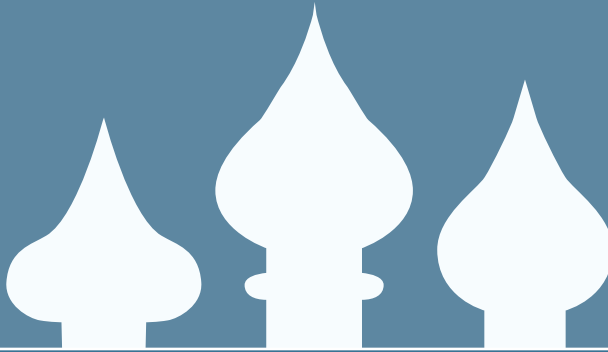




Woodrow Wilson
International
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for Scholars



National Security and Human Rights

Conference Proceedings

June 29, 2006

Moscow, Russian Federation

Prepared by Megan A. Yasenchak, Jennifer Giglio,
and Margaret Paxson

Kennan Institute

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Contents

Executive Summary	5
Introduction	6
The Nature of Terrorism	8
The Role of Human Rights, Good Governance, and the Rule of Law	16
Final Observation	21

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Megan A. Yasenchak, Jennifer Giglio, Margaret Paxson

Executive Summary

During the past several years, the threat and reality of terrorism have grown exponentially, and countries throughout the world have been struggling to combat this problem. The importance of developing an effective collective response to this challenge has been recognized by the Group of Eight (G-8), a body of leading democratic and economically developed nations. The G-8 countries included the issue of combating terrorism in the agenda of their annual summit in mid-July 2006 in St. Petersburg, Russia. Of particular concern to many people around the world is the perceived trend toward using fears about security to justify eroding civil liberties and depriving citizens of their fundamental rights. How to effectively address security while respecting human rights constitutes a key challenge of our day, and it is essential to have an open dialogue between individuals responsible for security and those involved in protecting and promoting civil liberties. Such a real and meaningful dialogue is vital to the preservation of democratic societies.

On June 29, 2006, several weeks prior to the G-8 Summit, the Center for the Development of Democracy and Human Rights, the New Eurasia Foundation, and the Woodrow Wilson International Center for Scholars' Kennan Institute hosted a roundtable discussion in Moscow on national security and human rights. The conference was opened by Ella Pamfilova, the chair of the Russian Federation's Presidential Council on Civil Society Development and Human Rights. The forum brought together more than twenty leading experts from G-8 countries, including members of academia, public policy research centers, the legal profession, nongovernmental organizations, human rights advocacy groups, and the media. The discussion focused on the importance of protecting human rights while ensuring comprehensive security and, indeed, acknowledging that the two are interdependent and mutually reinforcing. There was a broad consensus among the participants that only a society built on respect for human rights and the rule of law can effectively combat terrorism, and that good governance, an independent judiciary, a strong civil society, constraints on corruption, and an independent media are also key elements. Moreover, it was widely noted that suppressing democratic freedoms as an expedient to achieving national security will only weaken security further by radicalizing and isolating certain populations, which in turn will contribute to these populations' perceived grievances and thereby increase the impetus to violence.

Introduction

What follows is a summary of the discussion that took place in Moscow. This summary's purpose is to call attention to the most important themes as they emerged during the day. The goal of the dialogue was not to achieve a consensus but to begin a conversation among equals about issues that affect each nation represented. These summary remarks are therefore not to be regarded as conclusions from the day's discussions but as highlights of the important lines of inquiry explored in some depth by the group. The agenda for the conference and a list of the participants appear at the end of this report.

During the past several years, the threat and reality of terrorism have grown exponentially, and countries throughout the world have been struggling to develop effective responses and ensure their national security. As wars against terrorism continue—and, indeed, appear likely to carry on for a very long time—it is important to analyze how countries can defend national security while promoting civil liberties and human rights. Of particular concern to many people around the world is the perceived trend toward using fears about security to justify eroding civil liberties and depriving citizens of their fundamental rights. How to effectively address security while respecting human rights constitutes a key challenge today, and as a result, it is essential to encourage an open dialogue between individuals responsible for security and those involved in protecting and promoting civil liberties. Such a frank and substantive dialogue is vital to preserving democratic societies.

Although many states—particularly the leading democratic and economically developed nations that make up the Group of Eight (G-8)—have devoted a great deal of energy to questions about national security, the relationship between national security and human rights is too often ignored. Because all G-8 states face common challenges, fostering discussion between individuals who analyze national security and those who pay attention to human rights in these countries is imperative. For this reason, on June 29, 2006, the Center for the Development of Democracy and Human Rights (Moscow), the New Eurasia Foundation (Moscow), and the Kennan Institute of the Woodrow Wilson International Center for Scholars (Washington, D.C.) hosted a roundtable discussion in Moscow on national security and human rights, on the eve of the July 2006 G-8 Summit in St. Petersburg,

Russia. The conference was opened by Ella Pamfilova, chair of the Russian Federation's Presidential Council on Civil Society Development and Human Rights. The forum brought together more than twenty leading experts from G-8 countries, including participants from academia, public policy research centers, the legal profession, nongovernmental organizations (NGOs), human rights advocacy groups, and the media.

Rather than treat the protection of human rights as antithetical to comprehensive national security—a conceptualization in which the two functions necessarily become halves of a zero-sum game—the participants focused on various *complementary* aspects of the relationship between these two crucial elements of social welfare. Indeed, the participants strongly supported the notion that civil liberties and national security are interdependent and mutually reinforcing. As one participant remarked, security should be *founded on* the rights of the individual. The group also came to broad agreement that only a society built on a respect for human rights and the rule of law can effectively combat terrorism—and furthermore, that good governance, an independent judiciary, a strong civil society, constraints on corruption, and independent media are crucial elements of a secure society. It was widely noted that using the suppression of democratic freedoms as a key method for achieving national security most often results in the radicalization and isolation of certain populations, which increases these populations' perceived grievances and thereby intensifies the impetus to violence. One major goal of the forum became to develop arguments against the notion that curtailing human rights is the only way for nations to provide national security.

The forum participants addressed both theoretical issues, for example, defining key concepts such as “terrorism” and “security,” and practical questions, such as how societies can defend themselves against terrorism and how international organizations might best help promote security and human rights. These questions led to a far-reaching discussion about the nature of terrorism, effective strategies for combating terrorism, the importance of the rule of law, and the roles that international organizations, the media, and NGOs can and should play in the intertwined struggles for security and human rights.

The Nature of Terrorism

THE ORIGINS AND DEVELOPMENT OF MODERN TERRORISM

One of the most important themes that emerged during the day was the problem of the nature of modern terrorism. Members of the group felt strongly that to combat and prevent terrorism effectively, governments and societies need to understand far better the contemporary nature of terrorism—its origins and development as a tactic, the history of particular terrorist groups, and the evolving measures employed by those groups. Current security threats require a deep understanding of the actors and tactics involved, obtained through in-depth, multivariate analysis. New countermeasures to address the terrorist challenge must be effectively established and updated on the basis of such an analysis. Nations cannot fight terrorism and terrorist groups unless they first assess these threats correctly.

It was noted that terrorism and terrorist groups evolve over time. Counterterrorism agencies need to recognize that terrorist groups do not remain static. In fact, they are in constant flux—recruiting new members, adopting new practices, and redefining their goals. Often, groups will adopt specific tactics that earlier were credited to other terrorist groups. One meeting participant pointed out that the suicide bombings characteristic of the Tamil Tigers movement in Sri Lanka are now common in parts of the Middle East and elsewhere in the world. This does not mean that the Tamil Tigers are linked with these networks, but that various groups are utilizing their tactics. The lack of stasis among terrorist groups powerfully underscores the need to understand the problem of terrorism in its varied contexts.

The evolution of terrorism further exacerbates the difficulties of developing an international definition of terrorism. A basic definition of terrorism cited by one of the participants is “the creation of fear or intimidation by employing violence to achieve a particular objective.” However, it was noted that this statement does not sufficiently address the phenomenon of terror today, and other definitions were cited and referred to throughout the day, such as “indiscriminate attacks against civilians to achieve political results.” Although there is general agreement in society that terrorism is “bad” and that states should not support terrorism, there is, in fact, no consensus on what constitutes a “terrorist” or how to distinguish between legitimate and illegitimate uses of violence. As one participant noted, in subjective terms, “one man’s terrorist is another man’s freedom fighter.” Given that “terrorism” as a concept is so widely and variously discussed in both analytical and popular discourse, a refinement of what is meant by terrorism can only encourage a more carefully considered international response when it actually occurs.

While recognizing that terrorist acts have occurred in various forms throughout history, some in the group argued that the scope and scale of today's terrorist acts are unprecedented. One participant noted that in the past, separatist groups and radicals used terrorism to achieve a particular, tangible goal—to contest for land, assassinate enemies, or spark a revolution. Most attacks involved either regional or domestic issues that concerned single nation-states. Today, international terrorism is reaching North American and European countries in what often appears to be a campaign against “Western values” and Western influence in the Middle East. The sheer breadth of modern terrorism requires new, specialized responses. Yet some participants questioned the degree to which terrorism has become a highly organized global phenomenon. Nevertheless, the participants agreed that today's terrorism qualitatively differs from previous types, and that responses need to be evaluated in light of contemporary circumstances.

It was agreed that if national governments are to understand the nature of terrorism, they must not treat all groups that adopt the tactic of terror as if they belonged in the same category. One participant remarked that international terrorist networks must be classified differently from separatist movements. This can be a challenge, given the problematic nature of defining terrorism, but it is very important for governments to keep this distinction in mind as they weigh responses.

The critical need to separate “fundamentalists” of various categories from the “terrorist” label was another distinction raised by the participants. For example, they discussed how certain Islamic extremists conducting terror campaigns twist the tenets of Islam to claim for themselves the mantle of religious legitimacy in their self-declared jihads. Although many adherents of Islamic fundamentalism may support the purported goals of terrorist movements, all fundamentalists should not automatically be considered terrorists. According to the participants, governments combating terrorism must make clear that counterterrorist actions are not launched against a particular religious group—such as Muslims—but against terrorist organizations. Conflating these two terms and concepts can have disastrous consequences, especially for nations already in the throes of broad and deadly conflicts.

Terrorist acts instill fear, and the looming threat of terrorism causes states to reevaluate how they provide security. The participants discussed the tendency of civilian populations to redefine what security means to them when they feel threatened. Indeed, the climate of fear in dangerous times can lead people to an exaggerated sense of threat, and a willingness to sacrifice liberties as a tradeoff for security. For example, following the October 2002 crisis in Russia during which more than 900 audience members were taken hostage in a Moscow theater by Chechen separatists, 75 percent of Russians polled said they were willing to forgo liberties to ensure their safety. In light of this tendency, the forum participants agreed that governments need to carefully assess their targets before launching counterterrorist maneuvers. Countries should also honestly examine the shortcomings of their protective agencies to diminish areas of vulnerability. Exaggerating the security threat and responding with harsh measures can be counterproductive and even broadly damaging to societies in important ways.

The group also discussed the tendency of national governments to view terrorism as a threat directed primarily against the state. Consequently, some governments believe that security measures necessarily fall within the purview of the government alone. By narrowly defining security as a state matter—and not in terms of society as a whole—governments may frame their reactions solely with defensive mechanisms. The participants discussed the ineffectiveness of the hierarchical structure created when governments provide protection for the state first, then for communities, and last for individuals. Many participants agreed that security should be provided equally on all three levels. One participant noted that British Prime Minister Tony Blair met this challenge by stating that democratic governments as a whole need to balance the protection of communities with the protection of the state. If state security remains the government's highest priority, the group recommended that citizens should actively seek to ensure that the state does not resort to excessive counter-terrorist measures.

The discussion then turned to possible checks on governments' use of excessively harsh measures toward their citizens in the name of national security. For example, a public examination of the use of wiretaps and telephone records would provide details on how national governments are abiding by their own laws and regulations. Similarly, established laws should protect the rights of individuals in times of conflict. One participant reminded the group of the situation in the United Kingdom in the early years of World War II, when the country was under the threat of German invasion. At that time, Italians, Germans, and others were arrested on suspicion of having hostile origins or associations. In a court case that contested the arrest of such foreign nationals, Lord Atkin famously wrote, in a dissenting opinion, "Amid the clash of arms, the laws are not silent." Judicial review and proper checks-and-balances systems are necessary to ensure that governments act in the best interests of *both* the state and society. While acknowledging the complex issue of secrecy—particularly in times of heightened danger—the participants generally recommended assessing security measures more transparently where possible. Increased transparency will encourage the rule of law, a necessity for building and maintaining societies in which citizens are, on the whole, more resistant to the development of terrorist groups.

TERRORISM AND SOCIAL CONDITIONS

There was a great deal of discussion during the day about why certain people and certain groups become terrorists. The participants generally concluded that this problem had not been faced sufficiently in contemporary counterterrorism analyses and policies. It was noted that preventing future terror attacks requires an understanding of the situations and environments that help create and support individual terrorists and terror cells. The group discussed several social and economic conditions that are typically cited as conducive to the emergence of terrorists. For example, poverty and poor economic performance limit many citizens' prospects of changing their social condition. Populations trapped in depressed areas can feel marginalized and become prone to desperation. In certain cases, this desperation

can lead them to identify with terrorist movements. At the same time, in more prosperous settings, members of the younger generation may be well educated but lack markets for their skills and energy. This can lead to feelings of resentment and can foment a sense of personal and group humiliation. The participants discussed how such youth can also become ideal candidates to join radical movements, including terrorist networks.

While acknowledging the significance of social conditions in the development of terrorism, the group agreed that it is wrong to oversimplify the problem by stating that poor governance and poverty create terrorism. This would constitute a false reductionism—while many poor, vulnerable, angry people do not become terrorists, many rich and privileged individuals are sympathetic to, if not directly involved in, international terrorism. Some case studies have examined the entry and exit stages of membership in terrorist organizations, but they still have not been able to pinpoint what will make an individual engage in terrorism. As one participant stated, there is no single profile of suicide bombers. Further analysis would certainly provide more insight into what exactly motivates people to join (or, equally important, not to join) terrorist groups, and which motives attract people from various socioeconomic and cultural backgrounds. A call was made for research focusing not only on the active phase of terrorist activity but also on the ways in which terrorism subsides and terrorists cease to use such methods to achieve their goals.

The group agreed that analysts and policymakers need to address the inequality issues that drive alienation in developing countries. It was suggested that increasing development and assistance programs for vulnerable countries could help discourage the radicalization of youth. In particular, the G-8 countries should address the future of the Arab world and think about how to facilitate the improvement of social conditions there over the long term. States willing to utilize their “soft power” and invest in Middle Eastern countries may be able to help prevent the deterioration of these countries’ societies. In addition, stronger governance by the national authorities and the alleviation of poverty in the Arab world could reduce disaffection as a pathway to terrorist group membership.

On a similar note, the participants discussed the fact that many recent immigrants to the West, for example, those from the Middle East, remain excluded from societies in their new homelands, particularly in Europe. Feelings of marginalization and desperation are common among these groups, because they often constitute the less skilled sectors of the economy and remain below the poverty line in their adopted homes. At the same time, migrant groups from the Middle East often feel targeted by government policies and by procedures such as racial profiling. Assimilation and integration continue to be a challenge, in part due to cultural and religious differences between the new groups and their host communities. Strong network ties to immigrants’ homelands further complicate the assimilation process. Youth in these situations face the challenge of being accepted by both societies. In worst-case scenarios, this disorientation and disaffection can lead young people to terrorist networks.

The participants agreed that states also bear responsibility when it comes to encouraging or discouraging the creation of terrorists and terrorist groups. It was noted that weak state capacity often provides an opportunity for terrorist groups to step in to fill the gaps created by

a government's failure to provide services and opportunities for its populations. Those terrorist groups are then likely to gain wider legitimacy. In such environments, terrorist groups' vast networking and funding can provide "employment" opportunities and social services while radicalizing the population. One participant added that governments throughout the world should attempt to diffuse crises when possible and should not demonize portions of the population, thereby compounding already volatile situations.

One feature of modern terrorism is that terrorist propaganda can link international causes that otherwise are not directly related to each other. For example, suicide bombers targeting G-8 countries may believe that their deaths will help nationalist movements in Gaza. The participants noted that developed countries today face the necessary but difficult task of credibly demonstrating that sanctions and military force are directed against particular terrorists and not against a broadly defined, legitimate part of society, such as all members of the religion of Islam. Additionally, traditional religious groups and local Islamic communities must counteract terrorist recruitment and resist the radicalization of their youth.

THE POLITICAL NATURE OF TERRORISM

The group agreed that international terrorism is essentially a political phenomenon. As one participant noted, "terrorism strikes" in response to a state's domestic or international policies. Organizations use terrorism as a political strategy or preferred method to achieve a particular goal, whether tangible (for example, power over a specific territory) or intangible (a battle against "Western values"). As one participant stated, because terrorist organizations have political motives and goals, they can and do articulate these goals in political terms.

The group moved on to discuss how, as political actors, terrorists often cater to a specific constituency. As conflicts persist, a terrorist organization's constituency can either expand or contract. Once support wanes, a terrorist group can lose its legitimacy, and its constituency may begin to question the justification for its acts of terror. If their popular support declines, such groups may be willing to redefine their goals or consider opening negotiations. One participant argued against the notion that governments should never negotiate with terrorists, remarking that although most national governments have policies to that effect, some flexibility, depending on the situation, could be useful. If at all possible, governments should remain steadfast in their domestic and foreign policies.

Should a realistic political solution with a domestic or foreign adversary arise, however, governments should be open to undertaking extraordinary measures, the participant added. Often, the benefits of negotiating with a group will outweigh the damage to the state and overall cost to the population. The example of the Irish Republican Army (IRA) arose: When the IRA began to lose popular support in the 1990s, it entered into negotiations with the British government to end the violence in Northern Ireland. Nevertheless, the participant cautioned that each situation requires a unique analysis so that an appropriate response can be formulated. Often, terrorist goals are not tangible or clear, which makes the option of

negotiation even more difficult. It was suggested that when terrorism is used to achieve a tangible political result, nation-states must be more open to making concessions.

Though the group's members debated the degree to which negotiation is a proper solution to specific terrorist threats, they agreed that the political side of terrorism must not be ignored when appropriate responses are being researched.

WEIGHING STRATEGIES FOR COMBATING TERRORISM

The group emphasized the need to consider the political, social, and historical factors in a given context when searching for appropriate strategies to combat terrorism. Participants noted how each counterterrorism strategy needs to be tailored to the particular terrorist threat it addresses. It was agreed that although governments often use repression and conventional military force as counterterrorist methods, such tactics cannot adequately combat the terrorist threats of today. Military tactics may temporarily alleviate the threat but ultimately cannot succeed at an acceptable cost. Reevaluating lessons learned from previous conflicts can help provide additional insight into possible solutions to today's challenges.

More specifically, the group discussed the unintended negative consequences of harsh counterterrorism measures. There was wide agreement that repression alone is not an effective tool to combat terrorism, because it can lead to resentment and engender sympathy for terrorist organizations, even leading them to be perceived as legitimate. If a military unit uses brutal tactics, it can blur the distinction between "good" and "bad" force. If antiterrorist troops implement the same horrible tactics used by their enemies, their actions come to resemble those of the terrorists they are fighting. The members of the group concurred that excessive brutality and summary executions cannot be justified in the name of security.

The participants agreed that society as a whole also bears part of the responsibility for the tactics used against terrorism. The objective of terrorism is to instill fear in people; in turn, citizens living in fear are often willing to surrender their rights in exchange for increased security. By surrendering their own rights and the rights of their fellow community members, citizens can transform their society in dangerous ways. As one participant put it, by accepting curtailed liberties, citizens hand a victory to terrorists. The participant added that society can actually jeopardize national security by devoting too many resources to countering the threat of terrorism, which can leave the nation unprepared to face other threats. Preoccupation with a false or overestimated threat leads to security gaps in other sectors, increasing the nation's vulnerability to unanticipated attacks. The group members agreed that society itself plays a crucial role in the overall success of terrorism tactics, whether by allowing long-held values to erode, such as those respecting individual rights, or by using limited national resources unwisely in times of fear.

The use of military force as a tool against modern terrorism was also discussed by the participants. Terrorism in its modern form, according to some members of the group, is a relatively new type of security threat, which cannot be effectively countered by conventional military means. Reiterating the political nature of terrorism, members of the group

added that conventional military force is ill suited to combating terrorism, because the threat is not, in fact, military in nature. National armies are designed to combat organized forces, usually another state's army. Today's threat is loosely networked terrorist organizations that operate as nonstate actors and move freely across borders throughout the world. One participant remarked that unless a terrorist group has completely captured a state—as al Qaeda did through the Taliban in Afghanistan—attempting to destroy terrorist groups within another nation's borders using conventional military force is impractical. Doing so creates international resentment and helps terrorist recruitment. The nightmare scenario in this type of asymmetrical conflict will be realized if and when terrorists acquire weapons of mass destruction.

An overemphasis on military action can also create tension between nations. The participants noted that nations that rely solely on their military forces to respond to the threat of terror are falling short of success. One participant spoke of how the declared right to preemptive action enshrined in the U.S. National Security Strategy signals that the United States is prepared to launch a military strike on any nation that it perceives to be a threat or that harbors a terrorist group that threatens the United States. Under this policy, any nation that intentionally or unintentionally harbors terrorists risks a preemptive strike. The United States is not alone in claiming this right to a preemptive strike; several other nations have asserted similar security doctrines. For instance, Russia has declared its right to strike terrorist bases wherever they are located. However, if carried out, these preemptive strikes could disrupt the current world order and cause global instability.

The participants discussed the fact that military intervention as a response to terrorism has not achieved lasting results. Political solutions have more successfully curtailed terror attacks and resolved security threats. One participant discussed at some length the British experience with the IRA as an example of how to effectively deal with a terrorist threat. The British judicial system played a crucial role, both because IRA terrorists were brought to trial and because the courts blocked the British government from using tactics such as illegally detaining suspects and using torture. Oversight by multiple branches of government allowed for control over military action and protected the civil liberties of the British public and even IRA members. As the conflict continued, Britain's government and the media kept the public informed about the struggle; and as the public learned more about the IRA and the cycle of violence it perpetuated, the IRA lost support at home and abroad. As a result of this decrease in popularity, the IRA's political wing agreed to negotiate a political solution of the situation in Northern Ireland with the British government. While acknowledging the importance of the example, the group noted that the case of the IRA, which had a specific territorial grievance, has limited utility in facilitating an understanding of the goals of modern "Islamist" terrorist groups that seek dominance in the Muslim world.

Another participant noted that although special services, intelligence communities, and police forces have failed to prevent some horrible terrorist attacks, these agencies are nevertheless better equipped to succeed against terrorist networks than are conventional military forces. National governments, the participant added, must improve both their hu-

man and electronic intelligence gathering. Infiltrating terror networks to gain insight into their structures and operations is a necessary step toward eliminating these groups, through law enforcement or covert action. Depending on the circumstances, whichever methods are used—those of the military, the intelligence community, negotiators, or a combination—the participants agreed that a long-term political solution needs to be established in every case as the final remedy.

The Role of Human Rights, Good Governance, and the Rule of Law

One key point of agreement within the group was that national security and civil liberties are not contradictory ideals within society. In fact, the group emphatically concluded that human rights, good governance, and respect for the rule of law are themselves vital weapons in combating terrorism. Nations must be willing to uphold the rule of law in times of crisis and ensure that all people are protected consistently under the law. Though additional measures to shield civilians from terrorism might be necessary, aggressiveness is no substitute for good governance, whether at the local, national, or international level.

Although human rights have been defined in diverse ways at various times and places, the importance of those rights is reflected in legal systems, philosophies, and religious creeds throughout the world today. Rights such as free speech, the freedom to worship, and protection from physical harm are granted to citizens in many national constitutions and international conventions. Unfortunately, when threats loom, these liberties are frequently restricted and relegated to secondary importance, to be somehow reinstated once security is assured. The participants agreed that it is problematic to place the security of the state entirely above the interests of individual citizens.

Furthermore, the group observed, placing security concerns in direct opposition to human rights creates a false dichotomy. Each is essential for ensuring that a society is both “free” and “safe.” Privileging one over the other can have unintended negative consequences. Group members suggested that the state instead must work to nurture the synergies between the two and to incorporate them into national security strategies. The fight against terrorism is part of a larger process of building a stable, accountable state that respects the rule of law and provides security for its citizens. Upholding the rule of law is the only means nations have of delegitimizing terrorism at home and abroad.

Experiences from World War II illustrate that, as threats persist, governments often become willing to restrict the civil liberties of their citizens. Both individuals and governments are susceptible to believing that civil liberties should be sacrificed in the name of security during times of crisis. It was noted by the participants that all convicted terrorists—that is, those found

guilty of terrorist acts by judicial systems—still deserve to have their basic rights (such as those against torture) upheld. The moral and legal implications of restricting rights impede the battle against terrorism. When military forces employ excessive brutality, terrorists may attempt to respond in kind with equal or more devastating measures. These escalating tactics inevitably intensify the conflict. Therefore, it is vital that nations keep threats in perspective and adhere to the law, even during operations outside their borders or national domestic crises.

The group also discussed how good governance can help prevent terrorism in both developed and developing nations. When seeking long-term strategies against international terrorism, it is imperative that every nation, regardless of its level of development, strengthen its institutions that engender the rule of law. First, governments must be transparent in their actions. In democracies, elected officials must understand that they are accountable to the citizens of their nation. Accurate reporting of counterterrorism measures will further reduce government secrecy. Free and open societies must embrace the opportunity to debate national defense measures in legislative networks and via civil society organizations. Freedom of speech should not be restricted, because it operates as a procedural mechanism to ensure that governments and officials are acting properly. The judicial and legislative branches must rein in the excesses of government bureaucracies.

As an illustration of the positive effects of adhering to good governance when dealing with terrorism, the participants noted that, rather than respond militarily, many European nations have successfully prosecuted suspected terrorists through their judicial systems. Following the March 2004 Madrid train bombings, Spanish courts enforced justice by convicting several bombers. Great Britain likewise has successfully tried and convicted many IRA members. Such trials deal with terrorists within established legal and moral guidelines. Upholding the rule of law should not prevent nations from conducting counterterrorism campaigns; rather, it legitimizes their government procedures. In addition, legal proceedings provide the guidelines under which states should combat terrorists. Court proceedings also give both elected officials and citizens a greater sense of involvement and responsibility.

Transparent government actions are important, the members of the group agreed. Well-developed and free media can expose unscrupulous leaders and any manipulative tactics being used in the fight against terror, which will increase transparency and further strengthen the rule of law. Secrecy can contribute to corruption at the national level and threaten national security by creating weaknesses that terrorist groups can exploit. Strong anticorruption laws therefore not only promote good governance but also contribute to the safety of the state and the public.

ENSURING SECURITY AND HUMAN RIGHTS: ROLES FOR INTERNATIONAL ORGANIZATIONS, CIVIL SOCIETY, AND THE MEDIA

The forum participants discussed the relevance of multilateral institutions in protecting human rights and providing national security. The United Nations and other multilateral

institutions face their own challenges from international terrorism. Although these organizations are rarely the direct targets of terrorist attacks, their very role can be undermined as some nations question the place of these institutions in fighting terrorism. Structural limitations and a lack of cooperation by member states can reduce these institutions' powers to mediate conflicts or enforce international law. Redefining the mission of these multilateral institutions for the twenty-first century, especially in terms of promoting and defending human rights, would give them greater visibility and increased international legitimacy.

The group discussed how the United Nations, the Organization for Security and Cooperation in Europe (OSCE), the European Court of Justice, the G-8, and the European Union have traditionally worked to define and shape state responsibilities vis-à-vis international norms of human rights. None of these institutions endorse the death penalty or torture, and international agreements produced by these institutions state that all individuals have the right to life and freedom from torture. However, some nations encountering terrorist threats have argued that these rights do not apply to those who engage in terrorist activities. According to this reasoning, one's willing participation in terrorist violence leads to a forfeiture of certain human rights.

Moreover, the United Nations has failed to establish a definition of terrorism or of what exactly constitutes a terrorist, or to set standards for combating terrorism. This lack of a comprehensive convention on what constitutes terrorism (and what this designation would imply for the protection of the rights of the accused) is a matter of great concern. The absence of international legal guidelines allows individual nations to formulate their own definitions of terrorism and justified responses, sometimes leaving room for counterterrorism measures that are counterproductive at best and profoundly inhumane at worst.

The group examined the difficulties confronting multilateral institutions and the impediments to their success. Critics have argued that the structural limitations of the United Nations prevent it from successfully confronting the terrorist threat. Some security experts question whether international institutions are too idealistic to participate effectively in security decision making. Conflicting national interests also make it difficult to come to a consensus among nation-states, especially in the United Nations Security Council.

One impediment to the successful functioning of the United Nations and other multilateral institutions is an exclusive focus on national interests rather than the broader interests of the world community. Many experts argue that the authority of international organizations and international law is diminishing, especially in light of the willingness of the United States to act unilaterally, without wide international support. The United Nations is increasingly unable to dissuade individual members from taking independent action.

Furthermore, divisions within the United Nations Security Council hinder its ability to render judgments or enforce penalties against member states that contravene international law and agreements or otherwise pose a risk to global security. As one participant summarized the situation, world history has entered a new phase—one in which there is a qualitative change in the balance between national and collective action. If this is true, he added, there is not yet a fully formed institutional expression of that change.

Nevertheless, the group was in general agreement that multilateral institutions can play a special role in maintaining the mutually reinforcing relationship between human rights and national security. As one participant put it, these institutions have the crucial function of establishing the rule of law at a world level. Despite the harsh criticism directed its way, the United Nations is still important in international affairs. One participant went so far as to say that international institutions will eventually prove the only vehicles for successfully resolving the problem of the security of nations.

As a first step, it was suggested that the international community should present a united front against terrorism and for human rights. Although each situation merits its own analysis, multinational institutions should establish protocols for their members to use in confronting terrorist threats. If the United Nations could pull together to address today's challenges from terror, it would command greater prominence and legitimacy in the world. Because terrorism is a global threat, multilateral organizations must lead in fighting it, forging a broad international consensus whenever possible.

It was suggested that the United Nations, by more actively intervening in international conflicts in the future, could help at various levels. Consultation could begin during the initial phase immediately following a terrorist attack. The United Nations could also assist in situations on the brink of crisis and oversee rounds of negotiations when necessary. The United Nations has the power to establish task forces to aid and consult with member countries. Although often classified as a domestic issue, separatist conflicts also could be addressed within the context of the United Nations. Additionally, if a territory is occupied, one participant argued, the United Nations is the only organization capable of returning law and order to the affected region and leading reconstruction efforts.

When international institutions and national governments continue to sacrifice individual liberties for state security, one participant noted, civil society and the media should step in to call for the protection of human rights. If NGOs accept this new objective, they can play a large role in promoting justice and resisting repression. Though the activities and operations of some NGOs are limited by the state in which they are located, others may be able to incorporate issues of human rights justice into their agendas. It was suggested in the group that addressing these issues in a public dialogue could serve to advance civic awareness and reshape public opinion. Social consciousness of these issues can spark public mobilization for the protection of civil liberties, especially at the grassroots level. A reexamination of restricted liberties during crises can positively change the public mentality to ensure that liberties receive protection while national security is maintained. Collaborative efforts among NGOs, academia, and government agencies can open dialogue and allow for the development of research on measures to protect both public security and national defense.

In addition to civil society, the participants discussed how the media can provide important safeguards for the protection of human rights. Human rights issues should be in the forefront of public dialogue in all nations. The media possess important means of access to information about international events at the ground level, as they unfold. By addressing human rights abuses in their coverage of stories, the media can incorporate these issues into

public dialogue. Moreover, as a public watchdog, the media can often pressure governments to respect the laws that protect individual rights and free speech. One undervalued aspect of media coverage is its personal contact with the public. Media outlets can encourage the development of an educated public and combat misinformation. The group recommended that these agencies use accurate information in their stories, provide access to independent analyses of national and world events, and work to modify the climate of opinion on human rights protection.

Final Observation

National security and human rights are inextricably bound together. On June 29, 2006, a small group of scholars, policymakers, NGO leaders, and human rights activists had a long conversation about various aspects of this interrelationship. They explored definitions of fundamental concepts such as “terrorism” and “security”; they sought to understand the relationship between social conditions in strong and weak states and the rise of maladaptive social movements; and they raised the question of the meaning of the rule of law in troubled times. They questioned terms that are often enshrined in conventional wisdom, such as how we think of “threats” to society; they explored the potential and actual roles of multilateral institutions such as the United Nations and the G-8 itself in combating terrorism and upholding standards of human rights. This very rich conversation among a wide variety of experts gave rise to productive debate.

Aside from the particular threads of the conversation—which ranged widely during the course of the day—one general theme emerged. The group agreed that it is imperative to bring together two communities: those who defend human rights and those who protect national and international security. Though these communities often speak very different languages, their separate goals are impossible to achieve in isolation. Thus, there can be no security where essential human dignity is not protected and upheld by laws, and there can be no fully realized human rights in countries deep in the throes of deadly conflict. Where these two apparently contradictory aims are brought into the same discussion, new solutions can arise. In these volatile first years of the third millennium, few matters are more crucial to sustaining a common humanity.

Program Agenda

Forum on National Security and Human Rights in the G-8 Sphere

Sponsored by the New Eurasia Foundation,
the Center for the Development of Democracy and Human Rights,
and the Woodrow Wilson Center's Kennan Institute
Moscow, Russian Federation
June 29, 2006

9:30 – 10:00 INTRODUCTIONS
Chair: Andrei Melville

10:00 – 11:30 SESSION I
What are the national security threats before the G-8 countries? How do human rights abuses tie in to these national security threats?
Chair: Andrei Melville
Discussion Initiator: Sir Rodric Braithwaite

Among the questions to be discussed are:

- Can human rights abuses be conceptualized as a security threat in and of themselves?
- What is the role of state capacity in the emergence of security threats?
- How have terrorist threats evolved since 2001?
- How can one define political extremism?
- How are debates framed by various communities? What do security communities and human rights communities gain by engaging one another?

- What additional knowledge is required for assessment of the relationship between security threats and human rights abuses?

11:45 – 1:15

SESSION II

“War against terror”: What policies, strategies, laws, and tactics are currently being used by law enforcement, intelligence organizations, and the military? Are they working?

Chair: Blair A. Ruble

Discussion Initiator: Alexander Kononov

Among the questions to be discussed are:

- Confronting terrorism: How to balance short- and long-term strategies?
- What safeguards have been effective in preserving civil liberties while still fighting the threat of terrorism?
- Methods of counterterrorism and containment of conflicts: When and how do they increase or undermine national security?
- Has there been a weakening of international human rights law and international humanitarian law in the context of the war against terror?
- How does international law evolve in the context of the war against terror so as to enhance security and strengthen human rights protection?
- What important changes have happened in national legislation in the areas of human rights and regulating the activities of law enforcement agencies since September 11, 2001, and recent terrorist incidents in other G-8 countries? How will G-8 countries’ national legislation continue to evolve in these areas?

2:30 – 4:00

SESSION III

What is the role of societal conditions in the existence of security threats and human rights transgressions?

Chair: Andrei Kortunov

Discussion Initiator: Sarah Mendelson

Among the questions to be discussed are:

- What are the social conditions that increase the likelihood of extremism?
- How do abuse, repression, alienation, and the

marginalization of populations contribute to the rise of extremism?

- What conditions increase tolerance of human rights abuses in society?
- What are the meaningful signs in society of radicalization?
- What are the roles of the media and the NGO community in advancing or inhibiting radicalization?
- What special burden does the threat of terrorism place on civil society?

4:15 – 5:45

SESSION IV

Multilateral institutions: Who is doing what, and who is missing?

Chair: Andrei Melville

Discussion Initiator: Yuri Dzhibladze

Among the questions to be discussed are:

- How do we move the discussion of these issues beyond states to include the role of international organizations?
- What kinds of international arrangements exist for working through questions of national security and human rights?
- What are the roles of the United Nations, the Council of Europe, the European Union, OSCE, the North Atlantic Treaty Organization, etc., in forging appropriate balances among national security and human rights goals?
- Is the current international machinery in place adequate for addressing threats before G-8 societies?
- What additional knowledge is required to assess the role of multilateral institutions?
- What is a possible role of the G-8 in future engagement of these issues?

5:45 – 6:30

SESSION V

Wrap-Up Session: Follow-Up Possibilities

Chair: Andrei Melville

Discussion Initiator: Alice Hill

Conference Participants

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Ella Pamfilova	Chair of the Presidential Council on Civil Society Development and Human Rights, Russian Federation
Andrei Melville	Moscow State University for International Relations (MGIMO)
Andrei Kortunov	New Eurasia Foundation
Blair A. Ruble	Kennan Institute, Woodrow Wilson Center

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David Cole	Georgetown University Law School
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Tatiana Lokshina	Demos Center
Vladimir Lukov	National Center for Terrorism Prevention
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Jacques Rupnik	Centre d'Études et de Recherches Internationales
Michael Thumann	<i>Die Zeit</i>
Ben Ward	Human Rights Watch

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