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NOTE

from: EU Counter-Terrorism Coordinator
to: Council/European Council
Subject: EU Counter-Terrorism Strategy - Discussion paper

Introduction

Osama Bin Laden is dead. As a man, he was killed in a US Special Forces raid in the early hours of 2 May, and as an idea, he was dealt a mortal blow by the upheavals across the Middle East which showed the irrelevance of Al Qaeda's answers to injustice in the Muslim World. It is not clear how much he still mattered as a person, but he had certainly become the living symbol of the ideology of the "Al Qaeda" group he had founded. Al Qaeda will continue to do all it can to exploit Bin Laden's image and death itself has often been a media advantage.

The physical resurrection of Bin Laden is impossible. We need to ensure that his ideas also are safely entombed, and with them the terrorist organisations they have spawned.

Bin Laden's death does not mean the end of Al Qaeda as an organisation, still less of its affiliates in Yemen, the Sahel and elsewhere. There is a continuing and evolving threat as I have described in previous papers. In the aftermath of Bin Laden's death there will be competition for his succession, which might provoke attacks as various actors seek to show their power and continuing relevance. The death itself might also be a "trigger event" pushing radicalised individuals over the edge into acts of violence. We need to remain vigilant, but without allowing our reaction to become part of the problem. There is a risk that by over emphasising the importance of core AQ we could give it renewed attraction.

However, we do now have the opportunity for a real push forward in the counter-narrative against Al Qaeda's ideology. The need to react quickly in the aftermath of the death of Bin Laden showed the potential utility of the systems we have tried to set up to link communicators on CT issues. The tenth anniversary of 9/11 is an ideal focus for us to pull together everything we are doing on this issue, and show how an attack designed to tear our societies apart has in fact made us stronger (see Challenge I below).

The current situation in North Africa is one of great potential risk, but also great opportunity. The success of the European Union post Lisbon will be judged by the effectiveness with which we respond to these extra-ordinary opportunities, and this means successfully managing the risks involved. The way in which the autocratic regimes of the Middle East behaved in the past, including their repressive and unaccountable security services, non-respect of rule of law and human rights, in practice created conditions very much conducive to the spread of terrorism and contributed to radicalization. Responsive, representative government based on the rule of law and respecting human rights is the best way in which to address the grievances which can create the ground on which terrorism can grow. However, democracy on its own is not enough. Crime, terrorism and sectarian tensions all exist in long-established democracies. Violent extremist groups still exist in the region and beyond, which will continue to act against Europe and European interests. Already arrests have been made in Tunisia apparently linked to Al Qaeda in the Islamic Maghreb.

Whether the link is real or a manipulation, either way it reminds us that there is an affiliate AQ active on the scene. More generally, we expect the new Egyptian Government to be able effectively to police demonstrations and to ensure civil order, including protecting the rights of minorities, but in a way in which does not cause human rights concerns. If we expect this of them, we must at least offer them our support in doing this. On 15 May, the Egyptian Army had to resort to lethal force to protect the Israeli Embassy. We need to work with them on better ways.

There is clearly a dilemma in deciding at what moment the institutions in these countries have gained sufficient legitimacy for it to be right for us to begin discussing these questions of hard security. This is a dilemma for our Arab partners in the reform process, as much as it is for us. However we in the EU have vast experience of the practical realities of reforming totalitarian security structures into a security and judicial system that respects the rule of law and human rights, gained from the opening of Eastern Europe following the collapse of the Iron Curtain. No historical comparison is ever exact, and it is sometimes said that there is a significant difference in that the destination of the reform process in Eastern Europe was always going to be EU Membership. The countries of the Arab World are looking for different models, and in this context the example of Turkey as an economically successful and politically stable Muslim democracy is often quoted. We should not be shy to point out how much the "Turkish Model" owes to the reform process undertaken in the context of Turkey's accession negotiations, not least in the reform of the security and justice sectors. It is too early to go into detail, but over the next few months we need to plan a comprehensive model of support to reform of the security sector, and parallel reform of the judicial sector, together with the emerging democratic Governments of the Arab World. I welcome the inclusion of reform of the security and law enforcement sector under "Supporting Deep Democracy" in the joint communication of the Commission and High Representative "A new response to a changing neighbourhood", and I look forward to the policy dialogue envisaged later this year on Justice and Home Affairs under the Stockholm Programme.

While Europe's attention is now very much on North Africa, the circumstances surrounding the death of Bin Laden show also the depth of the problems we face together with Pakistan. Nowhere in the world is the need for effective, responsive civilian justice and policing greater in the Counter-Terrorism context than it is in Pakistan. The need for CT in Pakistan is not only in the Tribal Areas, it is in the cities too, and the Army alone cannot provide an effective answer.

The EU has begun to work in the sensitive area of support to civilian law enforcement, but long-term success will require sustained and increasing support. This is not only a financial question, but given the magnitude of the change implied for Pakistan by this shift towards civilian power, this will need political support at the highest levels. We might think about constructing a comprehensive strategy for our support to developing the rule of law in Pakistan, integrating CT aspects with wider measures on improving the justice system.

Current Challenges

There is, as always, much work being done within the EU to confront the challenges of terrorism. I describe below what I consider to be the key challenges for developing work within the Union on counter-terrorism over the coming months. There are, in addition to this, a number of major dossiers on which work is already well developed, in particular the Council is currently discussing the Commission's proposal for an EU PNR system. This proposal is an excellent example of the kind of information gathering which is needed to tackle the increasingly diversified nature of the terrorist threat. Patterns of travel, for example, which can be derived from visa and PNR information, offer a means of detecting and following people who travel to conflict zones for terrorist training and then return to Europe.

Other subjects are being worked on behind the scenes, and will come to the fore later in the year. Support for security sector reform in North Africa, as described above, is one such issue. DG HOME is working hard on the detail of a proposal for a European TFTP system, and will produce an options paper on this in July. I have written in the past of the importance of these initiatives, and will be working with those involved to facilitate them in future. I look forward also to continuing to work with the European Parliament to ensure effective development and oversight of the contribution that the EU's institutions can make to countering terrorism inside and outside the EU. I note in particular that the LIBE Committee is taking an increasing interest in the evaluation of the Union's CT policies. A pragmatic and effective way to meet the EP's request for more evaluation could be for the Commission to table a legislative proposal implementing Article 70 of the Treaty on the Functioning of the EU.

A major virtue of having a Counter-Terrorism strategy is that it allows the even and cohesive implementation of counter-terrorism policy, rather than a crisis driven response. However, countering terrorism clearly does also require effective crisis management. EU structures and processes for this are currently in flux, and the CT community must ensure that it is actively engaged in the various forums that are debating different dimensions and future aspects of it. The Solidarity Clause will be the subject of a joint Communication from the Commission and EEAS (possibly by the end of 2011) and the implementation arrangements proposed will be relevant for both natural and man-made disasters. The Crisis Coordination Arrangements mechanism (CCA) is currently being reviewed, with COREPER awaiting a response to its question of whether the CCA provides the appropriate mechanism for EU internal crisis response. The Civil Protection Mechanism, as well as ARGUS, will be reviewed by the end of 2011. The Commission has also made proposals relating to the future of the MIC (Monitoring and information centre) and the creation of an EU Disaster Response Centre. There is a question mark too over the future organisation of the EU SitCen, specifically its crisis coordination section, and whether this would be re-housed elsewhere in the EEAS. The EU must take a coherent and strategic approach to crisis response internally, and we must ensure that the CT dimension is not lost in this.

I will return to these challenges in future papers.

Challenge I: Prevention - developing a vision and countering the terrorist narrative

Prevention remains the most challenging and most difficult aspect of the EU CT strategy. We should look systematically at Member States' experiences, not only internally but also in third countries, at lessons learned, good practices, unsuccessful practices, and analyse why certain approaches have succeeded or not, in order to develop expertise on what makes for successful interventions. This is especially important as in several Member States the political context with regard to the "multicultural" society has been changing and prevention policies are being reviewed. We should continue to work with Diaspora communities not only to make them more resilient against terrorist propaganda, but also engage them in the external dimension of prevention.

Developing our expertise on prevention is especially necessary given that prevent is becoming a new element of the EU's external CT assistance, for example in the context of the Sahel strategy. While conditions conducive to the spread of terrorism should be addressed through development assistance (such as employment and education opportunities), targeted CT related interventions on prevention and rehabilitation are sensitive and have to be carefully designed. As a first step, in order to enable the EU to design effective interventions with the right partners on the ground, social science based field studies should be undertaken in third countries to identify, based on a statistically relevant body of information, the nature and importance of the problem, how the local population reacts to and think about these problems, existing local expertise, actors and best practices, and media use. The outcome of such field studies would include practical recommendations for interventions.

In a number of third countries, human rights and rule of law violations and repression by government agencies in the fight against terrorism are contributing considerably to radicalization. Hence, while these policies are adopted to fight terrorism, in fact they give rise themselves to conditions conducive to the spread of terrorism. When designing and pursuing CT dialogues with third countries, the EU should look strategically at how to best engage the human rights and rule of law angle. Building capacity to fight terrorism while respecting human rights should be an important component of EU CT capacity building assistance to third countries.

I welcome the initiative by the Commission – as outlined in its “Internal Security Strategy in Action” - to make prevention a main focus for the coming years and to support the creation of an EU radicalisation-awareness network. I encourage Member States and EU institutions to actively participate in and contribute to this network, which will be an important forum to bring practitioners together, share experiences, knowledge and good practices and deepen our understanding of different aspects of prevent, including challenging terrorist narratives. I look forward to interacting with this network and believe it can make an important contribution to refining EU prevent activities.

We should also continue to exchange experiences and good practices with third countries and international organizations, in particular the UN, which has interesting initiatives on countering the appeal of terrorism (UNICRI) and countering the terrorist narrative (Counter-terrorism Implementation Task Force - CTITF) which we should support.

In 2010, the EU and the US have started to work together on prevent in the context of the EU-US working group on countering violent extremism. As both the EU and the US face similar challenges and there is growing interest in the US in this topic, this is a good area for strengthening EU-US cooperation. For example, participants from relevant US government agencies, academia, EU Member States and EU institutions were brought together in a successful workshop on Somalia in early 2011, which covered both the external and internal aspects, including diaspora communities, and at which several follow-up opportunities were identified, which should be pursued as soon as possible.

Recommended action:

- We should inject new life into the network of CT Communicators. A common strategy and common messages for the 10th anniversary of 9/11 would be a useful exercise for doing this.
- Adequate funding should be made available for prevent, both within the EU and for assistance to third countries.
- Implementation of the Sahel Strategy could be used as a pilot case for addressing "prevent" in a comprehensive manner - COAFR and COTER would have an important role to play in designing interventions, based on the outcome of a field study, and complemented by development assistance addressing the conditions conducive to the spread of terrorism.
- In view of the increasing importance of Yemen, and Yemen based propagandists, as soon as the security situation allows it we should increase our support for deradicalisation activities in Yemen.
- The EU and the Member States should consider increased support to UN prevention efforts, including the work of some EU Member States in cooperation with the UN CTITF to set up a library of counter narratives.

- Further EU-US workshops should be organized. In this context, Pakistan seems to be particularly interesting to be looked at for exchange of experiences.
- As a follow-up to the EU-US Somalia seminar, a joint conference of government agencies, academia and other stakeholders should be organized on the internet activities of Al Shabaab and related websites in order to get a better overview of its activities and to combine our monitoring activities. The EU and the US should analyze the effect of remittance payments to the region. We should explore the need and potential design for a mechanism to channel positive/legitimate remittances to the right people/projects in Somalia.
- The dialogue on procedures of notice and take down of illegal content in the internet, requires renewed engagement from the private sector and NGOs.
- The EU should engage strategically on human rights and the rule of law in its CT dialogues with third countries, which would contribute significantly to addressing radicalisation. Capacity building to fight CT while respecting human rights and the rule of law should be provided.

Challenge II: Transport Security

The Cargo plot end of October last year, and the Moscow bombings in January this year underline that transport facilities and the public areas that surround them, such as open access areas in airports, remain in the focus of terrorist attention. Recent reports on possible attack planning by Osama Bin Laden, based on documents collected in Abbottabad, suggest that Al Qaida was planning specific attacks against trains in the US .

I welcome the speedy implementation by the Commission of the Action Plan attached to the report on strengthening air cargo security: DG MOVE is working on a legislative proposal imposing enhanced screening for cargo originating from third countries with high risk and DG HOME is establishing a first framework and procedure for an EU risk assessment for air cargo.

The latter is a first concrete result of the project announced by the Commission in its Internal Security Strategy in Action to assess risks on the basis of threat assessments produced by the Situation Centre, of the vulnerabilities identified with the industry, and of the possible impact of terrorist attacks.

As the report to be submitted by Vice President Kallas and Commissioner Malmström will show, other parts of the Action Plan (in particular part 3 on the exchange of information) still need to be implemented urgently by all Member States: sharing of threat and risk information between aviation security, intelligence, security and law enforcement agencies and between them and the industry; standard protocols in each Member State to allow for quick information exchange between public authorities and air carriers in case of emergency, to name but a few.

Recommended action:

- I reiterate the proposal I made in my last discussion paper to set up a forum of policy makers and experts on transport and security to discuss the threat to transport facilities and to develop an action plan towards better integrated protection of all means of transport – in particular in the area of land transport.
- We should increase our research and analyse the gaps in the protection of major components of land transport infrastructure and public places (such as railway and subway stations in Member States capitals, major multi-modal hubs or central connecting stations) and make sure that the upcoming 8th Framework Programme will provide the necessary resource to intensify activity in this field.
- Member States are urged to implement without delay the measures foreseen under Part 3 of the Action Plan on Strengthening Air Cargo Security.

Challenge III: Security Related Research and an Industrial Policy for the Security Industry

Security related research needs to be encouraged for at least three reasons: it helps to provide better security solutions; if properly designed ("privacy by design"), it helps better to protect fundamental rights; and it helps to reinforce the competitiveness of the European security industry. The 7th Framework Programme (2007-2013) has earmarked €1.4 Billion to promote security-related research. The Commission has set up ESRIF (The European Security Research and Innovation Forum) to advise it on the priorities for research in the future.

Further efforts are needed. The EU security industry remains a highly fragmented internal market and Europe is in some key sectors more and more dependent on technologies produced in the USA or in Asia. The dialogue between stakeholders from the demand and supply sides of security, both at national level and EU level, is still in its early stages and synergies between the civil security research of FP7 and the European Defence Agency's defence research activities are far from being maximised.

It is time for the Council of Interior and Justice Ministers to look into this important subject in all its aspects. Commissioner Malmström organised in February, together with the European Organisation for Security (EOS), a first High Level Security Round Table. Vice President Tajani is preparing a Communication on an Industrial Policy for the Security Industry in 2012; and the Commission is in the process of designing the 8th Framework Programme in the context of the new financial perspectives. In FP7 the Security theme has been the second smallest funding line, and heavily over-subscribed. Security has justified a greater share in FP8.

Recommended action:

- To include a stronger participation of Member States – as the primary customers and bearer of knowledge - to the High Level Security Roundtable to better express specific security needs in building a common European approach to security.

- To increase cooperation with the industry and to integrate the demands and needs of the public sector into the industrial development cycle the Member States are invited to set up fora at national level to exchange sensitive information with industry to help them to respond to security challenges (for example in the area of critical infrastructure providers or transport).
- Member States should support the definition and implementation of an EU Industrial Security Policy, with the set up of a proportional response to security threats, by means of Research and Innovation.
- To do so, we should find ways to reduce the fragmentation in security related research (e.g. by increased standardisation on EU level). We should also further consider validation procedures and possible solutions like certification (in this context, the EU security label concept should be further examined).
- Closer cooperation between the Member States and strategic planning of the future needs of the security agencies could be supported by a better coordinated procurement process for security solutions. This can help the EU to get better, cheaper and more advanced security products and be a driver of innovative solutions.
- The creation of a European Security Fund as envisioned by the Commission in its Internal Security Strategy in Action is a step towards this direction.

Challenge IV: CBRN

The EU has adopted an ambitious CBRN strategy and action plan and the Commission (in particular DG Home) is doing excellent work to move forward implementation. This is a good basis for a robust EU response to the CBRN threat and for learning from best practices in Member States. However, we must pursue implementation as a priority. DG Home has available funding for projects in Member States to build CBRN capacity, which is currently only being used to a small extent. In addition, not all Member States attend CBRN related meetings. The Research Framework Programme has started to finance the research priorities from the action plan and is receiving many successful applications. DG ENTR, which is managing Security Research, is also proposing to launch a large scale demonstration programme on CBRN in its next call for proposals in July.

On the external side, the EU provides considerable funding for technical assistance to third countries from a variety of different sources (in particular the Stability Instrument, CFSP Budgets, and Research Framework Programme). The Security Research Programme has already started to support the Stability Instrument via calls for proposals and its international cooperation dimension. Further steps should be taken rapidly to ensure a more integrated strategic approach among all the different assistance instruments, including the CFSP budget. Under the Instrument for Stability, the EU and UNICRI are now in the process of establishing a number of regional CBRN Centres of Excellence, which are meant to create a regional platform for providing assistance in CBRN risk mitigation, over the whole cycle of activities, from needs assessment through project implementation and review, facilitated by a Permanent Secretariat and applying a comprehensive approach with regard to national and regional capacity building and networking.

Recommended action

- Member States are encouraged to more actively contribute to the implementation of the CBRN action plan, to make use of DG HOME CBRN funding and to regularly participate in CBRN related meetings.

- The EU should explore possibilities for including more interested third countries in our CBRN related activities.
 - Whenever possible, outcomes of research projects should be shared with the relevant working groups to increase their impact in EU policy making.
 - The EU should take further steps towards a more integrated strategic, coherent and streamlined approach to external CBRN assistance. Therefore, cooperation and common strategic planning between the different actors involved in different EU instruments, including CT, non-proliferation and research should be strengthened. It could be explored how best to make use of the CBRN Centres of Excellence for channelling EU CBRN assistance in a pragmatic and comprehensive manner.
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