

Analysis of Terrorist Organizations According to the U.S. Department of State and the European Union.

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The United States and the European Union employ divergent strategies for classifying terrorist organizations, reflecting their priorities and legal frameworks. The U.S. system, led by the Department of State, is based on the Immigration and Nationality Act of 1996, prioritizing the protection of national interests and rapid responses to emerging threats. It includes groups like Al-Qaeda, ISIS, and the FARC, assessed based on their threat to national security, terrorist activity, and foreign nature.

The European Union operates under Common Position 2001/931/CFSP, requiring judicial evidence to include organizations on its list. This approach emphasizes cooperation among member states and transparency but may be slower when addressing urgent threats. Examples of listed groups include Hamas, Hezbollah, and the PKK, evaluated based on terrorist acts, impact on member states, and legal proceedings.

Both approaches have strengths and weaknesses. While the U.S. acts swiftly and flexibly, its lack of transparency may draw criticism (Hoffman, 2006). In contrast, the EU ensures greater legitimacy through legal processes, though with less agility (Guild & Bigo, 2019). These differences underscore the need for a balance between speed and legitimacy in global counterterrorism efforts. Ideally, combining these models could optimize the response to terrorism, addressing both immediate security needs and the protection of human rights and democratic principles (Helfer, 2020).

KEYWORDS: strategies, threats, national security

INTRODUCTION

The classification of terrorist organizations is a critical component of security strategies for both the United States and the European Union (EU) (Wilkinson, 2011). While both actors aim to neutralize global threats and ensure the safety of their citizens, their approaches reveal significant differences stemming from political priorities, legal structures, and strategic objectives (Crelinsten, 2009). These divergences not only reflect the distinct governance systems of each entity but also illustrate their strategies for addressing the challenges of transnational terrorism in an increasingly interconnected world (Lazarus, 2023).

In the United States, the Department of State leads the designation of Foreign Terrorist Organizations (FTOs), regulated under Section 219 of the Immigration and Nationality Act of 1996. This system facilitates swift and direct responses to emerging threats, including measures such as economic sanctions and travel restrictions. On the other hand, the European Union operates under Common Position 2001/931/CFSP, emphasizing judicial procedures and cooperation among member states to ensure greater transparency in its designations.

The distinction between these approaches is not merely technical. The United States prioritizes the protection of its global interests, while the EU adopts a more regional and consensus-driven model, emphasizing the rule of law and multilateral participation (Guild & Bigo, 2019). This introduction analyzes the criteria and methods used by both entities to classify terrorist organizations, exploring their strengths and limitations (Hoffman, 2006), as well as the impact of these differences on counterterrorism efforts. This analysis addresses the effectiveness of each system and their ability to adapt to the challenges posed by a constantly evolving global landscape (Crelinsten, 2009).

ARGUMENT:

The classification of terrorist organizations by the United States and the European Union reveals significant differences, reflecting each

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entity's distinct approaches and priorities in matters of security and foreign policy.

1. CLASSIFICATION BY THE UNITED STATES.

The U.S. Department of State, through its list of Foreign Terrorist Organizations (FTOs), includes groups identified as direct threats to U.S. interests. These designations are regulated by Section 219 of the Immigration and Nationality Act (INA) of 1996, facilitating legal actions, including economic sanctions and travel restrictions.

Key organizations include:

- Al Qaeda and its affiliates.
- Islamic State (ISIS) across various regions.
- Regional groups such as Boko Haram and Al Shabaab.
- Latin American organizations like FARC-EP and ELN.
- Hamas and Hezbollah, linked to the Middle East conflict. Designations are based on criteria such as:
 - **Foreign nature:** The organization must operate or have significant activities outside the United States.
 - **Terrorist activity:** It must engage in terrorism as defined by U.S. law, including deliberate attacks on civilians or critical infrastructure.
 - **National security threat:** It must pose a clear and demonstrable risk to U.S. national interests.

2. CLASSIFICATION BY THE EUROPEAN UNION.

The European Union maintains its own list under the framework of its Common Foreign and Security Policy, regulated by Council Common Position 2001/931/CFSP.

Key organizations include:

- ETA and the Real IRA, active in European regional contexts.
- Hamas and Hezbollah, but only their military wings.
- International groups like the Islamic State and Al Qaeda.
- Kurdish separatist organizations such as the PKK. Designations are based on criteria such as:
 - 1. **Terrorist acts as defined by Article 1 of Framework Decision 2002/475/JHA:** Deliberate attacks on individuals, institutions, or infrastructure aimed at intimidating the population or severely disrupting political and economic structures.
 - 1. **Judicial Evidence:** Inclusion requires a judicial or administrative procedure demonstrating the terrorist nature of the group.
 - 2. **Impact on Member States:** Acts must have had a significant effect on the security of at least one EU country or its citizens.

Reflection on Methods and Criteria Used

United States: The U.S. focuses on protecting national interests, prioritizing groups that directly affect its citizens, interests, or strategic allies. Its criteria are more flexible, enabling the sanctioning of groups with less publicly available evidence but high levels of potential threat. The U.S. relies on intelligence, risk assessments, and activity pattern analysis.

European Union: The EU requires judicial or administrative procedures, adding a formal and transparent component. This approach may be slower but ensures that decisions have a solid legal foundation. The EU prioritizes cooperation among its Member States and evidence derived from judicial investigations.

COMPARATIVE ANALYSIS STRENGTHS:

- **United States:** Its proactive approach allows rapid action against emerging threats. This is useful in urgent situations where attacks must be prevented.
- **European Union:** Its method based on judicial evidence is more transparent and aligned with the rule of law, reducing the risk of political abuses.

Weaknesses:

- **United States:** It may lack transparency since classification heavily depends on intelligence agencies, which can lead to questions about legitimacy.
- **European Union:** The requirement for judicial procedures can delay immediate action against emerging groups, limiting its ability to respond promptly to urgent threats.

Terrorism as an Adequate Attack Category (Example)

Theoretical Justification: Terrorism is generally defined as the premeditated use of violence against civilians for political, religious, or ideological purposes. Bruce Hoffman (2006) emphasizes that terrorism aims to influence broader audiences through acts that

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transcend immediate military objectives. Hamas, through its indiscriminate rocket attacks, incursions into kibbutzim, and mass kidnappings, operated with a logic of maximizing terror as a political tool, not under the norms governing armed conflicts.

Comparative Example: In 2001, the September 11 attacks in the United States were categorized as terrorism due to their clear intent to terrorize civilians and exert global political pressure.

Global Politics

Similarly, Hamas targeted civilians to gain visibility and support among its base, justifying its actions as “legitimate resistance.”

Defense of Israel’s Response as an Act of War

Theoretical Justification: From the perspective of state governance, Israel has the right to self- defense as enshrined in Article 51 of the United Nations Charter. This right permit military action against hostile actors as long as such actions are necessary and proportionate. In this case, Israel considered Hamas incursions an existential threat, justifying its large-scale military operation in Gaza.

Critique and Limitations: However, liberal democracies are held to higher ethical and normative standards. The indiscriminate use of force affecting Gaza's civilian population has drawn significant international criticism. Principles of international humanitarian law, such as proportionality and the distinction between military and civilian targets, appear to have been compromised during Israel’s campaign, potentially constituting an abuse of its right to self- defense (Lazarus, 2023).

CONCLUSION

The United States prioritizes the protection of its global interests by including a larger number of international organizations in its Foreign Terrorist Organizations (FTO) list (U.S. Department of State, 2024). This strategy reflects its aim to maintain global leadership in counterterrorism, addressing both direct and potential threats to its allies and citizens worldwide (Hoffman, 2006). In contrast, the European Union, under the framework of Common Position 931/2001/JAI, adopts a more regional approach, focusing on specific threats that directly impact its Member States. This model emphasizes political consensus and multilateral cooperation, ensuring greater transparency in its decisions (Guild & Bigo, 2019).

Both systems rely on intelligence and risk analysis as fundamental pillars of their strategies but diverge in their operational mechanisms. While the United States acts with greater autonomy, enabled by a centralized structure that allows for swift and unilateral sanctions, the European Union adheres to a shared governance model, ensuring its actions align with democratic principles and the rule of law (Bures, 2018).

The differences between these approaches are not only technical but also political and strategic. The United States leverages its capacity for immediate response to prevent attacks, reinforcing its position as a global power (Helfer, 2020). Meanwhile, the EU prioritizes the legitimacy of its decisions, relying on robust judicial procedures that strengthen trust among its Member States and citizens (Lazarus, 2023).

Together, these systems are complementary in the global fight against terrorism. An ideal integration would combine the speed and autonomy of the United States with the transparent and multilateral approach of the EU, balancing operational effectiveness with respect for human rights and democratic values (Wilkinson, 2011). Combating terrorism in a dynamic international landscape requires flexible strategies that address immediate threats without compromising ethical and legal standards (Schmid, 2011).

RECOMMENDATIONS

For the United States (from the perspective of intelligence analysis and national security):

1. **Increased Transparency in the Classification Process:** Introduce mechanisms for greater judicial and legislative oversight of terrorist organization designations. This would not only strengthen the system's legitimacy but also reduce international criticism (Helfer, 2020).
2. **Coordination with International Partners:** Enhance cooperation with allies, including the EU, to ensure a more unified approach to combating transnational terrorism (Bures, 2018).
3. **Proportional Use of Sanctions:** Ensure that sanctions are proportionate to the identified threat level, avoiding undue impact on civilian populations or legitimate political actors (Crelinsten, 2009).

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For the European Union:

1. **Greater Procedural Flexibility:** Establish a parallel system of provisional designations based on reliable intelligence, enabling faster responses to imminent threats while complementing existing judicial processes (Guild & Bigo, 2019).
2. **Strengthening Intelligence Capabilities:** Allocate more resources to Europol and other agencies to ensure more effective monitoring of emerging threats and improved coordination among Member States (Wilkinson, 2011).
3. **Adoption of a Global Approach:** Take a more active role in regions outside Europe, particularly in areas with high terrorist activity, to address the root causes of conflicts and prevent their spread (Lazarus, 2023).

Overall, both actors could benefit from greater information sharing and the exchange of best practices, leveraging their respective strengths. In the long term, closer alignment between the U.S. and European systems could enhance the effectiveness of the global fight against terrorism while upholding democratic principles and human rights.

REFERENCES

- 1) Bruce, G. (2013). Definition of terrorism: Social and political perspectives. *International Journal of Law, Crime and Justice*, 41(1), 15–22.
- 2) Bures, O. (2018). *EU counterterrorism policy: A paper tiger?* Ashgate.
- 3) Chalk, P. (1996). The liberal democratic response to terrorism. *Terrorism and Political Violence*, 8(4), 14–32.
- 4) Clarke, R. A., & Newman, R. K. (2006). *Waging modern war: Bosnia, Kosovo, and the future of combat*. PublicAffairs.
- 5) Crelinsten, R. D. (2009). *Counterterrorism*. Polity Press.
- 6) Departamento de Estado de los Estados Unidos. (1996). *Immigration and Nationality Act*.
- 7) Departamento de Estado de los Estados Unidos. Foreign Terrorist Organizations (FTO). Recuperado de <https://www.state.gov> (consultado en 2024).
- 8) Guild, E., & Bigo, D. (2019). *Policing terrorism in Europe: Rethinking laws and practices*. Routledge.
- 9) Gunning, J. (2009). *Hamas in politics: Democracy, religion, violence*. Columbia University Press.
- 10) Helfer, L. R. (2020). *The rule of law and counter-terrorism strategies: Balancing security and rights*. Cambridge University Press.
- 11) Hoffman, B. (2006). *Inside terrorism*. Columbia University Press.
- 12) Lazarus, L. (2023). *Terrorism and the rule of law: Challenges for liberal democracies*. Oxford University Press.
- 13) Mickolus, E. F. (2014). *Terrorism, 2008–2012: A worldwide chronology*. McFarland.
- 14) Neumann, P. R. (2009). *Old and new terrorism: Late modernity, globalization and the transformation of political violence*. Polity Press.
- 15) Real Instituto Elcano. (2023). Análisis de las políticas antiterroristas en EE.UU. y la UE. Schmid, A. P. (2011). *The Routledge handbook of terrorism research*. Routledge.
- 16) Unión Europea. (2001). *Posición Común 931/2001/JAI*.
- 17) Unión Europea. Lista de organizaciones terroristas. *Reglamento (UE) 2580/2001*. Recuperado de <https://www.europa.eu> (consultado en 2024).
- 18) UNODC. (2023). *Terrorism prevention and international cooperation*.
- 19) Weinberg, L., Pedahzur, A., & Hirsch-Hoefler, S. (2004). *Political parties and terrorist groups*. Routledge.
- 20) Wilkinson, P. (2011). *Terrorism versus democracy: The liberal state response*. Routledge