies and framework were drafted in the EU and are now executed and in practice at many levels. This means that all the returnees are most likely known by the security services and monitored at least to some degree, leaving little scope for the planning of major terrorist attacks. Despite that, the current phenomenon of foreign terrorist fighters has resulted in a raft of new legislation and policymaking.

The adopted approaches in the EU regarding the foreign fighter phenomenon vary considerably.<sup>10</sup> Simply put, there are two approaches with different goals: the inclusive approach and the exclusive approach.

The inclusive approach is aimed at preventing the radicalization of individuals and the deradicalization of the returning volunteers back to "normal", non-violent life. This generally happens through socio-political measures such as creating awareness in society and building good communication networks and relationships with ethnic communities, neighbourhoods and families. The aim is to pinpoint individuals before they commit acts of violence and to monitor their activities with the cooperation of

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8 See e.g. Carter, Maher & Neumann 2014. <http://icsr.info/wp-content/uploads/2014/04/1CSR-Report-Greenbirds-Measuring-Importance-and-Influence-in-Syrian-Foreign-Fighter-Networks.pdf>

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9 Barros, Xiana 2013: "EU Counter-terrorism and Aviation Security: Supranational Rules But Intergovernmental Politics?", *European Foreign Affairs Review*, 17, pp. 53-70.

10 CSS Study: "Foreign Fighters: An Overview of Responses in Eleven Countries". Zurich, March 2014. [http://www.css.ethz.ch/publications/pdfs/Foreign\\_Fighters\\_2014.pdf](http://www.css.ethz.ch/publications/pdfs/Foreign_Fighters_2014.pdf)

different authorities, such as religious leaders, former fighters, the police, social workers, and so forth. Similarly, the returning fighters are offered special programmes to aid their disengagement from violent groups and to facilitate the normalization of life. Naturally this approach is applicable only if the individuals themselves are willing to engage, and is quite often adopted for prisoners prior to their release. The best example of this inclusive approach in Europe is Denmark, where the so-called Aarhus model has been widely applied and studied.

The exclusive approach, on the other hand, is used particularly in jurisdictional efforts to prevent terrorism. Its goal is simply to facilitate the criminalization of any radical activity, such as recruitment, training, and the dissemination of radical material, in order for the radical individuals to be prosecuted and sentenced. In relation to the foreign terrorist fighter phenomenon, the aim is also to prevent potential volunteers from travelling by confiscating their travel documents, and even preventing them from re-entering their country of nationality. Oftentimes, the exclusive action is carried out by re-interpreting the existing legislation and applying it to the foreign fighters, as is the case in Belgium, for example, where the current legislation criminalizes recruitment, training and taking part in the activities of a terrorist group, and where a separate law that criminalizes travelling to join a terrorist group would not make a difference.

However, new ideas have also been widespread. Besides confiscating travel documents due to suspected interest in jihadist activity, which has been the case in Germany and France in particular, the UK has also used preventive arrests of potential fighters and prohibited returnees from coming back home, even though it breaches the Universal Declaration of Human Rights, Article 13.<sup>11</sup> There has also been debate on the possibility of stripping those terrorists fighting in the ranks of ISIL of their nationality, but this has only been put into practice in the UK so far, when a few dozen citizens with dual nationalities were stripped of their UK nationality in order to keep them away from UK (and possibly also EU) borders.

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11 <http://www.un.org/en/documents/udhr/>

Even though the new proactive approach adopted by the EU member states in regard to terrorism is welcomed, there is a need for strengthened cooperation, improvement of the existing practices and the building up of a coherent approach towards counterterrorism. The political momentum driven by the efforts to counter ISIL can be harnessed to improve European counterterrorism policies. This means enhancing the already established institutions like Europol, EuroJust, Frontex, and counterterrorism coordination, as much as traditional police work on the ground. Furthermore, strengthening border security and the use of available tools for preventing the misuse of travel documents and monitoring the movement of suspected foreign fighters are necessary. Approval for the EU's Passenger Name Records database, which entails gathering airline passenger information into a common database for use by the police, and border and customs officers, would be helpful in this respect since it would make it easier to monitor suspects travelling in and out of the Schengen area.

Since the EU and the Schengen area form one borderless region, it is essential to adopt a similar approach towards potential fighters and returnees. Even if the exclusive and inclusive approaches are used together and complement each other, emphasizing different measures in different countries can make for incoherence. In their most extreme form, exclusive policies aim at deterring terrorists from crossing European borders, which pushes the problem into the hands of countries whose legal systems are not as well equipped to deal with them as they are in Europe. Bearing in mind that it is a question of at least hundreds of volunteers whose return could be prevented, they would not only severely undermine the EU's efforts to stabilize the near neighbourhood, but the refusal to take them back might also cause diplomatic challenges in those areas where the EU is already having a hard time gaining influence.

### **The EU's external action and foreign terrorist fighters**

In addition to the conflict area itself, namely Syria and Iraq, there are two priority categories where the EU could focus its efforts in controlling the foreign terrorist fighters:

1. Turkey, Lebanon, Jordan, Saudi Arabia and Iran, which are suffering from the spill-over of the conflict in the form of fighting, transit routes and refugees, or are otherwise relevant for the regional power balance, like Iran and Saudi Arabia.

2. Kuwait, Qatar, Egypt, Libya, Algeria, Tunisia, Morocco, UAE, Bosnia and Kosovo, because they are key sources of foreign fighter recruitment, or financing.

*The first priority countries* are mainly relevant in preventing the spill-over of the conflict and the flow of foreign fighters to and from the conflict zone. The EU's ISIL strategy proposes further cooperation in identifying and dismantling terrorism networks, tackling the funding sources of ISIL, strengthening the border security and better gathering and sharing of passenger data.

The greatest challenge as regards the first category is that some of the countries have been ambivalent towards the fight against ISIL. The neighbouring countries are mostly inactive regarding the threat. The second challenge is that the EU does not have sufficient leverage to win them over. For example, the trade and energy supply issues are too important for the EU to be used as bargaining chips with Turkey, which is the key point of entrance to the conflict zone for the European foreign terrorist fighters.

Turkey is intent on getting rid of the al-Assad regime, and to this end it has offered assistance to the opposition groups. Even if that excludes ISIL and other jihadist groups in Syria, such as Jabhat al-Nusra, they have been able to recruit activists among the Turkish urban poor and Turkey is allegedly the key market for the oil that funds ISIL. Some have even argued that Turkey does not regard ISIL as an ultimate threat, but as a means of getting rid of the post-World War I state system in the Middle East. In other words, Turkey conceptualizes the current turmoil in the Middle East as the matrix of a new, Turkey-centred regional order.<sup>12</sup> However, the Turkish government should be concerned about how the ethnic and Shia-Sunni conflicts in Syria

and Iraq are cracking open the same fault lines in Turkey's own society.<sup>13</sup>

One of the key issues of distrust between the EU and Turkey is related to information sharing, which would be essential in controlling the flows of foreign terrorist fighters. Would the EU be ready to share some of the information it has, for example, in the Schengen Information System without handpicking it? However, due to the US pressure on Turkey, the border with Syria is now better surveyed and the movement of foreign volunteers to Syria is more difficult than earlier. This is a promising development that could pave the way for enhancing Turkey-EU cooperation. If the distrust issues are resolved, the EU could propose the establishment of specific Passenger Information Units in the crucial travel hubs in Turkey. As the name suggests, these units would focus on gathering information on who was travelling where. This would be an important tool in finding out who is actually entering or leaving the conflict zone.

Saudi Arabia and Iran are regional superpowers whose rivalry is one of the root causes of the rise of ISIL-emulating groups all over the Muslim world, since they are on different sides regarding the Sunni-Shia confrontation. Whereas al-Qaida is trying to unite all Muslims under the same jihadist ideology, ISIL is openly sectarian and anti-Shia. There is a real danger that this clash will expand further in the Muslim world, since the Syrian conflict is causing tensions all over the world between Sunnis and Shias. Without resolving the regional issues between Sunnis and Shias, as well as between Saudi Arabia and Iran, it is unlikely that the extremism will subside. However, there is little that the EU can do, except continue doing what it is already doing: promoting diplomatic dialogue.

*The second priority countries* are relevant as sources of a large number of volunteers in Syria and because some of the countries also have a very close relationship with the Syrian Opposition. Combating the foreign terrorist fighter phenomenon calls for cooperation and information sharing, especially

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12 Toni Alaranta: "'New Turkey' has to face the regional realities: Turkey's Islamic identity has resulted in a bold foreign policy". *FIIA Comment* 13/2014.

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13 Hugh Pope, ICG: <http://blog.crisisgroup.org/europe-central-asia/2014/10/03/border-patrol-turkey-tries-a-new-tack-on-its-southern-frontier/>

regarding passenger information and intelligence on both potential and returning fighters. Countries with good relationships with the Syrian Opposition would be helpful in the EU's diplomatic efforts. However, since the EU's neighbourhood policies in the Arab countries failed altogether during the events of the Arab Spring, and the EU has not been able to regain its role in the area since then,<sup>14</sup> major challenges remain for European external action in the region.

Furthermore, there are significant dilemmas that need to be resolved, such as whether the EU should support the Egyptian authoritarian regime, or continue supporting the losing side of the Arab Spring pro-democratic parties. From the counterterrorism point of view, supporting the current regime might facilitate efforts in the short term, but in the long term this would be counterproductive, since political marginalization is generally one of the reasons why moderate political forces might radicalize, which is exactly what is happening in Egypt to political Islam. Nevertheless, action is needed. Egypt and Libya in particular are crucial for the future of ISIL-minded groups. Libya is on the verge of a civil war and the number of terrorist attacks in Egypt is rising sharply.

## Conclusions

The EU has failed to take a leading role in the Syria/Iraq conflict and in the measures directed at the foreign terrorist fighters travelling there, but it can still play an important role in harmonizing the responses of the member states. ISIL primarily poses a regional threat since it is offering a model for military strategy and social policy. It challenges the current state models and even their boundaries and sets a brutal example for how to govern the people in occupied territories. The threat is also justified in countries whose citizens have joined the ranks of ISIL, or any of the like-minded groups, especially if those countries are actively fighting against the organization in Syria/Iraq. Therefore the fight against ISIL requires efforts on both the domestic and external fronts.

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14 E.g. Debeuf, Koert: *Inside the Arab Revolution: Three Years on the Frontline of the Arab Spring*. Leuven, Lannoo Campus, 2014, 219–224.

EU member states have been very active in making new policies against the foreign terrorist fighters, but there is still a need for coordination so that the policies would be coherent regarding the EU's internal and external goals. Enhancing existing institutions like Europol, EuroJust, Frontex, as well as counterterrorism coordination, would be sufficient measures in tackling the common threat of ISIL.

One very concrete role that the EU could assume would be to take the lead in establishing common guidelines with social media companies regarding the dissemination of inflammatory material related to violent extremism. The EU has excelled in the past in setting up international norms and practices, and this is an area where there is still a lot to do.

From the perspective of external action, the key country in the common fight against the foreign terrorist fighters is Turkey. Despite the previous challenges, the progress in better border control is promising. However, information gathering on travellers and the sharing of intelligence would enhance the police work in identifying terrorist suspects and assist in monitoring their movements. When the situation is stabilized in the conflict zone, the EU could use its CSDP to assist in security sector reform. A CSDP operation would be most feasible in Iraq. No operation in Syria will be possible prior to the end of the civil war, or at least before some kind of ceasefire has been secured.

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