

SPRING 2015 / ISSUE NO.3

\$12.00 | € 8.50 | 1000 RSD

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JOURNAL OF INTERNATIONAL RELATIONS
AND SUSTAINABLE DEVELOPMENT

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TERROR AND RADICALIZATION

THE COUNCIL OF EUROPE'S RESPONSE

Thorbjørn Jagland

ANYONE who has visited France in recent months will understand what I mean when I say that the Paris terrorist attacks cast a long shadow. The shootings at the *Charlie Hebdo* offices and a Jewish supermarket at the start of 2015 sent a shock-wave through the nation and beyond. The initial sense of disbelief was swiftly met with a show of extraordinary solidarity, with millions taking to the streets. Now comes a period of soul-searching: Paris, as horrific as it was, was not a first.

London, Madrid, Beslan, Utoya, and, most recently, Copenhagen, have all witnessed attacks which demonstrate that Europe is not immune from violent extremism—far from it. Increasingly, the threat comes from within.

Homegrown terror; foreign terrorist fighters; terrorism tourists. Whatever you want to call them, many European states are now grappling with the threat of radicalization, fuelled by

ongoing conflicts in the Middle East and elsewhere.

The phenomenon is not new—in the 1980s foreign fighters were travelling to Afghanistan to help fight Soviet-led forces. Nor is it endemic, and it is important to retain a sense of perspective. However, no one can deny that Syria has been a game-changer.

Several thousand young Europeans are now fighting there. The number has risen sharply, and they come from a growing number of European states. In their propaganda videos and in rare interviews with the European press these fighters profess views of extreme, virtually unthinkable violence. They approve of, watch, and participate in, medieval-style public beheadings and burning people alive, executions for “witchcraft,” “adultery,” “espionage,” as well as the unspeakable murders of hostages. Crucially, their prominence in the media has had a dramatic effect on the public debate. In the United Kingdom, for

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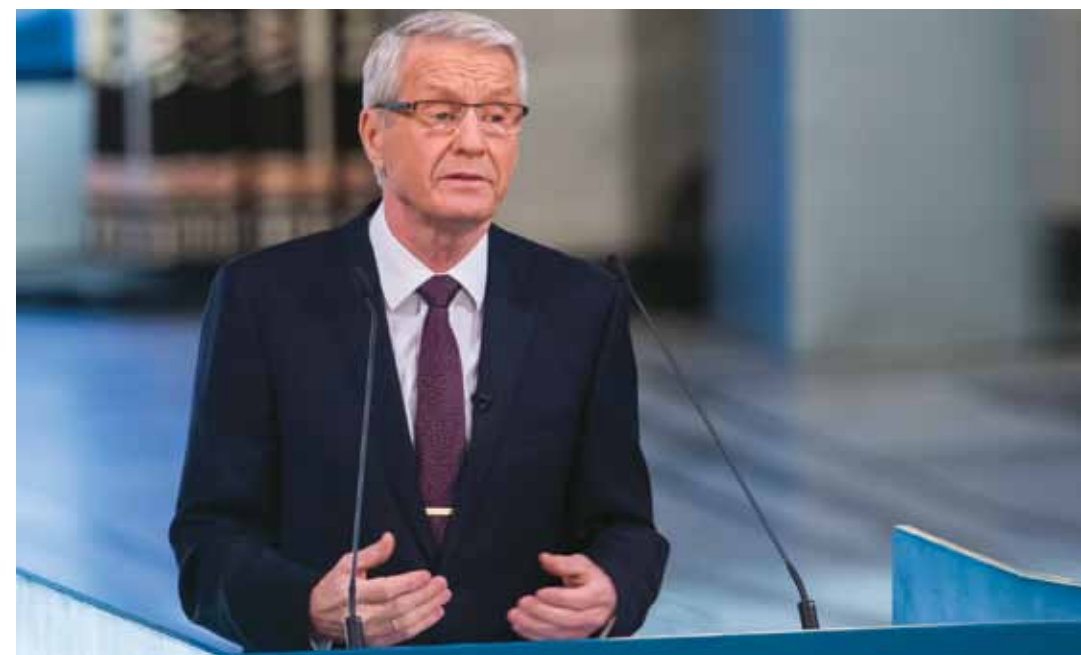


Photo: Guiver Image / Getty Images

Council of Europe Secretary General Thorbjørn Jagland

example, the so-called Jihadi John—an alleged British executioner for ISIS—is now a household name.

Against this backdrop, it is no surprise that Europe's governments are taking action to deal with the threat of radicalization. I have been in government myself: you cannot underestimate the need to give people answers in a time of anxiety.

Yet, just as Europeans must react quickly, we must also take great care. Knee-jerk responses to evolving terror threats can be counter-productive. We must not repeat the mistakes of recent years. It is now well known that following 9/11, the U.S. Central Intelligence

Agency—aided by a range of other states, including some in Europe—committed grave human rights abuses in the pursuit of Al-Qaeda. By departing from universal values in the name of national security, these acts have helped—rather than hindered—terrorist organizations looking for new recruits.

It is, therefore, essential that in all measures to counter radicalization and terrorism, we Europeans now proceed in a way that upholds our values and safeguards fundamental human rights. It is absolutely right that we be quick and decisive in our response, but we must not lose sight of the fact that Europe's best weapon against terror will be a legal, internationally coordi-

nated response that upholds our shared values. This is where the Council of Europe comes in.

THE COUNCIL OF EUROPE AND COUNTER-TERRORISM

The Council of Europe is Europe's oldest international organization. We have 47 Member States—the EU 28 and an additional 19, including the Russian Federation, Turkey, and Ukraine. We are, ultimately, the guardians of the European Convention of Human Rights, and our members are obliged to meet an *acquis* of shared standards in order to advance democracy, human rights, and the rule of law.

We are also a law-based organization—and, therefore, when there is a gap in international law, we are regularly called on to fill it.

This is what happened in the wake of 9/11. The Council of Europe negotiated our Convention on the Prevention of Terrorism in under a single year—no mean feat for any large, inter-governmental organization navigating uncharted and sensitive territory in a climate of heightened fear. This Convention established, for the first time ever, international standards criminalizing

the recruitment and training of terrorists and, crucially, public provocation for the purpose of terrorism. In other words, *indirect* incitement.

Up until that point, the aforementioned was a piece of the jigsaw that nobody had yet fully grasped—for perfectly understandable reasons. How do you decide where freedom of expression stops and manipulating others to cause harm begins? It is an extremely difficult line to draw.

The need for clarity was great, however, and the Council of Europe was thus able to agree on a shared, legal position for our members' courts and law enforcement. In a matter of months, the UN Security Council adopted a resolution drawing on our Convention; the OSCE followed,

as did the Organization of American States. A year later the European Union included our wording in their counter-terrorism framework. In the face of a new and unknown terror threat, the Council of Europe triggered a global response.

INTERNATIONAL ACTION ON FOREIGN TERRORIST FIGHTERS

Now we once again find ourselves faced with ambiguity in the law.

It is essential that in all measures to counter radicalization and terrorism, we Europeans now proceed in a way that upholds our values and safeguards fundamental human rights.

We criminalize the recruitment, training, and funding of terrorists—but not the individual act of seeking out those things. Again, it is not easy terrain. A founding principle of the law is that you are innocent until you are *proven* guilty—that is, guilty of committing a criminal act with some level of criminal intention. Intention alone is not a crime *per se*. So, when the intention is to commit terrorism, which acts should constitute a crime? What are the specific standards that can be applied by national governments?

Our governments need clarity, and it must be provided at the international level in order to guarantee a common response. The dangers of nation states going it alone to deal with the threat of foreign terrorist fighters are threefold.

First, it increases the risk of action which is in conflict with our shared values and existing international standards. Second, fragmented responses increase the likelihood of gaps and contradictions between national laws, which in turn create loopholes for terrorists to exploit. Third, it undermines our effectiveness. Shared legal definitions make it vastly easier for governments, police forces, and courts to cooperate in order to catch and bring to justice the terrorists crossing their borders.

So, the Council of Europe is producing an Additional Protocol to our Convention on the Prevention of Terrorism, in order to empower states to deal with those individuals seeking to commit terrorist acts. The Additional Protocol will be the first internationally-binding instrument harmonizing the basic legal standards in Europe on these issues. Thus, it will help ensure that the ambitions set out in the historic UN Resolution 2178—which in 2014 committed to joint action on foreign terrorist fighters—can become a reality. Indeed,

Jean Paul Laborde, a prominent French judge and the UN's Counter-Terrorism Executive Director, has been very clear about the value the United Nations places on

this tool and—at the time of writing—we are working very hard to deliver it within the coming months.

SMARTER PREVENTION

Laws are, of course, only part of the answer. As we make sense of the attacks we have seen in Paris and elsewhere, many have raised the need for better prevention of terror—or, put another way, interrupting radicalization before it's too late.

Not all of the young men and women leaving Europe to head to Syria and Iraq do so as hardened soldiers, determined to one day return and wreak havoc on

When the intention is to commit terrorism, which acts should constitute a crime?

European soil. They go for their own, personal reasons. Often they are recruited from prisons, and frequently—as with all types of extremism—their path to violence is punctuated by moments of doubt.

With the right interventions, it is possible to turn people back onto the right path. I have seen it myself. When I was Foreign Minister of Norway we had a problem with young people being tempted by far-Right groups. The police dealt with this by identifying where they lived, knocking on their doors, and asking for a conversation. You can imagine that these were not the neighborhoods where local policemen were welcome—yet it was an unbelievably effective approach.

Isometimes talk about the need for deep, democratic security—and the above is a prime example of what I mean. We need to reach deep into our societies' public spaces, where the state must assert its voice for the sake of tolerance and peace. Within schools, the internet, prisons—wherever we know that propaganda and extremism are unchallenged—we must unapologetically promote the democratic values that we hold dear. It is our duty to explain to

all our residents and citizens the value of living in a society where we respect differences and resolve conflict, without resorting to violence.

Nowhere is this more important than in our classrooms and other places where young people meet, learn, and work. For that reason, the Council of Europe is now defining a set of compe-

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tences to help Europe's educators teach children about what democratic citizenship means and how to live peacefully in diverse societies. These will, of course, need to be adapted to suit the needs of different nations and schools. However, cultural sensitivity must not stop us from promoting the skills that all democratic citizens

should possess—irrespective of their individual beliefs.

Let me give you an example: we have a duty to help our young people understand the relationship between the right to life—which is enshrined in the European Convention on Human Rights—and the interpretation of religious principles. Put very simply: no religion can sanction murder or the death penalty in the name of God, and none of the world's major faiths do. In other words, terror has no religion.

For many years we have looked to imams to teach this in our mosques, which continues to be of huge importance. Isn't it time we bring these lessons into our public schools too? And isn't it essential that we teach young people that this is the case for all religions, to counter the sense that Islam is somehow inherently more violent than others, which simply isn't true? When a crazy man in Norway killed 66 young people, he spoke of Christendom. We didn't call him a Christian terrorist. Yet when a terrorist act is committed in the name of Islam, it is immediately deemed "Islamic terrorism"—a distorted and unhelpful label. Islam is a fundamentally peaceful faith.

We also need to be more active online. We are all aware that the internet—which is a powerful tool for good—is also used by radical extremists to reach out to young and vulnerable people, offering them a chance to join "community." These young people are often made more vulnerable and open to such offers after having encountered hate speech on the internet.

This is why we work with young online activists and have created under the Council of Europe's auspices a Europe-

an-wide No Hate Speech Movement. Working with these young activists—most of whom are volunteers—and in cooperation with the major social media corporations, we are campaigning against all forms of hate speech on the internet. For instance, we run the No Hate Speech Watch, report hate speech online, and provide educational tools and training to ensure that youth and children can recognize it for what it is, and, crucially, actively denounce hate speech on the internet.

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Similarly, more must be done to counter radicalization in our prisons—where we know it is taking place. The Council of

Europe has started working on Guidelines addressing this very point, which we hope will be adopted by our Member States by the end of the year. This is a very difficult challenge. Often the most radical prisoners behave most socially and pose the least problems to prison administrations.

It is essential that prison staff and authorities are empowered to share their experiences and practices to help develop a more sophisticated system of prevention and risk assessment. Our guidelines will also look at exit programs, mentoring, and post-release supervision

of high-risk former prisoners. As is often the case, the largest risk comes once former inmates are outside prison walls.

THE LONG GAME

Taken together, these measures represent a gear shift for the Council of Europe. We are redoubling our efforts: many of our Member States are now, understandably, gripped by the need to respond to the changing terror threat, and we are determined to play our part.

Just as this means taking the actions I have described, it also means playing the long game in the fight against terror. In the long-term, Europe's greatest defense against violent extremism is our democratic values—the very values terrorists seek to destroy. By building societies in which conflict can enact itself peacefully, we drain the well of hate that terrorists draw from. Anger and fear cannot easily spread in societies which institutionalize tolerance and where citizens feel a sense of justice and control. Human rights, the rule of law, democratic norms—these constitute Europe's armor; and they must be continually defended and advanced.

REFLECTION AND REACTION

I will shortly be publishing my second Annual Report entitled *The State of Democracy, Human Rights, and the Rule of Law in Europe: A Shared Responsibility for Democratic Security in Europe*. It will assess the degree to which Europe's nations are able to guarantee security for their citizens through their commitment to democratic norms: independent judiciaries, freedom of expression, freedom of assembly and association, the functioning of democratic institutions, and equality and non-discrimination. It will

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provide a yardstick for Europe's governments to assess themselves and adopt a coherent approach.

Our aim—and the lodestar which guides the Council of Europe—is to continue building democratic societies

across Europe where the extremists struggle to take root. The terror threat will continue to evolve—that is its strength. Ours, by contrast, is our unbending commitment to freedom, tolerance, and peace. So in this period of reflection and reaction, let us never lose sight of this important truth: the face of terror will continue to change. Our principles, however, must not. ●