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European Cooperation With the United States in the Global War on Terrorism

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Remarks to the House International Relations Committee, Subcommittee on Europe and on International Terrorism, Nonproliferation and Human Rights

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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 Financial 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, Hizbullaha, 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.

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