

'Interview with Gijs de Vries, EU Counter-Terrorism Coordinator' from the Nato Review (autumn 2005)

Caption: In an interview granted in autumn 2005 to NATO Review, Gijs de Vries, Counter-Terrorism Coordinator at the General Secretariat of the Council of the European Union, outlines the nature of his role in coordinating national policies in the field of counter-terrorism and stresses that responsibility in this field lies primarily with the governments of the Member States and emphasises the need for international cooperation.

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<http://www.nato.int/docu/review/2005/issue3/english/interview.html>.

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Interview

Gijs de Vries: EU counter-terrorism coordinator

Gijs de Vries became the European Union's first counter-terrorism coordinator in March 2004. As such, he is working under EU High Representative Javier Solana to streamline, organise and coordinate the European Union's fight against terrorism. A 49-year-old Dutch former politician, De Vries was deputy interior minister of the Netherlands between 1998 and 2002. He represented his country on the convention that drafted the European Union's proposed constitution and earlier played a leading role in setting up the International Criminal Court (ICC). Before that, De Vries was the head of the Liberal Democratic group in the European parliament, where he was a deputy from 1984 to 1998.

What do you understand by terrorism?

We still lack a global definition of terrorism. We are fortunately moving in the direction of a comprehensive global convention against terrorism, including a definition. However, we're still stymied by the old stand-off between those who wish to fight terrorism and those who feel that what they describe as "resistance fighters" should not be covered by the definition. Increasingly, countries feel that this is an untenable definition and that indiscriminate attacks on civilians ought, under all circumstances, to be illegal in war as in peacetime.

The absence of a global definition does not mean that we do not have a legal basis for counter-terror work. We have 12 – and now recently with the adoption of the Convention on Nuclear Terrorism – 13 global conventions on aspects of terrorism. They're all legally binding. Unfortunately, so far only one-third of the world's countries have ratified all 12. Therefore, the European Union is championing the universal ratification of these 12 instruments, including important conventions such as the Convention against Terrorist Bombings and the Convention against the Financing of Terrorism. Finally, inside the European Union itself, we have a number of legal instruments which define terrorism as far as the European Union's internal functioning is concerned.

What terrorist threats is the European Union facing? Can we expect a repetition of the events of March 2004 in Madrid and July this year in London?

Europe has a long and tragic history of mostly domestic terrorism. The IRA, ETA, the Red Army Faction and the Red Brigades are only some examples of organisations that have claimed more than 4000 lives in previous decades, so we are familiar with terrorism. But indiscriminate cross-border religiously motivated terrorism is new. We have both domestically and in the European Union considerably strengthened our defences against terrorism in recent years. But we remain vulnerable. There is no such thing as 100 per cent security against terrorism. The terrorists always have the advantage of surprise. We must therefore remain aware of the fact that vulnerabilities are part of reality. But I think we should also draw some strength from the fact that terrorists have failed in what is arguably *al Qaida's* most important objective, namely to trigger revolutions, uprisings against Muslim regimes in countries such as Pakistan, Saudi Arabia, Indonesia and elsewhere. Terrorists have also failed to trigger mass conflict between Muslims and non-Muslims in Europe. We should draw strength from the fact that ultimately freedom and democracy are stronger than fear and tyranny.

What elements form the basis of the European Union's counter-terrorism strategy?

There are three elements. First, in the fight against terrorism national agencies continue to lead, that is to say, national governments keep full control over their police forces, their security and intelligence agencies and their judicial authorities. Second, these national agencies must work across borders to be effective. This means we have a vast programme of both practical cooperation at the European level and legislative instruments to facilitate that cooperation. Examples include Europol, where police forces cooperate; Eurojust, where investigating judges and prosecutors do likewise; the Situation Centre, where intelligence and security services jointly analyse the terrorist threat both outside the European Union and within; and the European Borders Agency in Warsaw that has just been created to help border forces in Europe to cooperate

more and share experience and best practices. On that basis, we have adopted a long programme of legislation, for example to combat terrorist financing and make it more difficult for terrorists to travel across borders.

Our third main line of action is to strengthen cooperation between the European Union, on the one hand, and our partners elsewhere in the world. These are international organisations, first and foremost the United Nations, but also the International Atomic Energy Agency (IAEA) in Vienna and the Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague. We also work increasingly closely with the United States, Canada, Norway and Switzerland, as well as with countries in the European Union's immediate vicinity to our east and to our south, trying to provide counter-terrorism assistance to countries like Morocco, Jordan and others. The more they protect themselves, the better that will be for our security.

The European Union drew up an anti-terrorism action plan in the wake of the 9/11 terrorist attacks that is updated every six months. How has this improved our ability to address the terrorist threat?

Since January of this year, Europe's security and intelligence services have been jointly analysing the terrorist threat. Previously, this was done only by the intelligence services, that threat analysis therefore related to threats emanating from outside the European Union and it was provided to our foreign ministers. Today, expertise from our security services has been added so that now we have an integrated picture of the threat from outside and from within that is provided not only to our foreign ministers but also to our justice and interior ministers. This covers a variety of aspects, including the financing of terrorism. But there are many others that are being assessed on a regular basis.

How able is the European Union to deal specifically with the consequences of a WMD attack?

We've identified the need to improve these defences as one of the priority areas. Several member states have considerable expertise, both civilian and military, in this area. Other member states lack similar facilities. What is also essential is to work with our partners elsewhere in the world. The European Union, for example, has developed assistance to Russia to help it dispense with its surplus chemical and nuclear stocks. We've also increased our financial assistance to the OPCW and to the IAEA and, as is well known, the European Union through three of its member states and Javier Solana work tirelessly to convince the Iranian government of the absolute necessity to avoid going nuclear. In terms of CBRN-related terrorist attacks, we have made an inventory of capabilities available within the European Union and member states are considering ways in which to improve their technical capabilities and their international cooperation.

What is currently being done and what might be done in the future to deter the recruitment and radicalisation of European Muslims by extremists?

We haven't come to the end of our thinking on that crucial question but it is one of the priorities identified by ministers for the remainder of this year. Before the end of the year, the European Union intends to have a strategy dealing with the external dimension of radicalisation and recruitment, things happening outside our borders and the internal dimension. There are no automatic links between, say, poverty and terrorism. Among millions of poor people in the world, only a few turn to terrorism. What is quite clear is that in situations of military conflict, civil strife, lawlessness, bad governance, and human rights violations, terrorists find it easier to hide, to train and to prepare their attacks and it is more difficult for law enforcement to deal with them.

One element of the strategy already is and will certainly remain, assistance to countries in the world coping with such conditions. We must try to drain the swamp in which terrorism festers. It will be very difficult to stop each and every potential terrorist attack. What must be done is to make it clear that the violent radicals do not legitimately represent the overwhelming majority of the world's Muslims. That also means that the debate within Muslim communities is of critical importance – both outside the European Union and inside. I'm encouraged by, for example, the *fatwa* that the Islamic Commission of Spain recently issued against terrorism in general and *al Qaida* and bin Laden in particular. It's important that we work very closely with moderate Muslim forces locally, nationally and internationally. That will certainly be one element of the

strategy.

A European arrest warrant was introduced in January 2004, how effective has this been in the fight against terrorism?

By and large it's been a very useful tool, though there are other planks of law-enforcement work that are of equal importance. There have been hundreds of European arrest warrants issued since the legal instrument was ratified by member states and that includes extradition of suspected terrorists. In July, for example, in Marseille, a suspect of Algerian descent was apprehended in a joint action by France and Italy at the request of Italy. The advantage of the instrument is speed. Extradition used to take up to a year, now that is down to two months.

How is information shared among EU members and are you satisfied with the current state of affairs?

In intelligence work, as we all appreciate, there are limits to the amount of information one can share. Confidentiality is essential, not only to safeguard the effectiveness of the work of agencies but also to protect the life and limb of the individuals who are the source of much information. If that information ends up in the wrong hands, the lives of these people very often are immediately at risk.

Having said that, there is strong and intensive cooperation both among EU member states and with partners such as the United States. We all recognise that if you combat an international phenomenon, it is indispensable to share information internationally. We have identified, however, a few areas where that information exchange could still be facilitated. One politically sensitive question is the extent to which we give police access to databases we are building at the European level, including the new visa information system, for purposes of terrorist investigations. These questions are difficult because they raise issues of data protection. If you exchange information internationally, you must simultaneously strengthen data protection. Those are two sides of the same coin and member states are strongly committed to keeping a strong level of data protection.

How is information shared between EU members and the United States and are you satisfied with this state of affairs?

By and large there is good cooperation, but we have also identified some areas where that cooperation could still be strengthened. We welcome the increase in cooperation between US agencies and Europol. We would like to see a similar increase in cooperation with Eurojust. The first steps have been set but more could be done. We also have to look jointly at the difficult issue of the conditions under which intelligence might be used in court cases. There has been of course the highly publicised case of the latest court ruling on Mounir al Motassadeq in Hamburg where the German judge expressed his view that he could not establish the suspect's culpability in the 9/11 attacks because he did not get access to what he thought was essential information from US authorities. This is not merely an issue between us and the United States; it is also a difficult issue within EU member states.

What steps has the European Union taken to undermine terrorist financing and how successful have they been?

As a matter of policy, member states in the European Council decided to take the recommendations of the Paris-based Financial Action Task Force (FATF) and transpose them into legally binding European Union instruments, therefore rendering legally binding the voluntary recommendations of the FATF. The latest example of that is the Third Money Laundering Directive, which has been agreed by the European Parliament and the European Council. Another example is the recent regulation on cash transfers. As public agencies, banks and other financial actors have become much stricter in their monitoring of international financial flows, terrorists now use more informal mechanisms of transferring money. They physically carry it across borders in suitcases. So we have a new rule. Anything above €10 000 must be checked in at the border. If not, it can be impounded. It therefore puts a significant responsibility on border authorities to improve their controls.

We've also stepped up our cooperation with third countries and organised a major meeting with countries of the Gulf Cooperation Council to convince them of the need to ratify and implement the UN Convention against the Financing of Terrorism. We work very closely with the Americans. I work with the Treasury, as well as with the State Department and others in this respect. And a Commission proposal is to be issued in the next few months to improve the financial transparency of charities. We've seen in the past that Islamic non-governmental organisations (NGOs) have been abused for purposes of terrorism financing. We want to make it clear that bona fide money should be flowing through these and other NGOs as people want, but money should not reach the wrong people. Transparency is of the essence and we will consider steps to improve that in the European Union.

What do you hope to achieve as EU counter-terrorism coordinator and how should your work be judged?

My main ambition is to make myself superfluous. That requires cooperation in the European Union to be intensified even further. Again, the model of the European Union is bottom up. The central role in the fight against terrorism is with national authorities. The more they do to improve internal coordination in national governments, say between police forces, intelligence agencies, the physical authorities, the border authorities and prosecutors, the more they improve their internal coordination, the easier international coordination will become. Of course, each member state is free legally to decide its own domestic structures and is not under the control of Javier Solana, myself or the European Council.

By the end of the year we will more or less have implemented the entire action plan the European Union adopted in June 2004. With the British presidency, I hope to propose a revised medium-term action plan to ministers by the end of the year covering 2006 and beyond. I hope and expect that member states will decide to maintain the momentum we have built up and to make that as ambitious a programme as the previous one. A few areas have already been identified as priorities for next year. One of them is the work to protect Europe's critical infrastructure, mostly economic infrastructure such as transport, telecommunications, energy but also food and water, and medical infrastructure. Indeed, there is a whole series of sectors which could be severely disrupted by well-targeted terrorist attacks particularly if they were to happen in several member states simultaneously.

There is a huge amount of work still to be done that I trust member states will want to continue. It is an area where unanimity continues to apply. Unfortunately, we do not have the new constitutional treaty, which would have made it a lot easier to reach the necessary majority in Council. The new treaty would also have strengthened democratic controls, judicial controls and the protection of civil liberties. We will now have to do this on the basis of the current treaty. It's possible, as history indicates, but it is difficult. I believe that member states will stay the course and will want to work with other agencies from the United Nations to NATO. Ultimately, I remain optimistic because what we've seen in Europe and in the rest of the world is that freedom has a much stronger attraction than radical fundamentalism.