DOES EUROPE NEED “HOMELAND SECURITY”?

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CONTENTS

Programme p. 4
Introduction p. 5
Keynote Speech Cecilia Malmström p. 6
Session I: Prospects for cooperation in building a European Homeland Security policy p. 8
  Functionality and the current framework p. 8
  A culture of cooperation p. 10
  Building political consensus p. 11
  What is Critical Infrastructure? p. 12
  What is the danger? p. 14
  Security research, technology and the cost of CIP p. 15
List of participants p. 18
About the SDA p. 25
SDA upcoming event p. 26
Programme

Does Europe need “Homeland Security”?
Monthly Roundtable – Wednesday 12 May 2010
Bibliothèque Solvay, 12:30-16:30

Session I - 12:30-14:00—Prospects for cooperation in building a European Homeland Security policy

Terrorist attacks in Europe since 9/11 have prompted greater efforts in European homeland security. What concrete achievements can EU governments and institutions point to? Is there now a greater coherence of national security policies in the EU, and what political will exists to go further towards creating a genuine EU strategy? How has the Lisbon treaty and the Commission portfolio reshuffle affected such a fundamentally inter-pillar issue, and should Europe consider creating a European Homeland Security Agency? What lessons can the EU draw from the US Department of Homeland Security experience?

Keynote Speech
Cecilia Malmström, European Commissioner for Home Affairs

Speakers
Rafael Fernandez-Pita y Gonzalez, Deputy Director, DG Justice and Home Affairs, Council of the EU
Adam Isles, Director for Strategy and Policy Consulting, Raytheon
Rob Wainwright, Director, Europol

Members’ Lunch – 14:00 – 15:00

Session II – 15:00-16:30—Security & resilience: the case of Critical Infrastructure Protection (CIP)

Protecting critical infrastructures is the cornerstone of homeland security. To what extent have EU member states now agreed on a common definition of critical infrastructures with the design of new tools such as the European Programme for Critical Infrastructure Protection (EPCIP) and the Critical Infrastructure Warning Information Network (CIWIN)? Can Europe build a common framework that guarantees a better matching of needs and solutions in critical infrastructure protection? What role for NATO in CIP? Are public-private partnerships a viable option, and is it only larger companies that own critical infrastructures? In sectors as diverse as telecommunications, water, energy, transport and power, what terrorist attacks scenarios are being studied?

Speakers
Dick Heimans, Head of Sector Counter-Terrorism, DG Justice, Freedom and Security, European Commission
Anthony McGee, Head of Resilience, Royal United Services Institute, United Kingdom
Fernando Sanchez Gomez, Director, National Centre for the Protection of Critical Infrastructures, Ministry of the Interior, Spain

Moderator
Giles Merritt, Director, Security & Defence Agenda
Does Europe need “Homeland Security”? 

INTRODUCTION

On 12 May, 2010, The Security and Defence Agenda (SDA) hosted a roundtable entitled ‘Does Europe Need “Homeland Security”?’ This roundtable brought together high-level experts in the field of justice, home affairs and security to consider the difficulties involved in integrating European Union (EU) member states’ internal security policies into a greater European context.

“So far,” began moderator Giles Merritt, Director of the Security and Defence Agenda, “‘Homeland Security’ has been an American term, rather than a European one. The question facing Europe now is whether or not we need to develop something along the same lines as the United States.”

With the adoption in February 2010 of a new internal security strategy, the EU has begun taking steps towards unifying European security, explained keynote speaker Cecilia Malmström, European Commissioner for Home Affairs.

“If our current establishments can work together,” Wainwright continued, “we will not need a central agency. Otherwise, our political leaders will have to think of something new.”

Internal security concerns have become unevenly weighted towards terrorist attacks while more practical concerns about critical infrastructure protection (CIP) have been downplayed, said Anthony McGee, Head of Resilience, Royal United Services Institute, United Kingdom, during the second session.

“Terror is sexy,” McGee admitted, “speculating about what terrorists might blow up is easy but often relatively useless. The real challenge is much more mundane. It is about gathering the many, many infrastructure stakeholders together and creating frameworks and shared understandings which will help mitigate threats of all kinds.”

“Since 2006,” added Dick Heimans, Head of Sector Counter-Terrorism, DG Justice, Freedom and Security, European Commission, “there has been a clear convergence of efforts by the member states towards improving cooperation and streamlining policies in the field of CIP.”
“Research into protecting our critical infrastructures is very important but the solutions found should consider the cost of implementation,” explained Fernando Sanchez, Director, National centre for the Protection of Critical Infrastructures, Ministry of the Interior, Spain. “If we are to implement powerful technological solutions to protect critical infrastructures, they must be cost efficient and balanced.”

**KEYNOTE SPEECH - CECILIA MALMSTRÖM**

“Above all, we are increasingly placing the emphasis on prevention. We need to do much more to address the situations of individuals on the margins of our society and to reduce their susceptibility to radicalisation.”

The new EU internal security strategy, which was agreed upon by the council of home ministers in February 2010, is a crucial first step in protecting the EU and its citizens, began the Commissioner. “This strategy outlines the challenges we face and the guidelines for our response,” she asserted. “It also outlines the principles and values that should guide this work: solidarity, respect for fundamental rights, protection of personal data and the right to privacy.”

Though this strategy is a promising first step, the EU needs to further develop its internal security policies, Malmström explained, suggesting that there are two areas in which EU coordination must move forward.

Firstly, EU member states and security stakeholders must reach a common understanding of the threats facing them. “This might only be a question of rhetoric,” she admitted, “but we in the EU need to agree on a shared, systematic approach to threat assessment. This is important if we want to communicate to the citizens what we are doing and why we are doing it.”

Secondly, Malmström explained, “the EU needs an internal security strategy to maximise the impact of its actions. A common strategy will enable us to identify the best ways of dealing with problems while making full use of all the tools at our disposal on the local, regional, national and European levels.”

There is an incongruity between the different levels of European civil and political society when it comes to internal security, she admitted. A more coherent approach from Brussels to the issue will allow the multitude of law enforcement and security agencies to act jointly and in solidarity when one member state suffers a threat to its security.

Indeed, Malmström continued, one of her first tasks was to determine which threats exist. She explained that there are three main areas to which the EU can add strategic and operational value: serious and organised crime; terrorism; and crises or disasters caused by natural or unintended events.

Much of the crime taking place in Europe has its roots in trans-national criminal organisations. These crimes ruin the lives of thousands of EU citizens while also robbing taxpayers and public coffers.

“VAT fraud and the sale of illicit drugs each amount to an estimated 100 billion euros every year. There are already many actions to curtail organised crime within the EU but this is not enough,” she opined. The real challenge is for law enforcement agencies, including customs agencies, to stop crime from entering EU territory.

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Does Europe need “Homeland Security”?  

With over 1600 designated entry points into the EU, integrated border management is the key to reducing and preventing the entry of people and goods which threaten EU security, she told the assembly. “The creation of the border-free area of the EU now extends to 25 countries and is one of our greatest accomplishments,” she proclaimed. “We must work to defend this accomplishment.”

Moving on, Malmström told the roundtable that, according to Europol, there were 294 terrorist attacks in the EU during 2009. This number is a reduction from the previous year but shows that terrorism in all forms still threatens the internal security of the EU.

The EU has criminalised training, recruitment and public provocation to commit terrorist offences, she said. It has taken measures to limit the availability of explosives and dangerous materials as well as to protect critical infrastructures.

“Though important steps have been taken, a lot remains to be done,” she admitted. “Above all, we are increasingly placing the emphasis on prevention. We need to do much more to address the situations of individuals on the margins of our society and to reduce their susceptibility to radicalisation.”

In much the same way, she continued, natural and man-made disasters need to be addressed with a preventative framework. “Very seldom do we see these crises coming,” she explained. “For that reason we must build up our resilience to prevent crises but also to respond to disasters at the time they occur as well as in the long term.”

To this end, the implementation of the solidarity clause in the Lisbon Treaty will emphasise the need both for preparedness and for rapid response in the form of resources and assistance. “We find ourselves today with very incident-driven policies,” she admitted. “We are constantly forced to make quick decisions in order to respond to events and calm the citizenry; decisions which are not always properly thought through.”

In short, she concluded, “We will need to see efforts at both the EU and national levels to address our shared security concerns.” Internal security is a shared responsibility that requires cohesion in policies on police cooperation, criminal justice and border management. It requires better tools, better training, a more efficient exchange of information and better deployment of financial resources, she said.

EU cooperation in this area is still comparatively young, she emphasised. “Most of the work is being done, and should be done, on the national level. The EU institutions now need to discuss how and in which areas they can add value to the individual member states’ policies.”

“The EU’s internal security strategy should not be a stand-alone document,” she insisted. “To remain relevant, it must evolve under constant evaluation.”

Concluding her address, Malmström urged the roundtable to remember that the spirit of the EU was born out of respect for fundamental rights. “Fundamental rights are the compass for the European Commission and the EU as a whole,” she said. “Particularly when it comes to the issues I am dealing with, it is extremely important to not lose sight of this. More than anything, the internal security strategy should help us to personalise the discussion; we need to do more to catch the criminals and to bring them to justice but we also need to do more to protect the rights of our law-abiding citizens.”
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Does Europe need “Homeland Security”?  

Organised crime is less visible than terrorism and less politically relevant because it is not politically motivated, elaborated Fernandez-Pita. The public focus on terrorist attacks has also diminished the importance that authorities place on other types of crime that are closer to the citizenry. These crimes are derivative of serious and organised crime and create a sense of insecurity in the population that is not properly addressed.

There is a recognition in Europe that the threat is becoming harder to police and requires a more integrated response, added Wainwright.

“The threats we face from terrorism and organised crime are as complex and as difficult as they ever have been in Europe,” he opined, “and the key question is whether or not we have the framework to respond to these threats.”

FUNCTIONALITY AND THE CURRENT FRAMEWORK

As it stands now, the Council is too rigidly structured, based on the national structures which underpin it. What we need is an EU structure to follow.

Adam Isles, Director for Strategy and Policy Consulting, Raytheon, informed by his experiences in the US Department of Homeland Security (DHS), explained that the role of homeland security in the US is to prevent terrorism and organised crime and protect against organisations that operate on a national or supranational level and are thus difficult to combat on the state (or member state) level.

“There are three main factors which should be considered to ensure the practical functionality of internal secu-
SECURITY & DEFENCE AGENDA

Does Europe need “Homeland Security”? 

Some might describe the EU intelligence and security community as fractured, Wainwright said, and though the threat and the scale of it now requires a much more integrated response, the EU may not be moving quickly enough in the right direction.

“We need to ask if there are any tools missing from the current paradigm and try to add them,” agreed Commissioner Malmström. “Creating new agencies will not necessarily solve the problem and is likely to cause more problems due to the bureaucracy and institutions involved.”

Pierre Reuland, Special Representative to the EU, International Criminal Police Organisation (INTERPOL), supported Malmström. What is needed is better coordination – through the Standing Committee on Internal Security (COSI) – of the already existing agencies, from Europol to the Monitoring and Information Centre (MIC), he said.

“The framework has been created for cooperation on all levels,” agreed Fernandez-Pita, “but we see that functional cooperation does not occur between law enforcement agencies across Europe.”

“What we have at Europol is a common EU infrastructure to coordinate the collection of all information with regards to terrorism and organised crime,” he continued. “This is not yet an EU Intelligence Agency but it is a far reaching intelligence hub that is not fully exploited.”

In the past few months, the roundtable heard, steps have been taken under the Lisbon Treaty to improve the EU’s internal security. “The European Council has agreed on a general internal security strategy and recognised the need for better information exchange and operational cooperation,” assured Fernandez-Pita. “We now have greater coherence in our approach, but it is not yet sufficient.”

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“The Lisbon Treaty gives us a unique opportunity to establish for the first time one single internal security strategy and the political structures necessary to develop this strategy,” argued Wainwright. “This is an once-in-a-lifetime opportunity to address this question.”

“We need to ask if there are any tools missing from the current paradigm and try to add them,” agreed Commissioner Malmström. “Creating new agencies will not necessarily solve the problem and is likely to cause more problems due to the bureaucracy and institutions involved.”

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This sort of coordination has been essential in the DHS, agreed Isles. “Looking back, we were at our best when we had good common situational awareness and at our worst when we did not. Common situational awareness is more than just an operation centre; it is about not being overwhelmed by the sheer volume of information and understanding needs beforehand, so as to know what the key triggers are, what the full range of responses is and who to depend on.”
A single, well-calibrated structure will lead to a more harmonious approach to security issues in the EU, the roundtable agreed, while also building stronger interdependencies and trust between the EU and national governments.

“In a federal system,” Isles said, “most of the assets in place fall outside of the control of the federal government. So you are relying on states, you are relying on localities and on the private sector for the critical components of your response.”

A common understanding among member states, law enforcement agencies, the EU institutions and the citizenry is essential to developing a coherent and cohesive internal security strategy, the roundtable agreed.

“We need to work to change the culture of cooperation between security organisations so that police and security agencies learn to trust each other and work together,” emphasised Malmström. “Our security organisations should instinctively know to check with Europol and the MIC in order to advance their work.”

In addition to institutional cohesion and increased trust between law enforcement agencies, Isles added, the public must be included in the debate. “It is important for relations with the public to have evaluative measures in place so as to measure the success of key policy decisions,” he said.

While working with the DHS, Isles told the roundtable, much time was spent in discussion with the elected representatives of the Houses of Congress, considering and evaluating the effects of homeland security measures on the privacy and civil liberties of US citizens. He provided the recent example of the inclusion of whole body imag-
Does Europe need “Homeland Security”?  

Addressing the assembled participants, Fernandez-Pita wondered if the political will to move forward with an internal security plan exists in the EU. “The political will certainly exists to different extents in different member states,” he answered, “but this political will is more important for creating policies on the national levels rather than on the inter-member state level.”

“The cornerstone of any EU centre would be the extent to which it can provide a secure platform for existing national agencies to integrate,” added Wainwright. “Stakeholders in European security need to work with parliamentarians and the public in order to convince them that security and justice are two aspects of the same issue.”

“Any police agency’s success must be based on the degree to which it can engender public trust,” Wainwright insisted. Without the fully informed support of the citizens, he continued, there exists the risk of trampling the very rights that homeland security is supposed to protect.

Simply put, the roundtable heard, an informed public should be a prerequisite to developing new internal security strategies. “Public trust is very important at a time when the European Parliament has acquired new competences and new levels of responsibility in the area of internal security,” offered Wainwright. “Stakeholders in European security need to work with parliamentarians and the public in order to convince them that security and justice are two aspects of the same issue.”

“We must be conscious not to strip away fundamental rights while being too security-minded,” explained Fernandez-Pita. A well informed public will help to ensure that the balance between security and fundamental rights is maintained while elected representatives who have the trust of their constituents are likely to be better placed to find the political will needed to recalibrate notions of EU internal security.
“Where we have real clarity of purpose and role, we are more likely to succeed,” he added. “It is for the national governments to realise that solely national solutions are not big enough anymore and that the criminals and terrorists have long since moved past national borders.”

“For us,” concluded Fernandez-Pita, “I do not believe we will, in the short- or medium-term, have homeland security. It will not be created in a big bang; this is not how things are done in the EU. We will go towards it step-by-step, a process that maybe in the future will lead us there. However, taking into account the competences of the member states at the present stage of development, I do not see it in the very near future.”

**SESSION II**

**SECURITY & RESILIENCE: THE CASE OF CRITICAL INFRASTRUCTURE PROTECTION**

“Where we have real clarity of purpose and role, we are more likely to succeed,” he added. “It is for the national governments to realise that solely national solutions are not big enough anymore and that the criminals and terrorists have long since moved past national borders.”

Infrastructure is incredibly important and becoming more and more important all the time,” agreed Anthony McGee. “Protecting it is very challenging; actually reaching to the core of globalisation and the modern challenges we face. Everything is interconnected, with some bits of infrastructure operating with almost no reference to national borders at all, yet we continue to try to provide for these infrastructures from a national viewpoint.”

“CI have never been so crucial to the functioning of essential public services and major production systems as they are now,” added Fernando Sanchez. Faced with this, CIP is an essential element of the concept of EU homeland security. However, he continued, this fact should not necessarily mean that the internal security of the EU trumps the national sovereignty of its member states.

The delicate and intertwined nature of CI in Europe is the basis for CIP, said Heimans, explaining that it was not until the 2004 attack on the Madrid Metro that the European Council decided that there should be a European program to develop ways to protect CI.

**WHAT IS CRITICAL INFRASTRUCTURE?**

“Where we have real clarity of purpose and role, we are more likely to succeed,” he added. “It is for the national governments to realise that solely national solutions are not big enough anymore and that the criminals and terrorists have long since moved past national borders.”

In December 2008, Heimans explained, there was a Commission directive adopted that set out a process for the identification and designation of European CI. “The
basic definition of European CI is any infrastructure whose destruction or disruption would have a significant effect on 2 or more member states,” he told the assembly.

In the directive, this basic definition is supplemented by other cross-cutting and sector-specific criteria to determine if the infrastructure is indeed critical for Europe: number of casualties, economic considerations, and public effects on morale, amongst others.

Speaking for the Spanish National Centre for the Protection of Critical Infrastructures, Sanchez offered a slightly more pragmatic definition to complement his fellow speaker’s. “The primary concept is not the infrastructure itself but the role it plays and the services it provides,” he explained. “Infrastructures can therefore be considered to be critical if they provide these essential services.”

CIP, continued Sanchez, is a very difficult matter. It is very diverse, covering many different sectors. Even these sectors are ill-defined; for example, the EU claims 11 sectors as critical, while Spain counts 12. “There is no human activity in our world that is not linked to, or dependent on, strategic sectors in one way or another,” he admonished, “and one of the main mistakes we are all making is that everything is being referred to as critical infrastructure.”

The lack of a clear definition should not be considered a negative thing, insisted Heimans. The designation process as set out in the abovementioned Commission directive obliges member states to discuss and cooperate with one another before their shared infrastructure is named critical.

“If one member state thinks that their infrastructure affects others,” he explained, “there must be a dialogue between these member states, resulting in the designation of European CI. Immediately, we have created a dynamic where we have to start trusting each other when it comes to discussing very sensitive issues related to national CI.”

Once an infrastructure is designated CI, there are two immediate consequences. Firstly, the operator of the CI needs to provide an operator security plan and secondly, a security liaison officer is assigned to the infrastructure in order to deal with authorities and maintain quick and open lines of communication.

Currently, Heimans added, the directive only considers energy and transport infrastructures in its designation process but, following a review slated for 2012, it is expected that other sectors will be added, including ICT, and banking.

Another important tool for the development of European CIP is the recently launched Critical Infrastructure Warning Information Network (CIWIN), continued Heimans, which is now in its pilot phase. It allows the member states to cooperate and exchange information about the designation process, about national policies, about the research they are doing, about the interdependencies they are looking at, and many other topics of interest.

“Since 2006,” he concluded, “there has been a clear convergence of efforts by member states towards having established policies, improving cooperation and streamlining efforts.”
McGee offered two examples in the UK of more pressing issues to CIP. In the last ten years, he said, the UK has suffered frequent bouts of flooding. In these cases, it was not the initial weather event which caused the most damage but the damage to infrastructure and the subsequent difficulties involved in resuming services and transporting goods.

It is projected that as climate change continues to occur, the probability of increased severe weather events poses a greater threat to CI than terrorist attacks, he opined.

A second great risk to CI in the UK is the privatisation of UK infrastructures which has occurred during the last decades. In a privatised system, regulatory bodies become single-mindedly focused on lowering the cost of goods and services to the consumer. Furthermore, regulators rarely look outside their own sector and take no account of resilience. As the UK has increased CIP, there has been a systematic hollowing out of resilience capabilities. Both of these scenarios pose a larger threat to the continued protection of CI in the UK, McGee asserted.

Most of the CI in Europe is owned and operated by private means, admitted Sanchez. This fact reinforces the need for a comprehensive approach to CIP. A possible solution to the problem of privatisation, he continued, would be to bring the operation of systems that provide essential services under the umbrella of Public-Private Partnerships (PPP). This could serve to increase the security and safe operation of CI but would certainly bring the debate over the cost of securing these infrastructures into the public sphere.
SECURITY RESEARCH, TECHNOLOGY AND THE COST OF CIP

Research into protecting our critical infrastructures is very important but the solutions found should consider the cost of implementation. If we are to implement powerful technological solutions to protect critical infrastructures, they must be cost efficient and balanced.

One of the most divisive aspects of CIP policy is its cost, Heimans told the roundtable. It can be difficult to justify pouring millions, even billions, of euros into the various aspects of security research and technology, including production and implementation, as there is no sure way to determine the effectiveness of these costly measures.

“Looking at the larger context of CIP, the outlook is bleak,” admitted McGee. “Infrastructure is becoming almost impossibly interdependent and complex. Infrastructure investment was described as a global crisis at the World Economic Forum in Davos where it was estimated that there is 32 trillion US dollars (37 billion euros) of investment needed to keep global infrastructure operating properly until 2020. In the current global economic climate, no one has any idea where that money will come from.”

In order to respect this funding deficit, it is imperative to find security solutions that are cost efficient and balanced, Sanchez responded. “If we are to implement a powerful technological solution to protect an entire pipeline, for example, the cost is likely to be unrealistically high. We must consider the cost of implementation and scale our solutions accordingly.”

While on the one hand, security technology seems to require a nearly bottomless purse, it may hold the key to cost effective, sustainable and secure infrastructures if developed properly, insisted McGee. “Technology is the ace up our sleeve,” he commented. “The UK Government Office for Science has produced a report on the rise of intelligent infrastructure systems which depend on relatively cheap and effective nanotechnology to maintain their functionality.” This sort of intelligent approach to intelligent design may represent a new direction for CIP in the EU.

Security research and technology could benefit from the cost-saving opportunities which an integrated EU approach to CIP could provide, Heimans offered. There is a lot of money being spent on security research currently in the EU – 1.4 billion euros for the 2007-2013 budgetary period.

The European Commission has initiated a project which is run by its joint research centre in Ispra, Italy with the goal of organising a network of labs to test security technology and develop a standardised rating system throughout the EU. “New security technology often has to pass several national standards tests,” Heimans explained.

“What we are trying to do is set up a system to foster trust between testing authorities in the member states, so that testing only has to happen once,” he continued. “Another benefit of this network of labs will be an overall increase in the quality of EU security technology.”

Much work remains to be done on developing an integrated EU approach to CIP, though the agencies and mechanisms which can accomplish this already exist, the roundtable agreed.
“It is not time to create a new coordinating agency,” emphasised Sanchez, “EU homeland security, including CIP, should be addressed by pre-existing agencies and coordinated among them. All European countries are doing their homework when it comes to CIP and, though the Commission's process is at this point still basic, it is a strong beginning. The road ahead is long but we have taken promising first steps.”
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The Security & Defence Agenda (SDA) is the only specialist Brussels-based think-tank where EU institutions, NATO, national governments, industry, specialised and international media, think tanks, academia and NGOs gather to discuss the future of European and transatlantic security and defence policies in Europe and worldwide.

Building on the combined expertise and authority of those involved in our meetings, the SDA gives greater prominence to the complex questions of how EU and NATO policies can complement one another, and how transatlantic challenges such as terrorism and Weapons of Mass Destruction can be met.

By offering a high-level and neutral platform for debate, the SDA sets out to clarify policy positions, stimulate discussion and ensure a wider understanding of defence and security issues by the press and public opinion.

SDA Activities:

- Monthly Roundtables and Evening debates
- Press Dinners and Lunches
- International Conferences
- Discussion Papers and special events
The Security & Defence Agenda and will host an international conference entitled NATO’s European Dimension, in Brussels on the 21st of June, 2010. The event will bring together key European and NATO policymakers in an effort to debate the options for the alliance’s future. The conference will also include a discussion on the 10 recommendations from the SDA’s global Security Jam session an online debate held in February 2010, which featured the input of 4,000 experts from 124 countries.

NATO is intent on reinventing itself, but with a global trend of defence cuts and European withdrawals from operations in Afghanistan, the future of the organisation will depend on its ability to adapt to a new strategic environment. In this context, Anders Fogh Rasmussen, Secretary General of NATO, will present his ideas in a keynote address entitled, “Security in an Era of Budgetary Scarcity”.

Confirmed speakers include:

- **Robert Bell**, Secretary of Defense Representative to Europe and Defense Advisor, US Mission to the EU
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- **Robert Cooper**, Director-General for External and Politico-Military Affairs, Council of the European Union,
- **Luis Manuel Cuesta Civis**, Secretary General of the Spanish Ministry of Defence,
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The Security & Defence Agenda (SDA) would like to thank its members and partners for their support.

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