

U.S.-EUROPEAN COOPERATION ON COUNTERTERRORISM: ACHIEVEMENTS AND CHALLENGES

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BEFORE THE
SUBCOMMITTEE ON EUROPE
AND THE
SUBCOMMITTEE ON
INTERNATIONAL TERRORISM, NONPROLIFERATION
AND HUMAN RIGHTS
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TUESDAY, SEPTEMBER 14, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EUROPE AND
SUBCOMMITTEE ON INTERNATIONAL TERRORISM,
NONPROLIFERATION AND HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittees met, pursuant to call, at 1:35 p.m. in room 2172, Rayburn House Office Building, Hon. Jo Ann Davis [Chairwoman of the Subcommittee] presiding.

Ms. DAVIS. The joint Subcommittees will come to order. I suspect that we will later be joined by a few more Members before we get into the actual testimony. Before we begin, I want to welcome a delegation of Members of Parliament from the United Kingdom.

We welcome our colleagues and appreciate their interest in our hearing. Welcome, we are glad that you are here with us today. The Europe Subcommittee wishes to welcome our colleagues from the Terrorism and Nonproliferation Subcommittee and expresses its appreciation to Chairman Gallegly and Ranking Democrat Sherman, and their staff, for their participation and cooperation.

In July, the Presidential Commission charged with investigating the events of September 11, 2001, released its report on the events surrounding that tragic and fateful day. In their report, the Commission stated that:

“The first phase of our post-9/11 efforts rightly included military action to topple the Taliban and pursue al-Qaeda. . . . But long-term success [against global terrorism] demands the use of all elements of national power: diplomacy, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense. If we favor one tool while neglecting others, we leave ourselves vulnerable and weaken our national effort.”

Terrorism is a global problem. The world-wide reach of terrorist networks implies that the effort against global terrorism cannot be fought effectively solely by military means; comprehensively only on one's home soil; nor successfully by any one country alone. To be successful, the entire tool box of policy, as noted by the 9/11 Commission, must be utilized.

A few weeks ago the full International Relations Committee held a hearing featuring the Chair and Vice Chair of the Commission. In his statement, Governor Tom Kean stated that:

“Our Commission came to the judgment pretty quickly that the United States cannot win this war against terrorism without friends and allies. In every area we talk about, we need strong international partnerships. If our activities are to be successful they must take place in the context of strong government-to-government relationships and sustained international cooperation.”

Governor Kean also stated that:

“We must rely on information exchanges and liaison with friendly intelligence services; we need foreign intelligence and law enforcement partners to surveil and arrest terrorist suspects; we need cooperation of foreign financial institutions to track the flow of terrorist funding; we need common international passport and document standards for international travel, and we need common security standards for international aviation.”

Unlike the hearings held by the Full Committee which carefully reviewed those recommendations of the Commission which could be addressed by our Committee, this hearing will review the very practical efforts which have been taking place since September 11, 2001 to deal with the global terrorist threat by this Nation and the nations of Europe, and their Union.

Nowhere is there a more natural and potentially successful effort to combat terrorism than through transatlantic cooperation. The recent Commission report reminded us that many of the 19 terrorists who were involved in the events of September 11 were part of the so-called “Hamburg” cell based in Germany where they probably received training, reaffirmed their plans and transited through Europe to carry out their attack. We now know that the al-Qaeda organization and their supporters, and other terrorist groups, have found refuge in parts of Europe and have had access to items such as European passports and financial institutions.

The Commission report also expressed concern for the eastern borders of Europe where the lack of rigid border controls could make that region of Europe a transit area for terrorists and a potential safe haven for operatives on the run.

Although not all States in Europe face the same threat level, Europe on the whole has had plenty of experience fighting terrorism and has deployed a diverse array of countermeasures in that effort over the years preceding September 11. Regrettably, the March tragedy in Madrid and the recent events in Russia remind us that all Europe remains vulnerable to terrorist violence.

For our part, the United States has the power and the global reach to accomplish much of the job. But as we are experiencing, we cannot do it all alone. Militarily, our dealings with Europe through the NATO Alliance can be an effective and efficient conduit for that aspect of the struggle against terrorism.

This has been proven in Afghanistan, where close to 7,000 NATO-led European troops are engaged. Nevertheless, a major ele-

ment in any successful fight against terror is the ability of nations to bring non-military assets to the fight. Here, both Europe and the United States possess major law enforcement, financial, intelligence, and other important assets which can be effectively utilized. And as we will likely hear today, they are being engaged. The success of any effort against global terrorism, however, must start with a commitment and a strategy under which all participants can operate.

Both the United States and the European Union have produced separate, but similar, strategy papers to combat terrorism. But a strategy on paper and a strategy in practice are two different things. Our priorities must be to reach the highest level of strategic transatlantic coordination and cooperation which can exist in order to be successful.

If by reading the *9/11 Commission Report* one shudders at the difficulty of trying to coordinate the activities of a mere dozen intelligence agencies in this country, one must really stop and think of the enormous challenge it takes to coordinate the efforts of hundreds of agencies in over 35 countries within the transatlantic community.

Fortunately, there is a good news story. Both the United States and the nations of Europe and their Union have been clear in their understanding of the perils of unchecked terrorism. Both sides have made a commitment to combating the problem recognizing that only close cooperation will ultimately defeat the threat. And finally, the transatlantic dialogue seems to be taking place on a regular basis and at a variety of levels within our respective Governments. For instance, I understand that both Attorney General Ashcroft and Secretary Ridge are again preparing to travel to Europe this month for major meetings on the cooperative efforts.

Our hearing today will look at that transatlantic cooperation and coordination to determine what we have achieved and what challenges remain. We are pleased to have witnesses from the Departments of State, Justice, and Homeland Security.

We are also very pleased that the European Union's Coordinator for Terrorism is with us to provide a European perspective. I look forward to hearing all of the comments. But before I turn to our witnesses I want to recognize the distinguished Chairman of the International Terrorism Subcommittee, Mr. Gallegly, for any opening statement that he may have.

Mr. GALLEGLY. I thank the gentlelady, and let me begin by thanking you again for holding this hearing today, and for inviting the Subcommittee on International Terrorism, Nonproliferation, and Human Rights, to participate. I appreciate your work in addressing the European-American cooperation in the war on terrorism.

The events of September 11 and many of the more recent terrorist attacks have demonstrated a central role that European nations need to play in the war against international terrorism. They also show the importance of close cooperation between the United States and Europe in this effort. None of the 9/11 hijackers were European citizens. However, al-Qaeda's Hamburg cell played an integral part in the 9/11 attacks. This cell consisted of at least eight

extremists, including three of the 9/11 pilots. And Zacarias Moussaoui, the alleged 20th hijacker, was a French citizen.

Further, we have learned in previous hearings that some European citizens, whether native-born or immigrants, are either joining radical Islamic groups or are sympathetic to the goals of those groups. Given our close ties to Europe, as well as the visa waiver program that allows travel to the United States from many European countries without a visa, this is a trend that poses a direct national security threat to the U.S.

Europe, however, is not just a source for terrorists seeking to attack our country. The continent, as the attacks in Madrid, Istanbul, Russia and other places have shown, has become a prime target for terrorists. To these attacks, I would also add the plot by a group of North Africans living in England to produce ricin, one of the world's deadliest poisons. The operation was foiled by the British police in January 2003. The target for the ricin was most likely a location within Britain.

I agree with the views expressed in Mr. De Vries' written statement that the March 11th bombings in Madrid have strengthened the EU's resolve to combat terrorism. At the same time, nobody believes that either side is doing enough in terms of intelligence, immigration, or law enforcement cooperation.

I would like each of our witnesses to provide some specific steps that can be taken to strengthen our cooperation and efforts. As a starting point, let me suggest that both sides immediately begin discussions on sharing information on terrorist travel patterns and on lost, stolen, or fraudulent passports.

The *9/11 Commission Report* stated that targeting terrorist travels is at least as important as targeting terrorist financing. I urge both the United States and European officials to focus on this issue and improve our law enforcement efforts against fraudulent documents and other ways terrorists evade border controls. I thank the gentlelady and yield back.

Ms. DAVIS. Thank you Chairman Gallegly. I would like to now recognize the Ranking Member of our Europe Subcommittee, Mr. Wexler, for an opening statement.

Mr. WEXLER. Thank you very much Madame Chairwoman and congratulations to you for your ascension to the Chairmanship.

Today's hearing comes at an appropriate time given America and Europe's solemn recognition of the third anniversary of September 11. The response of the United States and Europe to terrorism in the aftermath of September 11 can be broken down into two phases: Post-9/11 and the lead-up and aftermath of the war in Iraq. The first phase, following 9/11, found the United States and Europe standing shoulder-to-shoulder focused for a common purpose and enemy. At that time support and sympathy for the United States was at an all-time high as our NATO allies unanimously invoked article V, and unequivocally supported our efforts to remove al-Qaeda and the Taliban from Afghanistan.

Post-9/11 also led both sides of the Atlantic to work jointly to address exposed internal weaknesses in combating terrorism and proliferation of WMD. Like the U.S., the EU and its Member States made significant strides to strengthen laws and police enforcement, address border patrol and asylum issues, and broke down existing

terrorist cells, froze financial assets, and arrested dozens of extremists.

Initially, the United States and Europe set the right tone for cooperation. However, historic cooperation and support quickly turned sour following the highly-charged debate over Iraq diminishing American credibility in Europe and in the Muslim world, crippling the transatlantic alliance and exacerbating efforts to combat terror.

The war in Iraq did what Osama bin Laden only dreamed, by exposing a deep and fundamental division in Europe and America's counterterrorism and Middle East policies. The war in Iraq drained critical American resources and attention away from the rebuilding of Afghanistan and the capture of al-Qaeda members, created a new bastion of terrorism in Iraq and left the transatlantic alliance impotent to deal with the world's biggest threat, Iran's nuclear program.

While Iran promised the British, French and Germans that it would suspend uranium enrichment last year, evidence has emerged indicating that Iran has violated its agreement and could obtain a nuclear weapon in the very near future. Such a development poses an unprecedented challenge to the United States and Europe. The United States is prepared to take this issue to the U.N. Security Council and threaten sanctions against Tehran. Our European allies wish to continue with negotiations and revisit the issue in November.

Unfortunately, Iran is again exploiting our differences to buy time. Sanctions and diplomacy are not mutually exclusive and discussion with Tehran should continue. But with each carrot, we must also issue a stick to deter its nuclear efforts.

Madame Chairwoman, the *9/11 Commission Report* clearly stated that the United States Government cannot meet its obligations to protect the American public from terrorism without a major effort to collaborate with other Governments. To that end, our European allies remain America's most important partner in this ongoing struggle and vice versa. I look forward to hearing from our distinguished witnesses who will shed light on the current status of our cooperation and efforts to bridge the growing counterterrorism differences between the United States and Europe. Thank you.

Ms. DAVIS. Thank you, Mr. Wexler. I now would like to turn to the Ranking Democrat on the Terrorism Subcommittee for an opening statement, Mr. Sherman.

Mr. SHERMAN. Thank you Madam Chairman. I thank you, along with Chairman Gallegly and Mr. Wexler for putting these hearings together. It is rare that we have representatives of foreign Governments, or institutions, to come before our Committee and I thank Mr. De Vries for being here.

Let me take this opportunity, Madam Chairwoman, since you referred to our Subcommittee as the Terrorism Subcommittee to point out that it is the Terrorism and Nonproliferation Subcommittee, as well as the Human Rights Subcommittee. And let me use this opportunity to once again talk to my great friend from Ventura County and renew my plea that sometime before the end of the 108th Congress—hopefully in the next week or 2—we actually have hearings on the Iranian and North Korean nuclear pro-

liferation programs. For us to end the 108th Congress without paying due regard to proliferation is a clear denigration and failure to meet the responsibilities that the name of our Subcommittee implies.

Mr. GALLEGLY. Would the gentleman yield?

Mr. SHERMAN. I yield.

Mr. GALLEGLY. I would like to thank the gentleman for clarifying his position on the issue. Thank you.

Mr. SHERMAN. Thank you. And I would point out that there may be reluctance since our policy toward North Korea is to beg them not to develop any more nuclear weapons and then to announce as a great success the fact that they have agreed to discuss the matter further around a six-sided table.

Our policy toward Iran is to beg the Europeans to beg the Iranians, and as I will get to later; that has not been terribly successful either. But for us to ignore the greatest threat, and what the Vice President of the United States has identified as the greatest threat to the United States, simply because our policies are unsuccessful, is to ignore our congressional responsibility.

We are all in this together, the United States and Europe, and yet we have had differences, whether it be on the Iraq war, Kabul, the Middle East peace process, missile defense, or the International Criminal Court.

So far as I know, this has not prevented us from cooperating at a law enforcement level, and hopefully we will do everything possible to cut through the bureaucracy and exchange information as necessary and cooperate.

Congress has again had to extend the deadline for the visa waiver States to produce non-counterfeitable documents of travel, but I would point out that our own State Department is unable to meet the very deadline they were prescribing for others.

I commend Mr. De Vries for noting in his testimony the threat of terrorists obtaining weapons of mass destruction. I would point out that weapons of mass destruction range from tear gas or mustard gas on one hand, and a thermal nuclear weapon on the other.

And I would hope that we would focus our attention on nuclear weapons since the 9/11 Commission indicated that the greatest problem we faced was a failure of imagination, and we seem unable or unwilling to imagine what could be done with thermal nuclear weapons to the United States.

In these hearings, I hope we will explore why it is that a significant portion of Muslim youths living on the continent of Europe seems to have adopted radical views of Islam.

Whereas, apparently a smaller percentage of Muslim youth in the Muslim world have adopted those views, and we in the United States, with a significant Muslim population, seem to have far fewer people involved in terrorist attacks on a percentage basis than those of Europe.

Returning to the nuclear proliferation program in Iran, first we should also add that Iran is the number one State-sponsor of terrorism, and Europe has not conditioned any of the carrots on Iran ceasing its status identified by our State Department as a sponsor of terrorism.

And so we have a circumstance where Europe comes to us and says let us work together, and I am supposed to go home and sell that to the people of my district. And then I have to explain to them that half-a-billion dollars has been sent from the World Bank to the Islamic Republic's Government for it to use to meet its domestic needs, and so it can use its oil revenue to finance terrorism and nuclear proliferation.

And some of that money is ours, and it has been literally hijacked by the votes of European Governments to send money—25 percent of it ours—to a regime that is working every day to kill as many Americans as possible, and is looking forward to the day when they can kill us by the hundreds-of-thousands.

What we see from Europe with regard to Iran is business-as-usual can be coated as a mirror of diplomatic flurry and announcement of great success when we announce that there is going to be yet another meeting.

The fact is that when a Government is sponsoring terrorism and is responsible for the deaths of hundreds of Americans, and Europe continues to press us on the Iran-Libya Sanctions Act because they want to invest in oil wells there, and when they send our money, as well as theirs, to a Government, and when they conduct trade negotiations on an as-usual basis, the people of Iran will believe their leaders when they say we can continue this foreign policy, and it will not hurt the Iranian economy and its economic relationships with the world.

Only European cooperation and a more aggressive policy from the United States can convince the Iranian people that they pay a price for the decision of their Government to develop nuclear weapons. And with that, I yield back.

Ms. DAVIS. Thank you Mr. Sherman. And I would now like to yield 5 minutes to the gentleman from Pennsylvania, Mr. Pitts.

Mr. PITTS. Thank you Madame Chair and thank you Mr. Chairman for convening this important hearing this afternoon on United States and Europe Counterterrorism Coordination.

From 9/11 to the March 11 bombings in Madrid, to the airplane bombings, to the school attack in Russia, one thing is crystal clear: Terrorism is a global enemy. No country, no town, no individual is safe. Terrorism affects us all. And if it is to be defeated we must work together in pursuit of justice and peace. Today, we are here to discuss counterterrorism cooperation with our European allies. Certainly we have not seen eye-to-eye on every aspect on the war on terror. But what is often lost is the degree to which we do agree. We have many common challenges because the United States and Europe are open societies that value democracy and freedom and we must work together on counterterrorism efforts.

I support the counterterrorism strategy outlined at the June 2004 U.S.-EU summit. We need to improve border security. We need to prevent access by terrorists to financial and economic resources. We need to bolster law enforcement capabilities and coordination. In working together we can learn from each other and adopt policies and practices that are successful in improving our security.

I will revise and extend my remarks with the rest of the testimony and I look forward to hearing our distinguished witnesses

today. Again, I thank the Chairs for holding this important hearing.

[The prepared statement of Mr. Pitts follows:]

PREPARED STATEMENT OF THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN
CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA

I thank the Chairman and Madam Chair for convening this important hearing this afternoon on United States-Europe Counter-terrorism Coordination.

From 9/11, to the March 11th bombings in Madrid, to the airplane bombings and school terrorist attack in Russia, one thing is crystal clear: terrorism is a global enemy.

No country, no town, no individual is safe.

Terrorism affects us all and if it is to be defeated, we must work together in pursuit of justice and peace.

Today, we are here to discuss counter-terrorism cooperation with our European allies. Certainly, we have not seen eye-to-eye on every aspect of the War on Terror, but what is often lost is the degree to which we do agree.

We have many common challenges because the United States and Europe are open societies that value democracy and freedom.

We must work together on counter-terrorism efforts. I support the counter-terrorism strategy outlined at the June 2004 U.S.-EU summit.

We need to improve border security. We need to prevent access by terrorist to financial and economic resources. We need to bolster law enforcement capabilities and coordination.

In working together, we can learn from each other and adopt policies and practices that are successful in improving security.

For example, I was recently told a story about a European airport that instituted a neighborhood watch program.

The security personnel at the airport identified points of vulnerability and went out into the neighborhoods to educate the surrounding community about what to look for.

If a person sees anything suspicious they are to call a private number, not a general emergency number like 9-1-1, to register what they observed.

On one occasion, an elderly lady who was part of the neighborhood watch called in to airport security about two men she saw getting out of a van and going into the woods with what looked a fishing pole.

The problem? There's no place to fish around there.

Law enforcement was sent out, and sure enough, they arrested two men with an SA-7.

This anecdote proves that the threat is real. We could institute a similar strategy here to protect our airports.

We also must continue our resolve to export those values that make our nations great: democracy, freedom, self-determination, and basic human rights.

Specifically regarding human rights and democratization, it is vital that we help stop the myriad human rights violations and help promote the development of democracy.

Islamic extremists are attempting to disrupt and dominate politics throughout the world. While our response must be firm, it must also be just. We cannot afford to compromise human rights for the sake of security, or we play into the hands of the terrorist.

For example, in Central Asia, governments must be careful to arrest only the extremists and those who have committed crimes. Unfortunately, there are many peaceful religious believers who have been arrested in the sweep to crack down on extremists. We must support courageous leaders who stand for freedom in the midst of fierce opposition from secret security forces and official government pressure. I urge the governments of Central Asia to continue the fight against terrorism without violating fundamental human freedoms.

The U.S. and E.U. must work together to engage this region to improve respect for and protection of human rights while combating terrorism. If we don't, this region will crumble.

In closing, whether you are from the United States or from Europe; whether you agree with the War in Iraq or oppose it; whether you are conservative or liberal; you are the enemy of the terrorists and they seek your destruction.

You cannot appease them; you cannot negotiate with them; you cannot sit them down over a cup of Starbucks and talk to them.

Together, we must frustrate them, find them, and fight them. And, I firmly believe that together we will win.

We have many common challenges and we need to work together to improve security.

I look forward to hearing our distinguished witnesses and I yield back the balance of my time.

Ms. DAVIS. I thank the gentleman for being brief so we could get on with the witnesses. Mr. McCotter, do you have an opening statement?

Mr. MCCOTTER. No, Madame Chairwoman.

Ms. DAVIS. Mr. Smith?

Mr. NICK SMITH OF MICHIGAN. Madame Chairwoman, I would ask that my full written statement be included at this point. I would just like to add to it.

Ms. DAVIS. Without objection.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE NICK SMITH, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MICHIGAN

I would like to thank Chairmen Gallegly and Davis for holding this hearing today on counterterrorism cooperation with our allies in Europe. I would also like to thank our witnesses for joining us today.

Much has been written about the rift between the United States and Europe in the context of disagreements over Iraq. Some have raised concerns that Europe and the United States do not have a shared vision to fight terrorism. Many have also noted that when Europe and the United States work together, the world follows. President Bush has lead attempts to raise the urgency of fighting terrorism in the United States. However, cooperation with Europe is important for defeating terror the way that cooperation helped the previous generation defeat communism.

Europe has worked with the U.S. in the Security Council to pass and implement new terrorist financing resolutions. These have allowed tracking and limiting terrorist resources. Several European countries including Britain, Italy, Poland, the Netherlands, Denmark, Bulgaria, and others are working with us in Iraq to establish a stable government that can be a model in the Middle East. And even more countries are working with us in Afghanistan, although few have lived up to their promises for either troops or money. This cooperation must be expanded.

Much has also been written about the close economic ties between the United States and Europe. While China gets all the press about foreign direct investment, an overwhelming majority of American investment abroad is investment in Europe. This economic relationship is central to the world economy. In addition to cooperating to address terrorism in the world at large, terrorism has many implications for US-EU relations.

One concern that has been particularly relevant is travel. The 9-11 Commission report said that restricting terrorist travel is as important or more important than restricting terrorist financing. However, we need to be careful that these restrictions do as little damage as possible to our business, cultural and educational exchanges with Europe and other countries. These exchanges are some of our most important public diplomacy and are extremely helpful for the economies of the United States and visitors' countries. Maintaining the balance between security and the benefits of these exchanges will require new thinking and new technology as we reexamine our security, economic, and business priorities in today's security context. The way forward cannot be backwards towards more restriction. It must be towards more secure exchange.

Consider a recent example. Last year the United States and the European Union completed difficult negotiations involving passenger lists on transatlantic flights. American regulations were said to violate European privacy laws. Eventually regulations were decided upon but the European Parliament challenged these regulations in court. With the recent election of a new Parliament, it is not yet clear what the status of this suit is, but this situation is an excellent example of the challenges that we must face. This debate required that we cooperate on our fundamental values about privacy and relate them to the risks associated with terrorism. This kind of discussion will be repeated as transatlantic cooperation continues, as it must.

I would like to again thank the Chairmen for holding this hearing today. We must continue and expand our cooperation with Europe against terrorism and other dangers to world stability.

Mr. NICK SMITH OF MICHIGAN. You know, Europe and the United States have been close allies throughout history. Certainly we have worked together in and out of the Security Council in terms of our fight against terrorism. Many countries in Europe—Britain, Italy, Poland, The Netherlands, Denmark, Bulgaria and others—are working with us in Iraq.

Terrorism came boldly to the forefront back in the 1970s in the Olympics. It continued hitting us through the 1980s and the 1990s, and pretty much nothing was done until after 9/11. Now the United States has taken some bold steps; with the Taliban, in deciding that we must stop the proliferation of nuclear weapons and weapons of mass destruction, and dealing with those countries that are harboring terrorists. And I hope that we all agree now that it is important. It is my guess that historians 50 years from now, or 75 years from now, are going to look back at this time and say that it was a turning point. A turning point in trying to make a difference and trying to put limitations on the spread of threats and other terrorist activities, whether we are successful or not.

We are only going to be successful if we work together and even in Iraq, where there is a lot of European countries that disagree with the effort, it seems to me that if we fail in that effort of making that country an example of democracy and to make a difference in that part of the world then it is going to jeopardize our long-run success in countering terrorism.

So just my final sentence, Madame Chairwoman, is that cooperation with the rest of the free world is very important, and this time in history is very important.

Ms. DAVIS. Thank you Mr. Smith. We have with us today on our first panel Mr. William Pope, Principal Deputy Coordinator, Office of the Coordinator for Counterterrorism, U.S. Department of State.

Mr. Pope joined the U.S. Foreign Service in 1974 and has assumed his current duties in the Office of Counterterrorism in August 2002. Prior to this assignment, he served as the Deputy Chief of Mission in Rome, and as DCM at the U.S. Embassy in The Hague, The Netherlands. He has also served in Paris, Belgrade, Pretoria and Botswana. Within the department, he has served as the Director of the Interagency Task Force on Soviet Functions and has been an Legislative Management Officer in the Bureau of Legislative Affairs.

Mr. Pope was born in Alexandria, Virginia, and served in the U.S. Army Security Agency in 1969 through 1970. He holds a B.A. from the University of Virginia, has done graduate work at Georgetown University, and attended the National War College. It is nice to have a fellow Virginian here, Mr. Pope. We are glad to have you.

Also on our first panel is Mr. Gijs de Vries, Counterterrorism Coordinator of the European Union. Mr. De Vries currently serves as the Counterterrorism Coordinator for the European Union in Brussels, and prior to his appointment earlier this year, Mr. De Vries served on special assignment as Ambassador in The Hague.

Mr. De Vries has served as Deputy Minister of the Interior and is a member of the European Parliament, including Leader of the

Liberal and Democratic Group. He has also been an Electorate in International Relations, with a Faculty of Law in English.

Mr. De Vries, it is a pleasure to have you here and I look forward to hearing both of your testimonies. Mr. Pope, you will be first and each of you will be recognized for 10 minutes. Your full statement will be in the record and you are free to tell us whatever you want to tell us in 10 minutes.

STATEMENT OF WILLIAM T. POPE, PRINCIPAL DEPUTY COORDINATOR, OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM, U.S. DEPARTMENT OF STATE

Mr. POPE. Thank you very much, Madame Chairperson. And Mr. Chairman and Members of the Subcommittees, thank you for this opportunity to appear before you today to discuss European cooperation with the United States in the global war on terrorism.

Cooperation with Europe is vital, as you have already heard, to our ability to effectively prosecute that war against enemies that threaten all of us on both sides of the Atlantic.

I would like, before getting any further, to express my deepest condolences to the people of Russia, who have suffered horrific terrorist attacks, leading to the deaths of so many innocent people in recent weeks. Our thoughts and prayers are with them. The pitiless and indefensible attacks in Russia only strengthen our resolve to try to deter future atrocities and see the culprits caught and punished.

Europe's abhorrence of terrorism was strengthened by the horror of the train bombs in Madrid, the repeated suicide bombings in Uzbekistan, the attacks in Turkey, and most recently, the tragic events in Russia. Europeans well know the price that terrorism exacts, both internationally and domestically.

The scope of the terrorist threat makes clear that no one country can hope to succeed in defeating it alone. As President Bush has stressed and as we have heard this morning in your opening statements, the global threat we face requires a global strategy and a global response, and this is exactly what we are seeking to do, both bilaterally with our partners, and by aggressively mobilizing the United Nations and other international organizations to fight terrorism in every corner of the globe.

In that effort, Europeans have been among our closest and most reliable partners. Cooperation has been forthcoming and rapid response to immediate threats the norm.

With your permission, I thought that I could begin with a brief overview of U.S. counterterrorism efforts. Following the September 11 attacks, the U.S. Government developed a national strategy for combating terrorism.

We have implemented this strategy to act simultaneously on four fronts; to defeat terrorist organizations of global reach by going after their sanctuaries, leadership, finances, and command, control, and communications.

Second, deny further sponsorship, support and sanctuary to terrorists by cooperating with other States, including European States, to take action against these international threats.

Third, diminish the underlying conditions that terrorists seek to exploit by enlisting the international community to focus its efforts and resources on the areas most at risk.

And, fourth, defend the United States, its citizens, and interests at home and abroad. To achieve these ambitious aims, we have sought with great success, I believe, to create and sustain a broad international coalition.

Our multilateral counterterrorism efforts start at the U.N. and are centered around U.N. Security Council resolution 1373. Other regional and functional organizations are also crucial to building a seamless, global counterterrorism web.

For example, the International Civil Aviation Organization (ICAO) and the International Maritime Organization can set international counterterrorism standards and best practices. Regional groups around the world, including the European Union, can and do encourage their members to adopt these standards and other best practices and to help in their implementation. For example, the G-8 (Group of 8, which includes several of our European partners) developed a set of guidelines and best practices to improve the security of travel documents, including the use of biometrics.

ICAO reviewed these guidelines and best practices and agreed to adopt them as international standards. The Organization for Security and Cooperation in Europe (OSCE) agreed, in a ministerial decision last December, to a United States-initiated proposal for all 55 OSCE Member States to adopt and implement the ICAO standards and best practices.

The G-8 Counterterrorism Action Group, what we call CTAG, focused part of its last meeting on bringing donor attention to document security assistance needs in the OSCE region and beyond.

As with G-8 document security standards, the next steps will be to export completed standards and practices to other organizations for broader adoption and then to help those lacking the means to implement them.

Let me now turn to our cooperation with the European countries and institutions. The European Union has been a solid partner in sustaining the global coalition against terrorism.

Following 9/11, the European Council adopted an action plan to identify areas such as police and judicial cooperation, humanitarian assistance, transportation security, and economic and finance policy, to help fight terrorism.

The EU and the United States signed Extradition and Mutual Legal Assistance Agreements at our June 2003 summit that will expand law enforcement and judicial cooperation. The Madrid bombings provided additional impetus for action. Since then, EU members have agreed, among other things, to reinforce operational cooperation, improve the effectiveness of border information systems and bolster technical assistance to third-world countries. They have also named an EU counterterrorism coordinator whose job is to monitor and encourage implementation of the EU agreement on enhancing counterterrorism capabilities.

And it is a great honor for me to be on the same panel with Minister De Vries. At the recent U.S.-EU summit this year, our European partners and we renewed our commitment to further develop our cooperation against terrorism and agreed to work together to

deepen international consensus and enhance international efforts to combat terrorism; prevent access by terrorists to financial and other economic resources; develop measures to maximize our capacities to detect, investigate, and prosecute terrorists and prevent terrorist attacks; to protect the security of international transport, and ensure effective systems of border control; diminish the underlying conditions that terrorists can utilize to recruit and exploit to their advantage; and to target our external policy actions toward priority developing countries where counterterrorism capacity or a commitment to combating terrorism needs to be enhanced.

Let me turn very quickly now to the broader question on how we see the war on terrorism in Europe. European nations are active participants in a variety of multilateral organizations that have made contributions in counterterrorist efforts, including G-8, the Financial Action Task Force, OSCE, the International Maritime Organization, as I mentioned, and ICAO.

The capabilities of our Western European partners are excellent. The European intelligence and security forces are well aware of the threat posed by Islamic extremism and generally do an effective job of monitoring extremists. They have successfully forestalled numerous incipient mass-casualty attacks since 9/11, including some on United States facilities in Europe.

Terrorist activity and the presence of terrorist support networks in Europe, however, remains a source of concern. As we all know, much of the planning for 9/11 took place in Europe. And terrorist support networks continue to exist on the continent despite the best efforts of security services and European Governments.

Efforts to combat the threat in Europe are sometimes complicated by the fact that some countries have legal impediments to taking firm judicial action against suspected terrorists, often stemming from asylum laws that afford loopholes, or inadequate counterterrorist legislation or standards of evidence that lack flexibility in permitting law enforcement authorities to rely on classified source information in holding terrorist suspects.

Ease of travel within Schengen visa countries also makes Western Europe attractive to terrorists. We are concerned that some European States have at times demonstrated an inability to prosecute successfully or hold many of the terrorists brought before their courts.

I think that I will cut back on this a little. I don't want to go too long. One of the things that we need to focus on quite a bit is our ability to track terrorism financing. Most countries in Europe have good laws against terrorist financing, but some of the financial transfers do slip past regulators in the formal economy.

I would like to thank the Subcommittee Members for their sustained support of an amendment to reform the law on designating foreign terrorist organizations. This provision represents the type of legislation that will allow my staff and their counterparts in other departments to direct their efforts more productively against terrorists and their supporters. Thank you for that.

We work with our European partners on a whole range of CT efforts; on information sharing, on arresting members of cells, interdicting terrorist financing, and beyond Europe as well.

And what I think I will do is stop, because I am going to go too far beyond, but I would be very pleased to answer your questions, and you have the full testimony for the record.

[The prepared statement of Mr. Pope follows:]

PREPARED STATEMENT OF WILLIAM T. POPE, PRINCIPAL DEPUTY COORDINATOR,
OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM, U.S. DEPARTMENT OF STATE

Thank you Madame and Mr. Chairman and members of the Subcommittees for this opportunity to appear before you today to discuss European cooperation with the United States in the Global War on Terrorism. Cooperation with Europe is vital to our ability effectively to prosecute that war—against enemies that threaten all of us, on both sides of the Atlantic.

I will summarize my formal written statement and ask that you include my full testimony in the record.

However, before beginning, I would like to express my deepest condolences to the people of Russia who have suffered horrific terrorist attacks leading to the deaths of so many people in recent weeks. Our thoughts and prayers are with them, especially the parents of the innocents who died in the carnage at the school. I can only imagine their grief and their loss—we all weep with them. As with the horror in Madrid in March, the pitiless and indefensible attacks in Russia only strengthen our resolve to try to deter future atrocities and see the culprits caught and punished.

Europe's abhorrence of terrorism was strengthened by the horror of the train bombs in Madrid, the repeated suicide bombings in Uzbekistan, the series of attacks in Turkey, and, most recently, the tragic events in Russia. Europeans well know the price terrorism exacts, internationally and domestically.

Mr. Chairman, the scope of the terrorist threat makes clear that no one country can hope to succeed in defeating it alone: As President Bush has stressed on numerous occasions, the global threat we face requires a global strategy and a global response—and this is exactly what we are seeking to do, both bilaterally with our partners, and by aggressively mobilizing the United Nations and other international organizations to fight terrorism in every corner of the globe. In that effort, Europeans have been among our closest and most reliable partners: Cooperation has been forthcoming, and rapid response to immediate threats the norm.

With your permission, I thought I could begin with a brief overview of U.S. counterterrorism efforts: Following the September 11 attacks, the U.S. Government developed a National Strategy for Combating Terrorism, which outlined the policy framework for coordinated actions to prevent terrorist attacks against the United States, its citizens, its interests, and its friends around the world. We have implemented this strategy to act simultaneously on four fronts:

- Defeat terrorist organizations of global reach by going after their sanctuaries, leadership, finances, and command, control and communications;
- Deny further sponsorship, support, and sanctuary to terrorists by cooperating with other states to take action against these international threats;
- Diminish the underlying conditions that terrorists seek to exploit by enlisting the international community to focus its efforts and resources on the areas most at risk; and
- Defend the United States, its citizens, and interests at home and abroad.

To achieve these ambitious aims, we have sought, with great success, to create and sustain a broad international coalition:

Our multilateral counterterrorism (CT) efforts start at the United Nations. UN Security Council Resolution 1373, adopted with strong U.S. leadership shortly after 9–11, places binding obligations on all UN member states to:

- Prevent and suppress terrorist financing by criminalizing financing, planning, preparing or perpetrating terrorist acts;
- Prohibit nationals from making funds or economic resources available to terrorists;
- Freeze funds and financial assets of terrorists and related entities;
- Refrain from supporting terrorist entities, take necessary steps to prevent commission of terrorist acts, and prevent use of territory for terrorist acts;
- Deny safe haven and prevent movement of terrorists across borders;
- Exchange operational information and enter into agreements to prevent and suppress terrorism, including ratifying the 12 CT conventions and protocols;

- Ensure refugee/asylum laws prevent abuse by terrorists; and
- Prohibit active and passive assistance to terrorists.

UNSCR 1373 also created the UN Counterterrorism Committee (CTC) to monitor implementation of its obligations, and to maintain countries' will to continue the struggle. Earlier this year, the UNCTC was revitalized to strengthen the fight against terrorism within the United Nations by giving the CTC further means to fulfill its mandate of monitoring implementation of 1373. A new Counterterrorism Executive Director position was also created.

Regional and functional organizations are also crucial to building a seamless global CT web. Functional organizations like the International Civil Aviation Organization (ICAO) and the International Maritime Organization can set international CT standards and best practices. Regional groups around the world, including the European Union, can and do encourage their member states to adopt these standards and best practices, and help in their implementation.

An example of how the United States is working with such organizations to improve CT efforts involves four different multilateral groups, each doing what it does best:

- The G-8, which includes several of European partners, developed a set of guidelines and best practices to improve the security of travel documents, including the use of biometrics.
- ICAO reviewed these guidelines and best practices and agreed to adopt them as international standards.
- The Organization for Security and Cooperation in Europe (OSCE) agreed in a Ministerial decision last December to a U.S.-initiated proposal for all 55 OSCE member states to adopt and implement the ICAO standards and best practices.
- The G-8 Counterterrorism Action Group (CTAG) focused part of its last meeting on bringing donor attention to document security assistance needs in the OSCE region and beyond.

G-8 actions in these areas will serve as a first step in further bolstering the security of travel. As with G-8 document security standards, the next steps will be to export completed standards and practices to other organizations for broader adoption, and then to help those lacking the means to implement them.

Let me now turn to our cooperation with the European countries and institutions:

The European Union has been a solid partner in sustaining the global coalition against terrorism. Following 9/11, the European Council adopted an Action Plan to identify areas, such as police and judicial cooperation, humanitarian assistance, transportation security and economic and finance policy, to help fight terrorism. The EU and the United States signed Extradition and Mutual Legal Assistance Agreements at our June 2003 Summit that will expand law enforcement and judicial cooperation.

The Madrid bombings provided additional impetus for action. Since then, EU members have agreed, among other things, to reinforce operational cooperation, improve the effectiveness of border information systems, and bolster technical assistance to third countries. They have also named an EU Counterterrorism Coordinator, whose job is to monitor and encourage implementation of EU agreements on enhancing counterterrorism capabilities.

At the recent U.S.-EU Summit, our European partners and we renewed our commitment to further develop our cooperation against terrorism and agreed to work together: to deepen the international consensus and enhance international efforts to combat terrorism; to prevent access by terrorists to financial and other economic resources; to develop measures to maximize our capacities to detect, investigate and prosecute terrorists and prevent terrorist attacks; to protect the security of international transport and ensure effective systems of border control; to develop further our capabilities to deal with the consequences of a terrorist attack; to diminish the underlying conditions that terrorists can seize to recruit and exploit to their advantage; and to target our external relations actions towards priority developing countries where counterterrorism capacity or commitment to combating terrorism needs to be enhanced.

This is the type of multilateral CT effort and cooperation that the United States seeks to promote, a goal clearly shared by our G-8 and EU partners.

Let me turn now to the broader question how we see the war on terrorism in Europe:

European nations are active participants in a variety of multilateral organizations that have made contributions in counterterrorist efforts, including the G-8, the Fi-

nancial Action Task Force (FATF), the Organization for Security and Cooperation in Europe (OSCE), the International Maritime Organization (IMO), and the International Civil Aviation Organization (ICAO). The capabilities of our Western European partners are excellent. European intelligence and security forces are well aware of the threat posed by Islamic extremism and generally do an effective job of monitoring extremists. They have successfully forestalled numerous incipient mass casualty attacks since 9–11, including some on U.S. facilities in Europe.

Terrorist activity and the presence of terrorist support networks in Europe remains a source of concern, however; as we all know, much of the planning for 9–11 took place in Europe, and terrorist support networks continue to exist on the continent despite the best efforts of security services and European governments. I would note that in Germany, for example, the Office for the Protection of the Constitution's annual report concluded that Islamic extremists represent the largest threat to that country's internal security and remain the main focus of German authorities.

Efforts to combat the threat in Europe are sometimes complicated by the fact that some countries have legal impediments to taking firm judicial action against suspected terrorists, often stemming from asylum laws that afford loopholes, inadequate CT legislation, or standards of evidence that lack flexibility in permitting law enforcement authorities to rely on classified-source information in holding terrorist suspects. Ease of travel within Schengen visa countries also makes Western Europe attractive to terrorists. We are concerned that some European states have at times demonstrated an inability to prosecute successfully or hold many of the terrorists brought before their courts.

Differing perspectives on the dividing line between legitimate political or charitable activity and support for terrorist groups similarly clouds the picture. For example, the EU as a whole has been reluctant to take steps to block the assets of charities linked to Hamas and Hizballah, even though these groups repeatedly engage in deadly terrorist attacks, and the "charitable" activities help draw recruits. These groups derive a considerable portion of their funding from Europe, and funds allegedly raised for "humanitarian" purposes are easily diverted to the commission of terrorist acts. Even laying aside the contentious issue of the death penalty, European sentences in general are often significantly less stringent than those in the United States, and provisions for mandatory remission of sentences frequently more generous.

We all need to improve our ability to track terrorism financing. Most countries in Europe have good laws against terrorism financing, but some of the financial transfers slip past regulators in the formal economy. Some transactions move through informal, largely illegal, channels. A propos of this subject, I would like to thank Subcommittee members for their sustained support of an amendment to reform the law on designating Foreign Terrorist Organizations. This provision represents the type of legislation that will allow my staff and their counterparts in other Departments to direct their efforts more productively against terrorists and their supporters.

To address these potential weaknesses, the United States continues to work closely with European partners to strengthen CT legislation and to help improve abilities to restrict terrorists' freedom of action, block assets, and address social conditions that contribute to the spread of terrorism.

Despite occasional hiccups, I would stress that the contributions of European countries in sharing vital information, arresting members of terrorist cells, interdicting terrorist financing and logistics, and assisting in rebuilding Afghanistan have been and continue to be, vital elements in the war on terrorism. Successes in the campaign against terrorism have, to a large degree, been a result of the unprecedented level of cooperation and mutual support among the United States and our partners around the world.

European countries are moving to overcome some of the impediments to pursuing terrorists that existed before 9–11. We want to continue to work with our European partners to identify areas where there is work to be done and ways in which we can collaborate more effectively. Let me briefly address some of them:

All of us, including the United States, need to improve coordination between our law enforcement and intelligence agencies. There have been significant advances since September 11, 2001, but we can still do better.

We remain concerned about the activities of state sponsors of terrorism in supporting some of the world's deadliest terror organizations. It is the policy of the United States to see that these nations cease their support for international terror. Only then can they be considered members of the international community in good standing. We remain particularly concerned with the activities of Syria and Iran, which are actively engaged in supporting the activities of Palestinian rejectionist

terrorist groups and Hizballah, which pose a threat to regional security and the conclusion of a just and lasting Middle East peace. We continue to urge our EU and G-8 partners to keep the pressure on state sponsors to change their behavior, particularly regarding support for HAMAS, Hizballah and others.

All of us must look for ways to remedy deficiencies in legal, financial and enforcement tools:

- European countries need to fulfill their commitments to ratify and implement *all* the UN CT conventions and protocols.
- States must ensure the criminalization of material and logistical support for terrorism (and in some cases, terrorism itself); impose strict punishments on convicted terrorists; and lower barriers to use of intelligence in law enforcement. Laws against document fraud need to be strengthened across the board.
- All countries need to have a national ability to freeze administratively terrorist assets.
- Legal or technical impediments to closer cooperation among countries on intelligence and information exchanges must be removed. The EU and its member states need to re-examine fundamentally the ways in which strict privacy laws can impede the sharing of information for law enforcement purposes.
- EU member states need to accelerate efforts to complete bilateral agreements with the United States to implement the U.S.-EU Extradition and Mutual Legal Assistance Agreements.

At the same time, we need to continue to look for ways to develop cooperative U.S.-European CT programs to assist less-capable countries. Many countries need assistance in developing their capabilities to counter terrorism and strengthen their legal framework. There is more than enough work for all of us.

Addressing the factors that reduce our ability to cooperate even more effectively will be a long-term effort. Differing legal, cultural and historical traditions and practices will complicate the process. However, there is no doubt that all us are increasingly aware of both the threat and the deficiencies that limit our abilities to address it.

As I noted earlier, terrorism is a global threat to citizens of all countries. To win the global war against this threat, we must and will continue to work closely together to address the deficiencies that hinder us and to build on our many successes.

At this point I would be pleased to take any questions.

Thank you.

Ms. DAVIS. Thank you, Mr. Pope. We are pleased to have you here today, and Mr. De Vries, it is a pleasure to have you. As I understand it, you are an American citizen as well, and so we are glad to have you here to share your views with us. You are recognized for 10 minutes.

STATEMENT OF GILS DE VRIES, COUNTERTERRORISM COORDINATOR, EUROPEAN UNION

Mr. DE VRIES. Thank you very much, Madame Chair. Indeed, as someone born in The Bronx in New York City, it is a particular privilege for me to be with you here today. Terrorism is a global source and it must be tackled and countered globally.

The European Union is fully committed to do so and to act in close concertation with the United States. I am particularly pleased, therefore, to reflect today, together with Mr. William Pope, on our joint efforts.

Terrorism constitutes an attack on mankind's most fundamental values; the right to a life lived in peace, freedom, and dignity—the very values on which both the United States and the European Union have been founded, and which we are pledged to uphold in the world.

The terrorists' intentional and indiscriminate killing of civilians is a cynical denial of the respect for the sanctity of life in which our civilization is based. Everyone has the right to life, liberty and security of person.

If this is true for adults, it is the more true for minors. Few crimes can be more abhorrent or despicable than terrorism perpetrated on children. We grieve with the relatives of the children killed in suicide attacks perpetrated in Israel, such as Ariel Atash, the 3-year-old boy who was killed recently in the attack on a bus in Be'er Sheva. We recoil before the horrors visited earlier this month upon the children, parents and teachers of the Beslan school in Russia. We must act to forestall terrorism wherever possible and to resist it wherever it occurs.

Terrorists and those who aid and abet them must be brought to justice. Though no cause can justify terrorism, we must, however, address the factors contributing to situations in which terrorism thrives. And we must deepen international cooperation to combat terrorism based on respect for fundamental rights and freedoms. There can be no trade-off between effective counterterrorism and human rights. Each is a precondition of the other.

As you know, on March 11, Spain was rocked by the biggest terrorist attack ever to have hit the European continent. Europe's 3/11 has strengthened the Union's resolve to combat terrorism. Meeting in March and June, the European Council has agreed additional actions—additional to the measures adopted since the tragic events of 9/11—in the form of more than 100 legislative and policy initiatives.

They range from the decision to facilitate intelligence cooperation by the creation, on the proposal of Secretary General Solana, of a center for intelligence analysis, to measures to combat identity fraud and to create a European evidence warrant.

Europol, the European Police Office, is increasingly being used by national law enforcement agencies as a channel of communication and coordination. Its caseload last year rose more than 40 percent over 2002. The Eurojust caseload went up 50 percent.

Of course it is not enough to adopt measures in the European Union. We have to implement them in the Member States. That is not yet happening at a sufficiently quick pace. We need, therefore, to improve our record and the European Council has identified the need to speed up implementation. My own responsibilities as EU Coordinator include the regular monitoring of progress in this regard.

The international dimension, as Mr. Pope has already outlined, is essential. We must effectively cooperate with our partners and leaders, and most importantly, with our partners across the Atlantic. The transatlantic partnership here and everywhere remains irreplaceable. There is no doubt in my mind that where we act together, Europe and America together constitute the world's most powerful force for peace and stability.

It is important to keep each other apprised at an early stage of possible policy proposals and we welcome the enhanced dialogue on terrorism-related issues, such as the policy dialogue on border and transport security which we started earlier this year.

The EU welcomes the forward-looking and very specific EU–U.S. declaration that we adopted in June. I look forward to discussing its implementation with Secretary Ridge and Attorney General Ashcroft later this month.

And I was heartened by the recent report by CSIS which concluded, and I quote, that:

“ . . . [T]he commonality of understanding of the threat and potential for joint action between the United States and its European partners is reflected by the fact that intelligence and law enforcement cooperation between the U.S. and European countries is, by general consent and in general, excellent.”

Now, we have to universalize our efforts to combat terrorism. It means that we have to make sure that all Member States of the United Nations, including all the EU Member States, ratify and implement the 12 U.N. conventions in the fight against terrorism. We must also help third-world countries improve their counterterrorism capacity. The EU, already during the enlargement negotiations, has provided substantial financial aid to help its applicant Member States to modernize their police structures and to support judicial and related performance.

More than a billion euro has been earmarked to continuing to do so in the years ahead. In addition, there are more than 360 million euro worth of Commission-funded projects in justice and home affairs which are directly relevant to the fight against terrorism to aid third-world countries.

These funds are expected to grow. Let me also mention the African Peace Facility which the Union created of 250 million euro, which should support the African Union in its efforts to peace-keeping and conflict prevention on the African continent, which could help address some of the causes of terrorism.

Let me also draw attention to another element of the EU's contribution to the fight against terrorism at the international level. The EU makes a significant contribution militarily to the maintenance of stability in a number of crisis or post-crisis areas, whether through its own operations—such as in the former Yugoslav Republic of Macedonia—or through the EU Members States' contributions to NATO operations, such as ISAF in Afghanistan where 23 out of the 25 EU Member States have forces deployed.

The EU Member States command five Provincial Reconstruction Teams currently operating in Afghanistan. Since August of this year, Eurocorps took over the responsibility for the NATO-led international security assistant force in Kabul. And as you mentioned, Madam Chair, for a period of 6 months it will command the operations of almost 7,000 soldiers from 33 nations.

Let me briefly touch upon the issue of weapons of mass destruction. The EU security strategy proposed by Secretary General Solana identified WMD and terrorism as two of the most serious threats facing Europe. Surely the ultimate nightmare scenario is weapons of mass destruction falling in the hands of terrorists.

We therefore wish to strengthen our WMD policy by including a nonproliferation clause as an essential element in our external agreements. We wish to apply the protocol to the nonproliferation treaty and support its universal application, support disarmament

in Russia, cooperate with IEA and the Organization for the Prohibition of Chemical Weapons, and strengthen export controls.

And we wish also to look at the identification and tracing of illicit small arms and light weapons. The new EU treaty, the constitutional treaty, should improve significantly the decision-making process in the EU by making it easier to adopt legislation on terrorism and related issues. It is particularly the case through the extension of qualified majority voting to a number of key elements of the fight against crime, particularly terrorism.

However, the European Union is not a Federal State. It cannot be compared directly to the functioning of the United States. Though the role of the Union in the fight against terrorism is without a doubt a growing one, there remain limits to its powers. Most of the instruments and competence in the fight against terrorism remain in the hands of the Member States.

The European Council has created neither a European FBI nor a European CIA. The approach of the European Council was to have the European Union assist national forces to do their work better across frontiers. The EU approach is bottom-up rather than top-down because the reverse, as our constitutional history has shown, would probably have taken too long. The hard work of tracking down potential terrorists and preventing attacks and bringing suspects to justice remains the preserve of national services.

But they need to exchange information and cooperate across borders and to help them to do so, the Union's programs have been extending, not just within the Union, but increasingly and fortunately with partners and like-minded countries such as the United States.

Terrorism will remain a long-term challenge. There will be no quick solutions nor easy ones. While there will be silent successes, there will also be setbacks.

One thing is certain: Close international cooperation, particularly across the Atlantic, remains crucial to our task. The European Union and its Member States are determined to play their full part. Thank you.

[The prepared statement of Mr. De Vries follows:]

PREPARED STATEMENT OF GLJS DE VRIES, COUNTERTERRORISM COORDINATOR,
EUROPEAN UNION

Thank you for the invitation to be with you today. I appreciate the opportunity to discuss with you the policy of the European Union in the fight against terrorism. Terrorism is a global scourge. It must be countered globally. The European Union is fully committed to do so, and to act in close concertation with the United States. I am particularly pleased, therefore, to reflect today, together with Mr William Pope, on the joint efforts of the European Union and the United States in the field of counter-terrorism.

Terrorism constitutes an attack on mankind's most fundamental values: the right to a life lived in peace, freedom and dignity—the very values on which both the United States and the European Union have been founded and which we have pledged to uphold in the world. The terrorists' intentional, indiscriminate killing of civilians is a cynical denial of the respect for the sanctity of life on which our civilisation is based. Everyone has the right to life, liberty and security of person, as the Universal Declaration of Human Rights rightly states. If this is true for adults, it is the more true for minors. Few crimes can be more abhorrent or despicable than terrorism perpetrated on children. We grieve with the relatives of the children killed in suicide attacks perpetrated in Israel, such as Ariel Atash, the three-year old boy who was killed in the recent attack on a bus in Be'er Sheva. We

recoil before the horrors visited earlier this month upon the children, parents and teachers of the Beslan school in Russia's North Ossetia. As citizens we struggle to comprehend the indifference of terrorists to the suffering they cause. As public servants our task is to protect our fellow-citizens to the extent possible. Faced with such unmitigated manifestations of evil, the world must respond firmly and decisively.

We must act to forestall terrorism whenever possible and to resist it wherever it occurs. Terrorists and those who aid and abet them must be brought to justice. Though no cause can justify terrorism, as we must continue to expound, we do need to address the factors contributing to situations in which terrorism thrives. And we must deepen international cooperation to combat terrorism based on respect for fundamental rights and freedoms in accordance with international law. We must be careful not to deliver recruitment propaganda to al Qaeda and its supporters. Violating the rule of law in the fight against terrorism is not only morally undesirable, but also ineffective in the long run. There can be no trade-off between effective counter-terrorism and human rights; indeed, each is a precondition of the other.

The tragic events of 9/11 have jolted America. They triggered a strong response in Europe as well. At the level of the European Union, a wide range of measures were agreed. They range from the introduction of a European Arrest Warrant to speed up extradition procedures to the creation of new agencies, such as Eurojust, which brings together prosecutors and magistrates from all EU member states. The criminal law of the 25 member states is being aligned so that terrorism is prosecuted and punished in the same manner throughout the EU.

On March 11 of this year, as you know, Spain was rocked by the biggest terrorist attack ever to have hit Europe. Europe's 3/11 has strengthened the EU's resolve to combat terrorism. Meeting in March and again in June, the European Council agreed an additional plan of action including more than 100 legislative and policy initiatives. These measures, covering the Presidencies of the Netherlands, Luxembourg and the UK, are to be agreed between now and the end of 2005. They aim to increase cooperation in fields ranging from intelligence sharing to law enforcement and the control of financial assets to make it easier to find, detain and bring to justice terror suspects. The EU also resolved to step up cooperation with multilateral organizations and like-minded countries.

In its Declaration of 25 March, the European Council emphasised the need for a comprehensive approach in response to the threat posed by terrorism and in this context welcomed Javier Solana's decision to appoint me to the post of EU Counter-Terrorism Coordinator to coordinate the work of the Council in combating terrorism. It is a challenging task. As you know from your own experience, to be effective, this fight requires coordinated action by many different agencies with different cultures and mandates. I am of course not responsible for coordinating individual Member States' national counter-terrorism structures or operations—that is a matter for the countries themselves. But there is much important work to be done at the European level, which requires joint action by 25 countries, in areas from critical infrastructure protection to relations with third countries.

Let me now briefly highlight some of the initiatives taken by the European Council earlier this year. In the fight against terror, information—its collection and dissemination—is crucial. Among other steps, the European Council has invited the Commission to bring forward proposals to facilitate the exchange of personal information for the purpose of combating terrorism. Furthermore, to facilitate intelligence cooperation the European Council has endorsed Secretary-General Solana's proposal to create, in the Council Secretariat, a centre for intelligence analysis, which will bring together experts from both the intelligence services and the security services. This will help the Union to develop an integrated analysis of the terrorist threat.

The European Union is working on several measures to combat identity fraud. These aim at introducing biometric identifiers (digitalized pictures and fingerprints) in visas, residence permits for third country nationals and EU citizens' passports, as well as in the future Visa Information System. This will be one of the biggest biometric systems in the world, holding millions of biometric files of all foreign nationals who apply for a Schengen visa. The Union already uses biometric features in its automatic fingerprint identification system, Eurodac, which allows member states to compare fingerprints of all asylum seekers in order to prevent the duplication of asylum requests. In 2003, during its first year of operation, Eurodac processed more than 250,000 fingerprints, and revealed that in more than 17,000 cases the same person had already made at least one asylum application in another country.

Europol, the European Police Office, is increasingly being used by national law enforcement agencies as a channel of communication and coordination. In 2003 Europol's case load rose to 4,700—an increase of 40% over the previous year.

Eurojust, the European Judicial Co-operation network's case-load went up 50% over the same period. To speed up cooperation even more, the European Commission has proposed that each member state should designate a single police service and judicial authority for information exchanges. The Council is currently considering a proposal to oblige member states to inform both Europol and Eurojust about all persons investigated, prosecuted or convicted for acts of terrorism. Meanwhile, Europol and Eurojust have already concluded an agreement to enhance cooperation amongst themselves.

To further enhance cooperation in the field of law enforcement, the Commission has proposed to create a European Evidence Warrant for the purpose of obtaining evidence that already exists in another member state. The next stage, as envisaged by the Commission, would be to provide for the mutual recognition of orders for evidence that does not yet exist, such as interviews of suspects. Ultimately, a single consolidated instrument might replace the current mutual legal assistance arrangements in the same way that the European arrest warrant will replace the old procedures of extradition.

Of course, where the EU adopts legislation to facilitate cross-border cooperation, it is essential that the necessary implementing measures are adopted swiftly at national level. This is not yet the case across the board. We therefore need to improve our record. The European Council has identified the need to speed up implementation. My own responsibilities as EU Coordinator include the regular monitoring of progress in this regard.

It is perhaps inevitable that the focus of EU work following the Madrid attacks has been primarily on the more internal aspects of the fight against terrorism. It is essential to ensure that Europe has the right mechanisms in place both to prevent such attacks and to deal with the consequences if prevention efforts fall short. But the international dimension is also crucially important. Today's terrorism knows no borders. To combat it effectively we must continue to co-operate with our partners and neighbours. And perhaps the closest co-operation we have is with our partners across the Atlantic. The original action plan adopted by the European Council in the immediate aftermath of 9/11 underlined Europe's commitment to solidarity with the US in the fight against terrorism and this was reiterated by the Council in March and June of this year. We have made significant advances such as the Mutual Legal Assistance and Extradition agreements signed in 2003 and now going through the ratification process. The agreements reached on Passenger Name Records and on the Container Security Initiative, show that when we work together we can find mutually acceptable solutions, even to sensitive problems.

The key is to keep each other informed at an early stage of new policy proposals which might have an impact on our partners so that we can seek to resolve potential differences before legislation is enacted. The EU side very much welcomes the enhanced dialogue now in place on terrorism-related issues such as the new Policy Dialogue on Border and Transport Security whose first meeting I attended earlier this year. Such dialogue is important because, inevitably, there *are* differences of perspective between us in some areas. The assessment of the right balance between private liberties and public security with respect to data protection is one of these. But these differences of perspective should not—and do not—impede our continuing co-operation which is ongoing in a wide range of areas, as was highlighted by the EU-US declaration on combating terrorism adopted at our summit in June. This set an ambitious agenda for the months ahead, which I look forward to discussing with Secretary Ridge and Attorney-General Ashcroft later this month. And I was heartened to see that the recent CSIS report on the Transatlantic Dialogue on Terrorism concluded that “the commonality of understanding of the threat and potential for joint action between the US and its European partners is reflected by the fact that intelligence and law enforcement co-operation between the US and European countries is, by general consent and in general, excellent”.

Co-operation at the wider international level is also essential. The UN and its agencies play a vital role both at the political level, through the work of the Security Council's Counter-terrorism Committee (UNCTC) and at the technical level where bodies such as the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO) play a crucial role in developing global standards for transport security. The adoption of the IMO International Port Facility and Vessel Security code which came into force earlier this year owed much to EU-US co-operation within IMO. The UNCTC provides a valuable framework for assessing international efforts to implement the resolutions and Conventions relevant to terrorism. To have a real impact, counter terrorism efforts must be as universal as possible. All countries must implement the commitments set out in relevant UN resolutions and Convention and the international Community should help those unable to do so.

The EU, through the efforts of its Member States and of the European Commission, is a major provider of technical assistance in this as in other fields. The Commission has a proven track record in building capacity within the police and judiciary, border security, as well as countering terrorist financing and money laundering. Already during the enlargement negotiations the EU provided substantial financial aid to help the applicant member states to modernise their police structures and to support judicial and related reforms. More than 1 billion Euro has been earmarked to continue assisting the new member states in the field of internal security during the period 2004–2006.

Projects are under way in these areas world-wide. It is always difficult to put an accurate figure on what in many cases are multi-annual, multi-component programmes. But a rough estimate is there are now some €360 million worth of ongoing Commission funded projects in the justice and home affairs fields which are directly relevant to the fight against terrorism, and these funds are expected to grow. They are additional to the counter-terrorism aid provided by individual Member States. There is also important work being done through EU external assistance programmes to tackle terrorism at its roots. Development assistance has an impact on the environment within which terrorist groups flourish. It can erode the support base for terrorist networks and movements through its focus on poverty reduction, land reform, governance, the fight against corruption, post-conflict reconstruction and the promotion of participatory development processes. As you know, the EU, with its member states, is responsible for some 55% of official development assistance globally, and some 66% of grant assistance.

But development assistance alone cannot address the underlying factors contributing to the rise of the new terrorism. As noted in the European Security Strategy, “the most recent wave of terrorism is global in scope and is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies”. The same CSIS report I quoted earlier posed a number of very pertinent questions on this aspect of the fight against terrorism. I do not think any of us has all the answers to those questions. But it is clear that we are unlikely to succeed in our fight against this scourge if we do not begin develop policies which seek to address these underlying factors. I welcome the EU–US commitment to work together to tackle terrorism’s complex causes as set out in the June Summit statement.

I should also draw attention to another element of the EU’s contribution to the fight against terrorism at the international level. The EU makes a significant contribution militarily to the maintenance of stability in a number of crisis or post-crisis areas, whether this be through our own ESDP operations (which have so far been deployed in the former Yugoslav Republic of Macedonia, in the Democratic Republic of Congo and will soon be deployed in Bosnia), or through EU Members’ contributions to NATO operations. An important example of this is the European contribution to ISAF in Afghanistan where 23 out of the 25 EU member States have forces deployed and where we are working in close co-operation with the US. EU Member States command five Provincial Reconstruction Teams currently operating in Afghanistan. Since August 2004 Eurocorps, which comprises military contributions from its framework nations, Belgium, France, Germany, Luxembourg and Spain, took over the responsibility for the NATO-led International Security Assistance Force (ISAF) in Kabul. For a period of six months it will command the operations of almost 7000 soldiers from 33 nations. This is in addition to the support being provided by individual EU Member States to the operation Enduring Freedom Coalition and the extensive EU support to the overall reconstruction effort in Afghanistan. Another important EU contribution to stability and conflict prevention is the creation by the EU of the African Peace Facility, worth 250 million Euro, which should support the African Union in its efforts to peace-keeping and conflict prevention on the African continent.

While still in the international arena, let me briefly touch on the issue of Weapons of Mass Destruction. The EU’s security strategy adopted last December identified WMD and terrorism as two of the most serious threats facing Europe. And the ultimate nightmare scenario for all those of us involved in the security field is the acquisition by terrorists of WMD. Non-proliferation is therefore a key concern in our relations with third countries. A non-proliferation clause will be inserted as an essential element in the EU’s external agreements. All EU Member States apply the additional protocol to the Non-Proliferation treaty and support its universal application. We are supporting disarmament in Russia. We are enhancing our cooperation with the IAEA and the Organisation for the Prohibition of Chemical Weapons. We are working to improve export controls to prevent proliferation of NBC material and

conventional weapons. We also support the creation of a multilateral binding instrument for the identification and tracing of illicit small arms and light weapons.

Returning to the EU itself, I should flag up that the draft constitutional Treaty, to be signed in Rome on 29 October, should improve significantly the decision-making process in the EU making it easier to adopt legislation on terrorism and other international crime. The draft Treaty provides for the extension of qualified majority voting to a number of important areas in the Justice and Home Affairs field, notably the approximation of (substantive and procedural) criminal law, mutual recognition of judicial decisions, the development of Europol and Eurojust. And of course the abolition of our famous “pillars” should make it easier to design properly integrated EU policies in this as in other areas.

But even with improved decision making powers, the EU is not a federal state and its powers and responsibilities cannot be compared directly compared to those of the USA. As I hope I have explained in my evidence today, a wide-ranging set of measures has been agreed in order for the EU to complement and support the work of national governments in the field of counter-terrorism. The role of the EU in this field is without doubt a growing one. However, in appraising the role of the Union it is important to understand not only the scope of its work, but also the limits to its powers. The role of the Union is still relatively limited. Most of the instruments and competences in the fight against terrorism remain in the hands of the Member States. Take Europol, for instance. Europol's main role is to assist national police forces through the exchange and analysis of information; its operational role is limited to supporting joint investigative teams at the request of a Member State. Similarly, the role of SitCen, the centre for intelligence in the Council Secretariat, is to analyse information; operational work remains the exclusive competence of the national security and intelligence services. The European Council has neither created a European FBI nor a European CIA; the European Council's approach is bottom-up, not top-down. When the Council created a European Network and Information Security Agency earlier this year, it stipulated that its tasks would be without prejudice to the competences of Member States covered by Titles V and VI of the Treaty, in particular activities concerning public security or areas of criminal law. Through its legislative work and policy initiatives the EU can do a lot to help national authorities work together internationally. The hard work of tracking down potential terrorists, preventing attacks and bringing suspects to justice remains the preserve of national services.

Terrorism will remain a long-term challenge. There will be no quick solutions, nor easy ones. While there will be silent successes there will also be setbacks. One thing is certain: close international cooperation, including across the Atlantic, remains crucial to our task. The European Union and its member states are determined to play their full part.

Ms. DAVIS. Thank you, Mr. De Vries. I ask unanimous consent that the Center for Strategic and International Studies Report on the Transatlantic Dialogue on Terrorism be entered into the record. Without objection, so ordered.

[The information referred to follows:]

CENTER FOR STRATEGIC & INTERNATIONAL STUDIES—INITIAL FINDINGS
AUGUST 2004

THE TRANSATLANTIC DIALOGUE ON TERRORISM

ACKNOWLEDGEMENTS

The Transatlantic Dialogue on Terrorism was established out of the conviction that the events of September 11, 2001 and the ensuing war on terrorism have created unprecedented challenges for the transatlantic community. The emergence of a capable and undeterrable foe with the resolve to inflict massive casualties would alone test the capacities of the civilized world. But the problem posed by jihadist terror has been compounded by a number of additional issues. Among these are differing assessments in many capitals of the nature of the threat and the respective roles played by rogue states and non-state groups, such as al Qaeda. Disagreements over the root causes of the new terrorism and the appropriate means for remedying these grievances have further strained relations at exactly the moment when agreement and joint action is most needed.

Accordingly, in 2004 the Center for Strategic and International Studies launched the Transatlantic Dialogue on Terrorism to promote an open and timely discourse

of the issues listed above between transatlantic and counterterrorism experts from the United States and Europe. The following document summarizes the initial findings and recommendations of the core group of participants.

Many at CSIS contributed to make this effort possible. The project was co-directed by Daniel Benjamin, Senior Fellow in the International Security Program; Robin Niblett, Director of the Europe Program; and Julianne Smith, Deputy Director of the International Security Program. Margaret Cosentino and Kathleen McInnis handled the complicated logistics and planning involved in bringing the participants together and provided invaluable research support.

Above all, we are grateful to the European Union, the CSIS Initiative for a Renewed Transatlantic Partnership, and the Heinrich Boell Foundation for their generous support of this project.

INTRODUCTION

Beginning in 1998 with the bombing of two U.S. embassies in East Africa, we have witnessed the most serious wave of terrorist violence in modern history. Although there have been periods in which the number of casualties from terrorist violence have rivaled or exceeded the toll of the last six years, the sheer lethality of these recent individual attacks has been pathbreaking, and, as is widely agreed, the threat to peace and stability has never been greater.

Past periods of intense terrorist violence have typically resulted from significant but essentially unrelated spates of violence committed by disparate groups in different parts of the world. Today, that has changed, with the large preponderance of attacks caused by the single, albeit hydra-headed jihadist movement. Moreover, terrorism before the 1990s did not threaten to cause a catastrophic level of damage and loss of life, as was the case during the attacks of September 11, 2001—and no groups harbored serious aspirations to employ weapons of mass destruction, as al Qaeda does today. In short, while terrorism was once a tertiary security concern, few would dispute that it now constitutes the main security threat to the United States and Europe.

Yet during the period in which the new threat of international terrorism has emerged, the United States and Europe have experienced an increasing divergence in their approaches to sustaining international security and stability. At times, our perspectives appear to be those of people inhabiting different planets—Mars and Venus, to use the famous example of one American commentator. Even before the attacks of September 11, 2001, both sides of the ocean were adjusting to radically changed historical circumstances, including the end of the Cold War and the unification of Europe. Where these major events inevitably weakened the glue of alliance, specific irritants have also increased the tension—irritants such as the disagreements over the Kyoto Protocol on Global Warming, the International Criminal Court, missile defense, the Comprehensive Test Ban Treaty and the Biological Weapons Convention.

In the aftermath of the September 11 attacks, there was a brief moment of extraordinary solidarity and a sense that the transatlantic community might re-group around the new threat of international terrorism. This moment quickly passed, and ties worsened, most specifically over the U.S.-led invasion of Iraq, which arguably brought the transatlantic relationship to its lowest point in more than a half-century.

Against this backdrop, and with the conviction that the new terrorist threat is indeed one that we face in common, the Center for Strategic and International Studies initiated a project at the start of 2004 to assess the understanding of terrorism among experts, policymakers, and the public in the United States and Europe. This “Transatlantic Dialogue on Terrorism” consisted of three high-level meetings in 2004 that brought together some of the foremost experts from the realm of academia, government, and the think tank world to discuss their perspectives on the key issues related to the phenomenon of international terrorism.

The first meeting of the Dialogue was held in Brussels in January, the second in Madrid in June, and the third in Washington in July. Participants included strategic thinkers on the Atlantic community, scholars of Islam, leading current and former intelligence officials, journalists, and high-ranking policymakers. Over the course of the three meetings, participants assessed the nature of the new terrorist threat and considered key drivers that have contributed to its spread. More specific issues included the ideological nature of contemporary jihadists, the possibility of a terrorist attack involving a weapon of mass destruction, the relationship of such conditions as poverty and education to the new terrorism, and the public understanding of the threat on both sides of the Atlantic. Discussion of these over-arching issues drew on the participants’ knowledge of developments in such disparate places

as Southeast Asia and Western Europe, the Maghreb and Pakistan, North America and the Middle East.

This white paper captures the principal areas of agreement and disagreement that arose among U.S. and European participants in our Transatlantic Dialogue on Terrorism. Its purpose, as we outline in the Conclusion, is to help determine where U.S. and European policy makers should place their greatest efforts over the coming years if they are to work successfully together to mitigate the threats posed by international terrorism and, at the same time, reduce its growth.

It has become a truism that terrorism is a global problem that requires a global solution. Our Transatlantic Dialogue on Terrorism suggests that the fundamentals of a common understanding of the severity and significance of the threat are in place. However, much more needs to be done both to develop a shared understanding of what is driving the continued rise of radical Islamism and to come to agreement upon the coordination and implementation of specific U.S. and European policies that will counter it. Not surprisingly, much more joint thinking and dialogue will be necessary before we can truly begin to meet the long-term challenges of the new terrorism.

THE NATURE OF THE THREAT: THE RADICAL ISLAMIST CHALLENGE OF BIN LADEN AND HIS FOLLOWERS

The international security landscape has been transformed by the advent of catastrophic terrorism—one of the most radical and rapid transformations in history. After September 11, 2001, al Qaeda's brand of terrorism was seen instantly on both sides of the Atlantic as an unequivocal, transcendent threat. The precise nature of the threat, however, has received surprisingly little attention. Such questions as whether this violence was the work of a small, confined group or emanates from a significant and expanding base have been little examined. As a result, we chose to focus the first session of the Transatlantic Dialogue on Terrorism on developing a better understanding of radical Islam's ideology and identity, its organizational advantages, and its spread. It was clear from these discussions that there is considerable expertise and elements of a shared understanding on both sides of the Atlantic of the evolving nature of the threat of international terrorism, which we have sought to capture below.

Ideology and Identity

Radical Islamist violence is a phenomenon driven in part by global religious revival. The ideology that animates these terrorists has numerous historical roots—in, for example, the reaction to colonialism in the early 20th century; the writings of such figures as Maududi and Qutb, based on Wahhabit principles; and the organization of the Muslim Brotherhood in the first third of the last century. More recently, the jihadist movement in the 1970s and 1980s in Egypt and the experience of Muslim resistance to the Soviet Union in Afghanistan have been formative ones. Adding momentum has been the emergence of a sort of “born again” movement among Muslims, some of whom become jihadists. The jihadists reject many conventional Islamic understandings and focus heavily on sacrifice and expiation, both reflected strongly in the last will and testament of the September 11 terrorist Mohammed Atta.

A key challenge in addressing the ideology of radical Islamism is navigating the overlapping and complex motivations of its adherents. Many of them describe themselves as engaged in a form of class warfare in which they are disputing the current allocation of global resources. Many also consider themselves to be locked in a conflict of values where one side is asserting the superiority of its value system over all others, whether they are Christian, Jewish, Hindu, moderate Muslim or secular. Radical Islamists tend to deride other belief systems as either materialist or pagan, translating a range of grievances into a compelling religious idiom. These various dichotomies are merged into a single supranational identity of opposition, which can take profoundly violent forms.

While much public discussion of the jihadist threat suggests the origins of the movement are tied directly to Osama bin Laden, the Saudi terrorist's achievement lies more in the realm of strategy. Where radical Islamists had focused their violence on the “apostate” regimes of the Muslim world and—in Afghanistan—on the Soviet Union and its Afghan supporters, bin Laden achieved a strategic revolution by refocusing the struggle on the United States and the West. In doing so, he has been able to capitalize on the growing resentment of the Muslim diaspora, especially in Europe. His organization and other like-minded ones have also shown a genius for capitalizing on and furthering a shared sensibility of grievance among disparate Muslim populations around the globe.

Today, the ideological nature of the threat is one of its most dangerous aspects. Because “bin Ladenism” provides a broad-reaching set of explanations to the grievances of many disparate groups within the Islamic world, the potential for the rapid spread of the ideology far beyond its current group of adherents must be a paramount concern for policymakers in both the United States and Europe.

Organizational Advantages

The movement continues to gain strength over a broad geographical span. In addition to various cells all over the Middle East, there is considerable evidence of an ongoing process of radicalization of Muslim minorities in Southeast Asia, Europe, South America, and even in North America and Australia.

Members of the various groups in this movement are united by their sense of occupying a singular space with little or no connection to the countries in which they live. Radicalization is not limited, therefore, to regions of the world that are economically deprived. The movement spreads quite easily among the privileged, particularly in Europe, where more and more affluent Muslim parents are “losing” their children to jihadist groups in London, Paris, and other European cities.

However, it is the movement’s loose and evolving organizational qualities that make its spread so prevalent and worrisome. For example, there is strong evidence that the movement is mutating inside Europe. European cells of al Qaeda appear to be motivated by the same goals, but they differ greatly in leadership, dependence on centralized networks, recruitment, ideology, and financing. (European jihadist groups tend to rely on financing of operations through small-scale criminal activities—smuggling, credit card fraud—and less on the Islamist NGOs that have had such a profound impact in the Middle East and Asia.) The movement is now gaining in operational flexibility thanks to indigenous activists and relies less and less on veterans of the Afghan jihad.

Another example of the movement’s dangerous ability to capitalize on circumstances is its effort to recruit Muslim converts. Moreover, while al Qaeda once refused to cooperate with people like Saddam Hussein for religious reasons, there is suggestive evidence now that jihadists are willing to partner in “joint ventures” with other groups and individuals even if they are non-Muslim. The anti-globalization movement is one growing subject of concern in this regard.

The Varieties of Ideological Diffusion

The tools and methods that jihadists now use to sustain the growth of their ideology make it extremely difficult for national governments to undermine the movement’s appeal. First, jihadists have become adept at using their deeds as propaganda. Each attack advertises the movement’s zeal, mission, and capabilities. And the fact that each act tries to exceed the last sends a very powerful recruiting message, one that resonates particularly well among youth. The attacks of September 11 continue to have a resonance as the most dramatic demonstration ever of the jihadist determination to do what “moderate” Muslim governments are accused of not doing: defending Muslim interests.

Second, al Qaeda does not discriminate between the well-off and underprivileged, constantly finding ways to penetrate all social classes. It targets youth that are unemployed or dissatisfied during typical periods of rebellion or identity crisis (particularly for those Muslims living in predominantly non-Muslim countries) as well as those who work and live in more affluent neighborhoods. In fact, wealth appears to have little or no impact on the spread of radical Islamism and, in some wealthy regions in the Gulf, extremism is becoming more and more common. Participants in the Transatlantic Dialogue cited examples of Arabian Gulf parents giving their children huge gifts only to see those children turn around and sell them in order to donate money to radical charities.

Third, jihadists are becoming more innovative in their use of recruiting tools. They rely on a wide range of techniques and strategies ranging from “coffee shop and pool table circuits” in affluent neighborhoods to movies that can be circulated on DVD to the Internet and online chat rooms. Thanks to advances in globalized communications, there is now a direct connection between fresh converts—in North America for example—and radical Islamist leaders sitting halfway around the world. The need to travel to strengthen a new sense of identity has to some extent been eliminated.

How U.S. Policy Plays into the Calculus

In addition to all of the innovative tools and methods that the jihadists themselves employ to recruit new members, two exacerbating conditions—the lack of a Middle East Peace Process and the war in Iraq—have strengthened the appeal of the ideology,

From the start, jihadists portrayed the war in Iraq as a war against Islam. The fact that the United States has failed thus far to find weapons of mass destruction in Iraq or provide any conclusive evidence that Saddam Hussein had links to al Qaeda has only fueled such accusations and, consequently, spurred a steady stream of new jihadist recruits. Moreover, the failure to establish security in Iraq or provide basic services, such as electricity and water, has provided more grist for radicals. They have been able to contrast those conditions with the rapid success of the U.S. military in battle to argue that instead of improving the living conditions of Muslims, America and its allies are only interested in occupying Muslim lands and subjugating their inhabitants.

Similarly, jihadists have exploited America's effective withdrawal from active diplomacy in the Israeli-Palestinian conflict. Experts from both sides of the Atlantic concur that the plight of the Palestinians was of little consequence to the jihadists originally, but, recognizing the importance of the issue to the global Muslim community, they have attached themselves to it with great success. Inadvertently, the United States has left the recruitment field wide open to the radicals by taking few actions on the Israeli-Palestinian question since the September 11 attacks that could be perceived as demonstrating a sustained concern for the fate of Muslims.

Weapons of Mass Destruction

Even as the terrorist movement associated with al Qaeda seeks to expand its human and resource base, U.S. and European policymakers must also remain focused on thwarting the movement's quest to expand its destructive capabilities. The jihadist movement seeks to inflict damage on the West in numerous ways with which we are all familiar. One particular aspect of their violent ambitions, however, deserves special attention: the desire to acquire and use a weapon of mass destruction. The issue is of particular concern because of allegations that this danger is either exaggerated in the United States or underappreciated in Europe.

Although Europeans and Americans may differ somewhat in their assessments of the likelihood that al Qaeda or another jihadist group will succeed in acquiring or fabricating a major weapon of mass destruction—most likely an improvised nuclear device or a highly dangerous, weaponized pathogen—there is little disagreement among experts about whether the intention to do so exists. The jihadist movement has a strong desire to inflict mass casualties coupled with the determination of terrorists to outdo themselves with each subsequent attack. With such a strong interest in catastrophic violence, radical Islamists continually look for novel ways to achieve massive destruction. The terrorists also appear to possess the determination and patience to undertake long-term planning to acquire and use such weapons.

Both Europeans and Americans admittedly view such a catastrophic attack as a relatively low probability event, though how low is a matter of some debate. Still, bearing in mind al Qaeda's expressed intent to acquire nuclear capabilities, policymakers on both sides of the Atlantic must place a priority on preventing a nuclear attack and allocate resources accordingly.

Especially worrying is recent evidence that suggests that al Qaeda and other groups are increasingly interested in acquiring biological weapons. (The impetus came, ironically, from the terrorists' reading of Western media accounts of the potential destructiveness of the weapons and our societies' vulnerabilities to them. This is just one of a number of indications of the feedback loop connecting Western anxieties and jihadist strategy—a seeming inevitability in a globalized world.) The growth of the global biotechnology industry, as well as the diffusion of biological research, translates into an increasing potential for terrorist groups to acquire these weapons.

Al Qaeda has been attempting to acquire and use weapons of mass destruction in their jihadist cause almost since the group's inception. Viewing the United States as the power behind Middle Eastern regimes, al Qaeda believes that causing massive bloodshed is the only way to force a change in U.S. policy. The next logical step, which appears to have been made, is to do so by striving to use an unconventional weapon to attack either the United States or its allies. A WMD attack would cause maximum disruption, maximum casualties, and corresponds well to al Qaeda's apocalyptic mentality.

Al Qaeda members have repeatedly met with different officials and scientists in order to understand how to acquire and use nuclear weapons in their jihad. Recovered documents suggest they are actively pursuing a nuclear capability. Although these documents mostly reflect a crude understanding of nuclear weapons design, some are relatively sophisticated. Any previous ambiguity regarding the use of WMD according to Islam has also now been clarified. The "Treatise on the Legal Status of Using Weapons of Mass Destruction against Infidels" establishes the intellectual and moral framework for these attacks against non-Muslims.

Three years after September 11, and with jihadists having expressed a desire to carry out a much larger-scale operation, one major question arises: why haven't there been any other major attacks? Is al Qaeda in the middle of a planning cycle? Or is the acquisition and use of a weapon of mass destruction too difficult? While it is certainly to be hoped that the international community has made it impossibly difficult to acquire WMD, these are open questions that need to be investigated more thoroughly.

Thus far, there is no evidence that al Qaeda has acquired either a nuclear or significant biological weapons capability. Given the large number of scientifically capable members, however, the possibility that the group or some other jihadist group will acquire WMD will grow over time. Al Qaeda itself has taken numerous blows from post-September 11 counterterrorism efforts, and its capabilities have probably been diminished. But these positive results have been undermined by the galvanizing effects of September 11 and subsequent attacks in Europe, the Middle East, and South East Asia on Islamist groups around the world.

Overall, there has been a process of both splintering and energizing. Given how many of the newly galvanized groups are appearing in the developing world—with little exposure to al Qaeda training under bin Laden in Afghanistan—it is a reasonable assumption that most of these terrorists have lower technical skills than al Qaeda trainees. In light of the mobilization of European radicals, however, it is entirely possible that a new cell or organization could emerge with superior skills. In short, the WMD threat is not going away, and as barriers to entry for, say, biological weapons fall, the conclusion of participants in the Transatlantic Dialogue on Terrorism is that the overall danger is growing.

UNDERLYING DRIVERS AND POTENTIAL REMEDIES

While the first session of the Transatlantic Dialogue on Terrorism found general agreement among European and American policy experts on the severity and resilience of the threat from Islamic extremism, there is a general perception that transatlantic differences are most noticeable over the best way to neutralize it and reverse its spread. We chose, therefore, to focus the second and third sessions of our dialogue on transatlantic perspectives of four key factors that contribute to the radicalization of an ideology, and in particular, the militarization of Islam. Those four factors—poverty, the role of Muslim NGOs, demographics, and the radicalization of education—can dramatically influence Muslim values and communities and trigger major ideological shifts. Because certain policy choices can also have a significant impact on the growth and spread of extremism, we dedicated part of sessions two and three to the Middle East Peace Process. Our assumption was that the success of future transatlantic strategies for combating terrorism rests on whether or not the two sides of the Atlantic can reach a common understanding of how all of these key drivers come together to fuel radical Islamism. Only then can a constructive transatlantic dialogue begin.

Poverty and Development Assistance

The international community has long debated the degree to which poverty can be linked to the growth and spread of terrorist groups. While our dialogue did not seek to resolve this debate, we did consider ways in which poverty could contribute to the spread of jihadist terrorist groups within failing and failed states. Participants recognized that the lack of economic opportunity can often serve as a driving force toward extremism in places where there are weak political and legal institutions and governance, lack of economic and financial transparency, and isolated populations, whether that isolation is physical, social, or political. In these areas, poverty is viewed as a “push” value—a catalyst that can steer people towards terrorist groups and activities they might not otherwise choose under better societal circumstances.

Despite a common recognition of the importance of addressing poverty as part of a wider strategy to reduce the appeal of radical Islamist violence, there are divergences in European and American attitudes on the use of development assistance as an instrument in the war on terrorism. U.S. policy makers currently believe that development assistance can play a supporting role to more tactical counterterrorism operations, while Europeans tend to consider success in countering radical Islamic groups as only a secondary benefit of assistance. Their primary goal is to alleviating the suffering from poverty around the world and hope that the secondary goal of lessening the lure of radicalism will be a by-product of their efforts.

Recent changes in U.S. aid programs as compared to current development assistance policy in the United Kingdom exemplify these differences. Prior to September 11, U.S. development policy focused on sustainable development and traditional programs of poverty reduction, but they were by no means an integral part of broader

U.S. security strategy. The U.S. government has since significantly stepped up monetary support of assistance programs, granting a robust budget increase to the U.S. Agency for International Development (USAID). In 2001, USAID received \$7.8 billion in funding; in 2003 the agency's budget soared to \$12.6 billion, a 38% increase.¹ This increase highlights the hope that U.S. development assistance might play a key role in combating terrorism through programs to prevent failed states and reverse the course of economically motivated radicalization.

U.S. officials see a secondary benefit to the revamped programs as well; they believe that a new emphasis on development assistance can minimize the appearance of American hubris and help promote a positive, multilateral agenda for the Muslim world. The hope in this case is that an increase in U.S. foreign aid will foster good governance, encourage countries to become coalition partners, and create future leaders on whom the U.S. can rely as allies and work cooperatively with on security issues. The emphasis of these programs, therefore, is on countries with whom the United States is already engaged in the war on terrorism, including Afghanistan, Iraq, and Pakistan.

European aid organizations take a slightly different approach to the question of development assistance as a tool in the war on terrorism. They believe they can make a difference in the effort to combat terrorism but they remain committed to poverty reduction as their primary goal. For example, the Department for International Development (DFID), the UK's equivalent of USAID, made very few changes to its aid programs after September 11 and continues to focus on poverty reduction in all corners of the world without any special concentration on those regions that tend to be hotbeds of terrorist activity. While they believe their foreign aid programs can have a positive impact on the extended war on Islamic extremism, they will not allow resources for this effort to be diverted as part of a short-term counter-terrorism strategy. As such, DFID takes a long-term view that supporting institution-building and economic growth outside the current security hotspots will save new regions from becoming states that could breed terrorism five to ten years down the road. This difference in approach demonstrates that DFID holds a markedly different definitional view of terrorism—it acknowledges Islamic extremism as a grave threat, but also views far leftist groups in Latin America, ethno-separatists movements, and violence perpetrated by states as similarly dangerous.

Muslim NGOs

Despite the differences in attitudes regarding how and when to use development assistance in the war on terrorism, European and American experts at our dialogue expressed a strong interest in using at least portions of their foreign aid to address the phenomenon of radical Muslim non-government organizations (NGOs). These organizations are one of the key tools used by jihadist groups to spread their ideology. By providing social services that the state often cannot, they draw in loyal and fresh recruits who are often desperate for any form of assistance.

While Americans and Europeans agree that reducing the power and influence of these Muslim NGOs is critical, neither side of the Atlantic has found an effective way to do so. Routing assistance to a population without coming into direct competition with local NGOs is extremely challenging. Western NGOs bring problems such as proselytization and the risk of having Westerners in country. They are also often far behind the radical organizations in terms of building a clientele and a place in the country.

Trying to work directly with the radical NGOs is equally challenging. USAID has tried to increase its cooperation with moderate Muslim NGOs, but has had little success influencing their politics. DFID tried another route. It spent considerable time in the 1990s working to strengthen state capacities to compete with the radical NGOs, but failed to alter the influence of those organizations in any substantive way.

One solution might be to support the work of international NGOs as opposed to U.S. or European run groups. These international NGOs could then partner with a strong contingent of local Muslim organizations, which might enable them to provide services instead of more radical groups.

Demography

It is said that revolution is carried on the backs of young men. The explosive growth of the youth cohort coming of age in the Islamic world is an extraordinary trend that could have significant security ramifications in the greater war on terrorism. This youth bulge signals a demographic shift that will be a revolutionary

¹ U.S. Agency for International Development, "Summary of FY 2005 Budget Request," <<http://www.usaid.gov/policy/budget/cbj2005/summary.html>>

development in the rise and spread of Islamic fundamentalism, especially in Muslim countries that combine persistent lack of opportunity with a lack of legitimacy for their political institutions.

Ample evidence suggests that periods of rebellion and civil strife occur in tandem with periods of unusually large youth bulges most notably when they coincide with high unemployment rates and a scarcity of resources. For example, in the 1990s, countries in which young adults composed 40% or more of an entire population were more than twice as likely to experience an outbreak of civil conflict than those below this level.² As a result, a major challenge for the transatlantic partners in the coming years will be to address the demographic challenge throughout the Middle East.

The Transatlantic Dialogue on Terrorism spent part of its third session looking at the results of a recently released study, "The Security Demographic," conducted by Population Action International. The study examines the influence of certain stress factors and the likelihood of conflict associated with the combination of two or more of these trends—youth bulge, urban population growth, and resource scarcity. The four countries most associated with the spread of Islamic fundamentalism and recruitment by organizations linked to al Qaeda—Iraq, Afghanistan, Pakistan and Saudi Arabia—all have two or more of the above stress factors that lead to demographic risk of conflict.³ Pakistan, for example, has an unemployment rate of nearly 40% among its youth population aged 15–20.⁴ This could lead to a surge of violent extremism, exacerbated by the lack of professional and recreational opportunities as well as a growing gender gap.

Despite the seriousness of the issue, European and American experts agree that demographic issues are rarely given much weight by political leaders. Instead, there is a tendency to deny or delay reaction to these issues because readily available solutions do not exist. However, combating the trends that can contribute to the growth of Islamic extremism requires elected officials to create a bold, long-term vision, and commit substantial financial and human resources to deal with the challenges associated with demographics.

Governments in North America and Europe should commit to programs that invest in training and job creation, promote entrepreneurship, support family planning services and female education, and increase access to economic opportunity for both male and female populations so that the youth bulge can become an asset in countries where there is a glut of employment. Iran can be singled out as a hopeful, if cautious and incomplete example of the possibility of countries to engage in a democratic transition even with the youth population gaining in momentum and size.

Radicalization of Education

There was broad agreement among the participants in the Dialogue that education can be a critical factor in either the growth or decline of radicalism. The *madrassas* in Pakistan and Southeast Asia tend to be, by and large, benign institutions, but a significant number of these schools are a breeding ground for Islamic fundamentalism.

Madrassas in Pakistan underwent a transformation of purpose during the 1980s. The title was made available for local religious leaders' discretionary spending, and much of that funding went to the local religious schools. Although only a relatively minor percentage of *madrassas* can be accused of prepping students for jihadism and terrorist acts, some are clearly used as recruiting stations by Islamist groups. Certain schools even offer weapons training and their graduates have gone on to fight in Kashmir and Chechnya. In Pakistan, the *madrassas*, mosques, and jihadi sectarian groups form a dangerous triangle of terrorist breeding grounds and reinforce each other's messages of anti-Westernism and anti-secularism.

Madrassas are seen as a "draw" factor for terrorist groups. Like radical Muslim NGOs, these schools are part of a private social sector that frequently provides services the state cannot, such as room and board or additional monetary assistance for families of students. Indeed, the loyalty of the public shifts towards those who can deliver the greatest economic opportunities. While *madrassas* are not necessarily the most important factor contributing to Islamic extremism, when viewed in tandem with the coming youth cohort and the lack of quality secular education, they

² Richard Cincotta, Robert Engelman, and Daniele Anastasion. "The Security Demographic: Population and Civil Conflict After the Cold War," Population Action International, 5 May 2004. <<http://www.populationaction.org/resources/publications/securitydemographic/index.html>>

³ Ibid.

⁴ U.S. Agency for International Development, "Pakistan—Program Briefing", 30 August 2004. <http://www.usaid.gov/locations/asia_near_east/countries/pakistan/pakistan_brief.html>

can lead to greater recruitment by terrorist groups in these countries and a strengthened Islamist ideology in the youth bulge.

Similarly, in Southeast Asia, there is a small but troublesome proportion of *madrassas* that have links to Islamist groups—about 100 to 120 are of particular concern. Jemaah Islamiyah (JI) has used its authority and resources to set up schools in Indonesia, Malaysia, Thailand, and the Philippines. While JI has been known to do the majority of its recruitment at secular universities, there are cases when it sends its talent scouts to mosques and *madrassas*.

Reforming education in these countries is a long-term project, one that both sides of the Atlantic have found particularly challenging. Most countries like Pakistan simply do not have the resources necessary to crack down on the small number of *madrassas* that train and harbor young terrorists. Furthermore, if the West were to try to exert a heavy hand in the educational processes of these countries, it would only catalyze a serious ideological backlash. For that reason, financial resources and innovative strategies for tackling the educational challenge are both in short supply. For example, in 2002 the United States pledged \$100 million over the five years to the Pakistanis for educational reform programs, which is a minimal amount when compared to the total \$3.5 billion annual U.S. aid package to Pakistan.⁵ President Bush also offered a six-year, \$157 million plan to Indonesia⁶ last year for education assistance, clearly a positive step forward, but still insufficient compared to the sums the United States spends on other programs aimed at reducing the spread of jihadist terrorist groups.

The Middle East Peace Process

There is a polarized debate on whether a linkage exists between the success of the Middle East peace process and the war on terrorism. Both the Arab world and many countries in Europe believe that the rise of Islamic extremism is inherently tied to the success of the Middle East peace process, and some even see it as the most important factor to be addressed. One European commentator made the analogy that the Middle East is a cancer and Iraq and Afghanistan are emblematic of the tumor metastasizing.

The United States also considers the Arab-Israeli conflict to be a contributing factor to the overall success of the war on terrorism. However, in the eyes of many U.S. policymakers (from both political parties), its resolution is not imperative within the larger context of its war against international terror. Supporters of this position cite the fact that periods of great success in the peace process over the last decade have often coincided with increases in terrorist activity. That particular linkage is easy to understand—it is a clear objective of terrorist groups to try to derail the peace process and inflame hardliners in Israel who can block its progress and simultaneously mobilize the radicals.

Whether the Palestinian issue is a substantive factor in the ideology of Islamist terrorism or whether it merely plays a symbolic role has been another subject of transatlantic debate. It is hard to know, for example, exactly how deep the linkages between the Palestinians and al Qaeda run. Some believe that the Palestinians realize that an association with al Qaeda is not productive for their overall cause and that, while Osama bin Laden has been known to reference the Palestinian cause, it is largely rhetorical. What seems more certain is the fact that the Palestinian cause is an attractive symbol for a disenfranchised youth elsewhere in the world and therefore a powerful recruiting tool.

Regardless of the linkages debate, most of the participants of the transatlantic dialogue on terrorism agreed that the stakes are too high in the Middle East to fail to move the peace process forward. Unfortunately, though, there was also consensus that advances in the peace process are now waning from a lack of investment in its success from all sides. With Iraq eclipsing virtually all other security concerns, the United States has failed to dedicate the necessary resources and attention to the Middle East peace process, which in turn has given the Arab world an excuse for inaction. And Europe, recovering from one of the most dramatic rifts in transatlantic history and lacking viable alternatives, has also failed to bring real traction to the issue.

⁵The White House, Office of the Press Secretary, "Fact Sheet: Visit of President Musharraf to Camp David," 24 June 2003. <<http://www.whitehouse.gov/news/releases/2003/06/20030624-4.html>>

⁶The White House, Office of the Press Secretary, "U.S. and Indonesia Joint Statement," 22 October 2003. <<http://www.whitehouse.gov/news/releases/2003/10/20031022-1.html>>

Soft vs. Hard Power Instruments

Participants in our dialogue agreed that confronting the challenge of international terrorism could only benefit from increased transatlantic dialogue and cooperation on all of the factors listed above. They recognized, however, that several problems stand in the way. The first, mentioned above, is that both the United States and Europe already have extensive programs in place—whether they be in the field of development assistance, trade liberalization, or social planning—and brining these into some form of deliberate synchronization will take a great amount of time and effort.

Second, they were concerned that the weakened state of the overall transatlantic relationship at both the elite and public levels might make such cooperation all the harder to achieve. Recent polls such as the Pew Global Attitudes Project and Transatlantic Trends conducted by the German Marshall Fund show that Americans—at both the elite and public level—remain much more comfortable relying on a full spectrum of counter-terrorism instruments, including the use of force, when dealing with the new threat of international terrorism. Europeans, while generally quite comfortable with the use of force in theory, stress that it should only be used when absolutely necessary (with limited indications where such red lines exist), with a preference for forms of engagement or soft power in the interim. On this count, the U.S. decision in 2002–2003 to overthrow Saddam Hussein as part and parcel of its approach to lessening the long-term threat of international terrorism has contributed to a dramatic collapse in European support not only for U.S. leadership on the world stage, but also, specifically, for U.S. leadership in the war on terrorism. The Pew figures confirm this point dramatically.

This brings us to the third point of concern. Americans worry that cooperation in the war on terrorism can only be sustained for a short duration when such divisiveness persists in the broader transatlantic relationship. In contrast, European policymakers, even those whose relations with the United States are most strained, like the French, often give the impression that the political and operation spheres can be kept separate, and that political disagreement over Iraq, for example, should not be allowed to undermine transatlantic cooperation in the specifics of combating international terrorism.

On balance, participants in the dialogue believed that continued high-level political tension might not unduly weaken efforts to strengthen operational aspects of transatlantic counter-terrorism, including intelligence sharing. However, this tension might limit the commitment of U.S. and European policymakers toward developing innovative new transatlantic approaches to help tackle the underlying contributing factors to the rise of Islamic radicalism, discussed above.

CONCLUSION

During the course of this Transatlantic Dialogue on Terrorism, we found, on balance, that there were broad areas of agreement among U.S. and European experts on terrorism, counter-terrorism, radical Islam, and security. Thus, for example:

- European and American experts differ little in their assessment of the gravity of the threat—and, against expectations, some Europeans take a more downbeat view of the evolution of the threat than do some Americans.
- There was wide agreement that the search by jihadist terrorist groups for weapons of mass destruction is an especially worrying trend that deserves the full attention of policymakers on both sides of the Atlantic.
- While it is often said that Americans see the struggle against terror as a 'war' that will end in victory or defeat, and Europeans are more apt to speak of managing a long-term threat, in fact, the differences among discussants on this fundamental question were minimal and more often rhetorical.
- The ideological nature of the new terrorism and the search by its adherents for technologies and capabilities of great destructiveness suggest that this threat will be an enduring phenomenon that cannot be decisively defeated by a series of arrests or military actions. It was widely agreed that, although the effort to stop terrorists must remain unrelenting, there are no quick fixes, nor are there likely to be any singular, decisive moments.
- Differences of opinion in the broader public on these issues reflect differing political contexts and cultural characteristics that have little to do with the terrorist phenomenon. They are, however, indicative of the extent to which political leaders in the United States and Europe have failed to bridge the gap and build a sense of common purpose.

- The commonality of understanding of the threat and potential for joint action between the United States and its European partners is reflected by the fact that intelligence and law enforcement cooperation between the United States and European countries is, by general consent and in general, excellent.
- At the same time, both European and U.S. experts are candid in acknowledging that we still have a very limited understanding of the origins of the jihadist movement and of the ideological dynamics that sustain it.

Importantly, therefore, the most substantive transatlantic differences revolve not around the straw man of a U.S. preference for military solutions against terrorism and a European preference for tackling the “soft” root causes, but rather around how specifically to address some of the underlying causes of the rise of the new terrorism. For example:

- What is the most effective way to use development assistance as an instrument in combating terrorism? Should the United States and countries in Europe focus on regions that might breed terrorism in the future or on the current list of countries that are known to be spreading jihadist ideology such as Saudi Arabia, Pakistan, and Iran?
- How can the West best deal with the problem of NGOs that provide social services and spread a radical Islamist ideology? Is it through building state capacity? Building international NGOs to compete with the local, radical NGOs? Should Western governments support moderate Islamist or foreign NGOs as competitors?
- How can the United States and Europe push forward a reform agenda for education in Muslim countries with insufficient state resources without setting off a cross-cultural firestorm?
- How can policymakers in both Europe and the United States be encouraged to tackle long-term demographic challenges? Is job creation the best chance the West has to prevent the youth bulge from breeding extremism? If so, what does this mean for U.S. and European approaches to their regional and multilateral trade and investment initiatives? How can the United States and Europe best promote family planning and female education without overstepping cultural boundaries?
- What steps can Europe and the United States take together to prevent WMD from getting into the hands of radical Islamist groups?
- It is important to note, however, that the transatlantic differences are not all in such tactical areas. Both U.S. and European leaders and experts are well aware that coming to some conclusion on the Arab-Israeli peace process could have a significant long-term effect on the vitality of the new terrorism, notwithstanding the separate and unique drivers that have led to its rise. That said, how should the international community revitalize interest and commitment to the Middle East Peace Process? Does the initiative need to come from the United States, Europe, or the Arab world more broadly?

Some of these questions are already the focus of transatlantic debate. Others, however, are only now being posed. This means that we are a long way from having a reliable compass—a set of comprehensive understandings to guide policymaking—that will help us address these and many more fundamental questions for dealing with the long-term problems of Islamic radicalism. If we are to begin this work effectively, governments on both sides of the Atlantic need to make such a common agenda a top priority of the work of the transatlantic community. Closing the transatlantic differences over questions such as the Middle East Peace Process or how to engage Iran are clearly essential. But crafting real-world approaches to confront the phenomenon of international terrorism will also require a new level of coordination across the full spectrum of government policy-making in Europe and the United States.

Ms. DAVIS. I would now like to yield 5 minutes to Chairman Gallegly for questions.

Mr. GALLEGLY. Thank you, Madame Chairman. I would like to ask both Mr. Pope and Mr. De Vries if they could answer this question for me, and I understand that you must limit your comments to what is appropriate in an open session.

First to Mr. Pope. Do you feel that American policymakers differ in their assessment of the likelihood that an al-Qaeda or Jihad

group will succeed in acquiring or fabricating a major weapon of mass destruction?

Mr. POPE. Certainly there is no doubt at any level, whether it is policy level or practitioner level, in Europe or here or anywhere else, certainly al-Qaeda wants to get one. They are trying. Bin Laden is on the record and we know from other ways that he and others are trying.

Now, whether they will get one is unknown and also I must say that I know that we are doing everything humanly possible to prevent that. There are parts of the U.S. Government trying to prevent that and I believe that the Europeans are trying as well.

We have really excellent cooperation in the more practical prevention areas. I am trying not to go beyond, as you suggested. At the policy level, there may be people somewhere who believe that bin Laden is not trying it. But I think everybody on either side of the Atlantic or anywhere else would be very ill-advised to assume that there will never be any possibility that bin Laden, or those like him, could acquire any kind of weapon of mass destruction. He has said that he wants to do it, and others are going to try it. So I believe pretty much that everybody understands that that is the intention. We are putting up every possible roadblock to doing that. But is impossible to predict that that can't happen on either side of the Atlantic.

Mr. GALLEGLY. Before I go to Mr. De Vries, as a follow-up to your response and your reference to bin Laden: We obviously know that bin Laden as an individual—and not as al-Qaeda, but as the individual leader—has been reduced in his ability to really operate. Do you believe that his ability to operate and function in accomplishing these goals as the principal leader is much advanced beyond impotence?

Mr. POPE. They are significantly reduced. Not just his ability but beyond him. The al-Qaeda organization is very significantly reduced from what it was on September 12th, 2001. There is no question about that. And bin Laden himself is a hands-on CEO, or was a hands-on CEO, who very much liked to run his organization and run various parts of it at the same time. That is extremely difficult for him at this point.

But I don't think it would be prudent for anybody to believe that he had given up trying, or that others who are inspired by him, or who are associated with him, are trying to do. And I think everybody knows that we are trying, and we are trying everything possible to prevent it.

Mr. GALLEGLY. The same question for Mr. De Vries, but I would remind you that my question went beyond al-Qaeda because certainly there are other Jihadist groups that we have to be equally as concerned with that have not had as much central focus by our efforts to deal with international terrorism. Mr. De Vries.

Mr. DE VRIES. I would concur with the statement by Mr. Pope. This is a serious risk, even though perhaps for the immediate future we should not discount the possibilities of attacks with conventional means. That remains a serious threat in Europe.

We have to be on our guard for the possibility that terrorist groups lay their hands on weapons of mass destruction. Ricin has been mentioned. There was a case of ammonium nitrate in the

United Kingdom not too long ago. So these efforts are real, even though technically it is not easy to use weapons of mass destruction for terrorist purposes.

But we have to pay close attention to this phenomenon, including to the organization of what, in technical terms, is called the consequence management, the civil protection dimension.

The Union has decided that it wants to devote additional attention to this civil-related protection side and to look at whether or not Member States have sufficient capabilities in this field. And whether the cooperation should not be further enhanced, and whether that should not extend across the Atlantic as indeed was indicated in the EU–U.S. summit statement of June, to which I referred.

Mr. GALLEGLY. Thank you, Madame Chairman.

Ms. DAVIS. Thank you, Mr. Gallegly. Mr. Wexler.

Mr. WEXLER. Thank you very much. Mr. De Vries, you have the most pleasing Bronx accent that I have ever heard. I was happy that Mr. Pope highlighted as well as he did the degree of cooperation between the United States and Europe in terms of anti-terror police work, intelligence work, finance work, and so forth.

I think that on our side of the Atlantic that we made some terrible blunders in not highlighting that cooperation even more, particularly at the depths of the debate with respect to the war in Iraq. In that context, however, it is hard, I think, for most Americans to understand some of the official actions that the European Union takes. For instance, most recently on September 10th, if I understand it correctly, an EU representative in Lebanon, Patrick Renault, met with Mr. Nazrallah, the Hizbullah leader. Hizbullah and Hamas, of course, have been on all terrorist sponsored lists by the State Department since the list's inception. Hamas, the political wing, just recently being put on the European list.

As I understand it, the meeting between the European Union representative in Lebanon was an EU Commission-sanctioned meeting. If I understand the press reports, the two gentlemen at the end of the meeting talked about strengthening relations between the European Union and Hizbullah, and the future work that the two would be doing. Is this a part of the European Union strategy? What does the European Union hope to gain, if I may ask, with this approach in respect to Hizbullah? And if I could ask Mr. Pope before we go, to analyze how we are cooperating with the European Union with respect to our anti-terror policy, specifically our policy with respect to Iran?

I hear that there is a raging venomous debate within the Administration. One camp taking a particularly strident posture, possibly based in the Defense Department. Another camp possibly based in the FBI, or the CIA, or the State Department, that vehemently disagrees with what they perceive to be the advocacy in the Defense Department.

You as the coordinator, I presume, must hear both sides and make recommendations. I would be curious if you could share with us what the two arguments are and why it has become, at least as press reports acknowledge, as venomous as it is? Mr. De Vries.

Mr. DE VRIES. Thank you. The accent is probably a transatlantic one, Mr. Wexler. On Hizbullah, I have not been privy to the con-

versations of 3 days ago between the two gentlemen to which you refer, but I trust that the European Commission representative will have made crystal clear the position of the European Union with respect to terrorism.

And that position includes that the Palestinian leadership should clearly and unequivocally renounce terrorist violence and terrorist acts against innocent civilians. Without that kind of an approach—showing the Israeli people, therefore, that they are fully committed to peace and to their obligations under the roadmap—there can not be stable progress toward peace in that region.

And I trust that the EU representative, in whatever context those conversations may have taken place, will have made crystal clear that this remains the bedrock of our policy.

Mr. WEXLER. And if I may just quickly ask, has the European Union instigated any discussion with respect to classifying Hizbullah as a terrorist group, or is that not anything that has been discussed at this point?

Mr. DE VRIES. The military wing, as far as I know, is on our terrorist list, including several individuals associated with Hizbullah.

Mr. WEXLER. So if I may, Mr. Nazralla, who he has met with, would be considered to be the leader of the non-military wing, because I presume that you only meet with those groups that your own list sanctions as terrorist groups, correct?

Mr. DE VRIES. Indeed, and I have no information about this particular individual. I would be happy to follow that up in writing if you would like me to.

Mr. WEXLER. Okay. Thank you very much. Mr. Pope.

Mr. POPE. In terms of a broad Iran policy, that really is a bit beyond my lane. That really falls under others. Of course I do hear things and we are particularly interested in the Office of the Coordinator for Counterterrorism in the CT aspect.

We follow and listen to other aspects of what we think that Iran may be doing and where they may be trending. What we are particularly concerned about is that they indeed are at the top of our bad list on the State-sponsored terrorism, and it is a country on which we want to try to find ways to exert maximum pressure and not to, in any way, facilitate international terrorism.

What I am saying is that I don't really feel qualified to go too far beyond the terrorism part of it. But on terrorism, they are at the top of our list of State-sponsors of terrorism, and we do try to find every possible lever, and it is difficult when they are publicly almost a complete pirannah, as far as you are concerned, to put pressure. But we are looking for ways to do that.

They are—Mr. Pope, for example, you were just asking about groups. They are a key supporter of the group called Hizbullah. And Hizbullah, as I think you noted, has long been a noted terrorist organization by us and continues to be.

And these kinds of discussions—if I could just for a second turn it back to the Europeans and with all the superb cooperation that we had on police, intelligence, and actually finding and tracking individuals and breaking up cells—some areas where we have not had total agreement relate to groups like Hizbullah, sponsored by or in part by Iran, that had been at the top of our foreign terrorist list for a long time.

And we have had less success, to be very frank with you, in Europe on the full designation of all of these groups. The EU has moved, for example, on Hamas a little bit further than was indicated. In 2003, they designated Hamas in its entirety as a terrorist organization and prior to that it had only been the military wing that was.

But they may have designated a few key Hizbullah leaders. "They" meaning the EU, a few key Hizbullah leaders. But in general it has been an area where we have not come to a complete congruence with the EU yet.

Ms. DAVIS. We have a series of votes coming up, but we are going to take a few more questions. Mr. Rohrbacher.

Mr. ROHRBACHER. Yes. Thank you very much, and just for the record, there is a large number of Americans who believe, with the exception of Great Britain, that the Europeans are not reliable allies anymore. And I think there is reason for that and I am glad to hear some of the new statistics out that suggest that maybe there have been commitments. Let me note that some of the agreements made in the past by our European allies did not materialize. I would just note the Balkans—and we made agreements 10 years ago about who would have responsibility and what would happen in the Balkans—and the United States still seems to be playing a big role there. And I know that the Europeans are as well but some of the rebuilding and some of the other commitments that were made have not materialized. Let me note that when you hear all this talk about globalism and we are going to take the global approach.

And could you correct me if I am wrong, but wasn't it some of our major European allies that were involved in this undermining of the Oil-for-Food Program that we had when we tried to work through a global and economic approach to Iraq? Maybe we should start with that question.

I mean, how can we trust our European allies today when those very same European allies are now being accused of undermining the economic sanctions we had to deal with the problem in Iraq?

And now that we have had this military force, those same allies are nitpicking at us and backbiting us. You might as well, Mr. De Vries, go first.

Mr. DE VRIES. Well, perhaps it would be appropriate to point out that the EU has put its money where its mouth is in terms of contributing to the build-up of Iraq. That I think is essential.

We must help the Iraqi Government to meet the expectations of its people and to bring a tangible improvement to their living conditions. Clearly that is essential to stability and to the future of Iraq. Our interest in Iraq is to have it develop into a stable democratic country at peace with its neighbors.

So that is why the Union at the Madrid conference pledged over 1.25 billion United States dollars for Iraq's reconstruction and has so far provided 300 million in assistance for reconstruction, humanitarian aid, demining and delivery of public services.

Mr. ROHRBACHER. That was 2½ billion that was pledged when?

Mr. DE VRIES. I beg your pardon?

Mr. ROHRBACHER. When was the 2½ billion pledged, did you say?

Mr. DE VRIES. That was pledged on the 24th of October of last year.

Mr. ROHRBACHER. And how much has been delivered?

Mr. DE VRIES. At least 300 million has been delivered through June 2004.

Mr. ROHRBACHER. Well, I personally will be watching that very closely. It just seems to me that when you hear this type of talk about globalist approaches and relying on our European allies, to me this is old talk and did not work and we are still in the Balkans because we decided to reach out and solve this problem along with our European allies.

And we now are still there. We tried, as I said, Oil-for-Food and we tried to work the situation out with Iraq and we were undermined by our European allies. Let me ask you this in terms of globalist approaches.

Does China not play a role in this proliferation of nuclear weapons throughout the world? Am I mistaken when I look at Pakistan and these various places that have nuclear weapons, North Korea and elsewhere, but doesn't China really play a role in this?

And doesn't China have a veto power in the Security Council of the United Nations? So, when you talk about globalism and going with the United Nations, why should we rely on the United Nations when it is the world's worst human rights abuser, and the world's biggest proliferator has veto power?

Mr. DE VRIES. Madam Chairman, I take that to be more of a rhetorical question. The United Nations has been structured a long time ago and discussions are taking place about its possible restructuring. But it exists in its current form and I believe that it has an important role to play in a great many respects. And it is seen as a very powerful dimension of international legitimacy across the globe. This is why the Union, for example, in terms of the Member States contributing to NATO forces, for example in Afghanistan, came to build on United Nations decisions.

The same applies when we sent troops to the former Republic of Macedonia and to the Democratic Republic of Congo to assist in stabilizing programs.

Mr. ROHRBACHER. Well, I know that the United Nations has a great deal of credibility and our European allies used to have a great deal of credibility and they may well in the future. It depends on what we see and what actions we take.

Reports that we have gotten from U.N. officials in various places, including Afghanistan, are reports of people who have large houses and big staffs. And they are spending huge amounts of the money that is supposed to go for reconstruction for their own benefits and for their own good life in the third-world.

Mr. SHERMAN. Mr. Rohrbacher, if I may interrupt. I need to go vote. I would hope that this panel would remain here until I can return and ask questions. I know that the Chairwoman wants—

Mr. ROHRBACHER [presiding]. I am now officially the Chair, and let me say, Mr. Sherman, that my 5 minutes is about up, and I will—but if you would prefer, we could recess until after the votes. Is that your preference, or would you rather—

Mr. SHERMAN. Well, I will try to get it in then before we leave.

Mr. ROHRBACHER. Right now? All right. The Chair recognizes Mr. Sherman and he has already had his chance to spit-out all of these good tidings or whatever, and you did not object to the report.

Mr. SHERMAN. Mr. De Vries, the last time that Europe was confronted with a vicious organization that had a military wing and a political wing, you had Goebbels over there doing the political propaganda in the political wing.

You had Goering and others heading various branches of the military wing. Would you have thought it acceptable for a European citizen to do business with the political wing of the Nazi party and divide that separate from the military wing?

And if not why is it okay for Europe to provide aid and comfort to those who have so much blood on their hands by saying, oh, these are just the politicians?

Mr. ROHRBACHER. The Chair would give him a chance to answer, because you bring up some good points and you need to let him answer.

Mr. SHERMAN. I think we need to suspend the hearing and go vote. We have 5 minutes for the vote.

Mr. ROHRBACHER. With that recommendation, the Chair holds this hearing in recess.

Mr. SHERMAN. So it will give you plenty of time to think of the answer.

[Recess.]

Ms. DAVIS [presiding]. The joint Committee will come back to order. Mr. De Vries, we welcome the efforts of the European Union to create the position of the Counterterrorism Coordinator that you hold. But in this country the State Department's Office of the Coordinator has a budget and a dedicated staff, and we have a full-time Department of Homeland Security.

I am told that you barely have an office and are low on staff, and not much of a budget, and no real authority to compel Union States to cooperate with you. Based on that, can you effectively carry out the large responsibilities you have been given without the direct resources necessary? And how do you respond to charges from skeptics that the Counterterrorist Coordinator's position lacks sufficient clout, visibility, and enforcement capabilities to be truly effective?

Mr. DE VRIES. Thank you, Madame Chair, for allowing me the possibility to clarify that. Enforcement capability according to the treaty, and we are a community of law, is vested in national Governments. And as the Member States did not resolve to change the treaty on that point, that remains the situation. So in terms of Member States complying with the EU law, it is their responsibility and the responsibility of the European Commission to hold Member States to account and to take them, if necessary, to the European Court of Justice should they act in violation of EU law.

Having said that, there is not just the legal approach but a political one as well. In that process the European Council plays a major role. We have seen the Union expand now on May 1st from 15 to 25 countries. That has made the Union stronger but it has also made the Union more complex.

So my role is to support the Secretary General, and through him the European Council, in managing the political coherence of the Union. That is why in order to strengthen the coordination on

counterterrorism, I was pleased, together with the Irish presidency, to offer proposals to the European Council in June for a meeting on framework and for a set of priorities which the European Council adopted.

And I shall be reporting to the European Council again in December and every 6 months after that on implementation. So that at the political level, we keep the focus on this issue.

I will also be discussing indeed this week with the Permanent Representatives Committee (the Ambassadors of the Member States in Brussels) on the state of the implementation of the new legislation, and indeed also of the international agreements, including the two with the United States in the field of extradition and mutual legal assistance.

So that the permanent Ambassadors in Brussels can play their role in helping Member States to implement. So that is the implementation side, and I have already referred to the suggestions that have been offered in terms of the European Union programs. I am currently working with Mr. Solana and the Commission to prepare the European Council meeting of December in terms of the four strategic priorities that we will be focusing on; financing of terrorism, civil protection, critical infrastructure protection, and mainstreaming of counterterrorism in foreign affairs.

My own staff at the moment is comprised of a task force in the Secretary General of the Council of Ministers, supported by a five-person team for me personally. A budget that can be compared to Homeland Security, the European Union does not have and cannot have because we do not have the Federal authority vested in Brussels like you have here in the central Government.

Ms. DAVIS. I certainly wish you much success with that.

Mr. De Vries, in the CSIS study, it has been suggested that there is an ongoing process of radicalization in Muslim communities in Europe. That bin Laden has been able to capitalize on the growing resentment of Muslim despair in Europe. And then we hear that more and more affluent Muslims and parents are raising their children to Jihad groups in London, Paris and elsewhere. What is the current assessment of the radicalization of Muslims living in Europe?

And I have heard that there may be 15 million Muslims in Europe, and if only 1 percent radicalize, then you have a problem. Can you shed a little light on that?

Mr. DE VRIES. It is, as you appreciate, difficult to generalize about so big a section of the population but it is certainly the case that there are pockets of radicalization and they are worrisome.

It is all the more important to make sure that we do everything that we can to strengthen our dialogue with moderate Muslims in Europe, and indeed elsewhere in the world. We must counter the strategy of the radicals that consists in designating those who follow the true path and those who must be considered as apostates.

The overwhelming majority of Muslims in Europe is committed to democracy, to human rights preservation, and to freedom of religion, including the freedom to decide one's own interpretation of Islam.

Those Muslims, I think, are critical in the success of our fight against terrorism. They should be encouraged to speak out and I

am heartened to see that in France, subsequent to the kidnapping of two French journalists recently, there has been overwhelming support from the Muslim community publicly for their release.

That is important and we must address the role of moderate Islam, and we must indeed also address the causes of discontent and frustration that exists in that section of the population.

We must also bear in mind that in other parts of the population there is an increasing tendency toward taking a negative view of Muslims in general. We must therefore be careful on both sides of the religious divide in Europe that we do not see a process of radicalization. That requires political measures and economic measures, and this is part of the agenda of the Union to address—not through legislation—but through a process of comparing best practices and learning from each other.

And indeed as I believe Mr. Sherman has indicated before, it will also be very helpful to learn from the U.S. experience in integrating the Muslim community here.

Ms. DAVIS. Thank you, Mr. De Vries. I know that you have to go but I want to ask one quick question, Mr. Pope. Is the job of affecting counterterrorism and cooperation made any more difficult because of the diminution of what aspects of this effort are EU responsibilities versus the responsibilities of the individual nations within Europe?

Mr. POPE. Thank you for that question. What we have tried to do—and I know that the time is short, and I will sum up as best I can, but what we have tried to do, especially since September 11th, is work in all avenues possible. And I mentioned quite a bit about multilateral and United Nations, and the U.N. resolution, and the EU we talk a lot about, because that is the topic.

But we also work a lot around the world bilaterally. We work with individual European countries as well as with countries in Asia, Africa and other places. And the bilateral relationships in Europe, exactly because of what the Minister said, remain really important.

And without going into a lot of detail on exactly what we are doing with each one of them, it has not really been a problem. If I could have just 1 more minute, as I am going to run out of time on this.

A really key underlying issue that has not really come out very much—and I don't mean just here today, but I mean in general—is the kind of layers of what we are working on, because right after September 11th, you had the one absolutely essential thing that had to be done above all, and that was Afghanistan.

You had to clear out the main and most important terrorist base in the entire world and there was nothing else that could remotely compare with it. Then you had a whole series of efforts going on, including with Europe, for enhanced information sharing and law enforcement, and capacity building for countries that wanted to do the right thing but didn't have the capabilities.

And still some military activities all overlaid by diplomacy, and that is important and that is still going on. But there was yet another level of activity that we have alluded to on several occasions here, and I alluded to it in my remarks. And that is what I called—it is not an official government designation, it is me—but I call it

a kind of remake of the international system, because what makes the newspapers is the hunt for bin Laden and the hunt for breaking up terrorist cells and that kind of thing.

But there is a whole level of activity going on in terms of travel documents, biometrics in passports, remaking ICAO to be also an antiterrorist kind of activity. The IMO (the International Maritime Organization) and many, many other organizations—and that is like the ocean liner that takes a long time to get going but it is starting to pick up speed.

So what gets covered in the paper is the hunt and the breaking up of the cells, but there is this other aspect of cooperation with major ramifications in the one other part of the world that really has a sophistication and the resources with us—for example, to basically force the world into proper travel documents—is the Europeans. Thank you. Sorry for rambling on there.

Ms. DAVIS. Thank you, Mr. Pope. We have been joined by Mr. Chris Smith of New Jersey. Mr. De Vries, if you could stay with us just a second longer.

Mr. CHRISTOPHER SMITH OF NEW JERSEY. And I thank the distinguished Chair for yielding and I have just one question, Mr. Pope. And both of you might want to take a stab at it. But one of the points that the 9/11 Commission made was that travel documents are the equivalent of weapons in the hands of terrorists. And you made a very sweeping and a very strong statement in that regard.

We have looked into this, and I am sure that you are aware of this, that there are 12 existing EU conventions dealing with financing and a myriad of other issues related to terrorism. But there is not one dealing with travel documents or travel. There are a number of U.N. resolutions, Security Council resolutions, and there does not seem to be the kind of enforcement capability and visibility to compel States, or at least to encourage States, to become part of a more effective way of traveling or cracking down on travel irregularities.

What is your view on the advisability of perhaps working toward a U.N. convention on travel, focusing on mitigating terrorism?

Mr. POPE. To be very honest with you, I don't know how practical that would be right now. I am not saying no. I am just saying that is one that I would have to get back and look at and we would be happy to get you some more information.

[The information referred to follows:]

RESPONSE SUPPLIED TO THE SUBCOMMITTEE IN WRITING BY WILLIAM T. POPE TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

We agree that stopping the movement of terrorists across national borders must be a priority in our global war on terrorism. We have examined further the proposal for a new international terrorism convention banning terrorist travel with other parts of this Administration and have concluded that such a convention would be unwise and a distraction from other efforts that are well underway toward achieving the same goals.

States already have international legal obligations to prevent terrorist travel:

UN Security Council Resolution (UNSCR) 1373 obligates all States to "[p]revent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents."

Security Council resolution 1373 was adopted under Chapter VII of the UN Charter and contains binding provisions. Members have the same legal obligation to

carry out the binding provisions of the resolution as would parties to an international convention. Moreover, all 191 members of the United Nations have an international legal obligation to carry out the binding provisions of this resolution whereas States may choose whether or not to become parties to a convention and the convention is in force only in those states that have become parties to the convention.

There are additional obligations with respect to persons designated as being associated with Al-Qaida, Usama bin Laden or the Taliban. UNSCRs 1267, 1333 and other relevant resolutions, most recently UNSCR 1526, obligate all UN Member States to “prevent the entry into or the transit through their territories” of individuals designated by the UN 1267 Sanctions Committee as being associated with Al-Qaida, Usama bin Laden or the Taliban.

Seeking negotiation of a convention banning terrorist travel poses risks for U.S. interests without offering any appreciable benefits:

Two sets of negotiations on international terrorism conventions at the UN have been at impasse since 2001 over the definition of “terrorism” and whether states can be “terrorists.” A new negotiation on terrorist travel would necessarily raise the same politicized issues of who is a terrorist. Negotiating a new treaty is, under the best of circumstances, a very lengthy procedure. Members must first negotiate the text, consulting with their capitals at each stage. States then must decide whether to become parties, legislatures must decide whether to approve—all in all, it generally takes years to achieve the final result.

Our experience tells us that developing countries might well use such negotiations to establish rights of free travel for those people not determined to be terrorists, thus potentially adding to our immigration control burdens.

The focus should be on worldwide implementation of existing obligations:

We are doing this:

The Security Council’s Counter-Terrorism Committee is monitoring States’ efforts to implement the terrorist travel ban under UNSCR 1373. As a member of this committee, we are taking steps to ensure that it emphasizes the importance of States’ compliance with the travel ban.

We also intend to work with the UN 1267 Sanctions Committee Monitoring Team to strengthen implementation of the travel ban against individuals designated as being associated with Al-Qaida, Usama bin Laden or the Taliban.

The G8 developed a set of standards and best practices to improve the security of travel documents.

The International Civil Aviation Organization (ICAO) adopted the G-8 recommended standards on passport issuance security as international standards. Further, ICAO has issued specifications for biometric passports, and over 25 countries already are working to issue biometric passports within the next 12 to 18 months.

The Organization for Security Cooperation in Europe (OSCE) agreed in a Ministerial decision last December to a U.S.-initiated proposal for all 55 OSCE member states to adopt and implement the ICAO standards and best practices.

We are working to encourage other regional organizations, including the OAS, to do the same.

State Department representatives would be pleased to have an opportunity to discuss this matter in greater detail with Mr. Smith at his convenience.

Mr. POPE. But I can tell you a little bit about what we are doing in the absence of that, and I mentioned a little bit in my earlier remarks. My boss, who unfortunately is not here or would be testifying today, is very interested in this subject. It is in this range of issues, the big, slow moving, but very transformational issues that I was talking about.

With the OSCE, the European organization in Europe, we are working very hard with them on travel document standardization. And frankly there are 55 members who represent a very significant portion of everything that you could measure in the world, and we believe that when that comes to be, and it needs to come to be, that even if there is not yet a convention, and it is a very interesting idea, that when it comes to be it is going to kind of be like the huge snowball rolling downhill.

It is going to really compel everybody to get into that, and it needs to be done, because if you look at your passport or my pass-

port, it is not hugely different than it was 50 years ago. It is a picture glued on a piece of paper.

It has more features in it now than it used to but the forgers are really good across the world, and what we need, and we are not there yet either as well as the Europeans are not there, we really need something that is undefeatable, like irises, the biometrics, and the fingerprints.

So I don't know the answer exactly. It is an interesting idea but we must get there, because your initial point about being a weapon in hand is absolutely right. We must stop their ability to counterfeit.

Mr. DE VRIES. And perhaps to follow on if I may. There are two initiatives that are germane to the concern raised by Congressman Smith on actions taken by the Union at the moment.

One is to move from the current generation of passports to biometric passports, passports that have biometric identifiers. That would be a major step forward in the fight against crime, in the fight against identity fraud. Terrorists and those who support them are masters at changing their identity, and to make passports biometrically identifiable, I think would be an important step to counter their capacity.

Secondly, we have to globally strengthen our cooperation in the field of lost and stolen passports. That, I think, is also a critical factor and I am pleased that here, too, the U.S. and the EU have decided to work more closely together and strengthen the role of Interpol.

And the EU expects, before the end of the year, that the Commission will come forward with the legal initiative on that and to have a legal basis for EU Member States to provide all of that information to Interpol.

That would be another international organization and global weapon, not yet a convention, but a practical tool to strengthen global cooperation in this crucial area.

Mr. CHRISTOPHER SMITH OF NEW JERSEY. Thank you very much.

Ms. DAVIS. Mr. De Vries and Mr. Pope, we certainly appreciate you being patient and staying with us, and we thank you for being with us today.

Unfortunately, if you heard the buzzers, we have more votes, which is going to take us about 45 minutes. So rather than hold you here, we are going to dismiss the second panel. I apologize to you for bringing you out and having to stay this long, but hopefully we can have you back at some other point in time to testify before the Committee.

I do apologize. That is the way that things go here in Congress, and you know that, but I don't think it would be right to hold you here for another 45 minutes or so. But thank you all for being here, and with that the Committee is adjourned.

[Whereupon, at 3:05 p.m., the Subcommittees adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF BRUCE SWARTZ, DEPUTY ASSISTANT ATTORNEY GENERAL,
CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

1. INTRODUCTION

Thank you for this opportunity to testify about our cooperation with the European Union in the fight against terrorism. Since September 11th, the Department of Justice has made it one of our highest priorities to strengthen our counter-terrorism cooperation with the European Union and its Member States. As the tragic events in Madrid earlier this year demonstrate yet again, the United States and Europe face a common terrorist enemy. Terrorist groups linked to Al Qaeda have repeatedly attempted to engage in terrorist acts in Europe, both against European and United States targets. Thus, the critical importance of our law enforcement and counter-terrorism cooperation with the EU is beyond question.

2. COOPERATION PRIOR TO SEPTEMBER 11TH

In strengthening its cooperation with the European Union, the Department of Justice has built on a foundation laid long before September 11th. As the EU grows and evolves, it is constantly moving toward greater integration, especially in the field of Justice and Home Affairs, which was recently renamed "Justice Freedom and Security." Greater centralization on these issues is only likely to continue, as reflected in the proposed new EU constitution.

In the mid-1990's, the Department of Justice recognized that the EU's enhanced integration in the law enforcement field would inevitably affect our bilateral enforcement relationships with Member States. We therefore established a senior level position housed at the U.S. Mission to the European Union in Brussels to attempt to address these issues. With me today is Mark Richard, our Department of Justice attaché to the European Union. Mr. Richard, who was my predecessor as Deputy Assistant Attorney General, is the Department's leading expert on international criminal law, and the architect of our framework of international mutual legal assistance and extradition treaties. In Brussels, he works with the FBI, DEA and ICE attachés, to coordinate law enforcement issues across US law enforcement agency lines. Together with the Department's Office of International Affairs, Mr. Richard is the central law enforcement coordinator for the United States on matters involving the EU, and he works closely with the DHS, the State Department, and the Treasury Department.

The Department of Justice also has long co-chaired, with the Department of State, meetings on Justice and Home Affairs with each incoming Presidency of the EU. These meetings, which are part of the Transatlantic Dialogue with the EU, have been highly useful in helping to set common law enforcement agendas.

To be sure, it is important to keep in mind the limitations of the EU when it comes to cooperating in the fight against terrorism and crime at an operational level. The EU has no police force that can make arrests or conduct searches and seizures; it has no criminal prosecutors and no EU criminal code; and finally, it has no EU judiciary with criminal jurisdiction. In short, we must continue to rely primarily on our bilateral relationships for operational assistance. Nonetheless, it is equally clear that we must do more than simply work with Member States—we must also work with the EU institutions that make policies and decisions that increasingly affect the ability of Member States to cooperate with us.

3. POST 9/11 DEPARTMENT OF JUSTICE INITIATIVES

Recognizing that the events of September 11th made our relationship with the EU even more vital, the Department of Justice has undertaken a number of initiatives to strengthen that relationship. First, we have successfully negotiated agreements to permit sharing of counter-terrorism and criminal information with Europol. We expect these agreements to pay dividends as the EU Member States increasingly look to Europol as a central point of coordination for counter-terrorism data.

Second, we have assigned a Department of Justice prosecutor to work with Eurojust, which brings together in the Hague liaison prosecutors from the EU member states. While Eurojust also is an evolving organization, we hope that it will serve as a vehicle for prosecutors from the United States and EU Member States to meet and discuss "lessons learned" from our terrorism investigations and prosecutions.

Third, Attorney General Ashcroft has worked tirelessly to build personal relationships with his counterparts, both bilaterally in the Member States and in the EU itself. In particular, he has met on a number of occasions, both here and abroad, with outgoing EU Justice and Home Affairs Commissioner Vitorino—who has done so much in his time as Commissioner to advance the cause of EU/US counter-terrorism and law enforcement cooperation, and to whom we would like to use this opportunity to express again our deep appreciation. We also would like to pay tribute to Sir Adrian Fortescue, the first Director General for JHA Affairs, who passed away this summer; his tireless work to strengthen US/EU relationships will not be forgotten, and has been ably carried forward by his successor, Jonathan Faull. Finally, Attorney General Ashcroft also highly values the opportunities he has had to meet with Mr. DeVries, the EU's new Terrorism Coordinator, who is also appearing before you today. The strength of the relationships that have developed is evidenced by the fact that the Attorney General was honored to be the first foreign justice minister to be invited to address the convocation of all the EU Justice and Home Affairs Ministers, in Copenhagen, in 2002. The Attorney General, joined by DHS Assistant Secretary Hutchinson, will again meet with the Justice and Home Affairs Ministers—now representing 25 nations—in The Hague at the end of this month.

Fourth, together with the Department of Homeland Security and the Department of State, the Department of Justice co-chairs a new Border and Transportation Security Dialogue with the EU. Created during this past year, the Dialogue is intended to ensure close consultation with the EU on border and transportation issues that play a critical role in our joint counter-terrorism efforts, including issues relating to Passenger Name Records and the US VISIT program. The Dialogue met earlier this spring in Brussels, and is scheduled to meet again this November.

Finally, and perhaps most important, on June 25, 2003, the Attorney General signed on behalf of the United States the first ever treaties negotiated between the United States and the European Union as a whole. These treaties—one dealing with extradition and one dealing with mutual legal assistance—will give us additional tools to combat terrorism, organized crime, and other serious forms of criminality. The mutual legal assistance treaty, for instance, provides for the formation of joint investigative teams, the use of video-technology for taking testimony, and the provision of information regarding suspect bank accounts. The extradition treaty updates the oldest treaties in force between the US and EU member states, which currently permit extradition for only a limited range of listed offenses; henceforth, extradition will be available for a broad range of serious offenses punishable under both States' laws. Significantly, these treaties accomplish these goals not by supplanting our existing bilateral relationships, but by building upon and supplementing them. Thus, they modernize, but do not replace, the bilateral arrangements now in place. In The Hague at the end of this month, we expect that Attorney General Ashcroft will sign the first of a number of the bilateral protocols that will implement these new treaties. As the Attorney General stated when signing the treaties in 2003, "They are deeply emblematic of the good will between the U.S. and EU that enabled us to maintain our focus on enhancing cooperation in the face of common threats, and not allow differences in our legal systems to thwart our abilities to cooperate."

4. NEXT STEPS

We expect this close cooperation to gain further strength during the current Dutch Presidency of the EU. The Dutch will host a terrorist financing seminar next week at which the U.S. will participate. We had fruitful Justice and Home Affairs consultations in The Hague in July of this year, and both Attorney General Ashcroft and Secretary Ridge will be meeting with their counterparts in The Hague this fall. Our experts plan to meet to discuss a variety of potential issues, including increased exploitation of terrorist financing data, and analytical approaches regarding ter-

rorism recruiting. We look forward to increased engagement with Europol and Eurojust.

Experience also has repeatedly shown that when the US and the EU are in agreement on specific issues we have the collective ability to advance the law enforcement agenda in other international contexts. In recent years, this has happened with respect to the UN Conventions on Organized Crime and Corruption, as well as with the Council of Europe Cyber-crime Convention. We also will continue to coordinate our G-8 anti-terrorism and crime efforts with those of the EU, through the participation of four EU Member States in the G-8 itself, and the participation of the EU Commission as a member of the G-8 Lyon (*anti-crime*) and Roma (counter-terrorism) expert groups.

To be sure, there remain challenges in our cooperation with the European Union and its institutions. Perhaps the most persistent of these issues is that of data privacy. Of course, the United States, no less than the European Union, places a high value on the privacy of personal data. But our systems have evolved different mechanisms for protecting that data. Both sides have worked diligently to understand each other's data protection systems, and we have been able to move forward in several contexts on agreeing to share law enforcement related information. But we expect that these discussions will continue as we increasingly work together. Our goal is to continue to protect personal privacy, while ensuring the rapid sharing of information vital to our counter-terrorism and law enforcement efforts.

5. CONCLUSION

The EU is only going to grow in its influence as it expands and presents a unified approach on law enforcement issues. The Department of Justice is committed to working in close partnership with the EU in this regard, while still maintaining our critical bilateral relationships with EU Member States. We believe that this commitment is essential in light of the common terrorism threat we both face. In signing the US/EU extradition and mutual legal assistance treaties, Attorney General Ashcroft noted that "In the months since September 11th, our law enforcement partners in EU member states have stood shoulder-to-shoulder with us in the fight against international terrorism." We cannot win this fight alone, and the EU and its Member States are critical law enforcement allies.

Thank you. I will be happy to answer any questions you may have.

PREPARED STATEMENT OF THE HONORABLE C. STEWART VERDERY, JR., ASSISTANT SECRETARY FOR POLICY AND PLANNING, U.S. DEPARTMENT OF HOMELAND SECURITY

Good afternoon, Chairman Davis, Chairman Gallegly and distinguished members of the Subcommittees, thank you for the invitation to address the Subcommittees on Europe and on International Terrorism, Nonproliferation and Human Rights about DHS-European Union cooperation on counterterrorism. I also want to thank William Pope and Bruce Swartz from the Departments of State and Justice as well as Mr. DeVries from the European Union (EU) who join me here today for their partnership and collaboration in the fight against terrorism. I wish to note that Secretary Ridge will be in The Hague in a few days for the EU Troika meeting to meet with his counterparts representing three consecutive EU Presidencies. I am very pleased with the progress that DHS and the European Union are making each day in addressing many issues of mutual concern related to combating terrorism, enhancing transportation security and bolstering border enforcement through improved cooperation and information sharing.

As you are keenly aware, the U.S. has an especially close partnership with the European Union, and, since its formation, DHS has been a key player in establishing many transatlantic initiatives and agreements. Truly it may be said that it is one of our best relationships. Certainly, the challenges of the post-9/11 environment can only be tackled and surmounted with the cooperation and assistance of our close European partners and other foreign counterparts.

The greatest challenge facing each one of the witnesses before you today is to secure our borders and homeland from another terrorist attack while preserving our most cherished values and maintaining a free, safe and open society. Each day, DHS is working with our counterparts at State, Justice, Commerce and other agencies to improve our ability to identify terrorists and criminals while finding ways to facilitate legitimate trade and travel. We are enhancing security by focusing on how we produce and examine documents, taking a fresh look at security at our ports of entry, improving and expanding watch lists and how they are vetted, and exploring ways to share data with our counterparts that can help identify and thwart terrorists. All of these efforts are pursued in the context of protecting and respecting the

civil liberties and individual privacy of U.S. citizens, residents, and visitors. It is our feeling that our efforts to combat terrorism threats and protect our borders require the assistance, counsel and partnership of our allies, especially our transatlantic neighbors in Europe.

The 9-11 Commission Report stated: *"The U.S. government cannot meet its own obligations to the American people to prevent the entry of terrorists without a major effort to collaborate with other governments. We should do more to exchange terrorist information with trusted allies, and raise U.S. and global border security standards for travel and border crossing over the medium and long term through extensive international cooperation."* The bombings in Madrid, the more recent hostage crisis in Beslan, Russia and the Australian Embassy bombing in Jakarta also serve as vivid reminders to us that terrorism is an international threat that cannot be conquered alone. DHS understands that we must engage in a global effort each day, through collaboration, information sharing and ongoing dialogue to ensure that our efforts are informed, coordinated, and effective.

As part of this effort, we are working well with our partners on improving standards for travel documents, aviation safety, port security and the exchange of watchlist information. The appropriate and secure use of biometric identifiers will assist in all these efforts. We use biometric identifiers as tools to help prevent the use of fraudulent travel documents and identities so that we can be more confident and secure about our admissions and screening decisions. DHS is currently conducting a review of the use of biometrics to ensure that we are coordinating the implementation of biometric technology across the Department. In the international arena, we are working closely with our European counterparts in the International Civil Aviation Organization (ICAO) and other international fora to discuss how to advance biometric methodologies, both in chip technology and electronic readers, by establishing standards to ensure global interoperability. The United States recently hosted an e-passport interoperability test session. Approximately 130 persons from 18 nations, representing over 50 organizations were able to establish basic interoperability for a broad set of prototype e-passports and readers. International cooperation on these issues is vital, specifically in regard to ensuring global interoperability and addressing privacy concerns.

The 9/11 Commission Report advised us that we needed to look even more closely at our aviation security initiatives and give special attention to improving each of the layers of the security system. DHS recognizes that there is no single solution to prevent airplanes from being used as weapons of terrorism. The improvements in the layered approach include using biometric identifiers to deter visa fraud, sharing lost and stolen passport information through Interpol, promoting a global standard for machine readable passports, using airline passenger data appropriately, expanding no-fly lists, screening domestic and international passengers against no-fly lists, including more travelers in US-VISIT, boosting airline security utilizing Federal Air Marshals on international flights of concern, hardening cockpit doors, and offering voluntary programs for arming pilots on passenger and cargo planes for domestic flights. Simultaneously, we are committed to avoiding unnecessary procedures that would harm the United States' ability to welcome students, tourists, and business travelers and instead are seeking ways to facilitate safe and secure travel.

To facilitate *domestic* travel, the Transportation Security Administration has launched Registered Traveler (RT) Pilots at five airports throughout this summer. The RT Pilot Programs will test the use of biometric technology, security assessments and adjustments in screening procedures to determine whether customer service can be improved without degrading security. Similarly, CBP is currently examining ways in which we can leverage the technology to facilitate bonafide, frequent travelers in the *international* environment. Our investments and efforts within the aviation context aim to minimize burdens on our citizens' and visitors' livelihoods while we pursue our main mission of protecting their lives.

We in DHS are working closely with the EU, both with our counterparts in the European Commission and the current Dutch Presidency, to ensure that developments and initiatives in border and transport security are discussed, coordinated, and clarified before they are implemented. Through ongoing communication and dialogue with the EU we are seeking to avoid transatlantic surprises and diplomatic differences. While we are working well together, we need to better understand the internal structures, dynamics and unique bureaucracy of the EU, especially as the EU further develops its own division of authorities between the Commission, Parliament, Council and Member States.

We are taking such steps every day. Let me briefly touch on some of the ongoing topics and means for discussions that we have with our European partners that can be viewed as true achievements and positive, practical steps we have taken to tackle the security challenges we face together.

LOST AND STOLEN PASSPORT DATA

Together with our colleagues in the Department of State, who are responsible for the U.S. passport system, and our foreign counterparts, DHS is addressing security challenges posed by lost and stolen passports. We share this effort with our partners in Europe and around the world. Across the globe, international border control authorities continue to seek timely and accurate information concerning the validity of travel documents presented at consular posts and their borders. In most cases, countries are able to identify the misuse of their own lost or stolen travel documents when presented at their own borders, but there is a reluctance of many nations to compromise the privacy of their citizens by sharing personal data with other governments or international agencies.

However, we are making progress. For example through the efforts of the Departments of State and Justice, the U.S. has provided over 300,000 records of Lost and Stolen passports to the Interpol's lost and stolen document database, which is available to border authorities worldwide. We hope that many more of our European partners will join us in this effort.

Additionally, the US is initiating a scoping study to assess a technology concept that helps address this concern. The Enhanced International Travel Security (EITS) concept uses distributed databases as a mechanism to allow real-time exchange of to the basic information needed—i.e., a “yes” or “no” response—concerning the validity of a document without requiring visibility into the data that allows that determination. The approach would be very similar to that already used worldwide by the banking industry to support ATMs. Developing better systems for international sharing of information, and expanding participation to more countries will improve our ability to identify and screen travelers before they enter our country.

CONTAINER SECURITY INITIATIVE (CSI)

On April 22, 2004, the United States and the European Community signed an agreement to intensify and broaden cooperation on customs matters. The objectives of the agreement include, among other things, the prompt expansion of Customs and Border Protection's (CBP) Container Security Initiative (CSI) to more ports in the European Community.

CSI addresses the threat to border security and global trade posed by terrorist misuse of a maritime container. CSI proposes a security regime to ensure that all containers identified as posing a potential risk for terrorism are identified and inspected at foreign ports *before* they are placed on vessels destined for the United States. Specifically, CSI requires the electronic transmission of cargo manifest information 24 hours before the vessel is loaded at the foreign port. This allows us to use these data to assess the risk before the cargo is loaded onto vessels.

Through CSI, U.S. officers work with host country customs administrations to establish security criteria for identifying high-risk containers. Those administrations use non-intrusive technology to quickly inspect the high-risk containers before they are shipped to U.S. ports. Additional steps are taken to enhance the physical integrity of inspected containers while en route to the United States.

The CSI agreement signed in April with the EU sets the stage for enhanced cooperation between the United States and our European partners on CSI and related matters. It will lead to enhancements in our mutual efforts to prevent terrorists from exploiting the international trading system. The success of the agreement has served to broaden cooperation and mutual assistance in customs matters between the European Community and the United States including establishing minimum standards for risk-management techniques and improving public-private partnerships to secure and facilitate international trade.

CSI is a fully reciprocal program. Japanese and Canadian officers are currently stationed and working in key U.S. ports to screen containers destined for their respective countries. We expect and hope others will do so in the future.

PASSENGER NAME RECORD (PNR) DATA

In addition to expanding cooperation in container screening, the United States and the European Commission signed an international agreement on May 28, 2004 permitting the transfer of passenger data to be used for screening passengers. I personally served as the lead for the U.S. interagency team negotiating for over one year until we succeeded in establishing a mutually acceptable legal framework to allow DHS to access passenger name record (PNR) data from the airlines that carry passengers between Europe and the United States. In 1995, the European Parliament and Council issued a “Data Protection Directive” that set forth detailed requirements for the utilization and sharing of personal data. Prior to our resolution

of these issues with the Commission, airlines found themselves in a position where they would be subject to fines from EU member states if they provide PNR data to the United States.

PNR information is just one of many tools used by CBP to fulfill its mission. PNR is an essential tool in allowing CBP to accomplish its key goals: (1) PNR data helps us make a determination of whether a passenger may pose a significant risk to the safety and security of the United States and to fellow passengers on a plane; (2) PNR data submitted prior to a flight's arrival enables CBP to facilitate and expedite the entry of the vast majority of visitors to the United States by providing CBP with an advance and electronic means to collect information that CBP would otherwise be forced to collect upon arrival; and (3) PNR data is essential to terrorism and criminal investigations by allowing us to link information about known terrorists and serious criminals to co-conspirators and others involved in their plots, as well as to potential victims. Sometimes these links may be developed before a person's travel, but at other times these leads only become available days or weeks or months later. In short, PNR enables CBP to fulfill its anti-terrorism and law enforcement missions more effectively and allows for more efficient and timely facilitation of travel for the vast majority of legitimate travelers to and through the United States.

Over the course of our negotiations, both sides worked together to reach a workable solution that outlines the type of data that may be transferred, the period of time it can be retained, and the purpose for which it may be used. Additionally, the final arrangement includes requirements for aggressive and important passenger redress mechanisms, including a channel for direct access by European Data Protection Authorities to the Chief Privacy Officer at the Department of Homeland Security on behalf of European citizens.

While this agreement was signed by the EU and the Secretary of Homeland Security in May, matters related to the agreement are currently being challenged by the European Parliament before the European Court of Justice. We are, nevertheless, confident that the agreement is legally sufficient and will improve the safety of air passengers. We have been encouraged by the Commission's efforts, especially the support we have received from European Commissioner of Internal Market, Frits Bolkestein; Commissioner for External Relations, Chris Patten; Commissioner for Justice and Home Affairs, Antonio Vitorino and Director General Jonathan Faull throughout the negotiations. We consider this agreement an historic achievement that helps protect both the privacy of travelers and the borders of the United States and the European Union.

VISA WAIVER PROGRAM AND US-VISIT

Another area on which we are working to make significant enhancements involves the Visa Waiver Program and US-VISIT. DHS, with the assistance of Department of State, is in the process of completing the country evaluations required under the Visa Waiver Program statute. These reviews involve site visits to each of the participant countries. Overall, the cooperation of the VWP countries' governments has been exceptional.

Additionally, on September 30, 2004, nationals from VWP countries will be enrolled in US-VISIT when they travel to the United States. We have been working diligently, engaging in all forms of outreach to ensure the countries and their citizens are prepared for the upcoming expansion of the program.

The first phase of US-VISIT was launched on January 5, 2004, when DHS deployed the new biometric entry capabilities at 115 airports and 14 seaports and began testing a biometric departure confirmation system at two locations. Since then, millions of foreign visitors have been processed without impacting wait times and it is working. US-VISIT has helped to prevent hundreds of criminals and immigration violators from entering the country. Before the biometric component of US-VISIT, these people might have passed undetected through our system and into our country. US-VISIT's experience with biometrics is demonstrating that our ability to identify who entered and left the country is significantly improved with the addition of biometric identifiers. In August, US-VISIT began expanding the pilot exit capabilities to additional sites and in December, entry capabilities will be expanded to the 50 busiest land border ports of entry.

Another important issue on which we have been in constant communication with our EU partners relates to the biometric passport deadline established by the Enhanced Border Security Act (EBSA). The Act required that VWP travelers with passports issued after October 26, 2004, have passports with an embedded biometric chip. It also required VWP countries to certify by October 26, 2004, that they have a program to issue biometrically enhanced passports that comply with International

Civil Aviation Organization (ICAO) standards. Working together with the Department of State, we approached Congress asking for an extension of this deadline. Just last month, the President approved a statutory extension of one year, during which we will work diligently with our foreign partners on the technological advancements necessary to produce biometric passports by that date. VWP countries understand that enrolling VWP applicants in US-VISIT will alleviate some of the security concerns associated with that year-long extension and in the long-term will improve document and border security.

SECURE FLIGHT

As illustrated by the lengthy PNR negotiations, passenger screening has been an issue of transatlantic debate. For over a year, DHS has been working with its EU counterparts to explain the previously proposed but now replaced, CAPPS II program that, admittedly, created an abundance of concern on both sides of the Atlantic. DHS has responded to these critiques by creating a new program, *Secure Flight*, which differs from earlier proposed systems by focusing screening efforts on looking for known or suspected terrorists, rather than using them for other law enforcement purposes. In addition, the new program will also include a redress mechanism through which people can resolve questions if they believe they have been unfairly or incorrectly selected for additional screening. This program, while domestic in focus, is a major step forward as DHS' Transportation Security Administration will take over responsibility for checking airline passengers' names against terrorist watch lists—a function currently administered by each airline individually. When in place, *Secure Flight* will help move passengers through domestic airport screening more quickly and reduce the number of individuals selected for secondary screening—while fully protecting passengers' privacy and civil liberties.

Passengers on international flights will continue to be checked against names in the consolidated Terrorist Screening Center database by CBP, through its Advanced Passenger Information System (APIS). These checks are mandated by U.S. law and we expect to issue a proposed rule in this area in the near future aimed at screening passengers earlier. As I mentioned before, advanced screening of our passengers through the use of PNR and advanced passenger data are key elements of our strategy to identify and stop persons of concern before they are able to board a flight.

U.S.—EU DIALOGUE

Last April, Under Secretary Asa Hutchinson traveled to Brussels to lead a U.S. delegation to the inaugural meeting of the new Policy Dialogue on Border and Transport Security. The EU delegation was led by Director General Faull. The purpose of this new group was to establish a forum where issues of transport and border security could be addressed at a policy level. This first semi-annual meeting successfully discussed a wide range of issues and included experts from Homeland Security, Justice, and State on the U.S. side and the European Commission Directorates of Transport, Internal Market, Justice and Home Affairs and External Relations as well as representation from the EU Presidency, demonstrating an effort by both sides to bring all concerned parties to the table and avoid compartmentalizing. This ongoing formal dialogue is to provide a mechanism to communicate problems or initiatives on the horizon.

Delegates at the inaugural meeting took the opportunity to address many of the issues I have already mentioned, including biometrics, the US-VISIT and Visa Waiver Programs, joint initiatives on lost and stolen passports, "flights of concern" and air marshals. This meeting was appropriately timed to enable parties to discuss issues on which we have been working collaboratively before the US-EU Summit held in June of this year.

Coordinated efforts and continuous dialogue are certainly the key elements to a successful transatlantic strategy. The Policy Dialogue is an umbrella over a series of US-EU working groups that meet more regularly to exchange information on new developments in the area of cargo, aviation and transport security technology, legislation and policy. We are already preparing for the next meeting of the Policy Dialogue, which is scheduled to be held in Washington, D.C. in mid-November.

We are honored to be joined today by EU Counterterrorism Coordinator, Mr. Gijs DeVries, who is a key part of EU's work in the counterterrorism arena and is a valued partner to the United States. His support and that of his colleagues within the EU structure has been invaluable to DHS as we carry out our daily mission and meet formidable challenges that we can only overcome by collaborating and exchanging ideas and methods. I am certain that each of us here before you today agree that in order to succeed in the global fight against terrorism, we must take

every opportunity to strengthen our relations and communications between leaders on both sides of the Atlantic.

RESPONSES FROM GIJS DE VRIES, COUNTERTERRORISM COORDINATOR, EUROPEAN UNION, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE JO ANN DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA, AND CHAIRWOMAN, SUBCOMMITTEE ON EUROPE

Question:

A recent publication on the transatlantic dialogue on terrorism produced by the Center for Strategic and International Studies (CSIS) suggested that the United States and Europe have experienced an increasing divergence in their approaches to sustaining international security and stability and that political leaders in the United States and Europe have failed to bridge the gap and build a sense of common purpose.

Mr. de Vries, are Europeans willing to follow the U.S. lead on combating terrorism or do they have other ideas which would require a different "European" approach?

Response:

The EU and US strategies to combat terrorism have a lot in common. The Madrid bombings have shown us that Europe is as vulnerable as the US. We are facing the same threat. We both believe that no country can win this fight alone and that transatlantic cooperation is key. Our common understanding in the fight against terrorism is now reflected in the joint EU-US Declaration adopted at the June Summit, and the same CSIS report notes that our cooperation in many fields relevant to the fight against terrorism is, by general consent and in general, excellent.

We are in this together, but this does not mean that our response is or has to be exactly alike. Our systems differ in some respects, and we have to live with these differences. But they cannot and will not detract us from our commitment to fight terrorism and to protect our citizens.

Question:

In Mr. Pope's testimony he mentioned there are some United Nations counter-terrorism conventions and protocols that many European countries have not yet ratified. Can you point out a few specific ones?

Can you explain why these have not been ratified?

Response:

Only about one third of all member states of the UN have ratified the 12 UN Conventions. The European Union is committed to ensuring universal adherence to, ratification and full implementation of UN Conventions on Terrorism and related Protocols. The European Union regularly monitors the state of ratification and implementation of the United Nations counter-terrorism Conventions and Protocols.

The vast majority of all 25 EU Member States have ratified the 12 UN Conventions and Protocols relating to the fight against terrorism. In a very small number of instances some EU Member States have not been in a position to complete the ratification procedures yet for technical domestic reasons.

As an example, the UN Convention for the Suppression of Terrorist Bombings of 15 December 1997 has not been ratified by two out of the 25 EU Member States.

As stated in the EU Declaration of 25 March on Combating Terrorism in response to the 11 March Madrid attacks, EU Member States are speeding up their internal legislative process so as to ensure full implementation of all UN Security Council Resolutions, UN Conventions on Terrorism and related Protocols.

Question:

How many of the 25 member states of the European Union have placed the EU-wide arrest warrant into national law?

Response:

23 of the 25 EU Member States have implemented the Framework Decision on the European arrest warrant. They issue and execute European arrest warrants. One additional Member State has adopted legislation to implement the Framework Decision on the European arrest warrant. It is expected that the legislation in that Member State will enter into force on 1 November 2004.

Question:

Has the EU completed its new initiatives under the Schengen Information System? Has the EU finalized its Strategy for Customs Cooperation? How might these contribute to an effective strategy against terrorist operations in Europe?

Response:

In April 2004, the Council has adopted a Regulation concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (Council Regulation (EC) No 871/2004 of 29 April, published in the OJ L 162 of 30.4.2004, p. 29) and is waiting for the last national parliamentary reservation to be lifted in order to adopt, before the end of the year, the corresponding Council Decision concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism.

Legislative initiatives on SIS II are awaited from the Commission in the first months of 2005.

On 30 March 2004, the Council adopted its Strategy for Customs Cooperation and the corresponding Work Plan. While generally meant to improve the customs co-operation with a view to combating smuggling, fraud, cross-border organised crime and other threats, several actions set out in the work plan specifically aim at enhancing the role of customs authorities in the fight against terrorism. This includes border management, inter-agency co-operation, threat assessment, training etc. In this framework, a project group has been set up to discuss an action plan to take forward customs counter-terrorism initiatives. The first report of this group was recently approved by the Customs Cooperation Working Group and the project group has been requested to continue its work and ensure the follow-up of the proposed action plan.

Question:

To what extent do European jihadist or other radical groups rely on small-scale criminal activities to finance their operations?

Response:

Intelligence suggests indeed that new methods may have been developed, or initiated by terrorist networks, for financing/fundraising. Based on findings at Europol regarding the micro-financing of terrorism, it has been identified that some terrorist support cells appear to finance their activities through the sale of forged or stolen documentation as well as through the sale of counterfeit goods. The Counter-terrorist Task Force set up at Europol has therefore decided to evaluate the possible profit derived from these criminal activities. Preventive and repressive measures are planned to result from the intelligence-findings.

Question:

Many experts agree that bin Laden's followers and other jihadist groups care little for the plight of the Palestinians or the Iraqis but they use the U.S. position on the Israeli-Palestinian conflict and the occupation of Iraq, including the bloody fight against Sunni and Shiite insurgents, as effective recruiting tools for their cause.

Mr. de Vries, to what extent do the Europeans believe the lack of progress in the Israeli-Palestinian conflict affects efforts to prevent the further recruitment of new radicals?

Response:

For the EU, the Arab/Israeli conflict is a major factor of instability in its immediate neighbourhood. This conflict has brought suffering and hardship to many people in the region. It has led to extremism and terrorism in the region. It has also been exploited by terrorists elsewhere for their own propaganda. The EU is committed to working towards resolving the Arab/Israeli conflict, together with its partners of the Quartet and the parties directly concerned. We want to see an end to the suffering of the Israelis and the Palestinians. We also believe that a peaceful resolution of the conflict, along the lines of the roadmap defined by the Quartet, would deprive al-Qaeda of one of its propaganda tools and thus help bring about a safer world for all of us.

RESPONSES FROM GIJS DE VRIES, COUNTERTERRORISM COORDINATOR, EUROPEAN UNION, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA

Question:

I understand that a certain airport in Europe has instituted a neighborhood watch program where the community is educated to identify suspicious behavior surrounding the airport. On one occasion, an individual participating in the program identified suspicious behavior to appropriate security. As a result, two men with and SA-7 were arrested in an apparent attempt to shoot down a commercial aircraft. Are similar airport neighborhood watch programs being instituted throughout Europe?

Response:

The European Union is currently not involved in instituting airport neighbourhood watch programs. The responsibility for the control and surveillance of borders and thus of airports, lies with the Member States. As far as we are aware, currently only one Member State has instituted such a program.

One of the EU's priorities is to establish an integrated management of the external borders of the Member States. The creation of an European Borders Agency will represent an important step towards the realisation of this integrated borders management concept. The adoption of the draft Council Regulation setting up the Agency is foreseen to take place at the end of October 2004 in order that the Agency can become operational in May 2005. This Agency will have a certain number of specialised branches and one of them will deal with air borders.

Already in 2003, following the adoption of a plan for the management of the external borders, Member States decided to set up an Air Borders Centre (ABC) to reinforce the operational cooperation with regard to border control at airports. The ABC, which will become a part of the future Agency, was established in Italy and has developed a communication system between Member States' airports.

Question:

Throughout the Muslim world, human rights are often violated in the name of combating terrorism. What efforts is the EU undertaking to ensure the protection of human rights throughout the Muslim communities in Europe?

Response:

The Member States of the EU have all signed up to the European Convention of Human Rights, which for the past 50 years has created a very powerful system for the protection of human rights in Europe, including the right to have human rights adjudicated by the European Court of Human Rights in Strasbourg. The Convention's rights apply to all persons within Europe, whatever their religion. Moreover, in the new Constitutional Treaty of the EU a Charter for Human Rights has been included.

Having said that, we should not fool ourselves—racism and xenophobia are on the rise in some of our Member States, and our governments must stay vigilant towards such tendencies, coming from far right groups as well as from the far left. Islamophobia, as well as anti-semitism, and all other forms of racism and xenophobia have to be combated wherever we find them. Those of us involved in the fight against terrorism have a particular responsibility to ensure full respect for human rights as well as to reject firmly the identification of terrorism and extremism with any religion, culture, ethnic group, nationality or race.

RESPONSES FROM WILLIAM T. POPE, PRINCIPAL DEPUTY COORDINATOR, OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM, U.S. DEPARTMENT OF STATE, TO QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE JO ANN DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA, AND CHAIRWOMAN, SUBCOMMITTEE ON EUROPE

Question:

Trans-Atlantic travel security is a very important issue when addressing counterterrorism initiatives. The plane bombings in Russian exposed many shortfalls in their airport security. How are the U.S. and the EU working together toward a common, effective standard of security at airports and on trans-Atlantic flights?

Response:

The State Department has assisted the Department of Homeland Security with several initiatives overseas. For more complete information, please refer to DHS.

- After the plane bombings in Russia, TSA issued Security Directives and Emergency Amendments requiring additional security measures on flights from Russia to the United States.
- DHS recently concluded an agreement with the European Commission to allow Customs and Border Protection access to EU-origin Passenger Name Record data. We are also working with the EU regarding further upcoming screening programs including Secure Flight and collection of Advanced Passenger Information (APIS) data prior to takeoff.
- Under the pilot Immigration Security Initiative, DHS has placed US immigration officials in certain European airports to inspect travel documents and attempt to prevent inadmissible persons from boarding US-bound flights.

Question:

A recent publication on the transatlantic dialogue on terrorism produced by the Center for Strategic and International Studies (CSIS) suggested that the United States and Europe have experienced an increasing divergence in their approaches to sustaining international security and stability and that political leaders in the United States and Europe have failed to bridge the gap and build a sense of common purpose. Has the U.S. government been willing to accept different ideas and approaches to addressing the terrorist threat from the Europeans?

Response:

Yes. We continue to work closely with our European partners to combat terrorism. A major part of that effort involves the exchange of information and ideas on how best to respond to evolving threats. No one country can win the fight against terrorism alone; continuing exchanges on latest developments and best practices is a key aspect of our worldwide effort.

Question:

The CSIS study on transatlantic counter-terrorism cooperation raised the concern that the current weakened state of the overall transatlantic relationship at both the elite and public levels as a result of a broad range of issues, but highlighted by Iraq and U.S. Middle East policy, could make long-term cooperation more difficult and could limit the development of innovative new transatlantic approaches to help tackle global terrorism or the rise of Islamic radicalism. Do you see a lack of long term cooperation on counter-terrorism as a consequence of our other transatlantic disputes?

Response:

No. Our European partners recognize the nature and the scope of the terrorist threat. Whatever political disagreements may occur in other areas, we continue to cooperate closely on counterterrorism. Both we and the Europeans recognize that we face a common threat and therefore have a common interest in cooperating to defeat it.

Question:

Many of the recent terrorist attacks, such as the attack last week against the Australian Embassy in Jakarta or the March 11 bombings in Madrid, seemed to have been carried out by terrorist groups affiliated or inspired by al Qaeda, but not under the direct control or direction of Bin Laden. How has this changed the way we both plan a strategy to counter terrorism?

Response:

Our CT strategy continues to evolve to meet what is an ever-changing threat. As Al Qaeda's centralized command has been degraded, groups affiliated with, but not under al Qaeda's direct control continue to pose a significant threat. Such groups are present in Europe and we, and our European partners, are seeking to coordinate our efforts to combat them.

Question:

The CSIS study on terrorism suggested that there is "an ongoing process of radicalization of Muslim minorities in Europe" . . . that bin Laden's movement has been able to "capitalize on the growing resentment of the Muslim diaspora in Europe" and that" in Europe more and more affluent Muslim parents are "losing" their children to jihadist groups in London, Paris and elsewhere." What is the current assessment of the radicalization of Muslim communities in Europe?

Response:

Extremist groups on the fringes of Europe's Muslim communities continue to seek to recruit and propagandize, and particularly seek to target young people. However,

the vast majority of Muslims in Europe have no interest in and nothing to do with violent extremism.

Question:

Our Committee has questioned the effectiveness of U.S. attempts to conduct effective public relations and public diplomacy toward Muslims. How is Europe addressing its Muslim communities?

Response:

European countries with sizeable Muslim communities are seeking to work through moderate Muslim community leaders to isolate and counterbalance the small group of radical extremists that have sought to gain a foothold. These efforts include outreach, education, and programs aimed at increasing economic opportunity for disadvantaged communities within their countries.

Question:

Much has been reported about the activities of radical Islamic clerics and their role in inciting young Muslims to either sympathize with or join radical Islamic terrorist groups. How are European capitals dealing with this issue?

Response:

As noted above, efforts to combat violent extremism are broadly-based and centered around moderate community leaders. Efforts at recruitment by radical clerics are also being addressed through a variety of means—ranging from prosecution to, in some cases, expulsion of foreign radicals.

Question:

Many experts agree that bin Laden's followers and other jihadist groups care little for the plight of the Palestinians or the Iraqis but they use the U.S. position on the Israeli-Palestinian conflict and the occupation of Iraq, including the bloody fight against Sunni and Shiite insurgents, as effective recruiting tools for their cause. To what extent do you agree or disagree with that assessment?

Response:

It is difficult to assess the true motives of these killers, apart from their desire to spread death, terror, and chaos. We have clearly seen their willingness to make outrageous claims and demands on the civilized world, and use whatever stated motivations are most expedient for their crimes.

Question:

To what extent do the Europeans believe the lack of progress in the Israeli-Palestinian conflict affects efforts to prevent the further recruitment of new radicals?

Response:

Clearly, some violent extremists have sought to use unresolved conflicts such as the Israeli-Palestinian dispute, among others, to motivate new recruits. Europeans share our view that no cause can justify the murder of innocents, no matter what pretext the killers claim as their rationalization.

Question:

In the past weeks, the Muslim community in Italy has joined others in that country in unequivocally condemning the kidnapping of two Italian women who were providing humanitarian aid and relief services in Baghdad. The same solidarity between Muslims and non-Muslims was seen in France following the kidnapping of two French journalists in Iraq. Is this evidence that radical Islamists are losing some of their influence in the Islamic community in Europe?

Response:

Most Muslim communities in Europe have nothing to do with violent extremism and the vast majority of European Muslims do not support radical extremist groups. We are gratified that more and more Muslim community leaders in Europe—and throughout the world—are speaking out against terrorist outrages perpetrated by those falsely claiming to represent the world's Muslims.