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People, Economies and Infrastructure

Summary Report of the

EastWest Institute's

Fourth Worldwide Security Conference

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William Boyd**

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*This report is dedicated to
the victims of terrorism*



EASTWEST INSTITUTE

IN COOPERATION WITH



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Auswärtiges Amt



ABOUT THE RAPORTEURS

Saleem Vaillancourt is a freelance journalist, with by-lines in the *Guardian*, currently working as a project associate for EWI in New York. Educated in literature at the University of London and politics at the London School of Economics, his journalistic and policy interests are security, religious extremism, religion and politics in the Middle East, the political economy of development, and complex humanitarian emergencies. Of Persian, British and Canadian background, Saleem is happiest treating the world as one country and mankind its citizens.

William James Boyd holds a MA in International Relations from the University of St. Andrews and was a Consultant to the EastWest Institute's Global Security Program from 2005-2006. During this time he concentrated on the Security & Technology Project, working to develop public-private partnerships in the security field with a particular focus on counter-terrorism. This extended to helping with the coordination of a series of meetings on the subject under the G8 Presidency of the Russian Federation. He is currently project manager at the Security & Defence Agenda.



EWI'S FOURTH WORLDWIDE SECURITY CONFERENCE

EWI's Worldwide Security Conference (WSC) began in 2003 as a response to concerns on both sides of the Atlantic to develop a more comprehensive and collaborative counter-terrorism effort. Today, the Conference has become a global event bringing together nations from all over the world to foster greater cooperation in the fight against terrorism and organized crime.

EWI's 4th Worldwide Security Conference (WSC4), held in Brussels on February 20-22, 2007, has been publicly considered as one of the most successful and relevant events held in the last year on the subject of counter-terrorism.

In organizing WSC4 EWI partnered again with the World Customs Organization (WCO), the only intergovernmental organization competent on customs issues and world's referent in the protection and administration of trade. The WCO hosts EWI's annual WSC and facilitates the logistical aspects of the conference.

700 registered participants from all over the world took part in three days of intense discussions at WSC4. The Conference successfully followed EWI's recent decision to become a global institution by strengthening its presence and influence in the new East. For first time, the targeted audience included representatives from areas not involved in previous Worldwide Security Conferences: Morocco, Afghanistan, Egypt, Algeria, Iraq, Iran, Jordan, Indonesia, Australia, Japan, Israel, etc, while consolidating the participation of high ranking government, business and civil society representatives from the EU, Russia, China and the US, who have formed the core of the previous conferences. For the second time, the G8 presidency holder played an active role at the conference. Following the support given to WSC3 by the Russian Foreign Ministry in 2006, the German Foreign Ministry (holder of the 2007 G8 presidency) endorsed WSC4 and praised EWI's efforts to make the world a safer place.

This wider geographical scope was equally present within the group of speakers that took part in the conference. WSC4 managed to bring together again the top counter terrorism coordinators from the EU, Russia and China, as well as to involve for the first time the counter terrorism coordinators from Germany and the UN. Javier Ruperez, then-Executive Director of the UN Counter Terrorism Committee, delivered the conference keynote speech. Indonesia and the Philippines, key countries in understanding the fight against terrorism, were also strongly represented at the conference.

WSC4 saw improvements in the methodology used; following the recommendation made by most participants at WSC3, discussions were carried out primarily through workshops instead of plenary sessions, thus allowing for more dynamic and result-oriented debates.

The traditional focus of EWI's annual Worldwide Security Conferences, on the protection of people, economies and infrastructure against terrorism and organized crime, was perfectly complemented with a special session on "Democracy and Terrorism," organized on February 22 in cooperation with the Club of Madrid, the prestigious independent organization of former presidents and prime ministers whose purpose is to contribute to strengthening democracy in the world.

EWI'S FOURTH WORLDWIDE SECURITY CONFERENCE PROGRAM AND SPEAKERS

Introduction

John Edwin Mroz, President and CEO, EastWest Institute

Herman De Croo, President, Belgian House of Representatives

Keynote: Day One

Javier Rupérez, Ambassador and Executive Director, UN Counter-Terrorism Committee

How Good Have We Been in Fighting Terrorism? Where Is the Terrorist Threat Going?

Busso Von Alvensleben, Ambassador, German Federal Government Commissioner for Combating International Terrorism

Gijs De Vries, European Union Counter-Terrorism Coordinator

Anatoly Safonov, Special Representative of the President of the Russian Federation for International Cooperation in the Fight Against Terrorism and Transnational Organized Crime

Pauline Neville-Jones, former Chair of the UK Joint Intelligence Committee

C. Boyden Gray, United States Ambassador to the European Union

Gao Jian, Director General for External Security Affairs, Ministry of Foreign Affairs of the People's Republic of China

Kunio Mikuriya, Deputy Secretary General, World Customs Organization

Chair: John Edwin Mroz, President and CEO, EastWest Institute

Citizens, Security, and Political Will: The Role of Governments and the Private Sector

László Kóvacs, Commissioner for Taxation and Customs Union, European Union

Petre Roman, former Prime Minister of Romania, Member of the Club of Madrid

Peter Gridling, Counter-Terrorism Director, Europol

Benjamin Defensor, Ambassador-at-Large of the Philippines, Chairman of the APEC Counter-Terrorism Task Force

Chair: Maria Livanos Cattai, Member of Board of Directors, Petroplus Holdings AG, Switzerland; former Secretary-General of the International Chamber of Commerce; Member of EWI's Board of Directors

Convicting Terrorists

Da'i Bachtiar, Chairman, Indonesian Crime Prevention Foundation

Antonio Vitorino, former Commissioner for Justice & Home Affairs, European Commission, Member of EWI's Board of Directors

Walter Gehr, Project Coordinator, Terrorism Prevention Branch, United Nations Office on Drugs and Crime

Rutsel Martha, General Counsel of the International Criminal Police Organization, Interpol

Chair: Greg Austin, Vice President, Director of Policy Innovation and Director of the Global Security Program, EastWest Institute

Countering the Financing of Terrorism

Wang Mingqing, Head of Anti-Terrorist Division, Ministry of Foreign Affairs, People's Republic of China

Hassan Nasser, Financial Compliance Director, Dubai Multi Commodities Centre

Yunus Husein, Head of Indonesian Financial Transaction Report and Analysis Centre, Government of Indonesia

Chair: Maria Livanos Cattai, Member of Board of Directors, Petroplus Holdings AG, Switzerland; former Secretary-General of the International Chamber of Commerce; Member of EWI's Board of Directors

Cross Border Movements: Securing the Supply Chain

Robert Verrue, Director General for Taxation & Customs Union, European Commission; Member of EWI's Board of Directors

Michael T. Schmitz, Director of Compliance and Facilitation, World Customs Organization

Ivanka Spadina, Project Manager, Interpol

Albert Selin, Department Head, Complex Analysis & Research, JSC MMC Norilsk Nickel

Chair: Maria Livanos Cattai, Member of Board of Directors, Petroplus Holdings AG, Switzerland; former Secretary-General of the International Chamber of Commerce; Member of EWI's Board of Directors

Weapons of Mass Destruction

Peter Zimmerman, Chair of Science & Security, Department of War Studies, King's College London

Ouyang Wei, Director, Non-Traditional Security Center, Institute of Strategic Studies, National Defense University of China

Ken Berry, International Legal Advisor, International Crisis Group

Simon Saradzhyan, Managing Editor, The Moscow Times

Chair: Greg Austin, Vice President, Director of Policy Innovation and Director of the Global Security Program, EastWest Institute

Towards A Code of Governance For Counter-Terrorism

Ewald Riks, Director of Policy & Strategy, National Office for Counter-Terrorism, The Netherlands

Claudia Rosett, Journalist-in-Residence, Foundation for the Defense of Democracies

Steven Monblatt, Co-Executive Director of British American Security Information Council

Joanne Mariner, Director of Terrorism and Counter-Terrorism, Human Rights Watch; Adjunct

Professor of Law, Georgetown University

Chair: Greg Austin, Vice President, Director of Policy Innovation and Director of the Global Security Program, EastWest Institute

Critical Infrastructure Protection

Jamie Shea, Director of Policy Planning, Private Office of the Secretary General, NATO

Magnus Ovilius, Head of Sector, Preparedness and Crisis Management, DG Justice, Freedom and Security, European Commission

Ian Abbott, Chief of Policy & Planning Division, EU Military Staff

Guido Van Meel, Director, Antwerp Port Consultancy NV

Anatoly Barkov, Vice-President, OAO LUKOIL, Russian Federation

Chair: Maria Livanos Cattai, Member of Board of Directors, Petroplus Holdings AG, Switzerland; former Secretary-General of the International Chamber of Commerce; Member of EWI's Board of Directors

Transport Security

Michael Kerkloh, President & CEO, Flughafen München GmbH

Marjeta Jager, Director of Directorate of Transportation & Energy, European Commission

Colin Hall, Deputy Executive Director, Community of European Railway and Infrastructure Companies

Chair: Maria Livanos Cattai, Member of Board of Directors, Petroplus Holdings AG, Switzerland; former Secretary-General of the International Chamber of Commerce; Member of EWI's Board of Directors

Cyber Security

Christophe Birkeland, Director of Norwegian Computer Emergency Response Team (NorCERT)

Andrea Servida, Deputy Head of Unit, Information Society and Media Directorate General, European Commission

Yurie Ito, Director of Technical Operations, Japan Computer Emergency Response Team

Chair: Ahmet Mücahid Ören, CEO, Ihlas Holding, Member of EWI's Board of Directors

SPECIAL SESSION: “DEMOCRACY AND TERRORISM: MAINSTREAMING THE MADRID AGENDA”, CLUB OF MADRID AND EASTWEST INSTITUTE

Introduction

Francis Finlay, co-Chair of EWI’s Executive Committee
Fernando Perpiña-Robert, Secretary General of the Club of Madrid

Keynote Address

Mary Robinson, former President of Ireland; Vice-President of the Club of Madrid

Root Causes of Terrorism

Louise Richardson, Executive Dean of the Radcliffe Institute for Advanced Study at Harvard
Kjell Magne Bondevik, former Prime Minister of Norway and member of the Club of Madrid
Fernando Perpiña-Robert, Secretary General of the Club of Madrid
Stephen Tankel, Coordinator of Studies, EastWest Institute
Chair: Peter Neumann, Director, Centre for Defense Studies, King’s College

Promoting Democracy and Human Rights: the case of Afghanistan

Mariam Rawi, member of the Revolutionary Association of Women of Afghanistan
Ortwin Hennig, Ambassador, Vice President and Head of Conflict Prevention Program, EastWest Institute
Paddy Ogilvy, Senior Risk Analyst at Analysis and Assessments
Chair: Maria Livanos Cattai, Member of Board of Directors, Petroplus Holdings AG, Switzerland; former Secretary-General of the International Chamber of Commerce; Member of EWI’s Board of Directors

Addressing the Hard Questions. What can we still do?

Mary Robinson, former President of Ireland; Member of the Club of Madrid
Sadig Al-Mahdi, former Prime Minister of Sudan; Member of the Club of Madrid
Petre Roman, former Prime Minister of Romania; Member of the Club of Madrid
Chair: Kim Campbell, former Prime Minister of Canada; Member of the Club of Madrid

Closing Remarks

Greg Austin, Vice President EWI, Director for Policy Innovation and Director of EWI’s Global Security Program

FOREWORD

This publication is the authors' summary account of the main ideas and issues emerging from the EastWest Institute's Fourth Worldwide Security Conference held in Brussels on February 20-22, 2007. The report is not intended to be an exact record of the proceedings. Full video of the conference is available on the Institute's website (www.ewi.info).

The Institute would like to express its deep appreciation to the World Customs Organization, the Federal Foreign Office of Germany and the Club of Madrid for their support of the Conference. A special mention should be paid to the staff of the World Customs Organization who provided large-scale logistic and technical support over three days.

We are also very grateful for the willing participation of the 77 speakers and Chairs, not least the contribution made by EWI Board members: Francis Finlay, Maria Livanos Cattai, Ahmet Ören, John Roberts, John Richardson, and Bengt Westergren.

EXECUTIVE SUMMARY

“Do you feel more secure today than you did one year ago?” At the beginning of the EastWest Institute’s 4th Worldwide Security Conference (WSC4), held on February 22-24, 2007 in Brussels, most attendees gave a pessimistic reaction to this straw poll. Two themes were central to the conference. Firstly, that at the core of counter-terrorism is the essential task of not allowing terrorist violence to dictate the nature and function of our society; and secondly, that terrorism is illegitimate and criminal. Terrorism cannot damage our liberties and rights, and it is a crime, not a war. Are we winning the long-term struggle against current terrorist groups and movements? The conference said no. Are the terrorists winning the propaganda war? The conference said yes.

The terrorist threat has evolved considerably, and the West has not been very good at diminishing this threat. The successes have been in countering terrorism, which tend to be palliative, not preventive. There is a distinction between disrupting threats and diminishing the phenomenon: for instance, al-Qaeda is far from dispatched, and is indeed resurgent. The war in Iraq’s role in radicalization is controversial, but evidence suggests it is directly related to the increase of terrorism in Afghanistan.

The modus operandi of terrorists continually adapts to counter-terrorism operations and the threat level remains intense. In efforts to diminish terrorism, governments have two responsibilities: to protect their citizens, and to ensure that national territory is not used to facilitate attacks elsewhere. Many tactics and methodologies are employed in counter-terrorism work.

Yet there are strong policy differences between the US and Europe, and even the closest American ally, the UK. Terrorism in Britain has been ‘homegrown’ and the British government cannot declare war on its own population. Terrorism in the UK and Europe is treated as a criminal problem, not an existential one. Part of effective counter-terrorism is not simply the ability to prevent, detect and disrupt attacks. It is also the ability to recover.

Balancing the effectiveness of counter-terrorism with the norms of society is delicate. True security resides in upholding our civil liberties. Casting terrorism as a war-like phenomenon, rather than a criminal one, drains support for that. What is the greater threat, terrorism or our reaction to terrorism? If there has been a failure of the ‘War on Terror’, perpetrated in the name of defending democracy, then this failure has been the use of torture.

The effectiveness of counter-terrorism does not depend on convictions, which are perhaps one step short of failure. But other difficulties lie in the frequent inadmissibility of evidence obtained in a different jurisdiction. There is also a need to define anticipatory crimes, as well as increase citizen cooperation. The success of counter-terrorism depends on the quality of inter-agency and inter-state cooperation.

Weapons of mass destruction loom persistently in counter-terrorism work. A nuclear attack is a possibility; it would be cheap and worth doing. The dollars to murder ratio is between \$50 and \$100, with casualty numbers and visibility far exceeding the cheapest mass terror attacks of recent history, such as the one in Madrid in 2004. For vulnerabilities as grave as WMD proliferation policy will tend towards security, not liberty and civil rights.

The potential vulnerability of critical national and regional infrastructure, and the serious consequences of any disruption, has significant bearing on the infrastructure interconnectedness of the European Union. The mantra in Critical National Infrastructure (CNI) protection has been ‘redundancy’. But it was argued that the notion of redundancy is cost prohibitive, and should be abandoned in favor of ‘resiliency’; in other words, a ‘just in time’ mindset, to replace ‘just in case’. And, in two specific and especially important sectors, energy and transport, the case was made for greater public-private partnership, as well as further investment in technological solutions.

In the plenary sessions co-sponsored with the Club of Madrid, the conference issued a challenge to the international community: to redress the underlying forces of terrorism. The Madrid Agenda set the benchmarks worldwide for the respect of human rights in counter-terrorism efforts. And the Club of Madrid believes it is important to reassess the current network of interlocutors: the spread of extremism is a failure of world governance. Injustice is a major incubator anywhere.

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KEYNOTE¹

At the core of counter-terrorism is the task of not allowing terrorist violence to dictate the nature of our society. The keynote speaker issued a reminder to business and political leaders: that work against terrorism must be undertaken at many levels, including commercial, political and social areas, as well as through policing and law enforcement.

The uncompromising position of pluralist societies has to be that terrorism is simply illegitimate and criminal. Terrorism cannot damage our liberties and rights. It is a crime, and counter-terrorism is not a war. Terrorists will feel defeated when they see the futility of their tactics.

HOW GOOD HAVE WE BEEN IN FIGHTING TERRORISM? WHERE IS THE TERRORIST THREAT GOING?

The opening remarks of the first plenary session reminded participants that most victims of modern mass terrorist attacks have been Muslim. In Iraq, the number of deaths by sectarian violence stood at 1,971 in January 2007 alone. Muslims have suffered from the hijacking of their religion and, subsequently, misrepresentation in both the West and East. The consequences of terrorism are felt in many states, not just in Western cities.

In efforts to diminish terrorism, governments have two responsibilities: to protect their citizens, and to ensure that national territory is not used to facilitate attacks elsewhere.

Europe

Pursuant to this, the role of the European Union (EU) as facilitator was emphasized. It is not a federal state and cannot alone fight terrorism, but rather spearheads harmonization and coordination of counter-terrorism tactics across the EU. If terrorism causes damage across borders and regions, then inter-governmental bodies have a linchpin role in smoothing cooperation, especially on politically sensitive aspects of national security. The EU has reached beyond its natural allies, and has begun dialogue with North Africa, East Asia, Russia, India and Japan to foster coordination and dialogue between all states and regions.

But the EU's greatest potential for action lies within Europe. There have been nine pieces of European counter-terrorism legislation already agreed, with a further seven pending. These have addressed the freezing of terrorist assets, airport and passport security, information exchange and, notably, the European Arrest Warrant. Since its introduction, this new European law enforcement power has been used to extradite over a thousand suspects annually within Europe.

The modus operandi of terrorists continually adapts to counter-terrorism operations (for example, the new idea of abductions in Birmingham, UK). The threat level remains intense. The UK is presently monitoring two hundred networks and thirty credible threats. The European Council has been working on legislation to combat weakening social cohesion.

Although European governments have been making gestures of dialogue with Muslim and other Eastern states, there remains a wide gulf between states in dealing with terrorism. Many of these problems are only technical. In the EU itself, there are great gains still to be made in many fields of coordination; for example, in DNA and fingerprint database sharing; further protection of critical infrastructure; non-proliferation of dual-use technologies; cross-border assistance; and countering radicalization. The EU has already invested €1.4 billion for security research and development within Europe, and the EU is also providing several hundreds of millions of euros to non-EU states to develop their capacities.

Germany

For Europe there was some good news. Germany's counter-terrorism efforts had been technically sound, with four attacks prevented in the last seven years, and no successful attacks. The German people feel relatively removed from the threats that exist more viscerally for the people of New York, Madrid and London. This sentiment may be misleading because the threat level of major attacks in Germany is comparatively low largely due to the preventive work of the security services in limiting the capacity of suspect groups.

Nevertheless, one problem persists in Germany: the profile of potential perpetrators remains "absolutely unclear". Many factors contribute to the adoption of radical ideologies: potential terrorists may be second or third-generation Germans, or they may be recent immigrants; they may be socio-economically deprived, or they may be middle class, but they certainly do not require access to substantial financial resources. For this reason, the terrorist threat remains amorphous and ever-present.

¹ Full text of the keynote speech by Ambassador Javier Ruperez, Executive Director, UN Counter-Terrorism Committee is available at <http://www.ewi.info/tempPDF/2007%200220%20Ruperez%20Keynote%20Speech%20Transcript.pdf>.

Russia: Public Private Partnerships

Further to the Russian delegation's innovative submission in 2006 at the WSC3 to create public-private partnerships for combating terrorism, WSC4 provided an opportunity to hear an update on progress in this field.² Public-private partnerships in this field were initially mooted as a voluntary framework.

Russia has moved towards further integration and obligatory coordination in this space. The work has, thus far, involved the suppression of terrorist financing; dismantling of smuggling networks used by terrorists; communications intelligence; leveraging private security protection of critical infrastructure – especially energy assets; and simplified cash remittance schemes for migrant communities in order to reduce the scope for terrorist misuse of legitimate remittances. Russian companies Norilsk Nickel and ALROSA proposed to suppress the financing of terrorism by providing an effective international response to the smuggling of precious metals and diamonds.

Counter-Terrorism as a Multi-Level Effort

Using the image of terrorism as a disease, it was said that terrorism must be fought on the level of values, and not simply through the use of force, at the level of debate about liberties and not merely through technocratic policies. While diseases require effective medicines for remedy, they also need to be cured. Similarly, terrorism, metaphorically viewed as a disease, suggests a root malady with the body politic; and any measure of policymaking, including public-private partnerships, is incomplete without working to cure the root causes of terrorism.

A stark warning and hard appraisal of the situation was delivered, stating that the terrorist threat has evolved considerably, both before and since 9/11. The West, however, has thus far been “not very good” at diminishing the terrorist threat. Though there have been many successes in countering terrorism, these have tended to be palliative and not preventive, and there is an important distinction to be made between disrupting terrorist threats and diminishing the terrorism phenomenon, and this latter effort is the long term, challenging, critical fight.

Al-Qaeda Resurgent: Wars in Iraq and Afghanistan

Operationally, the nihilistic threat presented by al-Qaeda is far from dispatched. Al-Qaeda is resurging in Waziristan, northern Pakistan, and it is no longer accurate to call al-Qaeda simply a “brand” of terrorism. They are accruing fresh operational capacity. There has been evidence of fresh training programs for new recruits, renewed global links, and a new wave of local organizations all pledging allegiance to al-Qaeda. Notably, in the thirty plots under investigation in the UK, many have distinct al-Qaeda connections.

The situation and the methodologies employed by the insurgents in Iraq has spilled into Afghanistan. Given the sophistication of the Western forces in both countries, the terrorists are benefiting from an advanced training opportunity. When people susceptible to radicalization see what is happening in Iraq – both the terrorist element and the insurgency, which are separate – it provides the fuel for further radicalization, which feeds into recruitment, training and operational capacity.

Western China

In remarks on terrorism in China and the East Turkestan terrorist group it was claimed that the group had separatist ambitions for the Xinjiang region of China, and had fostered links with al-Qaeda. Operating out of camps in the Xinjiang mountains, the group has waged a long-term campaign.

In over two hundred incidents perpetrated by the East Turkestan group, 162 people have died, and there have been 440 injuries. The group also attacks Chinese citizens outside of China. China is concerned with further attacks on its interests outside of the country, and concerned with the potential vulnerability to drugs smuggling and deeper al-Qaeda links, given the country's border with Afghanistan.

The proliferation issues bound up with the East Turkestan group were mentioned. Because the group has attacked Chinese citizens abroad, and poses a threat to sea-lanes, it is a networked group and therefore more dangerous. It is connected to the wider web of terrorist organizations and might have ambitions to secure WMDs itself, for use against Chinese people and interests.

China's response to the East Turkestan threat has been to attach great importance to national strategic guidance. Pursuant to this, anti-terrorism command and control systems are being upgraded; there has been an enhanced rate of force building; and a legislative program to define

² Full text of the address by Ambassador Anatoly Safonov, Special Representative of the President of the Russian Federation for International Cooperation in the Fight against Terrorism and Organized Crime, <http://www.ewi.info/tempPDF/2007%200220%20Speech%20by%20Anatoly%20Safonov.pdf>

appropriate laws for the criminalization of terrorist acts, such as the financing of terrorism, has been put in place. Also detailed were China's efforts in cutting third-party armament and financial support to the group, and socio-economic development intended to mitigate the causes of separatist terrorism.

Pacific Rim as a Success Story

There have, nevertheless, been some positive developments, especially in the Pacific Rim. Jemaah Islamiyah, the terrorist group operating in Indonesia and elsewhere, "went too far" with the 2002 Bali bombing, which was highly injurious to Indonesia's tourist economy. In response to this economic disruption, there has been a backlash from the Indonesian population, which has aided the subsequent intense crackdown against such terrorist groups. Further, in the United States, there has been no attack since 9/11 and there is no strong evidence of sleeper cell presence.

UK Cannot Declare War on its Homegrown Terrorists

Still, the lack of attacks on American soil belies a strong policy difference between the US and Europe, and even the closest American ally, the UK. Terrorism in Britain has been "homegrown" – the British government cannot declare war on its own population. Terrorism in the UK and Europe is treated as a criminal problem, not a military one. And support for terrorism is low amongst Muslims.

Defeating al-Qaeda

Even in Saudi Arabia, while there is admiration for Osama bin Laden, the agenda of al-Qaeda is rejected: fully 50 per cent of Saudis are against the notion of a new caliphate, and many more are at best ambivalent. Osama bin Laden is clearly a good tactician, but is he also a good strategist? Does his movement have longevity? These remain open questions. The single strongest asset to terrorists has been, is, and will be Western mistakes, whether these are mistakes of tactics on the ground (i.e. cultural insensitivity during a conflict, such as the culture clashes in Iraq and Afghanistan), or a broader error of strategy (arguably the Iraq war), or mistakes of hypocritical policy. The greatest source of opportunity for terrorists is not the openness of our society, but its mistakes. To solve this central problem, a consistent long-term strategy is necessary, one that resolves the danger of radicalization while maintaining the pluralism of Western values.

State-Sponsored Terrorism

State-sponsored terrorism remains a problem. Iran's culpability in supporting Hezbollah is a prime example, but not the only one. This form of politics is unacceptable, crippling normal inter-state relations.

Vulnerability and Open Societies

The way forward is not clear. Though resolution of the Israel/Palestine question and a decapitation of al-Qaeda would be helpful developments, the open nature of Western society does contribute to its vulnerability. Proliferation remains a threat. The uncontrolled geographic scope for terrorist groups remains large, and coordination against their spread must be increased. Society must not only focus on the disruption of terrorist groups and the prevention of attacks, but also on its ability to recover from successful attacks – such societal strength of character comes from experience and readiness.

Balancing the benefits of this readiness with the norms of society is delicate. Whilst we need to protect our persons and property, our true security resides in our civil liberties. Prevention tools such as 'executive detention' must be kept to an absolute minimum. In the UK, the strains on social cohesion caused by terrorist attacks and government response have prompted new doubts about multiculturalism. For example, it was argued that some aspects of the British variety of multiculturalism have transformed into default segregation between different ethnic and religious groups. Further, some migrant communities have not experienced the economic successes of others, which exacerbate divisions felt within British society. Though the question of multiculturalism might provoke improved responses to domestic issues within the UK, the questions themselves demonstrate the complexity of balancing values at all levels of government, and across cultures, in countering terrorism.

Privacy and Counter-Terrorism

An American perspective on the assessment of counter-terrorism emphasized that, in the United States and in Europe, there are long-standing differences in attitudes to citizens' privacy. For European tastes, the US is surely too zealous in its protection of privacy; and for American sensibilities, Europe is far too invasive of its citizens.

US-EU Cooperation in Intelligence

The view was expressed that the United States believes that technology can be an enabler in

resolving this point of difference between the two partners, so that the intelligence of each can be shared to mutual gain, without violating the privacy preferences of either the US or the EU. Because the US and EU do cooperate closely, regardless of some of the more hysterical perceptions that come through in the media, there is no attitude on either side as to which philosophy of privacy protection is better. What counts is that terrorists respect neither and, more widely, they do not respect the values upon which issues of privacy are based. Cooperation is essential in the fight against terrorism.

THE ROLE OF GOVERNMENTS AND THE PRIVATE SECTOR

What does it take to protect businesses and citizens, and to disrupt terrorism, looking specifically at the responsibilities of the vulnerable, and not just at law enforcement agencies and governments? In other words, what can businesses and citizens themselves do to disrupt terrorism?

Casting terrorism as a criminal act, rather than as a war-like phenomenon, dramatically changes public and business perceptions of the threats posed by and reasons for carrying out terrorist acts. Potential support is drained away, and the benefits of this changed attitude are felt by society and, more keenly, by the agencies and governments charged with protecting society. There is a clear need for greater coordination between national intelligence and law enforcement agencies, and the harmonization of security policy across the EU, while simultaneously shaping policy in such a way that businesses and citizens can have a role.

Terrorist Financing

Due to efforts by the European Union, the United States has recently come to accept that counterfeit goods, already a major focus of attention in the EU, were “more or less” as dangerous as terrorist activities. The principal reason for this is their funding links to terrorist groups; from illegally copied DVDs on sale on the streets of Arab cities, to the old al-Qaeda connection with Angolan “blood diamonds”, counterfeit and illegally sourced goods have long provided a lucrative revenue for terrorist groups. As part of this and related efforts, various methods for ensuring container security are topics of considerable discussion and work inside the Commission.

Local Characteristics of Terrorist Groups

In a Europol survey of European counter-terrorism officials, reviewing each country’s definition of ‘homegrown’ terrorism, there have been “astonishing” differences in results according to the country surveyed. The lack of a coherent, regional definition was seen as hampering fundamental counter-terrorism operations. If a definition of the European enemy is not yet standard – in other words, if the exact nature and identity of the enemy is itself not yet clear and commonly agreed upon – how can policies designed to counter and diminish that enemy be successfully formulated? This discussion alluded to the earlier comments on German counter-terrorism: the national agencies have managed good coordination, but in the country at large there is no clear profile for potential terrorists. Germany nevertheless succeeds in coordinating its policy because of a federal system through which the decentralized agencies are able to conflate their efforts; but in Europe, with member-states even stronger than the federal states of Germany, there remains too much political sensitivity and ‘pushback’ for a common understanding on the nature of the threat and the enemy, let alone good cooperative policies to deal with the enemy.

Role of Civil Society: Standing Up for a Values-based Approach

In remarks on the crucial role of civil society in combating terrorism, and the importance of maintaining in society the values of human rights and liberty, a delegate asked “what is the greater threat: terrorism or our reaction to terrorism?” If there has been a failure of the ‘War on Terror’, perpetrated in the name of defending democracy, then this failure has been the use of torture. Western society, since the new wave of global terrorism and the consequent pervasive sense of insecurity, has too readily acquiesced to ‘extraordinary rendition’ and torture by proxy, as well as the more direct methods of placing detainees under extreme physical and psychological distress. What ‘third model’ is appropriate for respecting civil liberties and human rights, and yet defending ourselves?

It was argued that the Geneva Conventions allow perceived loopholes, through which these new forms of ‘non-touch’ torture slip into use. Though ‘non-touch’ torture, extraordinary rendition, torture by proxy and extreme distress all violate the spirit of the Conventions, the suggestion was made during panelists’ remarks and subsequent discussion that the standards needed added rigor, tailored to modern ambiguities. Leaving many questions open and unanswered, the limits of surveillance versus the limits of privacy were

added to the overall discussions about how to balance security and liberty.

An Asian Counter-Terrorism Model

In lively remarks pitching the Asian model of the “Middle Way” in the fight against terrorism, an alternative version of counter-terrorism was outlined, seemingly in direct answer to concerns over the use of torture made by earlier panelists. The Philippine method of counter-terrorism offered an ostensibly direct reply to the Western difficulties of defining terrorists and balancing liberties and security. In short, in the Philippines, terrorism has been left undefined; and, rather than trying to balance the policies of security and liberty within society, the Philippines pursues an attempt to balance the policies of the stick and carrot when dealing with the ‘terrorists’.

A mix of ‘Western assertiveness’ and ‘Eastern conciliation’, combined with a consensus-based and consultative approach to politics, has helped the Asia-Pacific Economic Cooperation and the Association of South-East Asian Nations (ASEAN) to adopt a new mentality in confronting terrorist antagonists. This middle way is centrist, balancing hard and soft power, keeping in mind an old dictum: that winning battles does not equal winning the war. It also coins a new aphorism: political will is best manifested through consultation. This is another way of saying that one ought to walk softly, carrying a big stick. In 2000, before the conception of the middle way, the Filipino military had destroyed many terrorist camps, but the threat remained prevalent because of the guerilla tactics available to terrorists and the continued sense of ignored grievances. But, partly through military means, partly through reaching out to them, the Philippines government successfully weakened terrorist groups and reconciled the communities that previously supported terrorism. They have also created a basis for international cooperation in the Pacific Rim region.

Once the Filipino government began deploying so-called ‘instruments of peace’, terrorism was significantly diminished in the country. These instruments included highway development, education assistance, livelihood assistance, and infrastructure engineering. These projects were funded in part by ASEAN allies, who have formed a binding counter-terrorism convention, including socio-economic development. The principle of community cohesion, which rests upon a broad and fair socio-economic base, thereby reducing the opportunity for the radicalization of the community, is at the core of a development-oriented counter-terrorism strategy.

Moreover, the middle way involves dialogue and negotiation. In contrast to anguished Western attempts to define terrorism, the Filipino method eschews any attempt at definition, as doing so might exclude some of the actors with whom dialogue is essential. Further, as negotiation and dialogue advances, and as socio-economic projects develop, the ‘terrorist’ leaders lose the support of their communities. In response to a question on the applicability of the middle way to state-sponsors of terrorism, it was reasserted that the principle of consensus in negotiations between all possible parties required having an open mind as to who those parties might be. In not defining terrorism, one equally does not define a state-sponsor of terrorism.

The result of this strategy is to reduce the grassroots legitimization of ‘terrorist’ groups, by cleaving the terrorist leaders from the people, and by eliminating the socio-economic ‘risk factors’ that allow radicalization to occur. The middle way works to address ‘manifestations and consequences’; it does not define terrorism, it does not identify root causes as such; it reconciles the sometimes black-and-white approach of Western counter-terrorism with the facts on the ground. Instead of, for example, getting tied up in controversial debates over the role and nature of Islam in terrorism, the middle way would require that the role of Islam be set aside. Instead, the role of development, as a default conciliatory policy directed at potential communities of support, would obviate any discussions about Islamist justifications for terrorism. The strategy involves cultural exchange, mutually beneficial negotiation, and practical solutions, not ideological ones. In the Philippines, the formerly unstable province of Basilan was cited as the proof of the effectiveness of the middle way. Today, the life of Basilan is reportedly stable and prosperous.

And yet European acceptance of these concepts at the conference seemed hesitant. Much more reference was made to the balance between rights and security; and the continued lack of a coherent and universal definition of terrorism. This revealed a contrast between a Western model that talks much of pluralism within society and the Philippines model that actually is daring enough to carry the principle as far as dialogue and negotiation with the alienated groups. By reaching out to all groups and investing in their communities, an alternative to standard counter-terrorism, and especially the American ‘War on Terror’, might be this ‘Middle Way’.

HOW GOOD ARE COURTS AND LEGAL SYSTEMS?

The problem with public perceptions of the fight against terrorism is that they are bound up with images of detainees in large numbers and the much smaller number of convicted terrorists. There is a disparity between the number of detainees and the very small number of successful prosecutions. The apparent lack of convictions, therefore, looks like failure in the eyes of the public. But this may be deceptive, because the achievements that lead up to any conviction are themselves notable and count as progress in the effort against terrorist threats. There are considerable intelligence gains made in most counter-terrorist operations, there are improvements in counter-terrorism techniques, and there are leads for future investigations.

It was argued that there is a "pedagogical need" to explain to the public that the effectiveness of counter-terrorism does not depend simply on convictions, or even on the ratio of detentions to convictions. Prevention, not conviction, is the key to success. Deterring or dissuading terrorism and diminishing the underlying roots that breed terrorist radicalism are the true cures. Convictions are, it was implied, one step short of failure. Convictions can only be imposed when brought upon by charges for either conspiracy to attack, or successfully attacking. A conviction, therefore, is the last step of counter-terrorism, not the first. Ultimate failure to protect would be to suffer a successful attack without any conviction for the crime.

But the success of counter-terrorism depends on the quality of inter-agency and inter-state cooperation. Effective prevention needs efficient information exchange, which requires mutual trust between agencies or countries. Even in the same country, or between allies, this trust is too often lacking. Today, the degree of mutual trust that exists does not allow for a blunt and public discussion between the major agencies and major countries about the nature and extent of available information. The achievement of full informational exchange is not around the corner, but it is a work in progress.

A further difficulty lies in the frequent inadmissibility of evidence obtained in different jurisdictions. Even when cooperative measures are functioning smoothly, there have been many cases where evidence legitimately gathered in one country is inadmissible in the courts of a second country because of different legal standards. This is a very serious loophole, limiting the encouragement to cooperate and the scope for convictions. This is compounded by an

understandable reluctance of security services to share intelligence obtained from secret sources, because of the potential for the compromise of these sources if their evidence appeared in public trials.

The trial underway in Spain for the 2004 commuter rail bombing will be an interesting test case for new progress in cooperation between European Union member states. Or rather, it will be an opportunity to evaluate these aforementioned difficulties.

And yet not everything is always clear-cut. For example, in the case of the American request that European airlines hand over passenger data of European flights to the US, the EU does not have a reciprocal arrangement. This is not because of American intransigence, but because the European aviation system does not currently have the capacity to process the passenger flight data of American flights to Europe.

Though differences between the US and EU remain, cooperation has improved enormously compared with the first few years after 9/11. Regarding extradition and legal support, for example, a new agreement was reached in 2003.

But in spite of such cooperation, an essential distinction remains: for the US, terrorism is seen as coming from a foreign source, while in Europe it is homegrown. These different threats, along with the many instances of technical disagreement, inter-agency reticence, jurisdictional difficulties and a lack of information exchange, must be reconciled in the form of a coordinated strategy enshrined in law and based on a common understanding of terrorism.

Others countered that it is a myth that conviction depends upon a clear definition of terrorism. In times of peace, there is a legal prohibition for the various crimes of terrorism, be these murder, abduction, or other acts. These are covered by standard criminal statutes and human rights conventions. In times of war, meanwhile, the Geneva Conventions apply to terrorist tactics in a cross-border or trans-national setting. In other words, with regards to convictions, there need not be a definition of terrorism because there is already a choice of legal frameworks for dealing with the constituent crimes of terrorism.

Arguing that the legal facts of terrorist crimes should be delineated from the political questions, it was pointed out that apprehended suspects of the Red Army Faction of the 1970s and 1980s, a German terrorist group, were all tried under existing crimes of abduction and murder. It is a myth, therefore, that new laws are needed to define terrorist acts themselves, because they are

already covered by over thirty conventions. States simply have a specific choice, to set aside the political dimensions of definition, and restrict convictions to a legal basis alone.

But it was also argued that there is a need to define anticipatory crimes of terrorism. These include financing terrorist operations or groups, conspiracy to execute a terrorist act, and participation in certain groups. Criminalizing these anticipatory actions as terrorist in nature will both prevent terrorist attacks and serve as a further legal framework within which to try and convict suspected terrorists, while avoiding the strained political discussions that occur when political definitions are attempted. Indeed, as was mentioned in later discussions, security services are often forced to disrupt a conspiracy to perpetrate a terrorist act much sooner than would have been normal in other criminal scenarios, because when disrupting (for example) a suicide bomb plot, the normal deterrents of law enforcement are less effective. The need for earlier pre-emptive disruption comes at the cost of a complete gathering of evidence that enables a prosecution later on. It is, therefore, a grim choice between a disrupted terrorist attack but no ability to convict, and leaving disruption possibly too late, and so succeeding in gathering evidence but failing to prevent the terrorist crime. Criminalizing anticipatory acts would provide some solution to this problem.

Incitement to terrorism has already been criminalized in certain jurisdictions, notably Britain and Russia. Indeed, UN Security Council resolution 1624 asks Member States to legislate against incitement. However, it was argued, with regards to free speech, that such measures share parallels with the recent criminalization of Holocaust denial and depictions of the swastika: that is, they are of limited legal value, but damaging to civil liberties. Again the question of balance comes into play. There was considerable debate on this point during the plenary session, with no apparent consensus at the end. This attests to the continued and long-running difficulties in balancing different priorities and maintaining the fabric of a liberal society.

Citizen cooperation is another area that needs attention if terrorists are to be successfully convicted. In practical terms this means that citizens should be asked to inform against other members of their community; there is a political issue here, one that depends on social cohesion and the successful separation of suspected terrorists from their communities of support. There is a precedent for informing: the financial community has long been obligated to disclose details of accounts belonging to suspected terrorists.

From Interpol's point of view, the key to enhancing the rate of terrorist convictions depends on better exchange of information between law enforcement agencies, both regionally and globally. Simply put, terrorists – even homegrown ones – tend to have transnational links, and being able to follow these leads with the cooperation of other state's agencies is essential. Being able to connect these leads, through better information exchange, we would be able to more effectively tie an individual to a specific crime, prove it, and secure a conviction.

The current problems that impede this necessary cooperation are a lack of trust and a lack of awareness of the available exchange mechanisms. Interpol has had a global communications system since 2004, operating 24/7, that connects 185 countries to each other's data. In eighty of these, the system has been further embedded to include multiple agencies inside the countries. But the awareness remains limited because trust between jurisdictions is constrained by privacy sensitivities, the covert nature of most operations, and the secretive nature of many sources.

However, due to advances in the communications infrastructure, the number of positive hits during investigations has increased 600 per cent since 2005, with particular success in DNA data and lost travel documents tracking. With results of this quality, Interpol hopes that it is only a matter of time before a plurality of jurisdictions become involved, cooperate internationally, and consequently further improve the scope and accuracy of the system.

The case of Indonesia provides lessons for the question of identifying and convicting terrorist perpetrators. After the beginnings of a crime wave starting in 2000, following the first bomb attacks of Jemaah Islamiyah in 1999, the 2002 Bali bombing, which killed 202 people – mostly tourists – marked a turning point in Indonesia's approach to counter-terrorism. This was the first suicide attack on Indonesian soil, and was profoundly damaging to the tourist economy, thus damaging local elements of support for the group's ideology. The 2002 Bali bombing also marked the moment when terrorism in Indonesia ceased to be purely local, exhibiting al-Qaeda links and linking its old political separatist ideology with a wider, religious nihilism. It was, and remains, the worst terrorist attack in Indonesia's experience.

The government's original mistake was to consider terrorism a general crime. Rather, it should have been treated as an extraordinary crime, carried out not by a standard organized crime operation, but by an "invisible" one, Jemaah Islamiyah, which operated as a Pacific Rim

terrorist organization, interested in political separatism as much as religious extremism. When Jemaah Islamiyah developed al-Qaeda links and a willingness to deploy suicide bombers, this provided a sudden and new circumstance in the counter-terrorist operation in Indonesia, prompting a new form of response.

But as far as convictions have been concerned, results have been mixed. Abu Bakar Bashir, one of the leaders of Jemaah Islamiyah, was found guilty of conspiracy and received a sentence that some in the West thought was light: two and a half years. When asked about the persistent American reluctance to provide Indonesia with access to Riduan "Hambali" Isamuddin, the operational leader of Jemaah Islamiyah, the personal diplomatic efforts of senior Indonesian officials with several senior members of the Bush administration, were detailed. However, despite all such attempts, the United States continues to bar access to Hambali, who is in custody in the USA. This was put forward as a reason why the Indonesian state prosecutor and security services are unable to build a complete case against either Hambali or Jemaah Islamiyah.

COUNTERING TERRORIST FINANCING

Countering terrorist financing is crucial in the struggle to protect our states, infrastructures and societies. Without the requisite funds, terrorists lack access to the necessary training, materials and tools to carry out attacks on a global scale.

It is unrealistic to consider that the financing of terrorism can be completely eradicated. It can, however, be significantly impeded and any actions by the international community should approach the subject with this goal in mind.

Terrorist organizations gain their funding from a wide range of sources, both within the legal and informal financial systems. Further complicating the issue, we live in an era of unparalleled liquidity in which assets can be transferred in an instant through mediums such as Internet banking.

Internet banking provides the user with facility of use, speed and anonymity. Due to vast amounts of user traffic, it is a logistical challenge simply to track, and there are no international institutions in place to deal with this.

With this difficulty in mind, it was proposed by one panelist that the international community should work towards the development and implementation of a system to regulate Internet transactions more closely. Through the introduction of regulations, closer international

monitoring would be made possible and this, in turn, would facilitate the collection and analysis of data by national Financial Intelligence Units. This suggestion sparked considerable debate, particularly over what form this regulation should take. One delegate stated that he conducted most of his banking online and his concern was focused on the level at which authorities would intervene and at what detriment to the customer's convenience.

The ultimate premise was that transactions should be monitored online and the data derived from this analysis stored for government use. This again caused alarm over privacy issues, it being pointed out that monitoring small Internet transactions will result in an enormous searchable database. Even sums of \$10,000 are frequently transferred; for example, by students paying university tuition fees. Thus, it was asked, would databases be purged after a designated period of time – or at least certain details – in order to protect the citizen's privacy rights? And, if so, would this create yet another vulnerability in countering terrorist financing?

Thus, while the proposal should be considered, there are major challenges to implementing a regulatory system of this kind. Difficulties include privacy concerns, technical ability, and cost effectiveness. Another voice from the floor presented the opinion that regulating Internet transactions in this way was an essentially futile objective no matter how small the sums being monitored. This point was illustrated with information that the London bombers of July 7th, 2005 could have carried out their attacks with a \$100 overdraft each – far too small a sum to arouse any kind of suspicion.

Since September 11th, 2001 the international community has taken substantial steps to address the challenge of terrorist financing. Examples of this can be seen in the Financial Action Task Force's (FATF – part of the OECD) addition of nine special recommendations on terrorist financing to its existing forty recommendations on money-laundering and also in the work of the Egmont Group in encouraging the creation of national Financial Intelligence Units (FIU) around the world. The United Nations Security Council has also passed resolutions 1373 and 1390 to supplement the existing International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. Thanks to these international efforts there are now blacklisted entities, assets have been frozen, and laws specifically criminalizing the financing of terrorism have been introduced in many countries.

Financial Intelligence Units (FIUs) play an important role in impeding and halting terrorist and criminal funds. They identify the finances and financiers of terrorism in order to follow the money trail back to the higher echelons of the organization. Data to be obtained from financial intelligence includes the location of particular individuals, the relations between and involvement of different parties and, perhaps most importantly, who controls the funds. This information is crucial to detecting terrorist threats before such attacks occur. An example of the importance of these units is illustrated in the success of the Chinese Financial Intelligence Unit, created in 2004, which has to date cracked underground banks with assets of over \$1.6 billion.

As a result of the international community's improvements in monitoring both informal and formal banking systems, terrorists have been forced to look to alternative financing mechanisms to raise and conceal their funds. Commodity trading is an example of one area where particular attention now needs to be placed. One intriguing proposal to emerge from the session was focused specifically on countering the illegal trade in diamonds.

Diamonds represent an ideal commodity for terrorists to deal in. They are small in size, rendering them extremely easy to transport; high in value; and, most importantly, they retain their value when stored. There is, therefore, a low risk of depreciating the value of cash when converting it to diamonds and then back. Equally, diamonds can equally be exchanged for the materials necessary to carry out an attack without reconverting them to liquid assets and they need not pass through a banking system.

Another attraction of the diamond trade as an alternative terrorist financing mechanism is that many diamond mines are located in poorly controlled, remote areas of Africa – making the stones comparatively easy to obtain. Additionally, there is limited transparency in the diamond trade, with the identities of involved parties often remaining unknown.

The Kimberly process was developed in an attempt to counter what many believe to be an unethical trade. The Kimberly process is an international diamond certification scheme between rough diamond exporters and the importing nations. Arguably, however, more regulation is required, as this is merely a certification system. The Kimberly process cannot be forged but there is a need to go beyond it, and methods of laboratory analysis are currently being explored with a view to being able to trace rough diamonds back to their exact mines of origin. This would automatically impede the traffic in stolen or

'conflict' diamonds, thereby hindering the flow of funds to terrorists.

There are two inherent challenges to this proposed independent, auditable system for diamonds: the first is the cost of this system, which would initially be relatively high, making public-private partnership necessary for its successful implementation. The Dubai Multi Commodities Centre is at present coordinating with the United Nations on this issue.

The second difficulty is that there are methods of removing the impurities from rough diamonds, thus rendering analysis of the stones useless. Specifically, it was pointed out that by 'de-boiling' – immersing rough diamonds in highly corrosive acid – any impurities are removed from the exterior, leaving only the crystallized carbon. When dealing with high quality diamonds, there will be little or no impurities in what is left and, therefore, it is almost impossible to trace de-boiled stones back to their mines of origin.

While the proposal is not flawless, it would nevertheless create additional obstacles in the illegal diamond trade. Whether the cost is justified by the end results requires further consideration. However, one added benefit of this system is that it can be applied not only to diamonds but also to all precious stones and metals.

In all cases the fight against terrorist financing, be it in regulating Internet transactions, enhancing the work of financial intelligence units, or creating an independent auditing system for diamonds, requires close international cooperation between both governments and the private sector.

Norilsk Nickel, a leading Russian mining and metallurgy company and one of the major platinum-group metals producers in the world, put forward an innovative proposal in respect of preventing terrorist financing from the global trade in raw precious metals in Western Europe and North America. The company noted that the growing, highly profitable, illegal trade in raw precious metals and money-laundering of relevant proceeds by organized criminal groups on international markets is threatening to make this transnational criminal business a source of military and financial support for extremist and terrorist activities.

In response, states need to create efficient security barriers within the supply chain of cross-border trafficking and to devise a relevant mechanism of international control.

The proposal has high potential for development and implementation, if based on the suggested high-precision methods of instrumental and

analytical control of raw precious metals and advanced technologies for the identification of the source of origin of the relevant materials.

To promote such work the company proposed, as a start-up measure, an informal international working group involving experts from the industry, the business community, government agencies of interested countries (including G8 members) and representatives of relevant international organizations (WCO, the European Commission, FATF, Interpol and others).

CROSS BORDER MOVEMENT: SECURING THE SUPPLY CHAIN

Customs and border control authorities represent the frontline in the fight against terrorism. In today's globalized economy, the WCO faces dual and, at times, conflicting challenges of facilitating trade and standardizing security efforts. In the fifteen to twenty years prior to September 11th, 2001 the focus among developing nations was on breaking down barriers and on trade facilitation rather than increased controls.

But, September 11th caused a refocus on customs control and the WCO subsequently had to re-craft international security control procedures. The result of this was the Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework of Standards) – a document which 144 of 171 WCO Member States have now signaled their intent to observe. In spite of the increase in security there has been no slowdown in global trade since 9/11 and perhaps even a slight increase in volume.

Although every nation has sovereign control over what enters and leaves its borders and their customs service, it is crucial that the WCO remains the de facto standards body for customs. On this note, concern was voiced by a number of delegates over a recent United States Customs proposal to increase the number of elements required for customs authentication from the current six to 'ten plus two' – twice as many. The adoption of this proposal by the United States would represent a retrenchment from mutual recognition and global standards, thereby complicating and impacting on all trade. This prospect was of particular concern to the private sector.

In response to these concerns, a representative of the US government clarified that this proposal was a 'straw man' and merely an evaluation. The conference was assured that the United States would invite input from all stakeholders in deciding whether the scheme was feasible and would

continue to explore and evaluate the data elements required for customs authentication.

The potential repercussions of the 'ten plus two' initiative provide a clear illustration of the need for states to work with the WCO in order to develop standardized security procedures and avoid possible disruptions to trade.

The WCO has, as a result of long, hard negotiations between Member States and additional private sector consultation, identified twenty-seven data elements in the SAFE framework of standards. Therefore, if more elements are needed for customs authentication, there are many that can be added to the current standard six. It was acknowledged that there would occasionally be a need for more elements but that they should be developed and agreed upon using the WCO.

The Universal Customs Reference (UCR) developed by the WCO also offers a solution to this conundrum and requires better endorsement. Indeed, the European Union and China are soon to embark on a series of tests that will utilize the UCR. In addition, the WCO's integrated border management system provides for enhanced security by allowing cooperation between different national and international authorities.

Some have advocated 100 per cent scanning as a security measure, but it brings with it substantial problems. Certainly the technology exists, but what is unclear is whether ports would be able to install that technology and whether all the information derived from the scans will be readable. Scanning all shipments represents a major logistical problem and could again lead to a downturn in trade.

Risk management is therefore a more realistic approach for customs services, working intelligently and with currently available technologies. This also means entering into public-private partnerships, as it is the private sector that owns and understands the global supply chain.

Risk management is based on advanced receipt of transport and entry data. For a trans-Atlantic voyage it can be expected that this information is to be transmitted 24 hours before loading. This is impossible with express courier services. There is therefore a reliance on customs and importers to provide information and if necessary pick out anomalies and troublesome shipments.

With a view to assisting customs and border patrol officers in the field, Interpol has introduced a new communications channel and system that is available to all of Interpol's members, known as I

24/7 (Interpol available 24/7). Within this system a completely new set of databases was created which for the first time was accessible to a client in a border control situation. Interpol is now able to communicate in real time with those in the field ensuring that they have the relative information that they require almost immediately.

States have established online connectivity from their border control checkpoint to the Interpol databases on lost and stolen travel documents, stolen motor vehicles and wanted criminals. International standardization plays an important role here as well as the Interpol platforms integrated within existing national systems.

In Europe, customs bodies are working closely with law enforcement in assessing information and continue to play a crucial role in countering the financing of terrorism (by acting to prevent cross border cash movement and seizing counterfeit and other illegal goods). The volume of seized goods each year is approximately 100 million articles, a figure that grows annually.

The European Commission is actively working on trade facilitation and security legislation. An example of this is the ad hoc amendment 648 to the EU Customs Code, which represents the first attempt to introduce the *authorized economic operator* concept into EU legislation and also pre-arrival and pre-departure declarations as part of an EU-wide risk management framework.

The EU also works closely with its international partners and recognizes that international agreement is crucial to any new policies. The EU is involved with a number of pilot projects with countries such as the United States and China to name only two. These projects are illustrations of enhancing security measures and business-oriented trade facilitation.

Another initiative underway in Europe concerns electronic or paper-free customs and the Commission hopes for this to be implemented across the Union soon.

A concrete proposal for securing the supply chain came from Norilsk Nickel. Previously presented at the Moscow G8 Global Forum in November 2006, the initiative will coordinate international efforts to prevent the trafficking of precious metals to finance extremism and terrorist activities. This system would include a unified certification of the primary source of origin of various precious metal bearing products.

Reliable methods for identifying the source of origin of precious metals and raw materials – necessary for effective traceability and revealing of criminal supplies – have been developed in

Russia and are now available. They have already been successfully applied within the framework of 40 legal cases. A database has been compiled of all 'at risk' products – each having unique compositions. The proposed scheme requires the provision of certificates showing this unique composition and proving the primary source of origin for each batch before entering into any transaction. This increased regulation could potentially lead to the termination of the trafficking of precious metals as a source of finance for terrorist groups.

As with any truly international cross-border controls, implementation is impossible without the governmental support of interested states as it requires agreement and consensus on establishing, at least, national databases on 'at risk' products and an independent laboratory.

At the top of a panelist's wish list of measures to improve supply chain and border security was increased international standardization of terminologies, procedures and technologies. Document standardization was also recommended, such as the machine-readable passport, which enables authorities around the globe to read exactly the same data in a standardized format. There is a demand for similar items that everyone can use and for common platforms for information sharing. Another example of this is the identifiable data messages used by the WCO. Each message is constructed in the same way according to a set format so that all can understand them. This facilitates risk management.

Again related to standardization was the desire for the same information provided to one country at the point of export control to be provided also to the receiving country at the point of import control. Granting more control and search authority to countries was also adjudged to be beneficial.

WEAPONS OF MASS DESTRUCTION

It has long been recognized that a nuclear attack, perpetrated by terrorists, is a possibility. It may not constitute a real and present danger, but it is foreseeable. Is it, however, inevitable? Or is it a negligible risk? If it has not happened so far, is it likely to happen ever? Do terrorists want to go through the difficulties of sourcing fissile material, special equipment and hardware, engineering experts, a suitable development location, and all for the sake of killing more people than can be claimed (even by terrorists) for 'effect'? The answer is simple, and it is an answer based on economics. A nuclear attack would be cheap, and therefore, worth doing. A presentation on the

logistics and economics of nuclear terrorism was a hard-nosed and graphic examination of the viability of the use of nuclear weapons in terrorist attacks.

In examining what a terrorist might need to build a nuclear device, the key elements identified were plutonium, various World War 2-era engineering tools, and a basic computer. The fissile material, while not easily bought commercially, is available through some middlemen and, ultimately, proliferation depends on the security at military facilities, especially in parts of the former Soviet Union. One panelist observed that the security at certain state facilities in the Russian Federation remains, nearly twenty years after the end of the Cold War, at dangerously vulnerable levels. Of the non-fissile material, presuming the device were being assembled in the United States for detonation within the country, most of the other materials and equipment are legally available in the US.

A 'dollars to murder ratio', which put the efficiency of the 9/11 attacks at \$180 per murdered individual, rates 9/11 as the second cheapest of recent attacks, with the most economical being the Madrid bombing in 2004, at \$50 a murder. How much, therefore, would nuclear terrorism cost?

The hypothesized cost of a nuclear device – including all fissile material, property, technicians, engineering equipment, and information – runs at approximately \$5.5m. The maximum likely deaths at ground zero and through fallout would be between 150,000 and 250,000. The dollars to murder ratio, then, stands between \$50 and \$100, with casualty numbers and visibility far exceeding the current cheapest mass-terror attack, the train bombing in Madrid. The rationale that emerges is that, since terrorism has branched into a new, networked and nihilistic variety, the intransigence that might have in the past restrained such a large-scale attack would not exist today. Combined with the economic efficiency of a nuclear strike, the likelihood becomes startling and a major source of vulnerability for the West.

This threat must be addressed at the level of supply. Because sourcing fissile material remains difficult, constraining proliferation is the first and best way to keep terrorists from making a bomb. Without plutonium or uranium, a bomb cannot be nuclear, and ensuring the safety of these stocks is the best preventive measure the West can take. To further this, counter-terrorism operations must develop skills in nuclear forensics, nuclear attribution and nuclear fingerprinting. Thus, experts will be able to track the source of fissile material, its movements, and intercept it during transport.

Should this first safeguard fail, however, the second option is to intercept an assembled nuclear device during transport. This is the most vulnerable point in the development and deployment of a nuclear device, and rigorous international screening standards are needed to intercept nuclear devices en route to their target.

The workshop shifted from the technical and economic aspects of developing a nuclear device to proliferation. Beginning with the proposition that there is a near certainty of a terrorist group using a weapon of mass destruction in the West, provided they have access or development capacity, it was noted that the major Western powers disagree on how to deal with those states most likely to contribute to the proliferation of WMDs. If, as was observed before, enforcing the non-proliferation of fissile materials is the essential task of states intent on limiting the dangers of nuclear terrorism, then this current stumbling point is a major weakness in the international counter-terrorism effort.

North Korea has already detonated a nuclear test bomb, and it has both chemical weapons and missile programs. Iran is a highly topical example of a state proceeding with a nuclear program that is believed to have military intent, and which is a cause of great disagreement in the West. Both of these states could, beyond the geopolitical threats they themselves pose, supply WMDs to terrorist groups in the future. With the rational actors of Iran and Pakistan, and if recent events are to be believed, even North Korea, it is a popular supposition that states will not initiate nuclear exchanges. But if these states, through weakness or a lack of control, are indirectly responsible for proliferation, then their culpability is assured and the threat remains grave.

Highlighting these problems, Indian and Pakistani rivalry remains a concern. Continued nuclear activity in each state opens the risk of the unintentional proliferation of fissile material. Their rivalry also poses geopolitical problems, causing uncertainty in other countries, potentially prompting these into their own nuclear programs; thereby multiplying the core problem of the possible proliferation of uranium and plutonium. Similarly, Japan and South Korea could, if they feel sufficiently threatened by future North Korean positioning, quickly develop nuclear weapons programs.

The creation of an international database of people known to be involved in projects that could have WMD applications was mooted. Though it met some skepticism – especially because of the sheer number of people in the world who could qualify as the appropriately skilled engineer or scientist – it brought into the discussion the notion

that, for vulnerabilities as grave as WMD proliferation, the tendency is towards security, not liberty; towards as much information as possible and full screening where applicable, rather than the traditional risk-based methods of prevention and screening. The global coordination and extent of the informational integration might discomfit some actors, but they should “bite the bullet” for the sake of prevention.

Finally, there is a dangerous lacuna in international law, because there is currently no international convention restricting the trade of missiles, which are the delivery vehicle of choice for WMD warheads.

The workshop discussed the dangerous mix of potential WMD proliferation in the North Caucasus, and the presence in this region of Shia separatist terrorist groups. After the fall of the Soviet Union, 40,000 nuclear weapons and over 1,000 metric tons of fissile material were abandoned inside the newly independent republics. Not wishing to themselves use these weapons, the republics nevertheless did not adequately restrict their transfer from weapons storage facilities to third-party groups. Even today in the republics, but also in Russia, the security at many nuclear facilities has yet to undergo the necessary upgrades to guard effectively against the possibility of an infiltration by well-armed terrorists. Noting especially the remarks in the workshop that emphasized the importance of stopping proliferation at the earliest stage, the laxness in the early 1990s over such quantities of material in the former Soviet Union continues to present a major vulnerability to international security.

In addition to the pending upgrades that are necessary at many stored-weapons facilities, there also needs to be an improvement in security culture at these facilities. For example, on several occasions, undercover Russian security officials have passed through security checkpoints using papers that identified them as major terrorist figures. There is perhaps not as well-developed a system of ‘naming and shaming’ in the Russian energy and security space as there is in Europe because the prevalence of such incidents speaks to a chronic failure in security conscientiousness and the continued weakness this represents.

The discussion identified specific groups in Russia that stand to benefit from lax security and the economic benefits of committing a nuclear strike against a civilian target. Shia separatist groups in the North Caucasus are actively seeking weapons of mass destruction, and have threatened to detonate any weapons they obtain. They continue to target vulnerable nuclear facilities, and had even plotted to hijack a nuclear submarine. The

reason for their new interest in weapons of mass destruction (rather than conventional weapons) came from the lack of policy surrender by the Russians and a lack of submission by the Russian people following the Dubrovka and Beslan hostage crises. Since their conventional methods no longer work, the terrorists feel the need to resort to WMD in order to win their objectives.

The workshop ended with a renewed emphasis, and a spirit of consensus, that the situation of WMD proliferation looks, on the face of it, to be already critical. An increased level and pace of international cooperation is essential, as are national investments in skills for tracking and securing fissile materials. Weapons of mass destruction are as attractive for terrorists as they were for the states that originally developed them: WMD are extremely inexpensive compared to the thousands of bombs that would be required to achieve the same level of destruction; they are psychologically shocking and dangerously demoralizing; and WMD are astoundingly effective for getting attention.

TOWARDS A CODE OF GOVERNANCE FOR COUNTER-TERRORISM

Arguably the largest problem in creating a code of governance for counter-terrorism is that no universal definition of ‘terrorism’ exists. One panelist questioned the necessity of a definition of terrorism given that there are thirteen different United Nations Counter-Terrorism Conventions, which most nations have already ratified and implemented in national law. Is it necessary to go beyond criminalizing the behavior laid out in those acts?

A UN plan of action – part of a global counter-terrorism strategy adopted by the General Assembly on September 8th, 2006 – comprised four parts, the fourth focusing on respect for human rights and the rule of law in combating terrorism. It specifically reaffirmed that any measures taken to combat terrorism must be consistent with human rights law, refugee law and international humanitarian law.

However, President Bush, it was noted, had given a speech two days previously in which he defended CIA ‘rendition’ operations as an “alternative set of interrogation procedures”. He explicitly denied torture but defended enforced disappearance, justifying the techniques used to obtain intelligence with examples of the information gathered. This, it was argued, is the practical defense of torture, or enhanced interrogation methods – that the ends justify the means.

It was pointed out that in some instances, detainees subject to torture had fabricated statements for fear of suffering more at the hands of their interrogators. A key example of this was a Libyan al-Qaeda operative who under duress stated that Iraq had provided chemical and biological weapons training to al-Qaeda. This information was used by the US when justifying the war with Iraq to the UN. It has since been acknowledged that the suspect had no such information.

Therefore, one problem with using abusive counter-terrorism methods is that the reliability of information obtained from its victims is often suspect. Furthermore, the use of these methods taints the testimony obtained, making it inadmissible in court, thus hindering the prosecution of terrorist suspects.

Simultaneously, it is necessary to acknowledge that effective counter-terrorism campaigns will continue to rely on classified intelligence that can only with difficulty be introduced in courts. This problem also requires resolution. There is a need to devise new principles that can be used to provide a firm legal basis for effective state action *and* provide real protection for individuals and groups caught up in counter-terror campaigns.

One way of legitimizing extraordinary practices is to ensure that every security law has a 'sunset' clause. This would require a judicial review of all emergency laws and political actions. All aspects and instruments of counter-terrorism policy would be regularly scrutinized, including intelligence services themselves, through the use of specialized 'intelligence courts'. These measures would ensure oversight and also provide for both admitting and rectifying mistakes. It is necessary to recognize, however, that while mistakes will always be made, there is a distinction between error and deliberate abuse.

It is thus important that governments retain an ethical approach in their counter-terrorism strategies. It was argued that, at present, the sentiment exists in many Muslim communities that they are 'under attack' in the sense that they are discriminated against for being Muslims. Reports of abuses at Guantanamo Bay, at Abu Ghraib and in Afghanistan reinforce and exacerbate this view, benefiting terrorist recruiters and financiers. To counter this effect, some form of accountability for human rights violations must be established. In the case of Abu Ghraib, a poor example was set in that no one of significant rank was prosecuted under the principle of command responsibility. Given the inherent immorality and the negative consequences of such failures, Western governments must demonstrate, both to the Muslim community in particular and to the

international community in general, an ethical approach in their treatment of terrorists and detainees.

Respect for human rights is therefore not an obstacle but an integral part of addressing the threat of terrorism.

One delegate argued that describing counter-terrorism efforts as a 'war' has promoted al-Qaeda to a higher status, because as a result the organization finds it easier to claim it is engaged in Jihad. This has, in part, resulted in a further polarization of East and West societies, leading to higher levels of extremism and terrorism. This cyclical process must stop; what is needed is a means to improve East-West relations. With this goal in mind, better world governance is required and scandals, such as that concerning the United Nations Oil For Food Programme, must be eliminated. Confidence in leading international organizations must be re-built.

Another key issue in winning the battle for hearts and minds is to eliminate double standards in the treatment of states. The same standards should hold true for all, and this means no longer excusing 'thug' regimes, be they partners or not, from having to apply to the standards that held are up for countries in Europe or for the United States.

National and international laws are central to the matter. Eliminating terrorist acts is neither exclusively the domain of law enforcement nor intelligence services, nor the military. It is an effort that requires all the tools of national power and social mobilization to be effective. Arguably, few national laws are well suited to countering the current terrorist threat.

An illustration of the deficiencies in US law comes from a recent study published by the Center on Law and Security at The New York University Law School. It was found that the conviction rate for federal crimes of terrorism is only 29 per cent and that the average sentence for all individuals convicted and sentenced in cases initially announced as terrorism cases is a mere four years and three months.

At the international level, some relevant international conventions, such as the Geneva protocols on armed conflict, pre-date the modern terrorist era by decades. This might suggest that they are ill formulated and outdated to deal with contemporary realities. However, there is opposition to formulating a new set of rules on human rights from both governments and the human rights lobby. Authorities do not want to introduce a new set of rules as they fear that new legislation may constrain their powers and human rights groups are equally fearful that liberties and

protections will be reduced by a new law taking into account the present situation.

New rules that correspond to current counter-terrorism efforts are needed, but such laws must preserve existing protections while providing new measures for governments to act. The Dutch stance is that the rule of law is rooted in the notion of fundamental human rights and this carries through to international cooperation in the field of counter-terrorism. Therefore, the job of counter-terrorism officials is to safeguard those basic rights and to protect the democratic legal order, since disruption is the main goal of terrorists.

This requires a two-faceted policy. The first part of this strategy is the attempt to counter radicalization and recruitment. To achieve this, engaging Muslim communities in the Netherlands is essential. The other aspect is attempting to create an effective and rapid mechanism for tackling terrorism at the earliest possible stage. Multiple legal safeguards exist to protect fundamental rights and the entire process is subject to judicial review. The measures in place in the Netherlands, therefore, appear to match with the earlier suggestion of 'sunset' clauses, overall transparency and continuous review.

In addition, the Netherlands is trying to counter radicalization internationally. Close cooperation is being developed with countries like Morocco, Algeria, Indonesia and Bosnia, as these countries sometimes face the same problems as the Netherlands. It is therefore useful to engage foreign nations in order to better comprehend problems faced domestically. For example, dialogue between Morocco and the Netherlands is particularly useful, as there are links between the Moroccan population in Holland and the Moroccan homeland – how do they influence each other? This cooperation essentially amounts to information sharing.

Counter-terrorism and its governance is arguably the thorniest issue in the security sphere as there are so many factors to be considered. While fundamental human rights, hard won over the centuries, must not be eroded in our efforts to counter terrorism, it is nevertheless necessary to take every measure possible to protect society from unscrupulous foes. Dialogue and cooperation between all stakeholders, both domestically and abroad, are integral to resolving these challenges.

CRITICAL INFRASTRUCTURE PROTECTION

The potential vulnerability of infrastructure and the serious consequences of any disruption were the

focus of this workshop. Spanning from the abstract, assessing how to think about critical infrastructure protection, to the highly technical methodologies being employed in Europe and elsewhere, the workshop brought together new thinking and core principles.

A presentation covering the issues of infrastructure protection from NATO's perspective referred, firstly, to the Western habit of over-reliance on air power. Energy infrastructure is very difficult to defend from the air. In the future, energy infrastructure will be increasingly found at sea, and West Africa is a case in point. The broader point, which emerged from discussions, was that infrastructure protection demanded a very 'hands on' approach.

The methods for securing critical national infrastructure are, in their broad form: preparedness against potential disruptions; protection against disruption; mitigation of the impact of any successful disruption; rapid response to disruptions; and quick recovery from disruptions. A central technique is to ensure adequate redundancy in critical infrastructure, especially for power generation and distribution. Electricity was postulated as the preeminent infrastructure system: if it fails, everything else fails.

Energy companies are strong on security but weak on access to intelligence. They therefore have an interest in pooling their security resources with governmental intelligence resources, so that energy companies can be alerted to heightened risk and themselves take appropriate measures. This suggestion reinforced the overall constant message of the conference, that coordination between all elements is necessary for effective counter-terrorism.

To further this coordination, a graphic display of the infrastructure interconnectedness of the European Union was shown. As lines criss-crossed on the projector, the workshop discussed three parallel processes: the strategic dimension of infrastructure security, meaning the ability to foresee future needs and threats; the involvement of expert working groups, working on a consensus basis, to determine what needs to be done; and further legislation to enable this work, with a new European directive designed to create a "big tent" of involvement. This directive would be established to identify the European network of critical infrastructure, designate it so, and assess its vulnerabilities. All of the sub-sectors of infrastructure must be seen holistically in this regard.

But some dissent was heard. One delegate decried the term 'critical national infrastructure' as

too vague and amorphous. What is critical? What is national? What is infrastructure? In short, what are we trying to protect: the maintenance of life or the maintenance of society? Going to the heart of the question of infrastructure protection, the delegate was confronting the tendency to defend infrastructure *per se*, rather than the tools by which we operate our society.

Classically, the threat to infrastructure was predicated on intent and capability. But this is no longer valid, because the targets are far more numerous and less easily distinguishable from non-targets; when everything is vulnerable, the costs of protection skyrocket. The capability of hostile elements to attack a facility is less at question now than is the ability of states to defend the myriad and distributed points of weakness in the many different chains of infrastructure. Intent, meanwhile, has stiffened on the terrorist side.

The mantra in CNI protection has been 'redundancy'. Public policy has, for example, been planning against the potential use of a weapon of mass destruction; rather, we should be planning against the use of WMD as 'weapons of mass effect'. What matters are neither the nuts nor the bolts of protected infrastructure, but the appearance of protection; or better said, the actual protection not of infrastructure, but of the society that infrastructure serves. The notion of redundancy is cost prohibitive, and should be abandoned in favor of 'resiliency'; in other words, a 'just in time' mindset, to replace 'just in case'. If resiliency replaces redundancy, then the overheads in money and effort to provide protection for infrastructure – which, however well defended, will always be vulnerable because of its very nature – are redirected into emergency capacity to bound back from any attack and subsume it into societal experience as swiftly and smoothly as possible. It is a very hard-nosed and pragmatic proposal, one that seems almost too ready to admit an irrevocable weakness in infrastructure protection.

But Western governments were urged to always speak plainly about infrastructure concerns, especially in the aftermath of any attack. The terrorist capacity to undermine trust in society is too great to leave that particular vulnerability open. And if, as is argued, infrastructure is genuinely at constant risk, it is better not to create an easily punctured veneer of defensibility and redundancy, but rather imbue society and emergency response with the attitude that whatever happens can be rapidly repaired.

With regards to the important inter-agency and inter-state coordination and sharing of information for infrastructure protection, the successful model of natural disaster response was suggested.

Because natural disasters have no political charge, they allow for a much greater degree of coordination between agencies. If the techniques and models used there were transposed to counter-terrorism, it would allow work to proceed without the tangle of the politics. The delicate nature of intelligence access and integration between agencies and governments would soften, if terrorism were seen not as something that happens to individual states, but happens globally to free societies. Removing 'national ego' from this argument would help foster trust, and using tried techniques of information exchange for non-controversial issues might well be a good first step.

A voice from the energy industry reiterated a central theme of the conference: the importance of public-private partnerships in dealing with security risks, especially for facilities as sensitive as energy stations. Because of the damaging ramifications of disruption or damage to these facilities, they are high profile targets for terrorists. Further, many energy firms' assets operate in terrorist 'hot spots', such as Egypt and Saudi Arabia and elsewhere. Reaching out to government expertise and intelligence is essential in an industry of such centrality to critical national infrastructure.

The case for cooperation and public-private partnership is compelling. Individual companies face a number of problems in ensuring facility and infrastructure security, and private security firms often provide the security solutions. What should be a public responsibility is dealt with by the private sector. Only governments can create the legal framework needed to establish the necessary cooperation and redress the current imbalance of private firms providing public goods at the expense of energy companies. Today, all major oil and gas firms in Russia have their own security apparatus, protecting up to 80 per cent of oil and gas vulnerabilities, and employing between 8,000 and 20,000 people. These staffs are highly trained former public officials. In both practical and cultural terms, there are no major impediments to establishing the necessary framework of cooperation.

While energy firms have made advances, security cooperation is needed not just for commercial interests but for the public interest and for national prestige. A new legal basis and a regular exchange between public and private sectors would ensure this cooperation.

TRANSPORT SECURITY

Before 9/11, security costs were 5 per cent of an average airport's operational costs; today, the share of cost is 35 per cent. These cost increases

are due to two factors: not simply the need for increased security, but the concurrent increase in passengers due to the popularity of budget airlines.

Acknowledging the undesirable scenario of “the most secure airport is the closed airport”, the workshop noted that aviation security officials wish to maintain as low a ‘hassle factor’ as possible. The key to this is to implement identical standards in airports around the world. Today, there remains too great a divide between Western and Asian airport security standards. As many members of the conference pointed out during the question period, even between countries that share common security standards, implementation is often uneven.

Some of the new standards for security currently under development are sealed, tamper-proof and transparent plastic bags for duty free purchases and a self-certification scheme for the duty free industry. Identified as a potential vulnerability, the aviation sector wants to secure the entire supply chain for goods that are sold at the duty free halls.

But one of the early messages of this workshop was the importance of establishing and evenly implementing international standards in airport security. Without this fundamental measure the aviation industry is subject to the old vulnerability of the weakest link.

Pursuant to this, and noting that ‘subsidiarity’ is at the core of transport security, the European Commission’s work in stakeholder involvement and rule making alongside industry is proceeding aggressively. By taking into account the commercial and industrial arguments, the EC is ensuring full support and implementation of its transport security regimes. One long-standing success of this work is 100 per cent passenger screening and, more recently, 100 per cent hold luggage screening. The European Commission has a loud and effective method of ‘blaming and shaming’ those European airports that fail to properly implement the required standards.

New technology is crucial in further improving both the thoroughness and efficiency of transport security, and the Commission is investing €1.4bn in research and development of new security technologies. As with many of the current problems in coordination, efficacious policy or trans-Atlantic concord, it is hoped that innovative technological solutions can provide the necessary security measures without compromising the political positions of any partner agencies or governments. To this end, the EC is also working to further harmonize security regulations, especially between Europe and Asia, as part of a global strategy of security consistency.

Another kind of consistency, between airport and rail security, was mooted. A representative of the European rail community, in addressing the question of whether it is desirable for the European rail networks to move from a ‘walk-on’ security regime to an airport-style regime, refuted the notion entirely. Acknowledging that this does not negate potential security threats, it was nevertheless suggested that the difference in the two systems demanded different security measures.

Rail journeys are often very short; many outlying stations often have no staff; and, further, trains cannot be taken to any destination, they must follow the railway. They do not, therefore, pose a danger to most areas of human presence. Aviation style security would negatively impact passenger flows and the necessary flexibility of rail travel.

There remains significant public concern, especially because of events such as the Madrid train attack in 2004. In order to reassure passengers and not disrupt public order, the rail industry is interested in tightening its coordination with governments for intelligence, detection of potential attacks, and warning systems, followed by emergency plans. The European rail community, for instance, already has good working relationships with partner organizations throughout Europe, with whom much information exchange takes place. Further coordination with government information resources would be an asset.

CYBER SECURITY

Cyber terrorism manifests as a politically motivated attack against computer or electronic infrastructure, a prospect that modern society is increasingly vulnerable to. Terrorists ‘misuse’ the Internet as it represents an outstanding communications tool for them, just as it does for society as a whole. The lack of regulation, easy access, low cost and prevalence of anonymity facilitates the dispersion of propaganda, fundraising and recruitment for their organizations.

Terrorist use of the Internet is a real concern as is the possibility of attacks on Information Communication Technology (ICT) systems. These could be perpetrated through physical attacks on hardware and facilities, through electronic warfare or by attacking the networks themselves using malicious software.

Cyber security is also changing both in its nature and the motivating factors behind crimes. Whereas in the past there were a high number of large-scale, wide-spreading incidents in the form of viruses and worms, attacks are now becoming

more specific. This is a result of the increasing focus on financial gain from cyber crime.

Previously, attacks would be perpetrated for fun, fame and recognition of a hacker's ability. It was essentially a hobby. Professional criminals, terrorists, 'hactivists' and foreign powers, however, perpetrate the new breed of cyber crime. As such, it has a far more structured nature. Attacks are, in turn, better organized and more sophisticated. Rather than being random, albeit damaging, acts of vandalism as in the past, perpetrators are going after specific information, identity theft and sometimes aim to compromise PC and network resources. Potential targets are the financial sector, critical information infrastructures and national and corporate intelligence.

An example of the threat of a cyber attack is provided by the events in 2005 in one US hospital. A virus spread throughout the hospital system causing the computer system to fail and all doors to lock down. The hospital was forced to revert to full manual operation. A targeted attack could have far more serious repercussions and on a much wider scale.

Attackers also seek to compromise home computers so that they can be remote controlled as part of a network for larger scale attacks. They develop a network of these computers – remaining invisible so that the computer owner is unaware that their system has been co-opted. Once this has been achieved, the perpetrator then sells the network or rents its capabilities to another party. The underground market for hackers is exploding at present. Attackers also have the tendency to exploit the vulnerabilities they discover prior to sharing or selling them. Education of home computer users is therefore necessary in order to raise awareness of this.

Since the motivation is financial and not for 'fame' attackers take great care to hide their crime with the result that threats and attacks are becoming 'invisible'. Techniques to hide the evidence and avoid detection are improving and the timeframe in which attacks can be perpetrated is shortening. All of these factors make it more difficult to both protect and respond to the present incarnation of cyber crime.

Despite growing awareness of the threat we are extremely, and increasingly, vulnerable. This is a result of our increased dependence on technology and general ICT trends, such as the proliferation of mobile technologies and the convergence of networks. Every technological advancement creates new vulnerabilities and attack vectors.

The majority of critical national infrastructure is now dependent on computer systems and it is with these that the greatest potential threat can be found. An attack on the systems controlling a power station, the water supply or transport system - to give a few illustrations – could have possibly catastrophic consequences. Due to the interconnectedness of infrastructure – particularly in Europe – such an attack would affect not only the country whose facility had been attacked, but also its neighbors. An added concern is that much critical national infrastructure employs Supervisory Control and Data Acquisition (SCADA) systems, which have open protocols and are interconnected to other systems. This vulnerability is heightened since many SCADA systems use common platforms, meaning that potential attackers have some familiarity with holes in the operating system that might be exploited. This risk is increased by the fact that some SCADA systems use single-authentication systems, allowing the inevitable human error factor of common passwords to creep in.

A particularly sobering point was made by one panelist who stated that it does not matter what security measures are in place protecting a computer or how up to date they are – if that computer is specifically targeted it is likely to succumb to the attack. As such, the best preventative measure that can be taken is to be aware of, and limit, the information that is on that computer and accessible from the Internet.

Computer Emergency Response Teams (CERTs) have an important role in addressing the threat of cyber crime and aiding cyber security. They focus on protective measures, warn of attacks and serious threats, educate and train the public to avoid making mistakes and coordinate the appropriate response to major computer attacks.

CERTs operate on a regional, national and international level and tend to partner with businesses and governments in sectors including banking, public services, energy, health, transport and defense. All stakeholders must be involved in public-private partnerships as critical national infrastructure is both public and privately owned.

CERTs are also involved with a large number of international networks and partnerships, which is of great importance given the nature of cyber-threats and the fact that the Internet has no geography. Networks such as the European Government CERT Group (EGC), the Forum for Incident Response and Security Teams (FIRST) and the European Network and Information Security Agency (ENISA) provide for trusted information sharing between nations and therefore facilitate a rapid response to ICT threats. Most of the information is sensitive but not classified,

meaning that there are no significant legal obstacles to information sharing. Additionally, a traffic light protocol of sorts exists between CERTs, whereby information is color coded according to its sensitivity.

Computer Emergency Response Teams are but one facet of cyber security. To truly enhance security and deter attacks, the panelists made a series of recommendations, all of which would require significant international and domestic cooperation between governments and the private sector.

Increased security of cross-border electronic transactions can be achieved through expanding the use of electronic signature based on Public Key Infrastructure technology (PKI). It may be advisable to further develop the existing legal international framework regulating the use of PKI in order to raise interoperability of relevant national technologies and reinforce trust-building mechanisms in cyberspace. Such mechanisms should imply legal and technical guarantees for accurate and timely transfer to a recipient of any binding messages and transactions.

Most importantly, the cost and risk to perpetrators must be raised. To achieve this, the relevant stakeholders must work to eliminate software vulnerabilities, thereby increasing the difficulty of attacking them, and methods to detect and respond to threats and attacks must be improved. CERTs are obviously important regarding the latter point and to date there are over 200 teams worldwide.

A further deterrent would be consistent enforcement in the field of cyber crime, and this also requires significant international cooperation. For example, compromising a PC is illegal in some countries but not in others. If there were no domestic law criminalizing the act, why would the countries in the latter bracket take action? Issues such as these must be resolved, and it was stressed that it is only through cooperation that we can ensure that cyber crime does not have a major effect on society.

Cooperation is also a pre-requisite in clamping down on the use of the Internet for propaganda purposes. United Nations Security Council Resolution 1624 criminalizes such propaganda, but in order to effectively enforce this states must act as one. Global consensus is important too when it comes to monitoring illegal use of the Internet. Data collection is easy for both terrorists and governments and we must limit access to private information. When it comes to governments compiling data on the Internet practices of their citizens or those of other states, a code of conduct is required to define the need

for and purpose of this information harvesting. European Commission Directive 2002 58 states that in the event of a breach of security by unauthorized parties concerning this information, it should be reported both to the relevant regulatory body and to the owner of the personal data.

Ultimately, what is needed is heightened cooperation between key stakeholders and to create a more organized framework to deal with cyber security issues.

SPECIAL SESSION ON DEMOCRACY AND TERRORISM

INTRODUCTION

In the welcoming remarks and opening statements to Day Three of WSC4, speakers provided the international and institutional context within which the 'Democracy and Terrorism' joint conference took place.

It was noted that two years ago, the Club of Madrid established its Agenda on Terrorism. It issued a challenge to the international community: tackle the underlying forces of terrorism. The EWI's 4th Worldwide Security Conference took place this year with a major innovation: the participation of the Club of Madrid and an analysis of how well their challenge has been met to date.

Noting the appropriateness and importance of revisiting the Madrid Agenda, it was stated that the challenges issued therein must be evaluated anew so that their inclusion in the mainstream political agenda can be expedited. Speaking with fulsome praise for this work, it was stated that, as a categorical imperative, cross-cultural and inter-civilization dialogue is a prerequisite for this 'mainstreaming' of the Madrid Agenda, and that broader dialogue would ensure a narrower terrain for terrorist expansion.

KEYNOTE

In her keynote address opening the joint EWI/Club of Madrid session, Mary Robinson argued that liberal-democratic approaches to fighting terrorism constituted the best weapon against this phenomenon, being effective in the long run and not placing at risk the liberties upon which western society is based. Remembering the original summit where the Madrid Agenda was formulated, Ms. Robinson called it the 'summit that needed to

happen', and expressed gratification that its work was picked up by this latest colloquium.

Firstly, and positively, she noted that on the delicate and crucial issue of balancing security measures with civil liberties, there was 'very little pushback' from the security side of the debate. This consensus has been the result, she said, of much discussion, debate and analysis since the Madrid Agenda was established, and the fact that consensus has emerged is testament to the breadth of expert, policymaker and citizenship participation. This means that in the running theme of the conference – the balance between security and liberty – there is apparently a mood of alliance and conciliation between the two. It was not only widely acknowledged amongst security professionals but also strongly believed that Western principles of human rights were inviolable and, indeed, that any violation would constitute a failure of policy and a moral failure. The best defense, Ms. Robinson urged, remains the bedrock of rights and liberties of liberal-democratic society.

Less brightly, she said, there nevertheless persisted a grossly unfortunate choice of language, especially in the United States. Calling the work against terrorism a 'war' helps shape actions and reactions, and dangerously weakens the protection of human rights laws. A war helps polarize different peoples against each other, exactly what has happened in recent years. But a campaign against an extraordinary criminal element, a group whose claims to statesmanship are not acknowledged by the West as the legitimate demands of a legitimate group, would be less likely to cause some people in society to be susceptible to radicalization. Better language need not rule out military tactics, when appropriate. But a central message of this session, and indeed the entire conference, was that "you cannot wage war against a phenomenon"; and that habeas corpus must not be suspended because of the enemy's choice of tactic.

Ms. Robinson paid special attention to the importance of defending human rights standards, and lamenting the damage already done to these regimes in the West. Urging the international community to take advantage of the 2008 60th anniversary of the Universal Declaration, she expressed her shock – later reflected by other panelists and participants – at the extent to which respect for human rights has been eroded.

But the warning was given that we must be careful not to conflate human rights with civil liberties. Speaking from her personal experience, Ms. Robinson postulated that, if one asked a poor woman anywhere in the world what she

considered to be her human rights, the answer would probably be: a right to water and freedom from violence. This contrasts sharply with some liberties often called in the West a 'human right', but which are in fact civil liberties, and are unique to democracies that are comfortable with pluralism. The first task of development and the spread of rights as an antidote to terrorism and radicalization is the respect of fundamental human rights. When the basic needs are met, Ms. Robinson said, and when peoples and communities do not feel humiliated, alienated, neglected, disenfranchised or straightforwardly oppressed by either their own government or the policies of another, then the basic rights of their freedoms from want and oppression are met, and these communities are far less likely to breed or support terrorists.

Speaking categorically and, it seemed, on behalf of the entire conference, the language of a 'War on Terror' was disastrously chosen. Terrorism needed to be seen as an act of crime, not war; and the West continues to pay too little attention to the root causes, or risk factors, that help incubate terrorist groups.

ROOT CAUSES OF TERRORISM

'Know thine enemy.' So began the argument questioning the nature of the 'root causes of terrorism' and learning how to leverage knowledge of these in the fight against the terrorist phenomenon. Terrorism itself was defined as the "deliberate targeting of non-combatants for political purposes", a definition put forward in the face of considerable controversy at the conference over how best to define terrorism and, at times, even the need for definition. It was also acknowledged that the root causes of terrorism are elusive and contentious.

Terrorism is a micro phenomenon: though its impact is massive, it is perpetrated by a small number of criminalized radicals. In this respect it is truly globalized, because the actions of an isolated 'elite' (using this term in its technical respect, rather than its traditional respect) impact upon the widely spread masses. But, there are also too many different types of terrorists. From religious fundamentalist nihilists to political separatists, from ideological zealots to recruits nursing grievances, the range of motivations and methodologies is extremely wide. General trends therefore escape analysis. A key example was poverty: there are far more very poor people than there are terrorists, and so poverty cannot be said to have a direct causal relationship with extremism. Additionally, citing the social alienation behind terrorist youth in the 1970s, it was further observed that not all socially alienated youths become terrorists.

Instead, then, conference participants were urged to speak in terms of risk factors. Poverty is one risk factor, but so is a sense of humiliation (arising, in at least two examples – Afghanistan and Iraq – from occupation) and political instability, or cultural divides. These factors increase the risk that a terrorist group will form in a vulnerable, incubatory environment. There is one identifiable trend to how these risk factors are realized: a ‘lethal cocktail’ of the disaffected individual, a complicit community, and a legitimizing ideology.

In minimizing these risk factors and disrupting the process of radicalization, the international community has paid too little attention to preventive measures. A preponderance of effort has been expended in tackling symptoms, with the unintended consequence of also exacerbating the causes. With their extremely muscular reaction to 9/11, and subsequent involvement in Iraq, the United States and parts of the West have exacerbated many of the risk factors, increasing the sense of alienation amongst communities at risk of fostering terrorism. In summing up the criticism of the current strategy, it was argued that there has been one central mistake, and one key missed opportunity.

The mistake was in declaring the ‘War on Terror’ a war in the first place: it is illogical to declare war on a tactical phenomenon. And, again confronting the controversy on how best to define terrorism, it was asserted that to allow terrorism to be anything more than a tactic is to be in danger of legitimizing it, at least in the eyes of its potentially complicit community. Furthermore, conflating the threat posed by Osama bin Laden and Saddam Hussein was a damaging obfuscation of the facts, a policy that has since clouded the previous international consensus and clarity on counter-terrorism strategy. The missed opportunity, meanwhile, was to harmoniously lever off the international community in support of counter-terrorism, and to educate the American public about both terrorism and the American role in the world.

Some guidance was offered on possible ways forward in reducing the risk factors of terrorism. Firstly, and most importantly, there must be a successful undermining of terrorism; it must be de-legitimized in the eyes of communities at risk of serving as incubators or supporters, and the incentives towards this tactic must be curbed. Secondly, the grievances upon which rest much terrorist activity must be redirected into conventional politics. Thirdly, terrorist leaders and ideologues must be separated from their communities. The coercive policies used against leaders should be ‘highly discriminatory’, but the conciliatory policies employed in communities must be constructive. The process of

radicalization must be better understood, so that it can be more efficaciously disrupted, while the rhetoric used in counter-terrorism must also be absolved of its inconsistency.

Closing these formal remarks, it was reasserted that there is much that remains unknown with regards to the root causes of terrorism. But it is clear that a long-term and comprehensive strategy must remain consistent with democratic principles. The best weapons against terrorism are those very qualities of pluralist society that so inflame the ideologues of terrorism. Democracies are inherently skilled at mobilizing moderate elements in society and isolating extremists.

During the discussion period particular remarks were made in reply to a representative of the Qatari embassy. The representative was contesting the notion that dialogue is impossible with al-Qaeda, given that the West was in fulsome dialogue with the terrorist network during the Afghan-Soviet war. The panelist’s response was that “we need to establish, rather than assert, the notion that al-Qaeda is beyond negotiation”. In other words, al-Qaeda must be substantively demonstrated as beyond negotiation, rather than be labeled as radical, nihilistic and unapproachable, without adequate thought and analytical due diligence. Religion is used in terrorism in three ways: as a badge of identity, as a guide to action, and as a legitimization for non-religious, political aims. Given that al-Qaeda deploys this methodology on its followers, it is likely, but not proven, that dialogue will be difficult.

Launching directly into the next topic of discussion, it was asserted that there are two things that Western counter-terrorism needs to be doing: de-legitimizing terrorist groups, and separating the ideological leaders from their communities of support.

To this end, uncompromising light was cast on the inconsistency of language used when discussing terrorism: the too-narrow focus on Islamist terrorism, and the consequent policy failures that arise from such inconsistencies.

Drawing on EWI’s research-based knowledge of extremism in all three of the Abrahamic faiths, the panelist contrasted an al-Qaeda fatwa with the rabbinical justifications for both a Jewish extremist’s 1994 attack on Muslims and, infamously, the 1995 assassination of Yitzak Rabin. Further comparisons were drawn between al-Qaeda’s stated goal of a new caliphate and the separatist ambitions of certain Christian extremist groups in the United States.

Despite the parallels, Western governments are seen to denounce only the Islamist varieties of

extremism. Such inconsistency registers as hypocrisy, it was argued, and causes ever-deeper resentment.

Allowing such sentiments to fester is the first stage of policy failure. Those who feel alienated look for their identity elsewhere, outside the mainstream. Al-Qaeda constitutes the greatest threat today, providing youth with an oppositional identity, one that is successful specifically because it leverages such hypocrisy. Islam is increasingly being seen as a badge of the 'other', reacting to perceived injustices elsewhere (for example, Iraq) and calling for a struggle against that injustice. Drawing on research into homegrown terrorism in the UK, EWI research illustrates how, for some people, the culmination of this struggle is violence.

Singling out some religious leaders for specific criticism, it was noted that there has often been an inadequate response from religious authorities and communities in condemning terrorism, and that there has been a failure in guiding followers away from radicalism. The abuse of religion and the leveraging of extremist ideologies constitute a major weakness in counter-terrorism work. Though history is replete with examples of inter-religious strife, it also offers many examples of cooperation, trade and cross-fertilization.

During the question period, the earlier remarks regarding the grievances of al-Qaeda were addressed. In slight contrast to most presumptions regarding the centrality of the question of Israel/Palestine, it was asserted that Osama bin Laden's three grievances are: firstly, the American troops in Saudi Arabia; secondly, the sanctions on Iraq prior to March 2003; and, only thirdly, the unresolved question of the Palestinians.

With regards to al-Qaeda's resurgent operational capacity and return to a role beyond being simply a brand, it was argued that because al-Qaeda functions as a network, disconnecting it, rather than trying to destroy the group, could deal a crippling blow.

The next panelist opened with remarks by quoting Yitzak Rabin, who said "we have to fight terrorism as if there were no roots for it, but we have to fight against the roots of it as if there were no terrorism". Mr. Rabin was demonstrating his ability to see the complexity of this issue, and it was affirmed that Mr. Rabin's wisdom is as necessary today as it was in 1995, when he was assassinated. After traumatic experiences with terrorism such as 9/11 in New York, 3/11 in Madrid and 7/7 in London, there is a temptation to fight against this phenomenon as though we are ashamed of the notion of the sheer existence of

roots and reasons for such unforgivable actions. But it was stressed that this approach is a mistake, and was strongly asserted that understanding terrorism is not the same thing as appeasing it.

Covering the broad swathe of measures and policies that could reduce radicalization and terrorist violence, it was estimated that, firstly, Islamic grievance could at least halve if the problem of Israel and Palestine were to be resolved. Secondly, given that terrorism also conquers 'hearts and minds', we must address the deeply rooted social problems that breed radicalization and support terrorism.

Further, because grievances are only a part of the problem, objectives that are more amenable to solutions must be devised and implemented. Poverty may not directly breed terrorism but it can be a 'radicalizing background element' which, when combined with the disruption of normal lives and exacerbated ethnic tensions, produces the very radicalization that the West must curb and reduce. Similarly, political exclusion and frustrated socio-economic aspirations also service to radicalize communities and individuals.

There exists a growing 'lack of symmetry' with regards to the distribution of wealth, employment opportunities, technology access and social or geographical mobility between states and populations. When taken with the imperfect application of international law and the unbalancing unilateralism of some states, the divergent experiences of Western and some Muslim populations combine to produce an 'explosive' situation.

The recommendations for dealing with this highly complex and charged situation were to fight the roots to this process, not merely the extant movements that have been born of it. Especially helpful in breaking the process is inter-cultural dialogue. The mindsets that allow a lack of such dialogue to exist, it was argued, should be unacceptable, certainly to pluralist democracies, but also to the international community generally.

Attention was drawn to a further negative element: the professionalization of terrorism. Using ETA in Spain as an example, the root causes for radicalization and terrorism have, over time, been greatly reduced, but because of the professionalization of terrorism – allowing it to become not an act of desperation but a choice of life and work – the antagonism of ETA remains a problem.

Finally, the conference was reminded that the extremity of cultural or religious humiliation experienced by some peoples in the world have

serious implications for their sense of self. If a culture or religion comes to feel 'second class', then the potential for new and dangerous action grows. It was argued that, although there is already a considerable array of law enforcement, military and logistical measures used against terrorism, more measures are needed; ones that address the cultural and political roots.

In offering remarks for the way forward, it was asserted that the world's instability and lack of certainty needs redress, but that "only the United Nations has the right to act as a world police", and that above all, multilateralism, not unilateralism, must be the watchword and behavior of states fighting terrorism.

THE CASE OF AFGHANISTAN

Session 2 began with a sobering account of the progress in Afghanistan, opening a plenary on the experience and difficulties currently being faced there. The Taliban is resurging in the south and has been safely operating out of Waziristan for the past six years. The Taliban has new recruits and the money to pay them, offering \$12 a day against the Afghan Army's \$2 a day. And, the Taliban has experience against the West, patience, and unsurpassed local knowledge. It was noted that there has been a 300 per cent increase in attacks since late 2005, with nearly half of the targets being NATO forces, and of the other half there is a 2:1 death ratio of Afghan civilians to security personnel. Insufficient NATO forces on the ground have caused NATO to resort to the blunt instrument of air support, resulting in high civilian casualties. The poppy fields, meanwhile, provide the Taliban with hard socio-economic reasons for fighting, in addition to their ideological motivation. Finally, there has been evidence of tribal fighters traveling to and from Iraq for training, partly evidenced by the adoption of suicide bombing in Afghanistan.

During the question period a British MEP put it to the panel that, regarding the poppy fields, the West must be more imaginative in dealing with the problem. Simply destroying a major cash crop for the country's agricultural sector would be disastrous, both economically and politically. The incomes of most farmers would be ruined, and the relations between the government and the West undermined.

Reporting directly from the difficult front line of Afghan civil society, remarks were made strongly criticizing the policies of President Hamid Karzai's government. These policies have brought Afghanistan to a 'critical situation' from which 'disaster' is the likely outcome.

Turning praise for Afghanistan's democracy on its head and calling it a 'B-52 democracy', the parliament there was accused of being stacked with the warlords of Afghanistan's Soviet war, and that between this parliament and the presidency, conditions in Afghanistan have not improved since the fall of the Taliban. Those who are legislating for the Afghan people should be prosecuted, especially those overseers of the \$12 billion dollars the country has received in aid, some of which has ended up in private accounts.

Of particular gravity, the situation of women and girls has not changed since the fall of the Taliban. Indeed, though their freedom of movement, expression, employment and education were all curtailed under the Taliban, today women and girls are increasingly at risk of being victims of abduction and rape.

The United Nations has said that, at current trends, Afghanistan is facing a health crisis of such severity that it will rival in intensity the 2004 tsunami aftermath. Fifty to seventy women and children die each day because of a lack of essential services, and during the winter months these numbers rise into the hundreds each day.

Further to these appalling conditions, NGO and foreign workers are frequently kidnapped, the government is exerting huge pressure on Afghan journalists, and many foreign journalists have also been harassed and abducted.

All the while, the American government pays inadequate attention to the situation in Afghanistan because of the sheer force of its distraction in Iraq. Differences within NATO exacerbate this lack of engagement on the part of the Americans. Human Rights Watch has said that the Taliban and other insurgent elements have gained new traction and support in the Afghan community because the government has thus far failed to provide essential security, basic needs and socio-economic development. Hamid Karzai and his international backers are increasingly discredited.

In this context the Revolutionary Association of Women in Afghanistan runs schools, orphanages, health programs, income generation programs, organizes demonstrations, produces publications, runs a website detailing its work, and organizes political conferences and meetings. For over thirty years the Association has been educating and campaigning for a secure, genuinely democratic government on behalf of all Afghan people, especially women. Its members remain at high risk.

If there is a silver lining in Afghanistan, then it is the information on literacy, which is on the increase. Education is power.

One panelist offered some new thinking regarding the best way to enable Afghanistan to right itself economically, socially and politically:

Firstly, restoring the rule of law requires civilian engagement; current Western involvement is too militarized. Increasing the military presence in Afghanistan would undermine attempts to create stability, would further antagonize both the general populace and the Taliban and al-Qaeda, and cause the central story of Afghanistan to be that of a continued war, rather than a domestically driven development drive.

Secondly, Western civil society should disengage from Afghanistan, in favor of the country's traditional tribal localism, and the panelist criticized the shortsighted policies by both the government and NATO. Many of the values seen as essential in the West might appear alien or at least inappropriate in Afghanistan, and these values should not be forced on a society that is neither willing nor ready for their adoption. Western terminology and behavior should reflect these differences; the example was given of female NATO troops in combat fatigues offending local sensibilities.

If 'foreign expertise' is not unquestionably beneficial for development in Afghanistan, then a hands-off approach that nevertheless allows some Western presence and investment in the economic and political processes of change in Afghanistan might be more favorable. Many foreign investment projects have resulted in duplication and inefficiency, and there has been too much provision according to supply, not demand.

Finally, it was argued that the Western strategy must be 'indigenous'. Foreign powers cannot run the country. External democracies have not succeeded in establishing democracy, nor have foreign soldiers succeeded in securing the peace. The best solution now is to help develop an indigenous solution.

ADDRESSING THE HARD QUESTIONS: WHAT CAN WE STILL DO?

The panel spoke initially of the degree of preparedness necessary in our democracies to effectively deal with the terrorist threat.

Firstly, counter-terrorism should be defined against an extant framework of issues; namely prevention, cutting financing and disarming the terrorist psychology.

Secondly, the judicious usage of intelligence is essential. International cooperation between governments and intelligence agencies has been much claimed but largely unimplemented. Intelligence work is cumulative; thus, the yield curve for counter-terrorism intelligence is long and slow, and this can be shortened and quickened by virtue of international cooperation.

Thirdly, the constriction of finances used by terrorists must continue. There is a balance to be found between civil liberties and law enforcement agencies, and there is scope for a private group of experts or European and American parliamentarians to collectively assess the issue.

Finally, the disarmament of the terrorist psychology, especially suicide bombers, is of critical importance. By appealing to common humanity, by remembering that religious fundamentalism is a phenomenon that crosses different faiths, and that all people are of some faith (be it theist or secular), it is possible to morally bankrupt terrorist ideology. Uncertainty breeds terror, and it is difficult to disarm the terrorist; therefore it is this uncertainty that must be addressed. The challenge for the West is to remain true to liberal-democratic values, to remain pluralist and tolerant of hostile points of view, while also protecting our society. Diversity is not built at the expensive of freedom. Diversity is the freedom to practice difference.

Bringing a distinct, progressive, and enlightening Muslim perspective to the conference, it was urged that the Madrid Agenda be seen as a 'virtual magna carta', setting the benchmarks worldwide for the respect of human rights in counter-terrorism efforts. The Club of Madrid's focus on democracy and human rights is the ideal platform from which to frame a new, enlightened and pragmatic consensus on counter-terrorism, re-branding this work as a strategy against a criminal phenomenon. But because an 'elite' formulated this Agenda, it was acknowledged that there exists a disparity between elite thinking and reality.

Radicalization is taking place in parts of the world that are both volatile and strategically important. From Hamas in the Palestinian territories, to Mahmoud Ahmadinejad in Iran, and including the neoconservative variety of radicalism in the United States, many decision-makers are tending towards dogmatic, radical ideologies. There has been a surge of evangelicalism in the US, and Islamophobia is increasing.

There is a terrorist resurgence, including the Taliban and al-Qaeda, and remembering also, for example, Somalia, which is being called an 'African Afghanistan'. The panelist warned against complacency or poor strategy in the face of this resurgence.

Meanwhile, the 'root causes' of terrorism remain unaddressed. Occupation, humiliation and alienation, frustration and dictatorship all persist in many parts of the Middle East. Further, violent protests have become a 'privatized' form of fighting regional injustices for people in autocratic countries, because their governments, often allied to the West, will not redress their peoples' grievances. Further to this, the United States has, in recent months, lost its old fervor for democracy building in the Middle East once it saw who was getting elected: Islamist and radical parties popular with the socio-economically distressed elements of society.

Keeping these overall realities in mind, the Club of Madrid believes it is important to reassess the current network of interlocutors. If the choices are "be destroyed or talk", then the choice is obvious; and if discussions are faltering, this could be as much because of the participants as because of their policies.

Calling the spread of extremism a "failure of world governance", the point was made that many of the more powerful, more liberal states had failed to stand up for both human rights and a rational rhetoric against terrorism, and a more universalist approach to shaping counter-terrorism policy was urged.

At a later point during the discussion, it was stated that there is a belief that Islam and the Universal Declaration of Human Rights are compatible. Though this met some skepticism, for example from the British MEP who cited the Cairo Declaration and its support for Shariah law, it was argued that a moderate interpretation of Islam needed to be supported by friendly powers, so that it could gain ground in Islam's own debate regarding its values.

One panelist also refuted the argument that the 5 per cent of British Muslims who supported the London bombings on July 7th 2005 do not

constitute a marginal faction. Referring to remarks made by the panel on the root causes of terrorism, it was suggested that if there were not a 'war' on terrorism, it would not be so divisive an issue. This observation, coming at the close of the conference, echoed three days of strong consensus amongst representatives of diverse institutions. From the public and private sector, from rights activists to security specialists, nearly everyone agreed that a 'war on terrorism' was itself radical language, which provoked certain communities and actors into their own radical behavior. If treated more deliberately, more cautiously - as a criminal phenomenon - people of whatever faith would more readily unite against an illegitimate criminal tactic.

The panel closed with an assessment of domestic Middle East politics. It was argued that the leaders of autocratic Arab states were against human rights agendas and democratization not because of religious reasons, but political ones: they fear the empowerment of their people. They mask their hostility to these values in an Islamic veil. Their position is buttressed by American aid and hostility to democratically elected Islamists. But there can be no solution in Israel/Palestine that ignores Hamas; no solution in Lebanon that ignores Hezbollah; and no solution in Afghanistan that ignores the Taliban.

Mary Robinson, in her closing remarks, referred to the status of human rights in the world today. Saying that the 21st century began well for human rights, with the Millennium Summit and Millennium Declaration, the situation has since deteriorated. The response to 9/11 with a 'War on Terror' has produced shocking results in the extent to which certain rights and liberties have been undermined in liberal democracies.

2008, Ms. Robinson noted, will be the 60th anniversary of the Declaration of Human Rights, which represents a good opportunity to reclaim the importance and dominance of human rights, which she called the 'invisible glue' that holds our societies together.

Ms. Robinson also added her voice to the chorus stating that it is vital we get away from the notion, language and implementation of a 'war' on terrorism. This is not constructive and is dangerous, she said. Terrorism is an act of great criminality, she asserted, but it should not be seen as an act of war. It cannot be countenanced by any politics, and war is always an expression not of criminal intent, but of political motive. Further, some terrorists inside certain communities have limited goals and do not consider whole communities, cultures, religions or civilizations to be the enemy.

As a final warning on behalf of the Club of Madrid, Ms. Robinson reminded the conference that still, worldwide, we are not doing enough to redress and reduce the root causes of terrorism.

CLOSING REMARKS

In his remarks summarizing the closing plenary session, Dr. Greg Austin brought attention to two unfortunate realities highlighted by the 'Counter Terrorism Scorecard' completed by conference participants. Firstly, he asked, are we winning the long-term struggle against terrorism? No. Secondly, are the terrorists winning the propaganda war? Yes. Dr Austin noted that the issue said to be central to Islamist terrorists' grievances, Israel/Palestine, has been the recipient of huge amounts of political capital and political will over the years and remains unsolved.

But the prevalence of terrorism outside the Middle East must not be forgotten, Dr. Austin said. Injustice is a major incubator anywhere, and the grievances always have a political dimension. The world should be comfortable with radicalization, but not the violence that has become associated with radicalism.

The 4th Worldwide Security Conference proved to be a forum for an extremely diverse array of thought, opinion, practical technique and prognosis regarding the threat of terrorism in the world today. Post-9/11 and post-Iraq, the world is facing a resurgent al-Qaeda and a situation in Iraq, Israel/Palestine, and Lebanon – and, potentially, Iran – which all combine to fan the embers of grievance. Looking beyond the Middle East, some progress for governments and setbacks for terrorists in the Pacific Rim are the silver lining of the dark clouds elsewhere. As for the situations in east Turkestan or the Caucasus, these particular situations remain outside the general public awareness, and possibly are even too infrequently discussed by analysts, yet they each have the same potential for grievous regional implications and severe global spread.

Between the sundry technical policies recommended or assessed at the 4th WSC and the deeply considered analysis of *why* terrorism exists, *how* it persists and *what to do* about it, no one conclusion was reached by the plenary – other than continued pessimism and, in small areas, very cautious optimism. But the opportunity for information and knowledge exchange – so frequently mentioned as a major need between states and agencies – was perhaps unique in the counter-terrorism field, and provides momentum in this global effort.

EWI'S FIFTH WORLDWIDE SECURITY CONFERENCE

Brussels, 19-21 February 2008

Preparations for the EastWest Institute's 5th Worldwide Security Conference (WSC5) have already begun. The World Customs Organization has agreed to host the event on February 19-21, 2008. The Government of Japan has agreed, in its capacity as Chair of the G8 in 2008, to co-sponsor the conference.

A fundamental change will occur to the status of the Worldwide Security Conference. It will no longer be an isolated event within EWI's agenda, but an event that is fully integrated and present in a number of EWI initiatives during the run-up to the conference and after it.

In response to the demands made at the 4th WSC, but also EWI's cooperation last year with the Russian G8 initiative on public private partnerships to counter terrorism, and EWI's strong links with the US, EU, Russian and Chinese governments (among others), we are in the process of framing an effort to build a new global second-track architecture, a network of networks, in the counter-terrorism field. The main goals of this effort are to reduce the growing gap between the new East and the West, to build trust, to stimulate fresh thinking; and to build a better consensus behind more effective security policies. This 'network of networks' would build on existing institutional pieces in an effort to create an effective and overarching framework.

In the lead up to WSC5, EWI will convene a small number of Working Groups on selected issues, both of a more subject-specific kind, such as the threat of terrorist use of biological weapons, the struggle for natural resources, counter-terrorism, climate change and others, and on more general approaches, such as the response of states, business and civil society to asymmetric warfare by non-state actors. The Working Groups will meet three to four times a year, and engage in a variety of research, publishing, and convening activities. The Working Groups will showcase their work at EWI's 5th Worldwide Security Conference in Brussels and subsequent annual conferences.

EWI will continue work with the Russian Foreign Ministry on the Global Forum for Public Private Partnerships to counter terrorism, to be held in Moscow in November 2007, based in part around similar Working Groups, such as one on controls on terrorist financing from trade in precious metals.

EWI will also seek cooperation with other public and private institutions to facilitate effective dialogue and the exchange of ideas between the new East and the West on the non-state threats to security.

The Fourth Annual Worldwide Security Conference was organized in cooperation with:



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The WCO is an independent intergovernmental body whose mission is to enhance the effectiveness and efficiency of Customs administrations. It is the competent global intergovernmental organization in Customs matters. To fulfil this mission, the WCO :

- Establishes, maintains, supports and promotes international instruments for the harmonization and uniform application of simplified and effective Customs systems and procedures governing the movement of commodities, people and conveyances across customs frontiers;
- Reinforces Members' efforts to secure compliance with their legislation, by endeavouring to maximize the level of effectiveness of Members' co-operation with each other and with international organizations agencies in order to combat Customs and other transnational offences;
- Assists Members in their efforts to meet the challenges of the modern business environment and adapt to changing circumstances, by promoting communication and co-operation among Members and with other international organizations, and by fostering integrity, human resource development, transparency, improvements in the management and working methods of Customs administrations and the sharing of best practices.

The EastWest Institutes wants to express its gratitude to the World Customs Organization for their constant support to EWI and the Annual Worldwide Security Conference, which WCO hosts since the first conference in 2003. Without the generous support of WCO and its staff this conference would not be possible.



CLUB DE MADRID

ABOUT THE CLUB OF MADRID

The Club of Madrid is an independent organization whose purpose and priority is to contribute to strengthening democracy in the world. It stimulates, promotes and conducts initiatives and activities and participates in projects seeking this objective. The Club of Madrid acts as a consultative body for governments, democratic leaders, and institutions involved in processes of democratic transition. The personal and practical experience of its members - 68 former heads of state and government - in processes of democratic transition and consolidation is the Club of Madrid's unique resource. Along with the experience and cooperation of other high level political practitioners and governance experts, this resource is a working tool to convert ideas into practical and feasible recommendations and action plans for implementation.

The EastWest Institute wants to thank Club of Madrid and their staff both in Brussels and in Madrid for their contribution and effort in co-organizing the Special Session on "Democracy and Terrorism" that took place on Thursday, 22 February 2007 in the frame of the 4th WSC.

