

EU Counter-Terrorism Policy: The threat of the ‘returning foreign fighter’ and the securitization of migration, travel and border control

Abstract

This article analyses the European Union’s response to the threat of the ‘returning foreign fighter’ (RFF), referred to with increasing frequency as the ‘foreign terrorist fighter’ (FTF), arguing that it has been characterised by a move to (re)frame migration and border control as essential aspects of EU counter-terrorism policy. The article offers three important observations on the significance of this move. First, it critiques the way in which the EU’s response to this problem is based upon and reinforces a narrow understanding of RFFs. Second, it argues the EU has invoked the threat from RFFs not with the sole intention of preventing terrorism but rather as part of the on-going securitization of migration and the EU border. Third, it suggests the threat from RFFs has been invoked as a way of further legitimising the EU’s emerging role as a security actor and its embrace of preemptive security practice. The article argues throughout that the move to construct the RFF issue in this way has important political and social implications for all categories of migrant, with migrant populations now deemed a potential source of terrorist threat.

Introduction

In September 2014, European Union (EU) officials briefed European media outlets that a major terrorist attack on European soil was now ‘inevitable’ and ‘pre-programmed’ (Guardian, 2014). The reason for this bleak threat assessment was that many of the estimated 5000 EU citizens who were thought to have travelled to Syria to fight in the civil war had begun to return home (European Commission, 2015a). For the EU and its member states these individuals were of great concern for two main reasons. First, there was a fear that they ‘may use their newly-acquired experience and skill for terrorist actions’; second, they might also ‘spread their radical ideas... or give guidance to others to follow them on their path of violence’ (Council of the EU, 2010a: 5). Just over a year later, the terrorist attacks in Paris in November 2015, which left over 130 people dead, seemed to confirm the worst fears of EU policymakers. The attacks were carried out by a group of individuals, mostly French and Belgian citizens, including some that had travelled to the conflict in Syria for training purposes, who had returned to commit acts of terrorism against their country of origin

(Europol, 2016). In the period since these events, the EU has sought to *securitize* the ‘returning foreign fighter’ (RFF) issue by putting forward a set of policies under the banner of its counter-terrorism response – the ‘fight against terrorism’ – designed to tackle this ‘new’ and ‘evolving’ threat.

For the EU, further incidents in Brussels in March 2016, which were also thought to have involved RFFs, as well as a spate of terrorist attacks across Europe in 2016 and 2017, have amplified a sense of crisis in Europe over the ongoing threat from terrorism. It is within the context of this crisis that the EU has presented a specific set of policies as an appropriate response to this issue. The most significant dimension of this response has involved the (re)framing of a set of migration and border control measures, including the use of pre-existing EU databases and monitoring mechanisms, as measures that can allow for the detection of ‘suspicious travel movements’ or behaviour that might indicate an individual leaving or entering the EU to be a RFF (Council of the EU, 2013: 3). Interestingly, these initiatives are underpinned by a logic that suggests they provide the potential for the generation of preemptive or anticipatory knowledge about the threat from terrorism and are reflective, more broadly, of an emerging ‘EU security culture’ based around the adoption of preemptive forms of security practice (de Goede, 2011). Specifically, the headline policy goal put forward by the EU in response to this threat has been the creation and implementation of a European-wide Passenger Name Record Agreement (PNR). This focus on travel, migration and border control is however perplexing given that statistics demonstrate in Europe at least, notwithstanding a few incidents, the majority of those arrested for terrorist offences have not travelled abroad and do not cross borders in order to do so.¹

In trying to understand why the EU has adopted this approach the article offers three main arguments. First, the EU’s response to this problem is based upon and reinforces a narrow understanding of RFFs as a counter-terrorism issue. The article shows how the EU’s move to adopt the label ‘foreign terrorist fighter’ (FTF) exacerbates this problem by artificially constructing all foreign fighters (FF) as terrorists, when in reality FFs can occupy multiple categorisations depending on how and in what context the term is being used. Second, the EU’s conceptualisation of RFFs plays a specific role in the meshing of counter-terrorism with migration management, in that it has advanced border control as the most appropriate response to this issue. This includes, for the first time, the development of practices that allow for the monitoring of non-suspect citizen movement into, across and out of the EU area. As

such, it is argued that the threat from RFFs plays a key role in the ongoing securitization of regular and 'irregular' migration in the EU area (see Vaughan-Williams, 2016). Third, more broadly, the threat from RFFs has been invoked as a way of further justifying the EU's evolving role as a holistic security actor and its embrace of preemptive security practice. Throughout, I argue the EU response to RFFs reinforces the perception that there is a relationship between migration and terrorism, with important political and social implications for migrant populations now deemed a potential source of terrorist threat.

To make this argument the article is structured as follows. The first section begins by setting out how securitization theory can be adapted to the study of the EU and used to analyse the RFF issue. This section draws insights from the second generation, 'post-Copenhagen' approach to securitization theory developed by the likes of Olav Knudsen (2001), Stuart Croft (2012) and Holger Stritzel (2012), as well as the work of Felix Ciuta (2009), to make a case for reading EU security policy contextually through reference to the spatial and normative dimensions of the securitization process. The second part of the article employs discourse analysis to map the construction of the EU response to RFF, as well as to provide critical analysis of the political and social implications of the securitization of this issue. I conclude by reflecting upon the move to place migration and border control within the realm of counter-terrorism policy.

Analysing the EU's 'Returning Foreign Fighter' Discourse: Securitization and Discourse Analysis

Since the beginning of 2013, the issue of RFFs has become a regular topic of debate at EU level leading it to push for stronger policies on counter-radicalisation, information exchange with third countries, enhanced security roles for agencies like Europol, increased interoperability of EU databases to detect 'suspicious' forms of travel and increased border control. By invoking the threat of the RFFs as a way of justifying increased levels of counter-terrorism cooperation between member states, it is argued the EU has actively sought to *securitize* this issue. To account for the implications of the securitization of the RFF phenomena, the article starts by making a case for reconceptualising securitization theory in the context of the EU.

Securitization in the European Union: A Post-Copenhagen Securitization Framework and Discourse Analysis

For the Copenhagen School (CS) securitization is viewed as a decisive moment, an instance in time, where an issue is moved from normal politics to the realm of security politics. For the CS, securitization has several stages. First, is the securitizing move, consisting of a 'speech act' made by an actor with authority or discourse-making power. Second, the actor making the securitizing move must represent the issue as an existential or extreme threat to an audience (the in-group), convincing the audience that their survival is at stake and thereby legitimating the adoption of emergency security measures. Third, although the securitizing move may or may not lead to the imposition of special or extraordinary measures, the audience must accept the securitizing move for the securitization to be considered successful (see Buzan, de Wilde and Wæver, 1998). The CS version of securitization - also referred to as the linguistic approach - has come to represent the traditional way that the securitization of an issue is thought to occur (see Balzacq, 2010). It has, however, led to much debate and criticism, not least over its applicability and usefulness in different situations (Balzacq, 2005; Ciuta 2009; Hansen, 2000; Wilkinson 2011).

This is certainly the case in the EU where securitization processes operate quite differently from the way envisaged by the CS. As Andrew Neal (2009) explains, the way a securitizing move operates in the context of the EU is unlike how it works at national level, in that although the statements of EU institutions may be easily identifiable as securitizing moves, 'the relationship between that discourse and the reception, discussion, legitimation and actualization of policy proposals and changes is less clear' (Ibid: 336). Given the limitations of the CS approach in terms of explaining how securitization occurs within the EU, this article adopts insights from what Stritzel (2012) has termed the second generation, post-Copenhagen approach to securitization theory. The purpose of this is not to develop a separate approach but rather to extend our understanding of securitization to take account of both its performative and sociological dimensions (see Stritzel, 2012: 553; Croft, 2012: 84).²

Following Croft (2012), and borrowing insights from Ciuta (2009), Neal (2009) and Stritzel (2012), this approach involves two key steps. First, it is necessary to relax the core commitments of the CS approach, reshaping securitization theory so that it is better suited to analysing a supra-national security actor like the EU. Second, following Ciuta's call for

consideration of the importance of context in the securitization process, the approach taken here makes a case for analysing the spatial and normative dimensions of securitization, with a specific focus on what these processes reveal about the formulation of EU counter-terrorism policy. The reason for adopting this approach is that it allows for the exploration of words and actions that not only include insights from the Copenhagen School's framework but go beyond and extend it, revealing dynamics that would not be accounted for in the traditional approach to securitization theory, with a particular emphasis on the relationship between securitizing language and security practice (see Wilkinson, 2011).

The first modification to securitization theory involves recognising that securitization is an ongoing political (and sociological) process rather than a specific binary moment whereby a decision is made in relation to whether (or not) an issue should be moved into the realm of security (Salter, 2008). Whilst the focus of the analysis in this article is predominantly on the 'speech acts' contained in the security texts produced by the EU, it is recognised that this is an iterative process that involves the constant re-articulation of important issues as a priority within the field of EU counter-terrorism policy. This process has been ongoing since at least 2001 and the re-emergence of the 'fight against terrorism' as a key dimension of the EU response to the September 11 terrorist attacks. This is important in the context of the RFF issue in that by viewing securitization as a process rather than an event, it is possible to identify how this concern first emerged and the way in which the perception of the threat has evolved over time. This draws inspiration from the longitudinal methods favoured by Aglaya Snetkov (2017), which allow the analyst to highlight the evolutionary, multifaceted and incremental processes through which the securitization of an issue occurs.

Second, the idea that security is all about existential threats and exceptional responses is also problematic in the context of the EU. As Neal (2009: 352) explains, 'much of what is being done in the name of security is quiet, technical and unspectacular, in the EU intensely so, and just as much again does not declare itself to be in the name of security at all'. Although this is also true of security practice in many countries and institutions, it is particularly the case in the EU where the discussion and reception of security threats is very different from the national arena. Indeed, the communications or statements of the EU institutions are less widely reported, and although they play a key role in policy-making, are little 'debated beyond a very narrow specialist audience' (Ibid: 336). In turn, this has implications for what a securitizing move might look like in the context of the EU, where the legitimisation of

policy proposals and security measures is framed not only through the language of existential threat but often through the language and practice of everyday risk and insecurity (see Bigo and Tsoukala, 2008). As Ciuta (2009: 313) explains, 'European actors still stubbornly speak security, even in the absence of existential threats' but do so in the form of the 'institutional communities in to which they are organised'.

Moreover, although the role of the 'speech act' retains importance in terms of identifying issues that are framed as danger, risk or threat, the framework employed here emphasises that securitization can also be understood as a non-linguistic process (Balzacq, 2010: 22-25) or a form of discursive practice (Doty, 1993; Hansen, 2006). This draws parallels with the Paris School approach to securitization (see Bigo 2002; 2008), as well as analysts such as Ciuta (2009: 312) who believes the role of practice in securitization theory must be 'reconsidered'. In the EU, where securitization manifests itself, we see it not only in the statements of politicians and EU institutions or the calculative language and rationalities of risk identifiable in EU security policy documents but also in the bureaucratic, mundane, routinized security practices made possible by, and designed to mitigate, those same risks (Bigo, 2008).

As Croft (2012) explains, a post-Copenhagen approach involves recognising not only that security practice extends beyond the language of existential threats and extraordinary measures to include the more mundane practices of everyday forms of security; it also involves rethinking securitization as an ongoing process that cannot be understood outside of the context within which it is occurring. The purpose of this then, following Ciuta (2009: 311), is not just to identify the security issues that concern specific actors but to 'interpret the meaning of security as it is deployed by situated actors'. For Ciuta, this commitment entails a more consistent understanding of the constructed nature of security, which involves drawing attention to the importance of context in the analysis of security issues. The framework outlined here emphasises both the spatial and normative dimensions of the securitization of the RFF issue because these concepts allow for a deeper engagement with the context within which this process occurs and help to reveal the ways in which the threat discourse informs the policy response and vice-versa (Hansen, 2006).

To map and analyse the impact of the securitization of the RFF issue, I adopt a two-stage, double reading strategy (see for example Shepherd, 2008: 26-33) as a form of discourse analysis. This consists of subjecting the selected texts to two readings. First, a descriptive

reading designed to highlight the key themes upon which the discourse rests and to map the various aspects of the securitization process. Second, a wider contextual analysis highlighting the ways in which the discourse structures the policy responses to the issues that it describes. This stage of the analysis focuses on the securitization of RFFs by charting the ways in which the discourse make ‘various practices possible’ and contribute to the performance of security and counter-terrorism (Doty, 1993: 303). It analyses the securitization of this issue across the spatial and the normative dimensions of the process.³ Discourse analysis is adopted for two reasons. First, it provides a method through which to explore the relationship between language and policy in the securitization process, uncovering ‘the structures and practices that produce the threat image, whose source, mechanisms and effects’ this article seeks to explain (Balzacq, 2011: 40). Second, it allows the analyst to problematise and critique the representations of threat put into circulation by security actors, as well as to consider the wider political and societal implications of the policy discourse (see Baker-Beall, 2016).

Finally, although conceptualising the EU as an actor is problematic, partly because it is ‘a highly variegated and heterogeneous set of processes and actors’ (Jackson, 2007: 236), it is still possible to identify a common institutional language in the sphere of security and counter-terrorism that is consistent across the policy discourse. In terms of the selection of texts, priority is given to several key texts produced by the main policy-making institutions of the EU, the European Council and the European Commission, as well as reports from other intra-institutional agencies and actors such as Europol and the EU Counter-Terrorism Coordinator (CTC), that are viewed as representative of the EU discourse on counter-terrorism and RFFs. The empirical analysis is taken from over 100 documents formulated and released into the public domain across the period from September 2001 until July 2017. Where appropriate, documents produced by other EU institutions and actors in the field of European counter-terrorism, as well as a range of secondary texts, such as books, journal articles, think-tank policy documents and media reports, are used to substantiate the empirical analysis that follows.

Mapping and analysing the securitization of migration, border control and travel in the EU: Contextualising the EU response to the ‘returning foreign fighter’ issue

According to Stritzel (2012: 553), exploring the context of securitization moves is important in that for ‘scholars post-Copenhagen... the performative power of a speech act cannot only

be captured in the abstract but needs to be contextually located within broader structures of meaning and power'. Before engaging in an analysis of the EU response to the RFF issue, therefore, it is important to situate EU policy within the wider international response to this problem and to draw attention to several important contextual factors (Ciuta, 2009). First, is the perceived scale of the RFF threat, which involves not only the immediate issue of individuals who leave to participate in conflicts abroad but also the perception of a longer-term security threat presented by those who return to their country of origin once hostilities have ended. This concern is particularly acute in Europe where a report from May 2018 produced by the European Parliamentary Research Service (EPRS) suggested that of the roughly 4000 citizens from EU member states (mostly from Belgium, France, Germany and the United Kingdom) that had been drawn to the conflict in Syria, 30 percent of those individuals were estimated to have already returned to Europe (see EPRS, 2018). The number of returnees – and a fear that they would return *en masse* with malicious intentions - therefore provides an insight into why the EU has moved to reorient its counter-terrorism policy around the response to RFFs (see EPRS, 2018).

Second, the development of the EU response has to be understood in the wider context of steps taken by other states at the international level to combat the threat from RFFs. The Global Counter-Terrorism Forum (GCTF) has played a key part in this process bringing together thirty governments, including the EU, to formulate non-binding policy recommendations as part of a multilateral response to the RFF issue. It was at the GCTF that the first move to re-label FFs as FTFs was taken. In June 2014, the GCTF released the Hague-Marrakesh memorandum which included the first definition of the term FTF. This document formed the basis for United Nations Security Council Resolution (UNSCR) 2178, agreed in September 2014, which defined FTFs as:

'Individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict'.

Not wishing to be left behind, the EU was quick to suggest it must update its approach to take account of the UN resolution (see Council of the EU, 2014c). In the period since, the EU

response has mirrored the call in UNSCR 2178 for signatories to develop policies that are specifically designed to restrict travel for the purpose of terrorism.

Third, the response has to be understood in the context of steps taken by governments to stop their citizens from travelling to, or returning from, conflict zones. In Europe, this has consisted primarily of travel bans but also in some countries through the revoking of citizenship. According to Letta Tayler (2016) between 2013 and 2016 at least 47 countries developed laws to combat FTFs, with the majority of these measures enacted in order for states to comply with UNSCR 2178. In Europe, Austria, Belgium, Denmark, France, Italy, Netherlands and the UK have all implemented travel bans for those suspected of wanting to travel for the purpose of terrorism, while Austria, Belgium, Netherlands and the UK have taken steps to revoke citizenship of nationals that have been convicted of terrorism offences abroad or even in some cases simply suspected of committing a crime (Ibid, 2016). Although the EU has stopped short of asking member states to adopt laws that revoke citizenship, it has embraced the idea of requiring member states to enact laws that restrict travel and strengthen the EU border (European Union, 2017).

The EU response to RFFs builds on these developments but is also distinctive for several reasons. First, it has reinforced both a narrow understanding of RFFs and an evolution in the language through the adoption of the term FTF, the problems with which are discussed in greater detail below. Second, it strengthens the idea that border control is an appropriate response to this issue, offering a variety of measures specific to the EU, which includes a move to reframe pre-existing migration management databases as counter-terrorism instruments. Having considered these contextual factors, the following sections of the article aim to map the various ways in which the RFF issue has been discursively constructed. In doing so, I show how the EU discourse on RFFs has contributed to the ongoing securitization of migration and border control within the EU (see Bigo, 2002; Huysmans, 2000, 2006), and explain how the monitoring of travel has emerged as a priority issue for EU counter-terror policy makers. Throughout the article I offer further explanation for why it is necessary to extend the securitization framework through consideration of the spatial and normative dimensions of this process.

Spatiality, the radically threatening figure of the 'returning foreign fighter' or 'foreign terrorist fighter', terrorist travel and control of the EU border

A concern with the spatial dimensions of securitization is informed by the aim of moving beyond understanding spatiality as the space associated, narrowly, with the geographical territory of the nation-state (Agnew, 1999, Croft, 2012; Hansen, 2006; Snetkov, 2017). Instead, spatiality in this context highlights the way in which delineation of space is central to the process of securitization. This occurs in the EU's counter-terrorism discourse in two ways. First, through the construction of a radically threatening political subject – the RFF or FTF – against which the EU and its member states must be secured.⁴ Importantly, RFFs are identified as a major threat to the EU precisely because they can move across different spaces, between the inside and the outside, challenging the separation between the once distinct realms of internal and external security. Second, through the construction of the EU border as an important space where security threats can be identified and prevented from entering the EU, reinforcing the idea that the monitoring of travel and enhanced border control should form a key dimension of EU counter-terrorism policy.

Although the EU has yet to offer a clear definition of the term, the policy documents reveal a common understanding of the way in which the EU conceptualises the figure of the RFF. Importantly, the EU's understanding of this threat cannot be separated from its concern with the conflict in Syria, terrorist travel and the security of the EU border. In May 2010, a report produced by the EU CTC offered a basic definition that has shaped the EU response in the period since. The EU CTC suggested that the threat from RFFs consists of three types of people: EU citizens that have travelled to, or returned from, conflict who may represent a potential terrorist threat to the EU and its member states; EU citizens that have travelled to, or returned from, 'conflict zones' who may have been subject to a 'radicalisation' process; and EU citizens that have returned from 'conflict zones' who might give guidance or encourage others to commit acts of terrorism (Council of the EU, 2010a: 5). This understanding of RFFs has remained consistent and has gained ever more traction in the period since the start of the Syrian civil war in 2011.

Significantly, the EU's failure to develop a definition for this term has meant a limited understanding of RFFs has taken hold in the minds of EU policy-makers. RFFs are conceptualised narrowly as a highly specific 'terrorist' threat linked primarily to the so-called Islamic State (IS) group in Iraq and Syria. In developing its response to this issue, the EU has failed to take account of insights from the foundational academic literature on the concept of

FFs (Moore and Tumelty, 2008; 2009; Holman, 2015; Moore, 2015 and Nilsson, 2015) which may have been used to better inform policy. Indeed, the literature reveals a great deal of complexity in relation to the different types of situation that the concept of FFs can be applied. As Moore and Tumelty (2009) explain, it is more appropriate to classify FFs as a category of transnational activist, noting the term ‘foreign volunteer’ can provide a better basis for capturing the range of FF activity. For example, they point out that alongside a variety of combat roles, beyond foreign fighting, these individuals can also take up a range of non-combat roles that include ideologues, financiers, trainers and medical experts. The impact of the EU discourse on RFFs, by way of contrast, is limiting, offering a very narrow understanding of this issue that has served to artificially construct a link between terrorism, FFs and travel to and from ‘conflict zones’.

Having moved to focus its counter-terrorism efforts on the issue of RFFs, the EU’s ‘fight against terrorism’ has securitized this issue through the language of extreme or major threat. The documents analysed referred to the threat in various ways as ‘a serious problem for European internal security’, ‘a major threat to the European Union and its member states’ and ‘a major threat to European security’ (see Council of the EU, 2013: 1; 2014d: 1; and 2014e: 1). This language is important because, spatially, the construction of the RFF as a threatening political subject plays a key role in legitimising the policy response to this issue. Beyond this, further complicating the RFF issue has been the EU’s decision to adopt language used by the UN, which has introduced a completely new category of terrorist, namely that of the FTF. Since the adoption of UNSCR 2178 the EU has also sought to mirror this language and now uses the terms FF, RFF and FTF interchangeably. Again, though, the UN terminology regarding FFs bears no relation to the foundational academic literature, defining this form of violent transnational activism in a similarly misleading way through reference to terrorism and FTFs.

The *Riga Joint Statement* released after the terrorist attacks on the cartoonists of the satirical magazine Charlie Hebdo in January 2015, was one of the first EU documents to use this new term. It cited the emerging ‘phenomenon of foreign terrorist fighters all over the world’ as a clear signal that ‘counter-terrorism efforts have to be reinforced both at national and EU level’ (European Council, 2015). This term was also referenced on multiple occasions in the preamble to the EU’s main legislative instrument in the ‘fight against terrorism’, the renewed *EU Directive on Combating Terrorism*. The document identified the threat from FTFs as a

serious issue, noting that ‘returning foreign terrorist fighters pose a heightened security threat to all Member States’ (European Union, 2017: 5). Significantly, as with the term RFF, the EU has yet to offer a clear definition of the term FTF.

Whilst the relationship between FFs and international or domestic terrorism remains unclear (see for example, Holman 2015), the adoption of the term FTF by the EU further limits understanding of this issue by classifying all FFs as terrorists. This move fails to recognise that FFs can occupy multiple categorizations depending upon the context in which the label is being used. Interestingly, academic definitions of this concept are significant for not equating FFs with terrorism (Moore and Tumelty, 2008; Malet, 2013). For example, Youngman and Moore (2017: 21) define foreign volunteers in conflict as individuals that have ‘participate[d] in foreign conflict zones throughout history, for reasons of ideology, religion, or financial reward – or a combination of the three’. There is no mention of terrorism in their definition, nor is there any discussion of citizenship. Furthermore, the EU - as a supra-national security actor - is not in a position to revoke citizenship, and yet as noted, some member states have adopted this strategy as part of a broader approach to the disruption of travel, which is removed from foundational definitional work on foreign fighters. It is also problematic for two further reasons. It is illegal under international law to leave a citizen stateless and it runs counter to the EU’s stated aim of ‘combat[ing] terrorism globally while respecting human rights’ (Council of the European Union, 2005: 2).

As noted above, the term FTF is based on a mistaken assumption that when FFs commit an act of violence in a conflict zone this is automatically an act of terrorism. Yet, as the former UN Special Rapporteur on Human Rights Martin Scheinin (2015) explains, this is problematic in that it fails to consider the legal complexities of involvement in armed conflict. For example, the use of violence in armed conflict ‘can be, depending on the exact circumstances, a lawful act of war, a war crime, a crime against humanity, an ordinary crime, or - sometimes – terrorism’ (Ibid). Similarly, Nicole Sunday Grove (2018) has highlighted, for example, American volunteers who for the purpose of financial reward, adopted innovative methods of self-funding and have travelled to Syria to participate in the fight against IS. In the documents analysed, this type of activity was not mentioned as part of the EU’s policy response.

An explanation for why the term FTF is so problematic can be found in the way in which it emerged. The term was first put forward by the GCTF in 2014, then quickly picked up by the UN and the EU. Although it represents an evolution in the way in which we discuss FF, much of the conceptual work on FTFs consists mainly of reports by think-tanks, journalists and international policy-oriented organizations that take little account of the insights provided by the academic literature on FFs, treating the concept as unproblematic and a useful development in understanding this phenomenon. Youngman and Moore (2017: 7) have been particularly critical of this type of research suggesting that much of it is based upon ‘a neglect of primary sources, a reliance on ethically dubious methods, and a lack of understanding of context and doctrines of activism’, contributing to ‘a stale and flawed information loop’ that is preventing the development of effective policies. By adopting the language of FTFs, the EU narrows the conceptual parameters, obscures the complexity of FF activity and fails to recognise the nuances involved in responding to the issue effectively.

Beyond this, an analysis of the spatial dimensions of the securitization process reveals a second consequence of the way in which the RFF issue has been conceptualised. As well as securitizing RFFs through their construction as a potential terrorist threat, the EU has also linked the RFF issue to migration and travel. In effect, the securitizing language associated with the issue of RFFs plays a crucial role in securitizing practice by legitimising the merging of border control with counter-terrorism. Since 2011 and the start of the Syrian civil war an important evolution has occurred within the EU’s counter-terrorism policy discourse. Reaffirming earlier commitments to ‘impeding... travel’ for terrorism purposes (Council of the EU, 2005: 3), the EU has emphasised the importance of ‘monitoring’ and ‘detection of suspicious travel’ as a key aspect of the response to terrorism (Council of the EU, 2014a: 1). The EU argued that it is ‘essential to detect people returning to Europe after having fought in Syria, Iraq or any other conflict zone’, with the threat invoked as a way of justifying policies designed to enhance ‘checks at external borders’ (Council of the EU, 2014b: 2). This concern was most apparent in an EU discussion paper on *Preventing Lone Actor Terrorism*, which in the section on ‘foreign fighters and returnees’ put forward thirteen proposals to combat the threat; nine of which were directly linked to travel and border control (Council of the EU, 2012).

Although the ‘surveillance of populations on the move and the profiling of (un)trusted travellers’ was already underway (Bigo 2014: 209); the EU move to invoke the threat from

RFF is important because it adds further legitimacy to this process. In terms of the spatial dimension of the securitization of this issue, the suggestion that identifying ‘suspicious forms of travel’ form a central pillar of the EU response to the threat from RFFs/FTFs can be understood as contributing to the securitization of the EU border as a space where potential terrorist threats can be identified and dealt with. This move was reflected in the decision by the EU to further speed up the reform of its 2002 *Framework Decision on Combating Terrorism*, as a result of UNSCR 2178, to include new offences related to travel for the purpose of terrorism (European Union, 2002). The new *Directive on Combating Terrorism* was signed into law in February 2017, requiring member states to establish in their domestic legislation three new criminal offences related to ‘terrorist travel’.⁵

The political and social implications of this securitizing move are significant. The EU failed to take on board recommendations from its own advisory body, the European Economic and Social Committee (EESC), which suggested that the definitions contained in the proposal were too vague. Specifically, it found with respect to article 9 on ‘travelling abroad for terrorism’ the definition of ‘for terrorism’ was ‘extremely unclear’ (Voronova, 2016: 8). The use of this vague and imprecise language has also been criticised because it requires the criminalisation of ‘preparatory acts’, such as travelling abroad, which have no direct link to terrorism or may not result in an act of terrorism occurring (Amnesty, 2016). Moreover, this move has implications for all categories of migrant, in that ‘vaguely worded counter-terrorism laws’ can be used ‘to violate human rights’ and in particular ‘the rights of... refugees and migrants’ (Ibid: 1).

Implicit within this aspect of the spatial dimension of the securitization process, then, is the potential terrorist threat posed by the ‘irregular migrant’ or ‘untrusted traveller’ who enters the EU from the risky or dangerous places, or spaces, identified in the EU policy documents. As Didier Bigo (2008: 19) explains, migration control is constructed as a necessary response to this issue and extended to ‘control of persons living in zones labelled ‘at risk’... because they correspond to a type of identity or behaviour that is linked to predispositions felt to constitute a risk’. This has real world implications for those people who wish to migrate into the EU area from countries identified as risky or dangerous in that by association they also become a potential source of security threat (see Bigo, 2014; Dover, 2008; Vaughan-Williams, 2016). The move to adopt border control as the primary response to this issue

suggests the EU views the RFF not only as a potential terrorist threat but also as a dangerous category of migrant and untrusted traveller.

European security governance, preemptive security and border control policies: The normative dimensions of the securitization process

The second aspect of securitization that is of significance is the normative dimension of the process (see Ciuta, 2009: 322-325). In essence, security discourses always draw on a sense of responsibility for the actor involved in relation to how they *should* act in international politics (Hansen, 2006). In relation to EU foreign policy there is an extensive literature on the concept of 'normative power' Europe (see Manners, 2002), which claims that EU foreign policy is based on adherence to a set of norms or values in the formulation and implementation of its external security agenda. It is argued here that as the EU has become a more holistic security actor (see Zwolski, 2012), this normative imperative has begun to impact upon all aspects of EU security policy. This is seen most clearly in the EU's commitment to developing 'pre-emptive' forms of security governance (de Goede, 2011). The figure of the RFF assumes great importance in this regard because it is now one of the primary security threats invoked by the EU as a way of legitimising this process.

The EU's internal security document the *European Agenda on Security*, covering the period 2015 to 2020, neatly captures the values underpinning the EU's emerging approach to security. Invoking the threat from RFFs/FTFs, as well as organised crime and cybercrime, the EU has suggested that together 'they require an effective and coordinated response at European level' (European Commission, 2015b: 2). Significantly, in calling for increased European cooperation on these issues, including 'a strong EU response to terrorism and foreign terrorist fighters', the document explained that EU security and counter-terrorism policy 'must be able to react to unexpected events, seize new opportunities and anticipate and adapt to future trends and security risks' (Ibid: 12, 20). This normative imperative to act preemptively, in response to anticipated future terrorist incidents, has been described by Marieke de Goede (2011: 6) as reflective of an emerging 'European security culture', one based upon 'prevention, anticipation and early intervention in crisis and conflict'.

By highlighting the normative dimension of the securitization process, it is possible to reveal a commitment to preemptive security in the EU's policy response to the threat from RFFs.

Specifically, the EU has presented ‘common high standards of border management’ and the enhancement of security at Europe’s external borders as the central pillar of its approach to this issue (European Commission, 2015b: 5-6). The EU policy document *Stronger and Smarter Information Systems for Borders and Security*, released in April 2016, provides the clearest outline of the types of policies envisaged as part of the EU’s counter-terrorism effort. Drawing attention to the 50 million non-EU nationals who visited the EU in 2015, alongside the 200 million ‘regular’ border crossings that occurred during that year, the document invoked ‘the conflict in Syria and crises elsewhere’ as a cause of 1.8 million ‘irregular’ border crossings and linked this to the terrorist attacks in Paris in 2015 and in Brussels in 2016 through the suggestion that these events ‘bitterly demonstrated the ongoing threat to Europe’s internal security’ (European Commission, 2016: 2). Significantly, the document suggested there is an *expectation* on the EU, by its citizens, to work towards the development of ‘external border controls’, the ‘effective management of migration’ and the strengthening of EU ‘border management, migration and security cooperation’ as part of its counter-terrorism response (Ibid: 3).

Specifically, this normative imperative to act preemptively in response to these broader issues, combined with the threat from RFFs, has led the EU to reframe pre-existing databases such as the Schengen Information System (SIS II) as potential counter-terrorism instruments, providing for the ‘detection of suspicious travel movements’ and ‘suspicious travel related to foreign fighters in Syria’ (Council of the EU, 2014e: 8). Indeed, a policy paper on ‘foreign terrorist fighter returnees’ from November 2016 rearticulated a need to agree many of the measures outlined in the Commission’s *Borders and Security* policy document, including the addition of an Automated Fingerprint Identification System (AFIS) into the Schengen database to record the fingerprints of border crossers.⁶ In the context of using SIS II for counter terrorism purposes, the EU CTC noted that it would be necessary to enter ‘systematically FTF and (potential) returnees to the SIS II so that return to the Schengen area can be identified’, as well as develop an AFIS system given that ‘biometric information is increasingly important, in particular given potential use of false passports or infiltration in refugee flows’ by ‘foreign terrorist fighters’ (Council of the EU, 2016a: 5).

As part of this process, the EU has called for improvements to information exchange between member states, including enhancing the interoperability of pre-existing EU databases originally created for the purpose of migration management. In June 2016, the EU produced a

‘roadmap’ on *Enhancing Information Exchange* which claimed that ‘security and migratory challenges are complex and interconnected’ (Council of the EU, 2016b). The document made the case for increasing the interoperability of the SIS, the Visa Information System (VIS) and Eurodac databases to allow access to these systems for law enforcement and counter terrorism purposes. Throughout the document ‘terrorist travel’ and the threat from FTFs was invoked as a way of legitimising this move. This normative imperative to act preemptively, using migration and border control instruments, is reflective not only of the EU’s policy towards the threat from RFFs but the overarching direction of much of its counter-terrorism and security agenda. In essence, the EU is moving towards security policy based around preemptive data-profiling of security threats. As Matthias Leese (2014) explains, the use of large-scale analytics is new in the European security experience representing a move away from the use of expert knowledge in determining security threats, to a completely anticipatory system that uses data profiling of ‘risky’ populations to govern the unknown.

The most significant of the policies adopted by the EU in response to the threat from RFFs has been the headline goal of agreeing a European-wide PNR agreement. The EU PNR is a directive that requires air carriers operating in the EU to record passenger data for flights entering or departing from the EU, as well as providing member states an opportunity to collect PNR data concerning selected intra-EU flights. This data is then available for access by relevant member state law enforcement authorities to preemptively target those who may be involved in transnational crime and terrorism. Interestingly, the EU PNR directive has a long history having first been proposed by the European Commission in 2007. The development of the PNR was initially held back by the signing of the Lisbon treaty, with a second attempt by the Commission to push through the PNR again thwarted in 2013 by the EU’s own Civil Liberties Committee (Leese, 2014).

The EU PNR was signed on 27 April 2016 with the issue of RFFs playing an important role in EU member states reaching agreement on this measure. In many of the documents analysed, the EU repeatedly invoked the threat from RFFs to legitimise the passing into law of the PNR directive. For example, in May 2014 the EU CTC suggested the development of the EU PNR ‘should be considered a priority’ (Council of the EU, 2014d: 7). Similarly, in a parliamentary debate from March 2016, the MEP Alex Voss invoked the terrorist attacks in Paris in November 2015, claiming that ‘We owe this EU PNR Directive to the victims of the French terrorist attacks’ (EPP Group, 2016). The Commission’s *Borders and Security*

strategy, released just before the signing into law of the EU PNR, succinctly summarised the logic underpinning this policy, explaining that PNR data is ‘helpful and necessary to identify high risk travellers in the context of combatting terrorism, drugs trafficking... and other serious crimes’ and arguing that it was necessary for the directive to ‘be adopted and implemented as a matter of urgency’ (European Commission, 2016: 15).

The PNR system, which has been pushed through in part as a response to the securitization of the RFF issue and the perceived need to monitor ‘suspicious travel’, has implications for all migrants. The EU has identified the monitoring of migration flows as an essential aspect of its response to this issue, claiming ‘there is evidence that terrorists have used routes of irregular migration to enter the EU and then moved within the Schengen area undetected’ (European Commission, 2016: 3). Significantly, then, in its approach to security threats, the EU now views border management, counter-terrorism and migration control as ‘dynamically interconnected’ (Ibid.) Yet, as Sarah Leonard (2015) suggests, there is little evidence that border control measures are an effective response to the threat from terrorism, with the real thrust of EU border control about preventing irregular migration rather than combating terrorism. If we take the EU’s headline goal in response to RFFs, the development of the PNR directive, this criticism carries even more weight. As Evelien Brouwer (2009) explains, when it was originally proposed the PNR was put forward as a broader measure designed for combating terrorism and organised crime. However, the EU’s Fundamental Rights Agency (2008: 13) found that the original proposal contained ‘open ended’ and ‘imprecise’ formulations of key terms, such as ‘terrorist offence’, and required further evidence that ‘the collection and use of PNR data for law enforcement purposes is necessary and adds value to the fight against terrorism’.

In the period since, like many of the EU counter-terrorism measures before it, the EU has not taken steps to assess the necessity, legitimacy or effectiveness of PNR data as a counter-terrorism tool (see Hayes and Jones, 2013). Again, this has implications for individuals wishing to migrate into the EU area. The directive allows for the storage and processing of a large amount of data on millions of individuals travelling into and out of the EU, where everyone is placed under a form of monitoring, including EU citizens, regardless of whether they have committed a crime or not. Having reached agreement on the PNR directive, the fear remains that it will be used not for counter-terrorism purposes but rather as an instrument through which irregular migration is controlled or prevented. Indeed, Bigo et al. (Ibid: 18)

have suggested that the EU should evaluate the necessity of the PNR and unless it can be demonstrated that it serves the purpose of fighting terrorism and serious crime 'it should be abandoned'. The move to adopt the PNR, as well as the steps taken to reframe other migration management databases as counter-terrorism instruments, can be understood as a clear example of how securitization occurs in the EU. The EU has invoked the threat from RFFs to push through, or extend the remit of, controversial border measures that are contributing to the securitization of travel and migration in the EU.

Conclusion

The EU response to the RFF issue provides an important case through which to explore the link between the language of EU counter-terrorism and the ongoing securitization of migration and EU border control policy. Theoretically, the article sought to contribute to the 'rapidly evolving second generation scholarship on securitization' (Stritzel, 2012: 524)), by emphasising the importance of context when analysing the securitization process and highlighting the spatial and normative dimensions of the EU move to securitize the RFF issue. The purpose of this was three-fold. First, to extend our understanding of the securitization process by revealing dynamics that are unaccounted for in the traditional approach advanced by the Copenhagen School. Second, to provide a framework through which to map the construction of the RFF as a security threat and highlight the relationship between securitizing language and security practice. Third, by using discourse analysis as a method, the approach adopted here provides a framework for analysing the political and social consequences of the securitization of the RFF issue, demonstrating how research and analysis which bridges the divide between security theory and security policy can benefit from the integration of empirically-driven policy analysis.

Following from this, the article has problematised the way in which the EU conceptualises the figure of the RFF, arguing that it constructs RFFs narrowly as a highly specific 'terrorist' threat linked to the conflicts in Iraq and Syria. For the EU, RFFs are unique in that, spatially, they traverse and collapse the distinction between the internal and external dimensions of security. RFFs are understood to be citizens of EU member states who have travelled to dangerous places, or spaces, outside the Union, that may at some point return to the EU and launch a terrorist attack against a member state. It was argued that this understanding of RFFs

is problematic because it is both limiting and fails to take account of insights that might be gleaned from research on FFs, such as a recognition of the diversity of FF activity or the problems inherent in the use of citizenship as an analytical category (see Youngman and Moore, 2017). Moreover, it was argued that the EU has repeated mistakes made at the UN through the adoption of the term FTF, which exacerbates this problem, by artificially constructing all FFs as a potential terrorist threat, when in reality FFs can occupy multiple categorisations depending upon the context in which the term is being used.

By reading the EU documents through reference to the spatial and normative dimensions of the securitization process, this analysis has revealed two distinct effects of the way in which the EU has approached the RFF issue. First, spatially, the EU response plays a key role in the ongoing securitization of migration in the EU area through the advancement of border control measures as the most appropriate response to this problem. This response suggests that the EU views the RFF not only as a potential terrorist threat but also as a dangerous category of migrant and untrusted traveller; a threat which requires the EU border to be secured. Second, the discourse on RFFs creates a normative imperative upon the EU to act through the development of policies designed to prevent the potential terrorist attacks of the future, with the EU response characterised by the embrace of preemptive and anticipatory forms of security governance. This is reflected in the move to make EU databases originally designed for migration management interoperable for the purpose of counter-terrorism and in the creation of new measures like the PNR directive. The EU has used the window of opportunity that followed major terrorist incidents involving RFFs to further justify the ongoing development of preemptive forms of security practice and its role as an authoritative actor in the field of security.

There is, however, little to suggest that border control or surveillance of travel will result in an effective response to the RFF problem. The EU has yet to offer evidence to support the assertion that the adoption of the PNR directive will help in responding to the issue of RFFs. The move to strengthen the EU border for counter-terrorism purposes is even more perplexing given that terrorism is predominantly a local phenomenon. In Europe, notwithstanding a few incidents, many of those arrested for terrorist offences have never been abroad or crossed a border. This has two implications for research in this area. First, there is a need for engagement with policy-makers to understand why the EU has sought to bring migration, border-control and travel into its counter-terrorism response. Second, there is a

need for in-depth analysis of all terrorist attacks in the EU area to ascertain the extent to which border control measures may have helped to prevent those incidents from occurring. Finally, the move to securitize migration, travel and the EU border through the linking of these areas to counter-terrorism and the RFF issue has another important consequence. It further constructs all migrants, albeit implicitly, as a potential source of terrorist threat, whereby travellers and migrant populations are now a primary target of preemptive surveillance for counter-terrorism purposes. In the EU the securitization of the border continues apace, with the threat from RFFs playing a key role in that process.

Notes

¹ See for example the Europol Terrorism Situations and Trends Reports for 2016 and 2017.

² By performative I mean the way in which the use of the term security in specific situations reorders social relations as security relations (see Croft, 2012). As Croft explains, what is important is not only the enacting of policy but the way in which the process of enacting policy reshapes society.

³ It should be noted that these two categories are 'not explicit' within the discourse but rather provide a set of analytical lenses through which securitization can be identified (see Hansen, 2006: p. 40-41.)

⁴ As Hansen (2006:42) explains, spatiality need not only be thought of through reference to territorially based referent objects but can 'also be articulated as abstract political space, boundaries, and subjectivities'.

⁵ The new directive on combating terrorism completed the process of transcribing the proposals for criminalisation of travel made in the UNSCR2178 into EU law, which had been recommended by the EU CTC in October 2014 (Council of the European Union, 2014a: 2).

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