

Towards a Democratic Response

The Club de Madrid Series on Democracy and Terrorism

Volume III

THE INTERNATIONAL SUMMIT ON
DEMOCRACY, TERRORISM AND SECURITY

8-11 March 2005 Madrid


CLUB DE MADRID

THE INTERNATIONAL SUMMIT ON
DEMOCRACY, TERRORISM AND SECURITY

8-11 March 2005 Madrid

Towards a Democratic Response
The Club de Madrid Series on Democracy and Terrorism

Volume III

The opinions expressed in individual papers are based on the discussions of the working groups at the International Summit on Democracy, Terrorism and Security. They reflect the views of their authors, but not necessarily those of the Club de Madrid or any of its members.

The *Club de Madrid Series on Democracy and Terrorism* is available in Spanish and English. To order additional copies, please write to:

Club de Madrid
Felipe IV, 9 – 3º izqda.
28014 Madrid
Spain

Tel: +34 91 523 72 16
Fax: +34 91 532 00 88
Email: clubmadrid@clubmadrid.org

© Club de Madrid, 2005

Series editor: Peter R. Neumann
Editorial Assistance: Henrik A. Lund and Milburn Line
Production: ESC/Scholz & Friends

Contents

Introduction by Kim Campbell 5

Towards a Democratic Response

International Institutions

By Fen Hampson 7

Legal Responses

By Hans Corell 13

Democracy Promotion

By Ghia Nodia 21

Human Rights

By Asma Jahangir and Fateh Azzam 27

Civil Society

By Mary Kaldor and Miguel Darcy 33

The Club de Madrid

Mission and Activities 39

List of Members 40

The Madrid Summit 43

The Madrid Agenda 45

Introduction

to the Club de Madrid Series on Democracy and Terrorism

Dear friend,

I am delighted to introduce the *Club de Madrid Series on Democracy and Terrorism*. The policy papers that can be found in this volume are the result of an unparalleled process of debate which culminated at the International Summit on Democracy, Terrorism and Security in Madrid in March 2005.

The Madrid Summit – held on the first anniversary of the Madrid train bombings on March 11, 2004 – was the largest gathering of terrorism and security experts that has ever taken place. It was our intention to be as comprehensive as possible, that is, to launch a strategic dialogue between scholars, practitioners and policymakers, but also to come up with practical suggestions that may help to resolve some of the dilemmas we have encountered since September 11, 2001.

The two hundred experts that participated in our working groups took up the challenge with great enthusiasm and dedication. In the months leading up to the conference, thousands of messages and hundreds of papers were exchanged. At the event itself, a whole day was spent on concluding the (sometimes heated) debates. The policy papers which resulted from this process will, I believe, be of enduring significance:

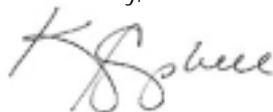
- With the input of two hundred of the world's leading scholars and expert practitioners, they represent the most informed judgement on the issue of democracy and terrorism to date.
- In being explicit about areas of consensus and disagreement, they provide an honest picture of the 'state of the debate'.
- They outline a number of fresh, practical ideas, which will be of great interest to policymakers and practitioners across the globe.

Taken together, the three volumes of the *Club de Madrid Series on Democracy and Terrorism* outline the elements of a comprehensive response to the challenge from terrorism. The first volume examines the roots and underlying risk factors of terrorism and details concrete measures on how these could be addressed. The second looks at the security side, including creative proposals for improving the effectiveness of the law enforcement effort. In the third, we explore how the foundations of democratic governance (human rights, civil society, the rule of law, etc.) can be turned into assets rather than obstacles in the struggle against terrorism.

The emphasis on democratic values is no accident. The members of the Club de Madrid are all former heads of state and government committed to strengthening democracy around the world. The Madrid Summit was not our first initiative, nor is terrorism the only challenge to democratic governance we have addressed. In fact, we are currently running programmes and projects in four different continents. If you want to learn more about the Club de Madrid, please contact us or visit our web site at www.clubmadrid.org.

For the moment, though, I hope you enjoy reading the policy papers in this volume of the *Club de Madrid Series on Democracy and Terrorism*.

Yours truly,



Kim Campbell
Secretary-General of the Club de Madrid
Former Prime Minister of Canada

International Institutions

By Fen Hampson

Global international institutions and regional organizations are critical to promoting principled, co-operative counter-terrorism. They facilitate co-ordinated action by states, domestically and jointly. They enhance the capacity (and can induce the will) of states to suppress and prevent terrorism domestically. And they can engage important non-state participants – non-governmental organisations (NGOs), civil society, businesses and others – in effective, democratic counter-terrorism strategies. To a significant extent, however, the capacities of international institutions remain unfulfilled.

The following is a summary of the conclusions reached by the working group, and an outline of our key recommendations.

Key Principles

For international institutions, the most effective and lasting responses to terrorism will be informed by the following principles:

- The pursuit of any political ends through attacks on civilians are crimes against humanity and cannot be justified under any circumstances.
- No state alone can assure the security of its citizens; co-operative action is indispensable. Given the transnational nature of contemporary terrorism, the struggle to suppress it must be carried on through effective, international co-operation.
- In circumstances where a terrorist organization does not yet constitute an immediate threat permitting unilateral self-defence measures under the UN Charter, preventive measures must be undertaken through multilateral frameworks. In circumstances where a terrorist organization does not yet constitute an immediate threat permitting unilateral self-defence measures under the UN Charter, preventive measures must be undertaken through multilateral frameworks.
- As part of the process of achieving the unconditional delegitimation of terrorist methods, the struggle against terrorism must be carried out in full compliance with the international human rights covenants and with international humanitarian law. In particular, methods which involve summary execution, torture, cruel and inhumane treatment of detainees, conviction without opportunity for a fair defence, and all forms of collective punishment are inconsistent with the principles of the United Nations and the struggle to delegitimize terrorism.
- Since one of the causes of terrorism is fundamentally different conceptions of history, justice, and the contemporary world, international organisations in the culture sphere should take new initiatives for promoting cultural rights and mutual respect among diverse communities consistent with the protection of fundamental human rights.

- All international institutions, including regional organisations and the specialized agencies of the UN system, as well as those dealing with trade, development, and finance, should carry out their functions in ways that strengthen the effort to eliminate terrorism and address its root causes.

Policy Recommendations

States should quickly conclude a comprehensive convention on international terrorism

This convention will define terrorism – including, within that definition, the acts specified in the existing twelve anti-terrorism treaties – and declare it a crime against humanity. In addition, the convention will require the states *inter alia* to adopt national legislation severely punishing the conspiracy to commit terrorist acts, the attempted commission of terrorist acts, to prosecute or extradite persons who are credibly charged with the commission of terrorist acts, and to share information with other state parties and relevant international institutions.

The convention will help fill normative gaps at the national and international levels, occasioned in part by the less than comprehensive ratification of the separate, existing treaties. There is a case, accordingly, for saying that the key rules should be gathered together under a new umbrella convention, which does clearly and unequivocally articulate the basic norms that should drive all law and policy.

It would further the process of delegitimizing terrorism in part by detailing the acts that are deemed ‘terrorist’. The critical issue is a clear-cut and universally endorsed definition of terrorism that would trigger remedial measures by states and international organisations. The UN High-Level Panel on Threats, Challenges and Change has produced a consensus draft which states, in essence, that acts that specifically target civilians or non-combatants, whatever the context and whatever the motive, must be outlawed. (The full text of the High-Level Panel report can be accessed at: <http://www.un.org/secureworld/>)

There are those who strongly argue that the definition of terrorism should be narrower, in the sense of excluding so-called freedom fighters, or wider, in the sense of including those who are targeted in some uniformed or official capacity. We are not proposing any amendment to existing conventions that may extend the definition in particular contexts in either of these ways. It is critical, however, to articulate the central core of the prohibition about which there should be no disagreement.

Such a universal convention is already in an advanced state of drafting. The essential obstacle that prevents its adoption is the problem of definition. A strong statement of support from political leaders everywhere would give critical energy to the process leading to completion and ratification.

The international community needs to bolster the UN’s capacity and performance in counter-terrorism

Before the events of September 11, 2001, the UN had long focused on norm-setting through anti-terrorism conventions in addition to episodic antiterrorist enforcement through sanctions. Following 9/11, the United Nations established a Counter-Terrorism Committee under the Security Council with the purpose of monitoring states’ anti-terrorist capacities. In 2004, it also created an Executive Directorate to support that committee.

As the High-level Panel recommended, the Executive Directorate’s resources to assist states in building their counterterrorism capacity – legislative as well as administrative – should be expanded, with states

contributing to a capacity-building trust fund under the Executive Directorate. This would reinforce state-to-state cooperation in military, policing, and border-control operations, thus helping capacity-poor states to meet counterterrorism obligations imposed by Security Council resolutions. Without concerted pressures from the UN and other inter-governmental bodies, some states may continue to resist the full implementation of the anti-terrorist measures called for by Security Council Resolution 1373. The Counter-Terrorism Committee should initiate a practice of publicly identifying states that are persistently out of compliance with these obligations, and the Security Council should then call on the World Bank and other global and regional agencies to consider this non-compliance in their programmatic decisions. The Council should also lay out predetermined sanctions applicable against persistent defaulters.

The Security Council should not shrink from initiating on-site investigations where there is reason to believe that a state is harbouring or supporting terrorist networks or facilities. In cases where the Council determines that a state is actively complicit in sheltering or assisting terrorist networks, the Security Council should demonstrate its readiness to use all the tools at its disposal, including the full range of measures under Chapter VII of the UN Charter. The targeted sanctions against Libya, Sudan, and *Taliban*-controlled Afghanistan are suggestive of the potential value of such enforcement measures.

The United Nations need to become more pro-active in supporting democratic governance and in ensuring that fundamental freedoms and basic human rights are not trampled in the struggle against terrorism

Democratic regimes are better able to subdue terrorist networks, because they afford legitimate political space to air and address political and social grievances. Likewise, the suppression of recognized human rights in the name of protecting the state may only fuel the sense of injustice that terrorist fanatics seek to exploit. It may also convert innocents swept up in antiterrorist dragnets into active terrorist supporters. Since most governmental authorities are already under binding obligations to respect and protect human rights – including the legal rights of persons accused or suspected of terrorist-related crimes – the General Assembly, the UN Human Rights Commission, and regional agencies like the Council of Europe, the Organization of American States, and the African Union need to make a priority of monitoring governments' human rights conduct as they move decisively to crush terrorist violence. The Counter-Terrorism Committee, for its part, should invite reports from the UN High Commissioner for Human Rights. Certainly, the Community of Democracies (and its UN incarnation as a Democracy Caucus) should invite the High Commissioner to brief them on cases of concern, and they should provide assistance to states embarking on the path of democratization. Violating human rights to suppress terrorism is futile in the long run, and will only propagate new and divisive grievances in the short run.

The UN system should redouble efforts to develop an integrated approach to its global counter-terrorist strategy

The UN system should redouble efforts to develop an integrated approach of its global counter-terrorist strategy. There are already a number of international organizations or regional and sub-regional groupings playing a role in this context, addressing threats to peace and security and implementing their own concepts and plans against terrorism. In some cases, this poses a challenge to the Security Council, and these organisations should therefore be encouraged to develop solutions for a coherent and multilateral security system.

We strongly support the High-Level Panel's recommendation for greater levels of consultation and co-operation between the UN and other global actors or international and regional organisations,

including meetings of the heads of organisations, more frequent exchange of information and early warning, logistical support, training, etc. The new role of NATO – as an alliance organisation assuming a global posture – also requires new solutions in order to develop this role within the framework of the Charter and the purposes of the UN. It is also necessary to mention the increasing role of the European Union. Days after the March 11 terrorist attacks in Madrid, the European Council approved a special Declaration on the Fight against Terrorism, which included a revised action plan that was in line with the conclusions reached at the European Council meeting in Seville in 2002.

Other regional organisations are addressing terrorism with plans and approaches properly tailored to local needs and capabilities. Members of the Organization of American States, for example, have adopted the Inter-American Convention Against Terrorism and are altering long-standing norms on the right of political asylum. The African Union is addressing difficult issues of good governance in its member countries. The Security Council and UN agencies can amplify and co-ordinate these activities, especially in the promotion of democratic and sustainable development.

Regional organisations are endowed with the knowledge and networks to promote good governance among their memberships; the UN can muster and allocate more resources to those same purposes.

In order to prevent terrorists from acquiring and using WMD, member states and international organizations should as a highest priority act to prevent the further erosion of, and to close the loopholes in, the Nuclear Non-Proliferation Treaty regime.

The negotiation of verification measures on the Biological and Toxin Weapons Treaty should be concluded. The norm against proliferation of nuclear weapons should at all costs be maintained. No new nuclear weapons states should be accepted. Moreover, in an age when the potential nexus of terrorists and weapons of mass destruction (WMD) poses the greatest threat, nuclear weapons states should both stop developing new weapons and reduce and lock down their existing stockpiles. To strengthen the Non-Proliferation Treaty regime, member states of the International Atomic Energy Agency (IAEA) should extend the agency's systems of inspections and safeguards, in particular by making the IAEA's Model Additional Protocol a global norm. To give the Protocol additional force, member states should authorize WMD challenge inspections. The General Assembly should pass the Nuclear Terrorism Convention.

To reduce the terrorism risks inherent in the maintenance of stocks of WMD, the UN (through the IAEA) should endorse and telescope the deadlines in the Global Threat Reduction Initiative and the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. Furthermore, the Proliferation Security Initiative, which aims to interdict illicit WMD transfers in accordance with international law, should be expanded and its implementation encouraged. The UN system, including the World Health Organisation, should accelerate 'dual benefit' initiatives that both protect against threats of bio-terror and enhance international and national public health systems. Adequately financed and energetically advanced, these undertakings can greatly reduce the danger that WMD will fall into terrorists' hands and mitigate the effects if they do.

All states, in global institutions and regional organisations, will have to pursue their joint re-examination of the use of force where prevention fails.

The danger to human security posed by contemporary terrorism will sometimes require preventive military action against terrorist organizations or states, even where there is no basis for concluding that a terrorist attack on a UN member state is imminent. The United Nations should reaffirm the necessity for Security Council action in cases where terrorist activities are incubating but not imminent.

Of course, where a terrorist action appears to be imminent, states may exercise their right to self-defence recognised by Article 51 of the Charter until the Security Council takes effective action. Long-established international law grants states the right to act against an ‘imminent’ attack, so long as the act is proportionate and no other defence is available.

Terrorism raises a different issue: calamitous threats that are not imminent, but which – in Secretary-General Kofi Annan’s words – ‘could become actual with little or no warning, and might culminate in nightmare scenarios if left unaddressed’. The Security Council, as the Secretary-General went on to say, ‘is fully empowered to deal with such threats. It must stand ready to do so’.

Unilateral military action against a feared but not-necessarily-imminent terrorist attack carries grave risks and consequences. But to condemn ‘unilateralism’ while refusing the possibility of Security Council action is no less risky or consequential. UN member governments will reduce the probability of unilateral action, and improve the security of all states, by recognising that it will sometimes be necessary to take preventive action against terrorist organisations or states that employ terrorist methods or collaborate with such organisations. By recognising the authority and the obligation of the Security Council to act preventively or to authorise preventive action in cases of potential catastrophic terrorism, it will be possible to adapt the UN Charter to the imperatives of the present moment.

Members of the Working Group

- Fen Hampson, Carleton University, Canada (co-ordinator)

- Elias Bluth, Ministry of Defence, Uruguay
- Carlos Esposito, FRIDE Foundation, Spain
- Gareth Evans, International Crisis Group, Belgium
- Tom Farer, University of Denver, USA
- Paul Heinbecker, Ministry of Foreign Affairs, Canada
- Jeffrey Laurenti, United Nations Foundation
- Ed Luck, Columbia University, USA
- Sonia Picado, Inter-American Institute of Human Rights
- Sadik Nafis, Special Envoy for the UN Secretary-General on HIV/AIDS in Asia
- Anne-Marie Slaughter, Princeton University, USA (advisory)

Legal Responses

By Hans Corell

In preparation for the International Summit on Democracy, Terrorism and Security, I had the privilege of coordinating a working group on legal responses to terrorism. Experts from all over the world participated in our group. The work was conducted via the Internet and finalized in a meeting in Madrid.

Our task was to elaborate principles and recommendations. We also had to take into account that our group was one among several, charged with the task of examining how effectively to prevent and suppress terrorism. Three of these groups focused on human rights, good governance, and international co-operation, respectively. We therefore agreed not to deal with matters that should be addressed by other groups.

The discussions started on the basis of a few questions formulated by the co-ordinator. We immediately concluded that much work has already been done in the legal field, in particular, through the adoption of a number of conventions. It should be noted that the status of these instruments is reported to the General Assembly of the United Nations every year. The latest update appears in document A/59/210, where all these instruments are listed (<http://www.un.org/law/cod/sixth/59/docs.htm>).

The question is, however, to what extent these instruments are implemented. We therefore concluded that our contribution needed to be practically oriented – a tool that can be used by those in charge of the implementation of this important body of international law. It is against this background that the principles and policy recommendations below should be seen.

The contribution of the working group should be self-explanatory. In two instances – the principle rejecting the notion of a ‘war on terrorism’ and the definition of terrorism – the members of the working group thought that explanations were appropriate.

With respect to the principle that rejects the ‘war on terrorism’, the members of the working group stated that it is contrary to the basic principles of democracy and international law for any persons not to fall under the protection of law. This would apply, for instance, to practices such as indefinite detention without access to judicial review, extrajudicial execution, and inhuman and degrading treatment in the course of interrogations, conducted either domestically or in third countries after extra-legal rendition.

A forceful response to terrorism is not undermined by the rule of law. On the contrary, the rule of law is the appropriate framework for the response. To apply the terminology ‘war on terrorism’ entails the possibility that human rights standards that should be applied in these cases may be indefinitely suspended. Reference is also made to recommendations 1.4 and 1.10 through 1.13.

With respect to the question of the definition of terrorism, the members of the working group had an extensive discussion. Different views were expressed with respect to how a definition should be formulated. The working group recognized in this respect the significant progress made in identifying the key elements of a definition of terrorism in Security Council resolution 1566 (2004) and paragraph 164 of the report of the High-level Panel on Threats, Challenges and Change, which would facilitate international consensus on the issue. Against this background, they decided not to propose a definition of their own or to endorse any existing proposal. However, the members of the group agreed that,

irrespective of how a definition is formulated in legal technical terms, it should be clear that terrorist acts can never be justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature. Hence, the working group decided to include recommendation 2.2.

Key Principles

At the national/international level

- Recent events have brought to the forefront the importance of multilateral responses to terrorism and the necessity that Members of the United Nations fulfil in good faith their obligations under the Charter of the United Nations, under other international agreements concluded by them and under general international law.
- The global phenomenon of terrorism points to the increasing need for, and relevance of, international law responses to terrorism; scrupulous respect for the rule of law, good governance and accountability at the national as well as the international level are absolute requirements for the maintenance of international peace and security and for effectively preventing and suppressing terrorism.
- Terrorism in all its forms and manifestations anywhere threatens international peace and security and the rule of law itself. Terrorism is a serious crime of concern to the international community as a whole.
- No cause is so just that it can justify targeting innocent civilians and non combatants through deadly acts of violence. Such acts constitute terrorism and intellectual honesty requires that they are recognized as such.
- Terrorism constitutes one of the most serious violations of the principles of law, order, values of human dignity and peaceful settlement of disputes and, as such, it is a threat to democracy, to the free exercise of human rights and to economic and social development.
- Every State has the right, and indeed the duty, to respond, both individually and in cooperation with other States, to acts of terrorism against its institutions and civilian population, while any measures taken in this respect must always remain in conformity with the applicable international law, including the Charter of the United Nations.
- The duty of every State to prevent and suppress terrorism is owed to the international community as a whole, including the victims of acts of terrorism, and constitutes an obligation binding on all States (erga omnes) under international law. Every State and competent international organization has a legal interest in ensuring compliance with this obligation.
- Measures to combat terrorism will be effective only if they are taken with full respect for international human rights standards and the rule of law.
- To describe combating terrorism as a 'war' is not only misleading – it is dangerous. The term 'war on terrorism', instead of 'fight against terrorism', plays into the hands of perpetrators of terrorism. At the same time, it confuses the terminology applied in international humanitarian law and jeopardizes the applicability of human rights standards.

Policy Recommendations

1 At the national level

1.1 States should immediately determine to which of the existing international instruments against terrorism they are not yet party, and take steps to become party to these instruments as a matter of urgency.

1.2 States that have made reservations to international instruments against terrorism should promptly review such reservations and consider the possibility of withdrawing them.

1.3 States should establish to what extent they have implemented these international instruments in their domestic law and, if divergences remain, take steps to address these divergences without delay.

1.4 States should take the necessary measures to ensure that acts of terrorism are defined as offences under national law and punishable by effective, proportionate and dissuasive criminal penalties. States should also take the necessary measures to ensure that legal persons can be held liable, without excluding criminal proceedings against natural persons who are perpetrators, instigators or accessories in acts of terrorism.

1.5 In view of Security Council resolution 1566 (2004), States, individually and in cooperation with other States, should give specific attention to: the introduction of effective counter-terrorist prosecution and extradition procedures; the formulation of appropriate legal provisions for freezing any assets used to finance terrorism; the strengthening of immigration measures to prevent trans-boundary movement of suspected terrorists; and the adoption of effective legal and administrative measures for the interdiction of arms and related material.

1.6 States should ensure that the competent national authorities cooperate very closely, at the national, regional and global levels, so that their territory does not become a safe haven for persons suspected of acts of terrorism. States should not provide safe haven to terrorists by failing to prosecute, or by applying the political offence exception to extradition in respect of acts of terrorism.

1.7 Anti-money laundering legislation should form the core of the legislative infrastructure of States in preventing the abuse of their financial systems in support of terrorism. The effective implementation of such legislation depends to a large extent on the creation, at the national as well as regional level, of an effective institutional infrastructure to ensure a viable financial transaction reporting process by banks and other financial institutions in order to monitor trans-frontier movement of funds. Such a process could cover two main areas: (i) customer identification through exercise of 'customer due diligence' and (ii) receiving, analyzing and disseminating suspicious transaction reports, which areas require capacity building. In this context particular emphasis should be placed on technical assistance, particularly to low-income and middle-income countries, in the establishment and the effective functioning of such institutional mechanisms and procedures. States should also address new means of financing terrorism, such as alternative remittance systems and cash transfers across borders.

1.8 States that are prepared to offer assistance to other States in the process of ratifying and implementing conventions against terrorism should declare their willingness to extend such assistance. (cf. recommendation 2.15)

1.9 States in need of assistance in the process of ratifying and implementing conventions against terrorism should declare their preparedness to accept such assistance. (cf. recommendation 2.15)

1.10 In preventing and suppressing terrorism, States should scrupulously observe and guarantee human rights and humanitarian law standards and respect for the rule of law. In particular, States should comply with the international standards of treatment of individuals suspected of or charged with acts of terrorism as well as procedural safeguards for suspects and defendants.

1.11 States should observe that there are absolute human rights, from which no derogation is possible, such as the prohibition of torture, and relative human rights, such as freedom of expression, which may be restricted only to the extent that is strictly justified in accordance with international human rights standards.

1.12 In accordance with applicable international law, States should, as soon as reasonably possible, give humanitarian access to persons arrested for or charged with acts of terrorism to their State of nationality and international humanitarian agencies such as the International Committee of the Red Cross (ICRC). International humanitarian agencies should be given access to stateless persons.

1.13 States should give persons arrested, charged, or otherwise deprived of liberty for acts of terrorism access to legal representation and to consular officers of the State of their nationality in the case of foreign persons, and should provide legal counsel for such persons.

1.14 In addition to seeking administrative or judicial remedies, individuals and entities aggrieved by the application of anti-terrorist measures should be able to register a complaint with an ombudsman or other oversight entity with sufficient legal and moral authority and easy accessibility. States should either ensure that existing ombudsmen or equivalent officials are competent and resourced to receive, investigate, and resolve such complaints and give priority to such oversight, or create specialist ombudsmen (or the equivalent) to do so.

1.15 Victims that suffer from acts of terrorism should be able to rely on a national high commissioner or similar entity of high moral authority, where such victims can feel represented and where they can seek the protection of their rights and obtain adequate assistance, in particular the most vulnerable, children and women. States should ensure that victims have the right to know the truth, to obtain justice and to adequate redress and integral reparation.

1.16 States should comply with international law and should define clear, transparent and proportionate legal requirements in order to use any specialized legal authority for the search, apprehension, detention, prolonged interrogation or conviction of persons suspected of acts of terrorism.

1.17 In preserving the rule of law as part of a necessary element for the prevention and suppression of terrorism, States should take special measures to ensure the proper management and exercise of discretion by those who are responsible for the direction of legal and penitentiary institutions, including members of the judiciary and law enforcement officers.

1.18 States and non-governmental organizations should consider, either individually or in cooperation with each other, developing judicial outreach programs for education of the judiciary and the law enforcement community, focusing on international law in general and more specifically on terrorism and legal responses thereto.

1.19 In adopting policies and actions designed to prevent and suppress terrorism, States should be guided by the determination to put an end to impunity for the perpetrators of terrorism.

2 At the international level

2.1 States should aim for a rapid conclusion of the negotiations on the draft comprehensive convention international terrorism and the draft international convention for the suppression of acts of nuclear terrorism with a view to adopting these instruments expeditiously, as called for in Security Council resolution 1566 (2004) and in the report of the High-level Panel on Threats, Challenges and Change.

2.2 In formulating a definition of terrorism, in addition to those situations already covered by the existing anti-terrorist instruments, it should be made clear that acts defined as terrorism can never be justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

2.3 International organizations, including in particular regional organizations and their member States, should adopt without delay the necessary legal framework to prevent or suppress terrorism and should reach out to, and actively support, States that need technical and operational support for counter-terrorism activities.

2.4 States should co-operate to develop mechanisms and procedures, such as co-ordination and co-operation with each other and with competent international agencies for intelligence and information sharing, in order to give prompt and full effect to the legal measures identified in Security Council resolution 1566 (2004).

2.5 States should develop modalities for international cooperation and coordination within the regional and universal organizations of which they are members, taking advantage of the modalities already in place within existing organizations of which they may not be members. Such modalities should focus specifically on effective mutual assistance in law enforcement cooperation within a rule of law framework, guaranteeing fair treatment of suspected offenders in conformity with human rights laws and, in particular, standard minimum rules for treatment of prisoners and accused.

2.6 In order to help States identify terrorist organizations to whom financial support is prohibited by the Convention on the Suppression of Terrorist Financing and Security Council resolution 1373 (2001), the Counter Terrorism Committee (CTC) established by the Security Council should develop a core list of organizations that the CTC determines to be involved, directly or indirectly, with acts of financing of terrorism. In developing this list, the CTC should employ procedural safeguards to ensure that organizations and individuals associated with them which are not so involved are not erroneously included. States would thereafter be bound to subject organizations included in the list to the sanctions enumerated in resolution 1373 (2001). States would also remain free to impose sanctions on non-listed organizations that the State determines to be involved in terrorism.

2.7 In acting under chapter VII of the Charter of the United Nations, the Security Council should pay due regard to obligations that States have assumed under international law by virtue of human rights treaties and customary international law. This applies in particular if a decision by the Council may affect someone's civil rights and obligations, since the right to judicial review exists in the determination of such rights and obligations.

2.8 The Committee established under Security Council resolution 1540 (2004) should extend technical assistance to States in the implementation of the resolution, in particular, by way of assistance in preparing the necessary domestic legislation and establishing effective domestic control measures to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery.

2.9 Effective multilateral and bilateral assistance to the safety and justice sector in low-income and middle-income countries is an essential component in the efforts to prevent or suppress terrorism. The international community should therefore contribute financially to advocacy, public awareness and training activities, targeting a larger body of experts, and make sure there is information and cooperation with respect to existing best practices among States. In order to ensure the quality of this assistance it should be subject to continuous third-party evaluation.

2.10 In the prevention or suppression of terrorism the same standard should apply to all.

2.11 For the purpose of preventing and suppressing terrorism, States should co-operate through joint actions or the establishment of international institutions.

2.12 Regional organizations should engage actively in efforts to prevent or suppress terrorism, if they have not already done so. The periodic meetings between the United Nations Counter Terrorism Committee and representatives of such organizations should be a particularly useful tool to ensure synergies and avoid dispersion.

2.13 Non-governmental organizations that are in a position to extend assistance to States in the process of ratifying and implementing conventions against terrorism should make this known. (cf. recommendation 2.15)

2.14 States that have not ratified or acceded to the relevant international instruments against terrorism should be linked with those who have done so and who are in a position to offer assistance in subscribing to these instruments.

2.15 Within the United Nations system a ‘clearinghouse’ should be established where the appropriate contacts between those that have made declarations in accordance with recommendations 1.8, 1.9 and 2.13 can be established and monitored.

2.16 The possibility of treating specific acts of terrorism which involve systematic attacks against the civilian population as crimes within the existing jurisdiction of the ICC should be considered, bearing in mind that individual States have primary responsibility to prosecute suspected perpetrators of the most serious crimes and that the International Criminal Court (ICC) is complementary to national jurisdiction.

2.16 The Assembly of States Parties to the Rome Statute should also explore ways and means of including acts of terrorism which constitute serious international crimes under existing international instruments relating to terrorism or as defined in a future comprehensive convention on terrorism, as a crime within the scope of the ICC Statute, at the First Review Conference scheduled for 2009.

Members of the Working Group

- Hans Corell, former Legal Counsel and Under-Secretary-General for Legal Affairs, United Nations (co-ordinator)
- Irune Aguirrezabal, International Coalition for the International Criminal Court, Belgium
- Jessica Almqvist, FRIDE Foundation, Spain
- Pieter Bekker, White & Case LLP, USA
- Guy de Vel, Director General for Legal Affairs, Council of Europe
- Laura Donohue, Stanford University, USA
- Gerhard Hafner, University of Vienna, Austria
- Stephen Holmes, New York University, USA
- Rohan Perera, Ministry of Foreign Affairs, Sri Lanka
- Michael Scharf, Case Western Reserve University, USA
- Christopher Stone, Harvard University, USA

Democracy Promotion

By Ghia Nodia

The issues of democratic governance and terrorism impact on each other in numerous ways. The discussions in our working group proved that it can be difficult to reach consensus on what the linkages between democracy and terrorism are and – more importantly perhaps – what they imply. This paper identifies the major areas of contention, consensus, and a number of practical policy recommendations.

Areas of Discussion

Liberal democracy as a target of terrorism?

Terrorism became a major concern for the international community following the terrorist attacks of September 11. These were perpetrated by a terrorist network that espoused an ideology based on the notion of radical political Islam. Our working group could therefore not help but focus on this particular brand of terrorism.

A first interpretation held that radical Islamic terror was an expression of resentment against the values of liberal democracy and the powers that represent them. According to that view, the ideology of radical political Islam is directed against the West and its institutions, and the West had become a target precisely because of its liberal democratic values. Indeed, the emphasis on individual and women's rights, the power of the global market economy, and the influence of global civil society are regularly blamed by militant Islamists for disrupting traditional ways of life, leading to inequalities both within societies and globally. Furthermore, if radical Islamic terrorists aim to destroy the modern liberal order or – at a minimum – weaken liberal democratic states in order to prevent them from spreading their 'pernicious' values and institutions, then they must be viewed as the latest version of anti-liberal reaction represented by Nazism, Communism or – on a much smaller scale – the leftist terrorist cells of the 1970s.

This vision of radical Islamist terrorism and its objectives was strongly challenged. Some working group members maintained that it was not liberal democracy per se but specific policies of Western democracies which the terrorists objected to. Without attempting to justify terrorist means, it was argued that there were 'legitimate grievances' that had helped terrorist 'entrepreneurs' to recruit their followers, and that the opposition 'terrorism vs. liberal democracy' was too simplistic and ideologically straightforward to be valid.

Despite the disagreement on the nature of radical Islamic terrorism, there was universal concern that democracies could be tempted to respond to terrorist attacks by curtailing civil liberties and weakening their own standards of accountability and transparency. If this was to happen, the terrorists' (real or hypothetical) aim of undermining democracy would, in part, be fulfilled. It was considered essential, therefore, for mature democracies to combine effective anti-terrorism strategies with measures aimed at preserving their democratic institutions. Indeed, there was a consensus that defending oneself against global terrorism entails not just the use of instruments of conventional security, but also taking a firm stand for one's values and institutions.

Democracy as an antidote to terrorism?

For a committed democrat, it may be natural and ‘intuitively appealing’ (Richard Youngs) to argue that democracy is the best response to terrorism. If we assume that terrorism is a response to inequality, exclusion, the disempowerment of certain groups and the impossibility to express legitimate grievances, then democracy (or, rather, consolidated, mature democracy) is the political system that comes closest to resolving these problems. In this view, the lack of democracy is the major root cause of terrorism, and the promotion of democracy ‘the best anti-terrorist policy framework’ (Ivan Krastev).

An empirical approach exposes the weakness of this argument. The historical record shows that consolidated democracies are not immune to internal terrorism. Examples include the wave of left-wing terrorism in Germany, Italy and Japan in the 1970s, and the sustained campaigns of ethnic and sectarian terrorism in Spain and Northern Ireland. Even if we believe that strong, consolidated democratic regimes make it less likely for internal terrorism to turn into ‘an overwhelming, unmanageable problem’ (Marina Ottaway), the combination of weak or failing states and democratic or semi-authoritarian rule have turned out to be a dangerous breeding ground for terrorist networks. Whereas strongly repressive or totalitarian regimes possess clear advantages in fighting terrorist groups, weak states are to be found less among consolidated democracies or consolidated dictatorships, but rather among the numerous countries in the middle. In these countries, the process of democratisation may turn out to be destabilising, thus creating opportunities for terrorists to make political gains.

This generates a number of political dilemmas. In some states, elections are most likely to replace autocratic governments with extremist and irresponsible political groups, which may turn to supporting or sponsoring terrorist organisations. There can be little doubt that such scenarios influence the current political attitudes of American and European democracies. In the case of Pakistan, for example, a delicate balance needs to be struck between undermining the autocratic rule of President Musharaf and paving the way for Islamist extremists to assume control of a nuclear state.

Some members of the working groups challenged this *Realpolitik* approach, arguing that support for ‘reasonable autocrats’ (if such exist at all) can only work in the short term, and that this leads to double standards that undermine the credibility of Western democracies. In this view, by not allowing open discussion and political competition, autocratic governments are nurturing terrorism rather than weakening it. In the Middle East, for instance, the exclusion of Islamist political parties from genuine political competition may push these actors to adopt more extreme agendas and methods.

Hence, while the promotion of democratic values and institutions cannot always be a reliable antidote against the proliferation of terrorist organisations and practices, it is safe to say that the development of stable and consolidated democracies reduces the risk of terrorism developing into a critical problem. Therefore, at least where democratisation is not demonstrably fraught with risks of strengthening terrorist networks, the international democratic community should step up its efforts to assist the advancement of democracy.

Democracy promotion and terrorist threats

There was consensus among the members of the working group that democracy promotion should not be seen exclusively through the anti-terrorist lens. Indeed, according to Emma Bonino, the advancement of democracy across the globe must remain a legitimate goal in its own right.

Still, the backdrop of international terrorism makes it necessary to discuss the limits of democracy promotion. The ideological proponents of terrorism, for example, equate the advancement of democracy

with Western imperialism, meaning that open support for local democrats by Western powers may turn into a ‘kiss of death’. Hence, when exactly does democracy promotion become illegitimate imposition? Are there instances in which it can be counterproductive?

The most aggressive form of democracy promotion is military imposition, as exemplified by the war in Iraq. Most (though not all) democracy activists believe that it is neither right nor practical to use foreign military force in order to create conditions for local democratic development:

- It is not right to impose democracy by armed force, because doing so undermines the international political order and may serve as a pretext for interventions motivated by selfish interests.
- It is not practical because democracy emerges as a result of the internal societal and political developments: democracy is about choice and freedom, and these cannot be imposed.

One way of making a distinction between the different cases in which democracy has been imposed militarily is by arguing that military intervention stands a better chance of leading to the establishment of democracy if it is motivated by traditional security rather than ideological considerations, because such motives are more likely to be considered legitimate. An alliance of democratic powers fought against Germany and Japan because they threatened their countries, not primarily because they disliked their regimes. The same case could be made for the recent intervention in Afghanistan. The paradoxical inference is that the ‘imposition of democracy’ works better when it is a by-product rather than the declared purpose of a military intervention.

The promotion of democracy by non-military means can be contentious as well. In supporting local democracy groups or by using conditionality in foreign aid, democracy promotion can be made to look like ‘meddling’ in internal affairs and thus help local autocrats to use notions of ‘local culture’ and ‘values’ against the forces for democracy. Our discussions showed, however, that the fear of democracy promotion as ‘cultural imposition’ is more characteristic of Western analysts than the local activists at whom such policies are ‘targeted’. In fact, these activists often consider the opposition between ‘local culture’ and ‘democracy’ as a form of ideological manipulation (when originating from other local actors), or as patronizing (when articulated by Western commentators). Indeed, attitudes along the lines of ‘you are too backward for democracy’ encourage anti-Western feelings among local democrats and create a political void that could be filled by illiberal extremists.

Solidarity and co-operation between democracies

The fight against global terrorist networks requires international solidarity and co-operation, especially between democratic regimes. Democratic states happen to be the most stable and prosperous; they control most economic and military resources; and the values of human dignity and the rule of law, on which they are based, make them particularly intolerant of terrorist methods. While autocratic and semi-autocratic regimes may fight against terrorism as a matter of political expediency, for liberal democratic governments, it is also a matter of principle.

Still, the American-led military campaign against terrorism – in particular the war in Iraq – has led to a rift between the United States and its traditional allies in the democratic world, as well as among supporters of democracy throughout the world. While democrats may be critical of American or Western attitudes towards the ‘war against terrorism’, most agree that the rift between democratic countries has harmed both the cause of advancing democracy and the effectiveness of the fight against terrorism. Indeed, the emergence of a ‘transatlantic rift’ could be seen as a victory for terrorist networks. We strongly believe, therefore, that this division needs to be overcome.

Policy Recommendations

People around the globe aspire to democracy as the best political framework for liberty, justice and prosperity. For this reason alone, democracy promotion should be given priority. Still, we accept that the context of the fight against terrorism should be taken into account when designing new methods and programmes for the advancement of democracy. We recommend the following:

- The agendas of democracy promoting institutions should be custom-tailored to different regions and specific countries. Unless they are made to focus on supporting local democratic actors, democracy assistance programmes run the risk of being branded as ‘foreign impositions’.
- Democracy assistance programmes should focus on long-term support rather than quick results. Success depends on local resources (individuals, groups, institutions, etc.), and building such resources requires time.
- Democracy assistance programmes need to include components for enhancing the effectiveness of state institutions in weak states. Indeed, strengthening democratic governance rather than simply supporting democratic freedoms should be the priority for foreign donors.
- Democracy assistance programs should provide support for opposition as an institution, as well as aim at enhancing the rights and representation of minorities. After all, experience shows that the exclusion of particular groups from political and public life only pushes them towards extreme methods.
- Democracy assistance programmes should be based on respect for the histories, traditions, and cultures of developing countries. However, they must not allow illiberal and autocratic demagogues to use the argument of ‘local values’ in order to discredit universal liberal and democratic principles. The solution is to strengthen local actors who are in the best position to rebut such demagogues.
- While support for free and fair elections is important, the international community needs to pay closer attention to their aftermath and adopt a more consistent and principled approach when monitoring political developments in transitional countries. The quality of the democratic processes – including transparent and accountable government – should be given greater priority.
- The programmes and policies of international financial and economic institutions should aim at strengthening the economic foundations of democracy. The objective must be to reduce the dependency of poor states on foreign economic aid. The World Trade Organization, for instance, should move more aggressively against agricultural subsidies in rich countries.
- The emphasis on the Middle East in the context of fighting terrorism and promoting democracy must not overshadow the importance of other regions, such as Africa, Latin America and others.
- International institutions that promote democracy need greater accountability. Independent bodies should monitor and evaluate their activities.

- It should be understood that the democratisation processes in countries without strong democratic traditions may be destabilizing in the short run and, thus, create new opportunities for terrorist networks to launch their campaigns. However, open support for autocratic regimes and turning a blind eye to their repressive practices will undermine the credibility of Western democracies and international institutions. It may be wiser for democratic countries to take a step back when immediate involvement could turn out to be counterproductive.
- Regarding the issue of Islam and democracy, great caution and sensitivity is of utmost importance. A strong distinction should be made between Islam as a religion and civilization, and the terrorists who claim to fight on behalf of Islam. Moderate forms of political Islam should be engaged rather than marginalised. Electoral victories of parties based on the ideology of political Islam should not be opposed unless there is evidence of support for terrorist methods and organisations. Moreover, while being involved in fight against terrorism, democratic states should renew their commitment to human rights and the rule of law. A failure to do so will greatly damage the credibility of the fight against terrorism.

Members of the Working Group

- Ghia Nodia, The Caucasus Institute for Peace, Democracy and Development, Georgia (co-ordinator)
- John Biehl, International Crisis Group, Chile
- Emma Bonino, European Parliament
- Fernando Cepeda, University of Los Andes, Colombia
- Larry Diamond, Stanford University, USA
- Emmanuel Gymah-Boadi, Ghana Center for Democratic Development
- Stephen Heintz, Rockefeller Brothers Fund, USA
- Ivan Krastev, Centre for Liberal Strategies, Bulgaria
- Grygoriy Nemyria, National University, Ukraine
- Ayo Obe, World Movement for Democracy, Nigeria
- Marina Ottoway, Carnegie Endowment, USA
- Gary Sussman, Tel Aviv University, Israel
- Said Zeedani, University for Community Development, Palestinian Authority
- Richard Youngs, FRIDE Foundation, Spain

Human Rights

By Asma Jahangir and Fateh Azzam

Violence, brutality and terrorism as means of settling political disputes have existed throughout human history. The promulgation of humanitarian and human rights law over the last half of the twentieth century represent an attempt by the international community to limit such violence. Human rights are an assertion that human beings, individually and collectively, are inherently endowed with certain minimum standards of dignity and rights that must be respected and protected in law. As the Preamble to the Universal Declaration of Human Rights states, this is necessary, so that people need not resort to 'rebellion against tyranny'. The rule of law and democratic governance are the framework for the protection of human rights within which all members of society can participate equally in the conduct of their affairs. The significant progress made in the promotion of human rights standards, however, has not been accompanied by sufficient political will for their protection and enforcement. Consequently, inequality, exclusion and the use of violence in settling political disputes have not abated.

The terrorist attacks of September 11, 2001, and March 11, 2004, were unique and frightening in many respects. Their characteristics and those of the subsequent 'war on terror' are changing the manner with which such confrontations were settled in the past. Most significantly, the trauma of September 11, as well as the counter-terrorism measures that followed, have signalled a dangerous shift in the legal paradigm, leaving behind an atmosphere of uncertainty and fear; either of being attacked by terrorists or persecuted as a result of these attacks. Regrettably, the emerging legal paradigm presupposes that the long-term goal of respecting and protecting human rights and fundamental freedoms may be a price to pay for short-term security considerations. The dangers of such an approach cannot be overstated. An alternative democratic and human rights-based response to terrorism is necessary if we are not to be drawn back to the violence and brutality of previous eras.

Areas of Discussion

Terrorism and counter-terrorism

The resort to a 'war on terrorism' without UN sanction, degrading and inhuman treatment of prisoners, attacks on and detention of non-combatants and the excessive use of force have severely tested human rights principles, especially that of proportionality. In this new 'war', there seems to be no precise and proven enemy nor is there an objective criterion of measuring the level of threat or risk to warrant military action. Any state harbouring a 'suspected terrorist' could be attacked by the aggrieved state with little proof required and even less opportunity to prove otherwise. The interpretation of self-defence has been greatly widened, and the legal provisions and principles of humanitarian law have become almost irrelevant to the 'war on terror'. No time limit has been set and no clear victory can be envisioned.

When it comes to individuals, the policies adopted by major global players in challenging terrorism remain equally unclear and discriminatory. Mere suspicion of involvement has become sufficient ground for detention and the alleged ‘suspect’ may not be given a chance to prove innocence. A large number of individuals continue to be arbitrarily detained and/or tarnished as ‘terrorists’ because of their religious views, nationalities or political opinions with little proof offered and no due process. Civil liberties – even in long-established democracies – are under threat, and the gains made in decades of progress are being rolled back. Many governments’ policies towards migrants and asylum seekers are negatively affected, and in some cases even scholars and visa applicants have been targeted under the guise of counter-terrorism measures. This arbitrariness has also undermined genuine efforts undertaken by governments to protect their citizens from terrorist acts. As a consequence, the ill-defined and open-ended nature of the ‘war on terror’ has strained international legal principles and systems.

Anti-terrorism legislation has mushroomed in all regions of the world, and a number of countries, including democracies, have adopted draconian laws that often employ vague definitions of ‘terrorism’. The member states of the United Nations have so far not reached a consensus on the definition of terrorism. The difference of opinion regarding the definition of terrorism is not incidental. It reflects varied experiences of terrorism and a lack of unanimity amongst decision makers in their level of commitment and approach in combating terrorism. At the same time, there appears to be a wider consensus in bending the rules to counter what each of them perceives to be, or wishes to call, ‘terrorism’.

From a human rights perspective, recent counter-terrorism legislation or draft laws are seriously flawed. States argue that the existing legal framework is inadequate in combating new forms of global terrorism, and that special or exceptional measures are needed to carry out the ‘war on terrorism’. Sweeping powers have been given to law enforcement agencies to hold people without charge or trial. Prolonged incommunicado detentions have been legitimized, and in many cases torture has been tacitly accepted and implicitly permitted. A number of governments (including India, Guyana, Jordan, Morocco, the USA and Zimbabwe) have introduced new capital offences relating to ‘terrorism’. Deportations of those merely ‘suspected’ of terrorism can be made in a summary manner without due process of law.

The ineffectiveness of human rights violations

While acknowledging that democratic societies and governments are under exceptional strain, the counterproductive aspect of such policies has to be brought out with more clarity than hitherto. The legal sanctioning of human rights violations undermines the rule of law and creates enabling environments for vicious and militant networks that prosper in oppressive systems of governance.

It is important to note that terrorist attacks do not occur because of gaps in the substantive law. All acts of terrorism are already criminalized under existing national penal offences and under international law. Closed systems of governance, lack of accountability and failure to resolve conflicts lie behind much of the political unrest and motivation for terrorism. The focus of governmental machinery must shift from short-term tactical measures to long-term policy designs in the pursuit of a global vision for security. Respect for human rights and fundamental freedoms must be central to such an endeavour. That respect for universal human rights is central to democratic governance requires no further explanation. Governments of democratic countries need to accept, therefore, that the use of arbitrary power will impact negatively on the global environment for democracy. Numerous reports have alleged that democratic governments have encouraged law enforcement agencies of authoritarian regimes to use illegal means in combating terrorism, especially when dealing with individuals suspected of involvement in terrorist networks. Such dual policies breed uncomfortable partnerships between leaders of democratic societies and autocrats. In the final analysis, such policies – if continued – would leave an impression that human rights and democratic values have failed the test in a critical period.

International initiatives

The importance of international co-operation in dealing with the threat of transnational terrorism cannot be over-emphasized. This co-operation has been forthcoming, but it has focused primarily on 'confronting' or 'eliminating' terrorism rather than seriously seeking to respond to its underlying causes (save for a few early General Assembly resolutions). On a few occasions, the United Nations passed resolutions that included calls for the respect of human rights and fundamental freedoms while countering terrorism. However, it is worth noting that these resolutions were passed after difficult negotiations, which indicates a worrying lack of clear conviction or consensus on the issue.

The United Nations Security Council used its powers under Chapter VII of the UN Charter to mandate member states to adopt specific measures to combat terrorism. The measures include the freezing of financial assets of persons involved in terrorist acts, enacting laws making terrorism a serious crime and to deny refuge or asylum status to persons associated with terrorist acts or more broadly with alleged terrorist movements or networks. The UN Security Council also established a Counter Terrorism Committee (CTC) to monitor the implementation of Resolution 1373. Human Rights organizations and the United Nations High Commissioner for human rights have expressed concerns regarding the mandate of CTC, which does not grant the Committee powers to monitor the human rights obligations of member states.

Regional and other intergovernmental organizations have also taken initiatives in the context of counter-terrorism actions. In April 1998 – more than two years before September 11 – the League of Arab States adopted an Arab Convention for the Suppression of Terrorism, which contained an overly broad definition of terrorism and included neither reference to human rights law nor any obligations to implement its standards. In September 2002, the African Union adopted a similar convention that also gives a broad definition of terrorist acts and makes no reference to international human rights standards. Likewise, in May 2002, the Islamic Conference finalized the Convention on Combating International Terrorism with no such reference. The joint communiqué at the Special ASEAN Ministerial meeting in 2002 focused on terrorism, but did not make any commitment to protecting human rights.

Civil society, religion and ideology

Journalists, academics, lawyers, trade unionists, human rights activists and other civic and democratic forces around the world often find themselves caught between threats from terrorist groups on the one hand, and excessive and arbitrary restrictions imposed by states in the name of counter terrorism on the other. This has gravely imperilled their ability to monitor human rights and the democratic process in many parts of the world and generated a climate of fear, potentially silencing and immobilizing those who would be forces for democratization. We are concerned that, should such a climate continue, intolerant forces will come to dominate the political discourse.

Human rights organizations continue to monitor the situation on the ground in most countries, and the information at their disposal can form a valuable data base for analyzing the long-term repercussions of momentarily devaluing respect for human rights in favour of short-term security. However, human rights groups and their allies have not been able to disseminate their point of view effectively and, in some countries, they have come under sharp attack. Yet at no other time has the monitoring function of human rights groups been so indispensable to the democratic process, as well as in ensuring accountable and transparent governance. This is especially true given the rise of Xenophobia and Islamophobia around the world, where religion and ethnicity are grounds for racial profiling.

A renewed interest in the origins of ‘international terrorism’ has revealed a much more complicated and intricate map than a simplistic accusation against a particular faith or ideology. The perpetrators of the September 11 and March 11 attacks were identified as *Al Qaeda*, a group of non-state actors with no single national identity but with some common ethnic and religious identification. While the *Al Qaeda* networks share an ideology based on a skewed interpretation of Islam, the labelling and indeed tarnishing of Islam itself as well as the re-emerging debates on a ‘clash of civilizations’ are as disconcerting as the terrorist attacks themselves.

An essential human right is freedom of religion and belief, which can be exercised only in an atmosphere of tolerance and mutual respect. A number of governments and intergovernmental agencies have laid emphasis on interfaith dialogues or ‘dialogues of civilizations’. However, these have been mostly confined to ‘moderate’ religious leaders whose discourse is cautious and often concludes with showering praise on all religions. While all religions are worthy of respect and their leaders play a significant role in the social life of any society, such dialogues have not been encouraging open or frank debate. Some political and social analysts believe that a ‘war of words’ may perhaps be more beneficial than an apologist approach toward rising religious intolerance. The interpretation of any faith is a matter of individual and collective choice and such dialogues do need to be deepened and participation widened to include more broad-based participation, especially that of women and other members of civil society.

Policy Recommendations

Definition

The human rights working group understands terrorism to mean violence against civilians or non-combatants with the purpose of sowing fear in the population for political or other purposes. Such acts are never justified or legitimate, regardless of the motive or cause that inspires them.

Human rights repercussions of the ‘war on terror’ would be reduced at the national or international levels if ‘terrorism’ or ‘acts of terrorism’ were to be clearly defined, thus narrowing the margin of interpretation and discretion that are currently exercised by states.

The international level

Human rights and humanitarian law should be respected and applied equally and evenly around the world, especially in the struggle against terrorism. Governments have to make solemn commitments not to roll back the gains of the last few decades and make human rights a ‘common standard for humanity’. Human rights instruments and United Nations instruments need to be better developed, especially in the area of enforcement. In particular, there is a need to:

- Promote international co-operation whilst ensuring that human rights are considered in all intelligence-gathering, investigation and interrogation activities.
- Strengthen the United Nations treaty bodies and special procedures, and continue to mainstream the human rights in the work of the UN. Human rights concerns must be incorporated in all initiatives and actions regarding counter terrorism, especially in the work of the Counter Terrorism Committee.

- Require all states to include provisions on compliance with human rights and humanitarian law in their counter-terrorism measures and activities.
- Renew the mandate of the Human Rights Commission's Independent Expert on the Protection of Human Rights and Fundamental Freedoms While Countering Terrorism.

The climate of impunity

A climate of impunity threatens to erode due process and the rule of law, especially where known perpetrators are in positions of authority. This has emboldened perpetrators and deprived victims of the right to seek justice, thereby fostering insecurity. There should be no impunity either for acts of terrorism or for the abuse of human rights in counter-terrorism measures. The rights to life and due process cannot be compromised. Thus, it is imperative to:

- Work to end impunity in all its forms, and to bring perpetrators of human rights violations to justice, be they state or non-state actors. States and societies must not hesitate to denounce any act justified on religious grounds that violates human rights.
- Strengthen the capacity of international tribunals, especially the International Criminal Court. Resources must be committed to enhance their effectiveness for the delivery of justice.

The national level

Everyone is innocent until proven guilty on the basis of legal standards of proof and in full compliance with human rights law. It is imperative that states provide special protection to vulnerable groups consistent with the overriding principle of non-discrimination. Therefore:

- Governments must work to eliminate torture and any cruel, inhuman or degrading treatment regardless of the challenges they face.
- The fundamental and overriding principle of non-discrimination must be respected at all times, especially in counter-terrorism measures adopted by states.
- All measures of racial profiling and other discriminatory practices against minorities or particular social and religious communities must be eliminated.
- States must ensure the necessary legal protection to particularly vulnerable groups (such as refugees, immigrants, migrant workers and non-citizens).

Furthermore, while intelligence gathering is crucial in the struggle against terrorism, its machinery needs to be refined in a manner that respects fundamental rules of human rights and legal procedure. Training and reformulation is needed to enable the international intelligence community to carry out its work with full respect for human rights.

Governance and democracy

There needs to be greater transparency in the governance structures of states and financial institutions. It is worrisome that many national governments and the international community as a whole lack the capacity and political energy to combat terrorism through non-military means. It would be desirable to use constructive rather than coercive approaches.

Governments must lead by example and inspire confidence in the rule of law rather than fear of arbitrariness. It is vital that transparent governance is encouraged both at the national and international levels. The contradictions in applying double standards and dual policies have to be addressed rather than defended or ignored. To restore confidence, it is crucial that governments commit themselves to freedom of information, and give regular as well as easy access to information in order to enable as broad participation as possible in the effort to stem terrorism.

An undiluted emphasis should be placed on the democratization of countries and of the United Nations. At the international level, democratization should aim to create broader opportunities for the less developed and less powerful societies around the world.

Civil Society

In order to create a wider constituency for the support of human rights, global civil society needs to market its concerns more creatively. Therefore:

- Resources should be allocated to broaden and strengthen the respect for human rights at the local, national, regional and international levels.
- Human rights defenders in their national contexts must be supported, so that they can monitor and report on violations by state and non-state actors without fear of retribution.

Members of the Working Group

- Asma Jahangir, Human Rights Commission of Pakistan (co-ordinator)
- Fateh Azzam, American University Cairo, Egypt
- Carlos Basombrío, Instituto de Defensa Legal, Peru
- Sheikh Hasina, former Prime Minister, now leader of the Bangladeshi opposition
- Ibrahima Kane, Interights Group, England
- Rama Mani, Geneva Centre for Security Policy, Switzerland
- Juan Mendez, International Centre for Transitional Justice, USA and South Africa
- Ahmad Nader Nadery, Independent Human Rights Commission of Afghanistan
- Michael Posner, Human Rights First, USA
- Ahmed Rashid, journalist, Pakistan
- Karin Ryan, Carter Center, USA

Civil Society

By Mary Kaldor and Miguel Darcy de Oliveira

The attacks of September 11 and March 11 have become symbols of an all-pervasive sense of global insecurity. In many parts of the world, people live in daily fear of being bombed or shot at; raped, mutilated or expelled from their homes; being kidnapped or abducted; or being arbitrarily arrested, detained without trial or tortured for possessing information they do not even know they possess. It is the continued prevalence of such violence which gave our discussions a sense of purpose and urgency.

Terrorism – which we understand to be the indiscriminate use of violence against civilians for political ends – is a direct assault on democracy. Citizens are the bedrock of democracy, and they cannot therefore be absent from the discussion about how to deal with the problem. The following is a summary of the debate that took place in Madrid – most importantly, though, it contains an outline of our strategic proposal for the creation of a global citizens' network.

Areas of Discussion

Terrorism and legitimacy

Terrorism breeds in situations where there is no legitimate political authority, in war zones, or in authoritarian states. The key to dealing with political violence is therefore the establishment of legitimate political authority. This can be in the form of a state, an international institution or even a local authority. Whatever its manifestation, this authority needs to be trusted and be responsive to peoples' concerns. It should respect both voice and accountability.

Legitimate political authority needs to be established through legitimate procedure. In most cases, this means by elections, but it may also be established through the United Nations Security Council. Whether it is elected or legally appointed, it should be democratic in a substantive sense, that is, the authority must have public support, and there need to be effective mechanisms for public debate, criticism and influence. After all, democracy is about both peace (or non-violence) and justice.

Terrorism and civil society

When governments try to protect their societies through repressive anti-terror legislation or war – that is, in situations where human rights and the normal functioning of law are suspended – they undermine democracy and exacerbate terrorism. This runs contrary to what we believe to be the only effective long-term response to terrorism, that is, the global extension of democracy.

So far, citizens have only had a limited and mainly passive role in the struggle against terrorism. One of the reasons may be the prevalence of a particular approach that emphasises the actions taken by states. In our view, dealing with the threat from terrorism should be the responsibility not only of

governments but of all sectors of society. Non-state actors in all their diversity – non-governmental organisations, social movements, the media, the private sector, the academic community, spiritual leaders, the artistic world, global public opinion – need to play a more active role.

Indeed, a vibrant civil society can play a strategic role in protecting local communities, countering extremist ideologies and dealing with political violence. In our debate, we affirmed the notion of civil society as a free space where citizens can take charge of their own destiny, a form of resistance and struggle, a source of knowledge, public debate and social reflection, and a mechanism for mediation, reconciliation and compromise. Civil society gives voice to different social groups and causes, provides channels of expression for minorities and dissenters, and promotes – by its very diversity – a culture of tolerance and pluralism. Civil society includes both the radicals and the moderates, the ‘outsiders’ and the ‘insiders’, those who resist and those who negotiate.

Civil society should therefore not be equated with non-governmental organisations (NGOs). Western donors sometimes appear to believe that democracy can be imposed from the outside and from above, and that Western financed NGOs can teach people democratic values and provide the social safety nets that were abandoned by the state. In their view, civil society is something passive – a mechanism for easing the path of painful reforms.

Civil society and extremist ideologies

In *War and Peace*, Tolstoy writes that all happy families are similar, but unhappy families are unhappy in different ways. The same could be said of democracies. Democratic societies tend to have similar characteristics. But societies that lack democracy, either because there is no political authority or because political authority is illegitimate, are unjust or violent in different ways. Civil society is the method through which we can identify the unique character of every violent situation. There is no general toolbox – no recipe – for dealing with violence. Those who know best what to do are those who experience violence. They are the ones who can organise to resist violence and cope with the consequences of violence. And they are the ones who need international support.

In situations of fear, the proponents of extremist ideologies find it easy to mobilise political support. In these instances, the existence of a vibrant civil society can be an effective counterweight. Civil society ensures the existence of public spaces of debate and deliberation, where divergent and conflicting demands can be argued and negotiated without resorting to violence. It is civil society that gives a voice to different social groups and causes, that provides a channel of expression for the minorities and the dissenters, that promotes by its very diversity a culture of tolerance and pluralism. Civil society also ensures a countervailing power to the ever present risk of state authoritarianism. In other words, civil society is about creating a framework of trust where people can discuss and deliberate without fear, and by using reason rather than superstition or prejudice.

The international dimension

Terrorism is a global phenomenon that requires a global response. Civil society can play a critical role in reconstructing the global co-ordinated approach that has been undermined by unilateralist attitudes and international political disagreements in the recent past. Over the last decades, civil society groups have built vibrant transnational alliances – involving people and organisations from all parts of the world – around

global causes, such as gender equality, peace and human rights, the fight against AIDS, environmental protection, the movement for fair trade and global justice, etc. The same could be done in relation to the issues of political violence and terrorism. Indeed, this is what our strategic proposal aims at.

Key Principles

The civil society working groups included a large number of grassroots activists. We heard the voices and experiences of people in difficult situations, including a leading democracy campaigner in Zimbabwe. We heard from the families of 9/11. We listened to civil society representatives from Iraq, Palestine, Israel, Egypt, Azerbaijan and other countries. The stories of these people, who are on the front lines of the struggle for democracy, gave a sense of practicality and urgency to our messages and proposals. Based on their experiences, our groups developed three principles and a strategic proposal for action.

Terrorism as a global phenomenon

The experience of terrorism is not exclusive to the people of New York and Madrid. Terrorist attacks have also taken place in Bali, Riyadh, Casablanca, Baghdad, Tel Aviv, Bombay, Belfast, Beslan and other cities across the globe. In many of these places, the debate about terrorism is seen as a vision from the West. In reality, though, the threat is global, and this fact should be acknowledged in the attitudes, approaches and policies designed to tackle the phenomenon.

The necessity to focus on zones of violence

Most of the places where civilians are subject to violence are either authoritarian states, where violence is inflicted by the state's security forces, or failed states and conflict zones, where violence is inflicted both by state and non-state actors. Terrorism, therefore, is both state and non-state; democracy and legitimate political authority are the only alternatives to authoritarian states, failing states and zones of conflict; and the struggle against terror needs to focus on the places where such violence takes place.

Democracy cannot be imposed

Democracy can only be built from within each society. It is true, however, that this process of building and strengthening democracy should be supported by the international community. Civil society and democracy represent alternatives to terrorism. They are ways of managing conflicts and dealing with grievances. Citizens can build inclusive communities where everyone has a stake through civic participation, economic activity and education.

Policy Recommendations

Rather than producing a list of policy recommendations, the civil society groups developed a strategic proposal for action based on the principles outlined above: the creation of a global citizens' network.

The goals of this network would be:

- To support civil society and protect and empower individual citizens in areas of political violence, conflict and repression.
- To exchange experiences, and have long discussions about specific situations. How terrorism is perceived in the United States or Spain is very different from how it is seen in the Middle East. The global citizens' network could widen the debate about how to counter terrorism, and develop ideas and proposals about what needs to be done in practice.
- To raise public awareness and knowledge about the causes of political violence, the civil society groups that are working for peace and democracy, and the policies they recommend.
- To provide a mechanism of early warning and reaction. The network could help to identify critical situations and mobilise the resources of citizens and civil society in order to defend people at risk and strengthen democracy from below.

Precedents

The global citizens' network would fill an important gap. At the global level, there are think-tanks – such as the International Crisis Group and the Institute for War and Peace Reporting – which provide useful analyses of situations of political violence. Likewise, there are human rights groups – such as Human Rights Watch and Amnesty International – that play an important role in the monitoring and raising awareness of political violence. There are groups that campaign around specific issues like the Israel/Palestine or Kosovo conflicts. There is no organisation, however, designed to support local civil society groups, and to provide them with access to key decision-makers and the wider global public. Hence, while the network would co-operate with other initiatives, it would occupy a unique place in its primary task of raising the profile and participation of civic groups at the forefront of the struggle for justice and democracy.

Indeed, the idea for a global citizens' network builds on past experiences of civil society groups with a positive record of working together to end political injustice and violence:

- Latin American human rights groups in the 1970s and 1980s, who ended military dictatorships with support from human rights groups in North America and Western Europe.
- The anti-Apartheid movement, which contributed to the end of the racist regime in South Africa.
- The 'détente from below' groups, involving Western peace groups and Eastern human rights activists, which hastened the fall of the Communist regimes in Eastern Europe.
- The Helsinki Citizens Assembly and other groups in Europe during the 1990s, which campaigned for safe havens, international protectorates and humanitarian intervention, especially in the Balkans.

Organisation

The members of the network would be participants of civil society groups, who commit themselves to express solidarity towards each other, and who share common values based on the notion of human security – the security of the individual. These values include: the equality of human beings; their equal value regardless of who they are and where they are from; and the overarching principles of justice, human rights and the rule of law.

The network would communicate through a web-based system, which would allow groups to disseminate information as well as to discuss joint strategies, mobilise support for campaigns and call for urgent action. This web-based system would be combined with meetings at global, regional and local levels to discuss ideas, policies and values as well as specific and urgent situations. The network would organise public campaigns and lobby decision-makers both about general and specific issues. As our exchanges in Madrid demonstrated, there is no shortage of such issues:

- During our discussions, a participant from Iraq was informed of the death of an Iraqi civilian whose car was hit by American forces. The prosecuting judge had dropped the case because the members of the American armed forces could not be charged. The same participant also noted several cases of targeted assassinations by insurgents, one of whom had killed one of her colleagues, a leading civil society and women's activist. In both cases, the local members of the citizens' network would have alerted their colleagues across the world, who could have mobilised public opinion and created international public pressure for an independent investigation.
- The convenor of one of our working groups, Arzu Abdulaeva, is faced with harassment in her work as a human rights activist in Azerbaijan. A global citizens' network would have helped to provide protection and sent a team to examine the incidents.

It is by supporting the creation of political space for individuals in places like Azerbaijan or Iraq that democracy can be promoted. After all, only democracy will defeat terrorism, and democracy is best promoted and defended by citizens. The protection and empowerment of citizens as agents of democracy is the goal of the global citizens' network.

Members of the Working Groups

- Miguel Darcy, Communitas, Brazil (subject area co-ordinator)
- Mary Kaldor, London School of Economics, England (subject area co-ordinator)

Citizens as Actors

- Arzu Abdulaeva, Helsinki Citizens' Assembly, Azerbaijan (moderator)
- Rosiska Darcy de Oliveira, Women's Leadership Center, Brazil
- Hanny El Banna, Islamic Relief, England
- Paul Hilder, independent writer, England
- Anna Khromey, Lviv National Franko University, Ukraine
- Lovemore Madhukun, National Constitutional Assembly, Zimbabwe
- Joel Rocamora, Institute for Popular Democracy, Philippines
- Yahia Said, London School of Economics, England
- Ghassan Salame, Institut d'Etudes Politiques, France
- Gi-Woong Son, Institute for National Unification, South Korea

Civil Society and Political Violence

- Kayode Fayemi, Centre for Democracy and Development, England (moderator)
- Isam Kadhem Al Rawi, Baghdad University, Iraq
- Heba Al Sadeq, Gaza Community Health Centre, Palestinian Authority
- Murat Belge, Yeni Gundem Magazine, Turkey
- Ruth Cardoso, Comunidade Solidaria Programme, Brazil
- Heba Raouf Ezzat, Cairo University, Egypt
- Steve Gorelick, City University of New York, USA
- Radha Kumar, Jamia Millia University, India
- Tsvia Walden, Israeli Women's Parliament
- Robin Wilson, Democratic Dialogue, Northern Ireland

Strategies against Violence

- Mient Jan Faber, Interchurch Peace Council, Netherlands (moderator)
- Aldo Civico, Columbia University, USA
- Hana'a Edwards, Al Amal, Iraq
- Parvez Imroz, Public Commission on Human Rights, India
- Kamel Jendoubi, Fédération Tunisienne des Citoyens des Deux Rives, Tunisia
- Natasa Kandic, Humanitarian Law Centre, Serbia and Montenegro
- Irene Khan, Amnesty International
- Leoluca Orlando, City of Palermo, Italy
- Walid Salem, Panorama Centre for Community and Democracy, Palestinian Authority
- Shiva Vandana, Research Foundation for Science, Technology and Natural Resources, India

The Club de Madrid

Mission

The Club de Madrid is an independent organisation dedicated to strengthening democracy around the world. It launches global initiatives, conducts projects, and acts as a consultative body for governments, democratic leaders and institutions involved in processes of democratic transition. The personal practical experience of its members – fifty-seven former heads of state and government – in processes of democratic transition and consolidation is the Club de Madrid's unique resource. Along with the experience and co-operation of other high level political practitioners and governance experts, this resource is a working tool to convert ideas into practical recommendations.

Programmes and Activities

The Club de Madrid brings three major resources to its work:

- A unique mix of former heads of state and government.
- A committed focus on democratic transition and consolidation.
- Programmes with a practical approach and measurable results.

The Club de Madrid undertakes projects related to its core mission of promoting and defending democracy. One of the Club de Madrid's major assets is the ability of its members to offer strategic advice and peer-to-peer counsel to current leaders striving to build or consolidate democracy. The organisation also plays an advocacy role in promoting democratic principles in certain country, regional or thematic cases, such as with the International Summit on Democracy, Terrorism and Security.

To learn more about the Club de Madrid's mission and activities, please go to our web site – www.clubmadrid.org – or contact us directly:

Club de Madrid
Felipe IV, 9 – 3º izqda.
28014 Madrid
Spain

Tel: +34 91 523 72 16
Fax: +34 91 532 00 88
Email: clubmadrid@clubmadrid.org

List of Members

Fernando Henrique Cardoso,* President. Former President of Brazil.

Mary Robinson,* Vice President. Former President of Ireland.

William J. Clinton, Honorary Co-Chairman.

Former President of the United States of America.

Kim Campbell,* Secretary General. Former Prime Minister of Canada.

Valdas Adamkus (on leave), President of Lithuania.

Martti Ahtisaari, Former President of Finland.

Raúl Alfonsín, Former President of Argentina.

Sadig Al-Mahdi, Former Prime Minister of Sudan.

Alvaro Arzú, Former President of Guatemala.

Patricio Aylwin, Former President of Chile.

José María Aznar, Former Prime Minister of Spain.

Belisario Betancur, Former President of Colombia.

Carl Bildt, Former Prime Minister of Sweden.

Gro Harlem Brundtland, Former Prime Minister of Norway.

Leopoldo Calvo-Sotelo, Former Prime Minister of Spain.

Jimmy Carter,** Former President of the United States.

Aníbal Cavaco Silva, Former Prime Minister of Portugal.

Joaquim Chissano, Former President of Mozambique.

Jacques Delors, Former President of the European Commission.

Philip Dimitrov, Former Prime Minister of Bulgaria.

Leonel Fernández (on leave), President of the Dominican Republic.

José María Figueres,* Former President of Costa Rica.

Eduardo Frei Ruiz-Tagle,* Former President of Chile.

César Gaviria,* Former President of Colombia.

Felipe González Márquez, Former Prime Minister of Spain.

Mikhail Gorbachev, Former President of the Soviet Union.

Inder Kumar Gujral, Former Prime Minister of India.

Antonio Oliveira Guterres, Former Prime Minister of Portugal.

Václav Havel, Former President of Czechoslovakia and the Czech Republic.

Oswaldo Hurtado, Former President of Ecuador.

Lionel Jospin, Former Prime Minister of France.

Helmut Kohl, Former Chancellor of Germany.

Alpha Oumar Konaré, Former President of Mali.

Chairperson of the Commission of the African Union.

Milan Kučan, Former President of Slovenia.

Hong-Koo Lee,* Former Prime Minister of Korea.

John Major, Former Prime Minister of the United Kingdom.

Antonio Mascarenhas Monteiro, Former President of Cape Verde.

Ketumile Masire, Former President of Botswana.

Tadeusz Mazowiecki, Former Prime Minister of Poland.

Rexhep Meidani,* Former President of Albania.

Lennart Meri, Former President of Estonia.
Valentín Paniagua,* Former President of Peru.
Anand Panyarachun, Former Prime Minister of Thailand.
Andrés Pastrana, Former President of Colombia.
Javier Pérez de Cuellar, Former Secretary-General of the United Nations.
Former Prime Minister of Peru.
Romano Prodi, Former President of the European Commission. Former Prime Minister of Italy.
Jorge Fernando Quiroga, Former President of Bolivia.
Fidel Valdes Ramos, Former President of the Republic of the Philippines.
Poul Nyrup Rasmussen, Former Prime Minister of Denmark.
Petre Roman, Former Prime Minister of Romania.
Gonzalo Sánchez de Lozada, Former President of Bolivia.
Julio María Sanguinetti,* Former President of Uruguay.
Jennifer Mary Shipley, Former Prime Minister of New Zealand.
Mário Soares, Former President of Portugal.
Adolfo Suárez, Former Prime Minister of Spain.
Hanna Suchocka,* Former Prime Minister of Poland.
Ernesto Zedillo,* Former President of Mexico.

(* Member of the Executive Committee

(**) Honorary Member

Other Members of the Executive Committee

Diego Hidalgo, President of the Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE).
George Matthews, President of the Gorbachev Foundation of North America (GFNA)
T. Anthony Jones, Vice-President and Executive Manager of GFNA.
José Manuel Romero, Trustee of FRIDE.

Other Honorary Members

José Luis Rodríguez Zapatero, Prime Minister of Spain.
Esperanza Aguirre, President of the Regional Government of Madrid.
Alberto Ruíz-Gallardón, Mayor of Madrid.

The International Summit on Democracy, Terrorism and Security

March 11, 2004

Ten bombs exploded on four trains during rush hour in Madrid. More than 190 people died, almost 2,000 were injured. It was one of the most devastating terrorist attacks in Europe in recent history. As in the United States of America on September 11, 2001, it was an attack on freedom and democracy by an international network of terrorists.

One year on, Madrid was the setting for a unique conference, the International Summit on Democracy, Terrorism and Security. Its purpose was to build a common agenda on how the community of democratic nations can most effectively confront terrorism, in memory of its victims from across the world.

Objectives

The Madrid Summit aimed to promote a vision of a world founded on democratic values and committed to effective co-operation in the fight against terrorism. It brought together the world's leading scholars, practitioners and most influential policymakers. It was the largest gathering of security and terrorism experts that has ever taken place:

- 23 Heads of State and Government
- 34 former Heads of State and Government.
- Official Delegations from than 60 countries.
- Heads of inter-governmental and international organisations including the United Nations, the European Parliament, Council and Commission, NATO, Interpol, the League of Arab States, and many others.
- 200 experts on terrorism and security.
- 500 representatives from non-governmental organisations and civil society.

The Working Groups

In the months leading up to the Madrid Summit, more than two hundred of the world's leading scholars and expert practitioners explored the issues of democracy, terrorism and security in an unparalleled process of scholarly debate. The discussions were conducted through a system of password-protected web-logs. On the first day of the summit, the groups met in closed sessions to conclude their work.

Each working group issued a final paper of recommendations on which the individual contributions in the Club de Madrid Series on Democracy and Terrorism are based.

Results

The principal legacy of the Madrid Summit is an innovative plan of action: The Madrid Agenda.

It draws on the various contributions made at the summit, in particular the speeches given by the leaders of official delegations, the discussions that took place during more than twenty panel sessions, and – most importantly – the conclusions of the working groups.

The document was adopted by an Extraordinary General Assembly of the Club de Madrid on March 11, 2005.

The Madrid Agenda

To remember and honour the victims of the terrorist attacks of March 11, 2004, the strength and courage of the citizens of Madrid, and through them, all victims of terrorism and those who confront its threat.

We, the members of the Club de Madrid, former Presidents and Prime Ministers of democratic countries dedicated to the promotion of democracy, have brought together political leaders, experts and citizens from across the world.

We listened to many voices. We acknowledged the widespread fear and uncertainty generated by terrorism. Our principles and policy recommendations address these fundamental concerns.

Ours is a call to action for leaders everywhere. An agenda for action for governments, institutions, civil society, the media and individuals. A global democratic response to the global threat of terrorism.

The Madrid Principles

Terrorism is a crime against all humanity. It endangers the lives of innocent people. It creates a climate of hate and fear. It fuels global divisions along ethnic and religious lines. Terrorism constitutes one of the most serious violations of peace, international law and the values of human dignity.

Terrorism is an attack on democracy and human rights. No cause justifies the targeting of civilians and non-combatants through intimidation and deadly acts of violence.

We firmly reject any ideology that guides the actions of terrorists. We decisively condemn their methods. Our vision is based on a common set of universal values and principles. Freedom and human dignity. Protection and empowerment of citizens. Building and strengthening of democracy at all levels. Promotion of peace and justice.

A Comprehensive Response

We owe it to the victims to bring the terrorists to justice. Law enforcement agencies need the powers required, yet they must never sacrifice the principles they are meant to defend. Measures to counter terrorism should fully respect international standards of human rights and the rule of law.

In the fight against terrorism, forceful measures are necessary. Military action, when needed, must always be co-ordinated with law enforcement and judicial measures, as well as political, diplomatic, economic and social responses.

We call upon every state to exercise its right and fulfil its duty to protect its citizens. Governments, individually and collectively, should prevent and combat terrorist acts. International institutions, governments and civil society should also address the underlying risk factors that provide terrorists with support and recruits.

International Co-operation

Terrorism is now a global threat. We saw it not only in Madrid, New York and Washington, but also in Dar-es-Salaam, Nairobi, Tel Aviv, Bali, Riyadh, Casablanca, Baghdad, Bombay, and Beslan. It calls for a global response. Governments and civil society must reignite their efforts at promoting international engagement, co-operation and dialogue.

International legitimacy is a moral and practical imperative. A multilateral approach is indispensable. International institutions, especially the United Nations, must be strengthened. We must renew our efforts to make these institutions more transparent, democratic and effective in combating the threat.

Narrow national mindsets are counterproductive. Legal institutions, law enforcement and intelligence agencies must co-operate and exchange pertinent information across national boundaries.

Citizens and Democracy

Only freedom and democracy can ultimately defeat terrorism. No other system of government can claim more legitimacy, and through no other system can political grievances be addressed more effectively.

Citizens promote and defend democracy. We must support the growth of democratic movements in every nation, and reaffirm our commitment to solidarity, inclusiveness and respect for cultural diversity.

Citizens are actors, not spectators. They embody the principles and values of democracy. A vibrant civil society plays a strategic role in protecting local communities, countering extremist ideologies and dealing with political violence.

A Call to Action

An aggression on any nation is an aggression on all nations. An injury to one human being is an injury to all humanity. Indifference cannot be countenanced. We call on each and everyone. On all States, all organizations – national and international. On all citizens.

Drawing on the deliberations of political leaders, experts and citizens, we have identified the following recommendations for action, which we believe should be extended, reviewed, and implemented as part of an ongoing, dynamic process.

The Madrid Recommendations

Political and philosophical differences about the nature of terrorism must not be used as an excuse for inaction. We support the Global Strategy for Fighting Terrorism announced by the Secretary General of the United Nations at the Madrid Summit on March 10. We urgently call for:

- the adoption of the definition proposed by the United Nations High-Level Panel on Threats, Challenges and Change.
- the ratification and implementation of all terrorism-related conventions by those states which have not yet done so.
- the speedy conclusion of the Comprehensive Convention on International Terrorism.

And we believe it is a moral and practical necessity to address the needs of terrorist victims. We therefore recommend:

- the exploration of the possibility of creating high commissioners for victims both at the international and the national level, who will represent the victims' right to know the truth, as well as obtain justice, adequate redress and integral reparation.

International Co-operation

The basis for effective co-operation across national borders is trust and respect for the rule of law. Trust is built through shared norms, reciprocity and the practical experience of effective collaboration. To encourage this sense of mutual confidence, we propose:

- the establishment of regular, informal forums for law enforcement and intelligence officials, which may grow from bilateral consultations into a formalised structure for multilateral co-operation.
- the strengthening of regional organisations, so that measures to combat terrorism are tailored to local needs and benefit from local knowledge and networks.
- the effective co-ordination of these mechanisms at the global level.

International collaboration in the fight against terrorism is also a question of human and financial capital. We call for:

- the establishment of an international mechanism – including states, non-governmental organisations and the private sector – to help link states that are in need of resources with those that can provide assistance.
- the creation of a trust fund for the purpose of assisting governments that lack the financial resources to implement their obligations, as proposed by the United Nations High-Level Panel.

Underlying Risk Factors

Terrorism thrives on intimidation, fear and hatred. While authorities have a responsibility to ensure freedom, including religious freedom, leaders, including religious leaders, have a responsibility not to abuse that freedom by encouraging or justifying hatred, fanaticism or religious war. We propose:

- the systematic promotion of cultural and religious dialogue through local encounters, round tables and international exchange programmes.

- the continuous review by authorities and the mass media of their use of language, to ensure it does not unwittingly or disproportionately reinforce the terrorist objective of intimidation, fear and hatred.
- the creation of programmes, national and international, to monitor the expression of racism, ethnic confrontation and religious extremism and their impact in the media, as well as to review school textbooks for their stance on cultural and religious tolerance.

While poverty is not a direct cause of terrorism, economic and social policy can help mitigate exclusion and the impact of rapid socioeconomic change, which give rise to grievances that are often exploited by terrorists. We recommend:

- the adoption of long-term trade, aid and investment policies that help empower marginalised groups and promote participation.
- new efforts to reduce structural inequalities within societies by eliminating group discrimination.
- the launch of programmes aimed at promoting women's education, employment and empowerment.
- the implementation of the Millennium Development Goals by 2015.

Terrorists prosper in societies where there are unresolved conflicts and few accountable mechanisms for addressing political grievances. We call for:

- new initiatives at mediation and peace-making for societies which are marked by conflict and division, because democracy and peace go hand in hand.
- a redoubling of efforts to promote and strengthen democratic institutions and transparency within countries and at the global level. Initiatives such as the Community of Democracies may contribute to this goal.

Confronting Terrorism

Democratic principles and values are essential tools in the fight against terrorism. Any successful strategy for dealing with terrorism requires terrorists to be isolated. Consequently, the preference must be to treat terrorism as criminal acts to be handled through existing systems of law enforcement and with full respect for human rights and the rule of law. We recommend:

- taking effective measures to make impunity impossible either for acts of terrorism or for the abuse of human rights in counter-terrorism measures.
- the incorporation of human rights laws in all anti-terrorism programmes and policies of national governments as well as international bodies.
- the implementation of the proposal to create a special rapporteur who would report to the United Nations Commission on Human Rights on the compatibility of counter-terrorism measures with human rights law, as endorsed by the United Nations Secretary General in Madrid.
- the inclusion and integration of minority and diaspora communities in our societies.
- the building of democratic political institutions across the world embodying these same principles.

In the fight against terrorism, any information about attacks on another state must be treated like information relating to attacks on one's own state. In order to facilitate the sharing of intelligence across borders, we propose:

- the overhaul of classification rules that hinder the rapid exchange of information.
- the clarification of conditions under which information will be shared with other states on the basis of availability.
- the use of state of the art technology to create regional and global anti-terrorism data bases.

The principle of international solidarity and co-operation must also apply to defensive measures. We recommend:

- the creation of cross-border preparedness programmes in which governments and private business participate in building shared stockpiles of pharmaceuticals and vaccines, as well as the seamless co-operation of emergency services.

Solidarity must be enhanced by new efforts at co-ordinating the existing instruments of anti-terrorist collaboration. We propose:

- the streamlining and harmonisation of national and international tools in the fight against terrorism.
- the creation of clear guidelines on the role of the armed forces in relation to other agencies of law enforcement at the national level.
- the drawing up of national plans to co-ordinate responsibilities in the fight against terrorism, allowing for agencies or organisations with special skills to contribute to a comprehensive effort.

The threat from terrorism has made efforts to limit the proliferation of weapons of mass destruction even more urgent. We call for:

- the United Nations Security Council to initiate on-site investigations where it is believed that a state is supporting terrorist networks, and if necessary to use the full range of measures under Chapter VII of the United Nations Charter.
- the conclusion of the International Convention for the Suppression of Acts of Nuclear Terrorism, and the strengthening and implementation of the biological weapons convention.
- the continuation of innovative global efforts to reduce the threat from weapons of mass destruction, such as the Global Threat Reduction Initiative and the Global Partnerships.

Terrorists must be deprived of the financial resources necessary to conduct their campaigns. To curb terrorist funding networks, we recommend:

- increased and co-ordinated law enforcement and political and civic education campaigns aimed at reducing the trafficking of illegal narcotics, revenues from which are used to finance terrorism.
- the creation of an international anti-terrorist finance centre, which furthers research, trains national enforcement officials, and serves as a source of co-ordination and mutual assistance.
- the development of tools to increase the transparency of fundraising in the private and charitable sectors through the exchange of best practices.
- the expansion of 'financial intelligence units', which facilitate the effective corporation between government agencies and financial institutions.

Civil Society

The process of building democracy as an antidote to terrorism and violence needs to be supported by the international community and its citizens. We propose:

- the creation of a global citizens network, linking the leaders of civil society at the forefront of the fight for democracy from across the world, taking full advantage of web-based technologies and other innovative forms of communication.
- an 'early warning system' as part of this network, helping to defuse local conflicts before they escalate, as well as providing a channel for moral and material support to civil society groups facing repression.

Taking The Madrid Agenda Forward

The Club de Madrid will present the Madrid Agenda to the United Nations, the forthcoming Community of Democracies ministerial meeting in Chile, as well as other institutions and governments. The Club de Madrid will engage with universities, specialised research institutes and think-tanks to elaborate the proposals made by the Summit's working groups and panels.

The space for dialogue and exchange of ideas opened by this Summit, drawing on the work of the numerous experts, practitioners and policymakers involved, must continue. The papers prepared provide a powerful tool for all those who wish to understand the challenge from terrorism and seek effective solutions.

Keeping in our hearts the memory of the victims of terrorism in different continents, and in particular the terrible attacks in the United States in 2001, we believe it would have both symbolic and practical value to hold a further global conference on September 11, 2006, to take stock of the progress made in realising the Madrid Agenda.

Madrid, March 11, 2005



The Club de Madrid Series on Democracy and Terrorism consists of three volumes:

- **Volume I**

Addressing the Causes of Terrorism

includes contributions on the psychological roots of terrorism, political explanations, economic factors, religion, and culture.

- **Volume II**

Confronting Terrorism

deals with policing, intelligence, military responses, terrorist finance, and science and technology.

- **Volume III**

Towards a Democratic Response

addresses the role of international institutions, legal responses, democracy promotion, human rights and civil society.

