



World Chronicle

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International Cooperation in the Fight Against Terrorism

In the wake of 9-11, the United Nations Security Council approved its most ambitious and comprehensive resolution aimed at dealing with the threat of terrorism (resolution 1373).

Can the United Nations wage an effective battle against a threat that still defies definition in the eyes of the international community? Are governments receiving the legal and technical instruments they need to protect their citizens from terrorist attacks? How can "counter-terrorism capacity" be built in those countries that can't afford it?

These are some of the issues discussed in this edition of World Chronicle with guest Javier Rupérez, the head of the UN's Counter-Terrorism Executive Directorate.

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ANNOUNCER: From the United Nations in New York, an unedited interview programme on global issues. This is **World Chronicle**. And here is the host of today's **World Chronicle**.

WILLIAMS: Hello, I'm Mary Alice Williams. It's been more than a year since a terrorist bomb attack on a train in Madrid, Spain killed 191 people and wounded almost 2,000 more – the biggest such attack in a western country since 9-11.

What has the United Nations been doing to combat terrorism? Are governments receiving the legal and technical instruments they need to protect their citizens from terrorist attacks? We'll be talking about that today with the UN's Counter-Terrorism Executive Director, Javier Rupérez. Mr. Ambassador, every nation has internal mechanisms for fighting terror, be it homeland security, various federal departments. What is the international dimension of this effort?

RUPÉREZ: I think the United Nations has been clearly setting the standards for that international cooperation and as you mentioned, it was immediately after September eleventh that the Security Council passed Resolution 1373 which is - if you want, the mother – the constitutional mother of all counter-terrorist activities of the United Nations. Which address a number of legal, financial, security, police intelligence obligations on the part of the States. Yes, to force them to cooperate internationally against terrorism.

WILLIAMS: And during this half hour, we'll be talking about the difficulties of getting nations to comply with that resolution. Joining us in the studio for this discussion are James Wurst of Global Security Newswire and...Abderrahim Foukara of Al-Jazeera.

FOUKARA: Mr. Ambassador just a follow-up on the previous question. You have countries like the United States – a very powerful country, perhaps the most powerful country in history ever. They have a massive intelligence or massive intelligence agencies. They have a massive and powerful army and yet, they still have problems dealing with the issue of terrorism. The UN doesn't have any of those things. It doesn't have any intelligence agency, it doesn't have an army and yet, it says that it wants to help combat terrorism. How does that add up?

RUPÉREZ: Well, we have a very bitter experience with terrorism – all of us in some way or other. We after all know very well that terrorists somehow are running faster than the rest of the international community. And therefore, we thwarted the terrorists we knew were there – they are no longer there, they are somewhere else in the world. That's sort of a catch

twenty two we have to face continuously. So it's not only a problem...it's a problem of strength – certainly, it's a problem of material abilities – certainly, it's a problem of international cooperation, it's a problem at the same time of international legitimacy. Certainly, each national entity, national government has the legitimacy to fight against terrorism according to the rule of law, according to the respect to human rights and fundamental freedoms. But the body – the organization, which has the ability and at the same time, the legitimacy to compel the countries and the member states to cooperate internationally against terrorism.

FOUKARA: How do you compel them?

RUPÉREZ: By taking decisions which are taken by the Security Council under the authority of Chapter Seven of the Charter, which is the part of the Charter that authorizes the Security Council to put obligations of member states; by taking all those decisions by the unanimity of the Council, and by setting a very clear set of rules to be followed by the member states.

WURST: But again following on the same points, you say that you have the legitimacy, the international legitimacy – which is true on paper but on the ground what actually can you do if you....INTERPOL can put out or even now the EU can put out an international arrest warrant. You can't do that. You have no investigative arm, you have no military arm. What's to stop people from just simply ignoring whatever you have to say?

RUPÉREZ: That's a good point. But one thing we have to take into account is that the United Nations is not doing everything. The United Nations has to set the standards for others to do a number of things, and for them to cooperate in a number of fields. I don't have an army at my disposal, I don't have a police core at my disposal but I do have on behalf of the Council and on behalf of the United Nations, to try and ask and convince the states to put together a number of police efforts to cooperate. At the same time, one of the things we are doing is to cooperate very actively with international organizations. You just mentioned INTERPOL. INTERPOL is one of our staunch cooperators whenever we move around the world and when we do visits to try and see exactly how countries are complying with their obligations. We ask INTERPOL, we ask the European Union, we ask the World Customs Organizations to come with us, with the United Nations to cooperate with us. And they do that....they do that.

WILLIAMS: True you don't have an army. Perhaps your most potent weapon if you will is political consensus. Is there the political consensus to back up this very ambitious resolution?

RUPÉREZ: I think we are building up that consensus. Just to give you an example...the situation as far as the counter-terrorism cooperation in international fields are concerned, before and after September eleven, is completely different. Not only because the United Nations took a number of decisions because of September eleven, but because those decisions have already started to make a difference. In terms of global consensus against terrorism, in terms of the understanding of the phenomenon, in terms of the obligations of the states - one thing for instance that the States are suppose to do is to sign and ratify twelve conventions, twelve international conventions that refer all of them to terrorism. All of them practically did before 9-11 so they were before that date. Before the number of signings and ratifications were limited, now we have a very large number of countries which have decided to sign and ratify. So, we are in the right direction.

FOUKARA: You mentioned 9-11, and obviously the country that was directly affected on 9-11 is the United States – again the most powerful country in the world and also in terms of combating terrorism – the most effective – for all intensive purposes. Now, you as the United Nations – because of what we said earlier – we don't have an army, you don't have intelligence agencies, there's perhaps a perception that 9-11 because of what it was and because of the country it targeted, the United Nations can only live in the shadow of what the United States is doing to combat terrorism. Is that perception misplaced?

RUPÉREZ: Up to a point it is. I mean one of the things we have to take into consideration, into mind, is the reality of power - and that affects the United Nations, that affects all the international communities – whether we like it or not. The reality of power [in audible] the United Nations is very much built upon the reality of power. You look at the Security Council - the Security Council is a given reflection of the reality of power. But at the same time, I think when looking at terrorism in general, and in particular to 9-11, we have to come to the conclusion that 9-11 was not only an attack against the United States of America, it was an attack against all of us. All of us who think in terms of rule of law; in terms of civilized, democratic societies; in terms of peaceful solutions of conflicts and so on, and so many other things.

FOUKARA: But it was a direct affront to the United States more than to any other country.

RUPÉREZ: Yes but if you look at the consequences of 9-11, in terms of material, political, psychological consequences, you will realize that it affects all, affects all the world, all the world. But even taking more particular cases of terrorism, I come from Spain, and I know very well what terrorism is - meaning, unfortunately for the Spanish people for the last thirty...almost forty years. And we knew very well from the beginning that sort of terrorism – which in a way is not a strategic threat – but rather a tactical nuisance if you want. What’s affecting the rest of our neighbourhood as well, and vice-versa; that – to finger terrorism in Spain was just a matter for Spaniards to deal with was wrong. Because terrorism by the nature of the phenomenon tends to go across the borders and affect many other societies; that sort of tendency to close your eyes and say this is a neighbours problem is wrong. It was wrong then and it’s even more wrong with 9-11 because of the dimension of the attack because of all the interest and all principles which were affected.

FOUKARA: If I may....going back to my original question was, how does the United Nations fit into that framework? Given that 9-11 was a direct affront to the United States. What are you doing about it?

RUPÉREZ: Well I think the world and United Nations reacted immediately with a very....and rare sense of unanimity and solidarity with the United States and the American people because of the attack. I think it is proper and natural for the United Nations to take into account all the things which affect the member states – and certainly that attack affected very much the host country of the United Nations among other things. I think the reaction was what’s to be expected from the global organization.

WURST: I would like to return in a moment to the question to some of the matters arising from the terror attack in Spain a year ago. But before that, I want to back up a little bit. Your mandate originates with Resolution 1373 for the past two weeks after the 9-11 attacks. A year ago you took up this post as the Director for Counter-Terrorism Directorate. Since 1373 to today, the Security Council Committee has been collecting reports, asking for letters, getting letters back, collecting more reports, collecting more reports – a mountain of paper. At some point, you have to say well look... some of your countries in your reports, you’re not being frank with us and you’re not telling us the truth. When do you get to that point after all of this time, after all of these papers, when do you get to the point of passing judgment on the papers that you have in front of you? And when you do pass those judgments, what do you do?

RUPÉREZ: Well I can not say exactly what the Council is going to do because what you are describing is up to the Security Council to decide on, eventually to the Counter-Terrorism Committee, which is the Council – all fifteen members. But I think we have already gotten into a new phase of activity of the Counter-Terrorism Committee because it is true that 1373 created that very powerful flow of information and more than almost six hundred reports have been received from all the countries around the world – and in four waves, four different waves. I know very well that those waves have caused what so many people have called within the United Nations reporting fatigue. This is something that we have to bear in mind and to take into account because then, when comparing the reports you see...well, first of all...there are some countries which have not been keeping all the briefings of the reports, and some have not been submitting neither the second or the third or the fourth. While all of them submitted the first or a hundred and ninety one reports, the qualities of the reports are different - some of them are good reports, some of them are not good reports.

WILLIAMS: And we presume none of the reports says we have terrorists which we are harboring in our country, right?

RUPÉREZ: No, no.

WILLIAMS: I mean these people are not from another planet, they're living here. We know there are seventy countries that are currently not in compliance for various reasons because of poverty or civil war or whatever... they say they're willing but unable to comply. We know, the terrorism experts know where the terrorists are, Al Quida is down but not out, every time you talk to a terrorism expert they talk about these new recruiting drives and the fact that it is becoming more diverse, more decentralized, stronger and more bent on annihilation.

RUPÉREZ: One thing that I can tell you is... One of the differences between before and after 9-11 is that the number of countries which openly, or not so openly support the terrorists, have been greatly diminished after 9-11. Most of those groups – which are still very active and we know roughly where they are – are basically living in clandestine activity. Because what happened before 9-11 is no longer there; there is something psychological and political, which is extremely important. Before, there were a number of countries which would dare to show some degree of sympathy for terrorist activities. Now, practically no country in the world would dare to do that, so that's important. Then say, I would like to go there where you are asking me to go but I can not do that because it's up to the fifteen members of the Council to decide what to do. We are getting there. We've already established a system of on site visits to the countries which are not investigating visits because they are done and prepared with the consent of the countries we visited. But those visits will always allow the CTC and the

CTED, the Directorate, to compare notes and see whether the reports have been faithfully presented, whether there are loopholes which we should address so on and so forth.

WILLIAMS: And what are sanctions if the reports aren't represented. This is World Chronicle we're talking about international cooperation in the fight against terrorism. Our guest is Javier Rupérez. One of the things that I've been concerned about at the risk of being too esoteric is the definition of terrorism, it's a little like obscenity – you know we can't really define it one mans terrorists is another mans freedom fighter. Is that a problem?

RUPÉREZ: Well at the same time, it is very much like obscenity, once you see it – you recognize it, so that applies to terrorism as well. Well...it's a problem and it is not a problem. I mean, it's a problem because as far as the legal world is concerned... after all...the world of the United Nations is the rule of law, and that's the legal world. That would help to have a definition of terrorism – and that would avoid a number of ambiguities, but it is not a problem. Because, we would be wrong and as matter of fact none has done it. If we were to wait for the definition of terrorism to exist before fighting terrorism - nobody has done that and we know very well why, because I was referring before to the twelve international conventions against terrorism. All those twelve conventions referred to different cases of terrorism - they do not use the definition of terrorism but they talk about acts of terrorism. Practically all imaginary acts of terrorism which have been condemned by the international community, and as I told you before, are ratified by more and more countries, so that's one thing. We have to be there – yes. To say – you have to comply with those conventions regardless whether there is a definition or not. And certainly, the Resolutions 1373 and some others which have been adopted after that time, do impose a number of obligations on states which are very clearly identifiable and very clear to follow even without the definition of terrorism.

FOUKARA: Mr. Perez, I'd like to dwell a little bit further on this particular point, and I'd like to - with your permission, to be a little bit personal - without being too personal. You're Spanish, and Spain has had a long history with terrorism – namely with ETA. You personally have had a tangle with ETA. To what extend, if at all, does this personal connection to terrorism perhaps...clouds your judgment when it comes to defining terrorism – if at all?

RUPÉREZ: Well let's ...you can imagine many times during my life I've been asked the same question. I was kidnapped by ETA in 1979 and that was a long time. And my answer has always been to put the answer in the eye of the beholder because it is not so much for me to judge whether my judgment as been clouded by that fact or not, and I leave it to your judgment, to the judgment to all the people who have been watching me. My life has been very public and continues to be very public during those years and mainly so after 1979. I think it

would be reasonably fair to say that my judgment has not been affected by that fact. I have been doing exactly the same thing that I was doing before – certainly my ability has not been impaired and my principles and my beliefs which are very public on the record before and after the kidnapping. I don't think I have changed a single piece of my convictions of my attitudes of my behaviour because of that thing. I have to tell you that I have to thank God for that sort of thing, because I know many people who were either killed during the kidnapping or were seriously impaired – which was not my case. But again, I would refer back to you to tell me whether you feel my judgment has been impaired.

FOUKARA: And if you allow me just one quick follow-up. Now, as I mentioned earlier, Spain has had a problem with ETA for a long time, and yet, the Madrid bombings seems to have rattled the Spaniards in a way that no attack had rattled them before. Is it because the origin of the attack was foreign? Or is there another factor that comes into play there?

RUPÉREZ: Well certainly, there is the number of the victims and the way the attack was prepared – mind you, in roughly thirty years of terrorist attacks by ETA we had eight hundred, eight hundred fifty, nine hundred people killed, which is quite a lot of people. I don't know how many were maimed or injured but again it was eight hundred in thirty years... in a couple of hours on the eleventh of March, in two thousand and four, we had almost two hundred people and thousands maimed and thousand injured. So it was the very size of the attack which completely changed our conception of terrorism. One of the things we have to bear in mind as well, going back to your first question is that I consider myself to be a victim of terrorism and from that viewpoint all of us Spaniards are victims of terrorism. It wouldn't be fair to deny the victims of terrorism to make a judgment on terrorism. Even if that judgment is impaired because after all, we have the right to proclaim our category of victims – and at the same time, witness better than anyone else....I don't need anyone to tell me what terrorism is about because I know it. Practically that applies to all forty million people in Spain, whether they have been directly affected or not.

WURST: Again, we come back to the point, what can you do?

RUPÉREZ: Well I can tell you that again, that for all of us in Spain and for many people outside of Spain, the first reaction, the first unanimous and overwhelming reaction was to believe that ETA was behind those acts. That conviction lasted for a number of hours before the government started to discover, and the police started to discover hints that made them think that perhaps it wasn't ETA. But the universal conviction was that ETA was behind those acts. Well that was inevitable because we had been suffering from...a few days before the eleventh of March a number of ETA terrorists had been detained trying to do exactly what the

Islamic terrorists did later. But I don't think frankly that that should affect the judgment about terrorism; there were a number of political implications I'm not going to dwell with right now for obvious reasons. But what remains is the suffering, is the lesson, the experience, and the fact that no society in Western Europe is free from the scourge of terrorism.

WURST: But that wasn't my point. My point was... passing judgments on governments that are less than frank.

RUPÉREZ: Well we are human and we make mistakes all the time but sincerely speaking, I don't think that was or should be the central point in March eleventh.

WILLIAMS: Mr. Ambassador, the seventy nations which currently are not complying, have signed documents saying they're willing but unable to comply because of poverty or civil unrest, or lack of adequate legal and administrative assistance. How do you build a counter-terrorism capacity in those countries who can't afford it?

RUPÉREZ: Well you pointed it out very rightly that most of those people - those countries who do not comply are not complying because they cannot because they have a number of inefficiencies in the system. So that's very important, there are very few countries if any, which are not complying because of lack of political will. What we're trying to do right now is to put together a number of systems a number of robust technical assistance, for all those countries which are suffering from those problems. Then again, technical assistance is not going to come directly through the United Nations, we are going to assess the needs of those countries and at the same time, we are going to look for the donors - we have to put those together too. We are working very actively, we have been working and we will in the next phase of the Directorate or the Counter-Terrorism Directorate, we will be working very actively on that - technical assistance.

FOUKARA: I'd like to cling on a little bit further to this point about countries that are not necessarily cooperating - but throw you back to the aftermath of the Madrid bombings when José Maria Aznar's government actually pushed to have the name of ETA enshrined in a Security Council resolution, and it turned out not to be the case - obviously. To what extent do you think that undermined the creditability of the Security Council in the eyes of those countries that are not necessarily cooperating with you?

RUPÉREZ: I don't think that that particular antidote is of substance in the work that the United Nations is trying to do. I wasn't here at the time, I was in Washington at the time, I did have a number of different experiences and different responsibilities as far as March eleven was concerned. What is very important in the Security Council actions - those moments was

precisely the unanimous resolution of condemnation of the acts. All the other things... well...we're striving to keep it there.

WURST: Again going back to the question of definition. The draft convention against terrorism in general...the comprehensive draft, Security Council Resolution 1566 and the High-Level Panel... I have the High-Level Panel here; it talks about definitions basically. I'm not going to read the whole thing, but basically it says that no political cause justifies the attacks on civilians. The Panel raises two issues: the question of armed forces, national armed forces against civilians, which they say is not a compelling argument; and the central point about the right of resistance to occupation – now, I'm quoting from the report. "The central point – there is nothing in the fact of occupation that justifies the targeting and killing of civilians". Does this untie the knot? Can this be the way you can move forward on a definition?

RUPÉREZ: Well you know that the definition now belongs to the General Assembly and they are discussing it, so it belongs to the General Assembly, it belongs to all one hundred and ninety one - I don't think it would be proper for me to say exactly how the hundred and ninety one are going to react. I know very well and you know very well, as well, there are a number of different sensitivities in that respect. There are people who still feel that the questions you just mentioned of the High-Level Panel Report mentions should be looked at again regarding the question of the involvement of armed forces, the responsibilities of the armed forces and at the same time, questions of so-called freedom fighters or self-determination fights. But I think there are some things where we are already moving on very solid grounds. The first one is that there is no justification whatsoever for the killing of civilians or non-combatants. Whatever the justification, whatever the reason it's about, that's something that nobody denies; now, there are arguments with those responsibilities that have been covered or not, this is something that is extremely solid already for the definition.

WILLIAMS: Alright, thank you very much Mr. Ambassador for being with us. Our guest has been the UN's Counter-Terrorism Executive Director, Javier Rupérez. He was interviewed by James Wurst of Global Security Newswire and Abderrahim Foukara of Al-Jazeera. I'm Mary Alice Williams inviting you to be with us for the next edition of **World Chronicle**.

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