SAFE AND FREE

Democratic security and human rights

Democratic security debates
at the Council of Europe
2015-2017

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Preface by Thorbjørn Jagland

Ismail Serageldin
Alexey Venediktov
Gilles Kepel
Christiane Taubira
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Preface

At the Council of Europe's first summit in Vienna in 1993 our Organisation was tasked explicitly with strengthening democratic security on the continent. At that time, there was a great deal of optimism about how that might be achieved. Democracies in western Europe were stable. The fall of the Iron Curtain promised a new dawn for post-communist countries in the east. There was an expectation that a democratic Europe would rise, underpinned by shared values.

Today, the picture is more complex. Over the past 25 years there have been further episodes of ethnic enmity and violence and territorial occupation in Europe. Old tensions did not die with the fall of the Berlin Wall: rather, they lay dormant and can be awoken even now. Added to this, modern Europe is confronting the mutually reinforcing challenges of migration, extremism and populism, including within some Council of Europe member states. With fake news in circulation, the impartiality of the media in question and public surveillance on the rise, many citizens feel threatened, insecure and uncertain who or what they can trust.

While the picture has changed, the Council of Europe's principles have not. We continue our work to uphold democracy, human rights and the rule of law – and the democratic security that comes with these. In order to do this, it is essential to facilitate discussion and generate ideas.

Co-organised with our long-standing partner, the French École Nationale d'Administration (ENA), our Debates on Democratic Security have done just that. Featuring eminent personalities from academia, politics and civil society, these conversations have examined key facets of the contemporary debate. Among the topics covered, the five pillars of democratic security have been prominent: efficient and independent judiciaries; freedom of expression; vibrant civil society; legitimate democratic institutions; and inclusive societies. Together, these are the solid foundations upon which to build a stable and lasting peace and our speakers have given their thoughts on how to do so in the context of current challenges.

This publication contains a summary of the lectures that introduced and informed the 13 debates held at the Council of Europe between 2015 and 2017. It has been compiled with the intention of sharing a better understanding of the significance of democratic security and our hope that it can be delivered to the benefit of all citizens in Europe.

I thank all the distinguished experts involved for their outstanding contributions.

Thorbjørn Jagland
Secretary General
of the Council of Europe

A word from the ENA

In recent years, international relations have taken a turn for the worse: military interventions, civil war and unrest have fostered intolerance and confrontation. Combined with ongoing economic uncertainty, these security challenges have created fertile ground for nationalist and populist movements eager to exploit public anxiety and question the very foundations of democratic societies.

In such an uneasy context, real progress towards good democratic governance, living together in diversity and reconciling security and fundamental freedoms is hard to achieve. Promoting human rights, democracy and the rule of law therefore remains a crucial responsibility for Europe and the international community.

The French National School of Administration (ENA) is deeply attached to these ideals and places them at the very heart of its curriculum for civil servants in France and abroad. This is why the ENA is proud to partner with the Council of Europe in organising a cycle of high-level conferences dedicated to the concept of democratic security and fostering debates on its multiple facets and implications, including freedom of speech, populism, the independence of the judicial system, realpolitik, cosmopolitanism and the European project, freedom in the digital era, state security, human security and democratic security.

Our co-operation is founded upon the promotion of and respect for core European values. Indeed, Europe is first and foremost a union of people and shared values, defending peace, democracy and the rule of law. In Europe today we must work together if we are to successfully tackle the many challenges and threats that jeopardise the premises of freedom, equality and respect for human rights. Jean-Claude Juncker, as President of the European Commission, clearly illustrated this union when he stated that: "The Council of Europe and the European Union were products of the same idea, the same spirit and the same ambition. They mobilised the energy and commitment of the same founding fathers of Europe."

The defence of European values goes hand in hand with a better understanding of the European project, and the ENA, as a school of applied learning, deciphers Europe through its training and capacity-building projects and its commitment to better equip civil servants and public administrations in addressing these emerging challenges.

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Editor's note

We live in turbulent times. The European political and social model built in the aftermath of the Second World War, which has brought decades of peace and stability to the continent, is increasingly being challenged and undermined. Populism, offering false and dangerous responses to citizens' often legitimate grievances, is gaining ground. In some countries, the stark reality of growing unemployment, marginalisation and insecurity has engendered an unexpected rise in extremism, racism and xenophobia, particularly among young people. In other countries, increased crackdowns on journalists and the media are seriously threatening the freedom of expression that is a vital aspect of our democracies, and human rights and liberties are being pushed aside under the pretext of enhancing security. Technological developments are constantly bringing new opportunities, but also raise questions to which we do not always have adequate responses. Trust in our national and European institutions and their capacity to respond effectively to numerous challenges, from security concerns to the economy, unemployment, managing migration flows and others, is in steep decline.

Today's situation provides dramatic evidence of the link between democracy and security. With the rule of law, the protection of human rights and democratic institutions under pressure, threats to security are heightened and multiplied. The Council of Europe can – and must – play a central role in our collective response to these challenges. In order to do so, it needs to look critically at itself, its member states and the developments in its environment. This third series of debates, devoted to democratic security, was set up to stimulate this reflection. The aim was to examine the current thinking and the dynamics behind the concept of democratic security, to identify the main challenges and to explore how democratic security can strengthen peace and stability in Europe.

This publication contains lectures delivered by eminent personalities between 2015 and 2017 within the framework of the series of the Council of Europe Debates on Democratic Security.

Co-organised by the Council of Europe and the Strasbourg-based École Nationale d'Administration (ENA), the debates featured 13 distinguished speakers from the worlds of politics, academia and civil society. We were fortunate enough to welcome Ismail Serageldin, Alexey Venediktov, Gilles Kepel, Christiane Taubira, Rama Yade, David Lyon, Natan Sznaider, Ahmet Insel, Jan-Werner Müller, Wolfgang Ischinger, Matthew Feldman, Claire Wardle and Peter Neumann.

Their presentations offered rich perspectives and often stimulated heated exchanges. On each occasion, the speakers tackled the issues surrounding democratic security from a specific angle, sharing insights and interpretations based on their own professional experience or field of expertise. Throughout the cycle of debates, our exploration of the paradigms of democratic security mirrored important developments in current affairs, allowing discussions to be all the more topical and relevant.

Starting from the legal origins of democratic security, sociology professor and Holocaust expert Natan Sznaider retraces how human rights and collective responsibility came to be embodied in international law following the end of the Second World War. Whether one sees the Holocaust as the culmination of the history of anti-Semitism, as the apogee of the history of racism or as a crime against humanity, there is no denying that its occurrence paved the way for the legal encoding of human rights in the immediate post-war period. Europe's collective memory of the Holocaust recalls the basis of the European Union (EU). If we want to excavate the original consciousness of cosmopolitanism that lies at the heart of the European project, it is the collective memory of the Holocaust and the ensuing Nuremberg trials that provide our clearest archive, for this was the first kind of legal system that went beyond the sovereignty of the nation state. According to Sznaider, only deliberately remembering these origins can help us overcome the wave of modern-day pessimism that surrounds the European idea.

No talk about democratic security can be carried out effectively without acknowledging the different nuances the term "security" itself can assume. Economist and political scientist Ahmet Insel tackles precisely this question in looking at the apparent paradoxes between state security, human security and democratic security, especially in societies with fragile democratic institutions. The underlying risk today is an obsessive securitisation of society: is the fact that security is constantly being discussed an indication that we are living in a new era of instability following the end of the Cold War and the advance of globalisation? A worrying trend is starting to arise from this tendency to over-securitise, Insel argues, and it can be seen in the way that heightened security concerns are reinforcing new state measures of surveillance and are facilitating the abandonment of fundamental rights and liberties. Despite the legitimacy of security concerns, we must never allow them to corner us into overlooking our human rights and freedoms, he concludes.

The presence of a strong, efficient and independent judiciary is one of the pillars of democratic security. How, though, can such an efficient and independent judiciary be ensured? This is the question at the core of the presentation delivered by Christiane Taubira, former French Minister of Justice. Providing the perspective of a true practitioner, Taubira addresses the main obstacles surrounding the effective functioning of a state's judicial system, identifying access to justice and the fight against corruption as major challenges to tackle. Democratic security is guaranteed by allowing judges and lawyers enough room for manoeuvre to verify the upkeep of the law, and by ensuring that this is always kept separate from the control of the executive power. True justice can only be achieved if there is widespread trust among citizens in public institutions as guarantors of their rights. Hence, it is of fundamental importance to ensure the unquestionable ethics of judges and lawyers and to continue the fight against economic crimes and corruption within the system itself.

Democratic security also means protecting human rights, and Rama Yade, France's former Secretary of State for Human Rights and for Sport, is well positioned to argue this. She speaks about the situation of human rights in Europe today, and of their coexistence with the requirements of democratic security, as well as of the impact that the rise of terrorist activities has had on their protection. Pursuing national interests and protecting human rights have sometimes been perceived as conflicting priorities, and the history of human rights is not one of a victorious march through time, but rather one of a daily battle, sometimes against tradition, often against the established order, and always against religious or cultural ignorance and prejudices. Yade ultimately concludes that while over the years enormous progress has been made in the establishment of an international legal framework assuring that the protection of human rights is taken seriously, we must not allow the current times of crisis to lessen our faith in democracies as the guardians of human rights.

Along with efficient and independent judiciaries, freedom of expression is also a basic tenet of democratic security. In his lecture on the importance of free and independent media, journalist and Chief Editor of the Echo of Moscow radio station, Alexey Venediktov, explains the risks that the digital age represents for the authenticity and reliability of the news and information we receive, as well as for the accountability of its authors. Whether intentional or not, misinformation can have harmful consequences for democratic security, as the line between misinformation and propaganda becomes progressively blurred. Turning to his own country, Venediktov sketches a bleak overview of the waning freedom of the media in present-day Russia, highlighting the increasingly important role of new online media and the threat to democratic security represented by the current levels of censorship and self-censorship of journalists.

Not straying too far from this subject, in her contribution Claire Wardle, Director of First Draft, tackles the challenges to freedom of expression posed by the calculated spread of "fake news". Arguing that this term has been "weaponised" to undermine press freedom and is too simplistic to describe the complexity of the phenomenon, Wardle prefers to talk about an ecosystem of disinformation, misinformation and mal-information. Here, not only is false information spread, but genuine content is manipulated, misleading content is created and personal information is leaked for all to see, in a shift from private to public spaces. While fake news and hoaxes have always existed, the challenge today is coping with the ease and speed at which fabricated content is created and shared. The only solution to the issue, Wardle ultimately concludes, is to conduct proper research and foster co-operation between the different parties involved, so as to rebuild society's trust in the quality of news, improve critical approaches to information and raise awareness about disinformation.

The shift from private spaces to public ones not only concerns the information ecosystem. In recent years – following shocking revelations about mass surveillance of citizens' personal information by the state – the issue of data protection has come to the forefront of the political debate, reminding us that security is not only collective but also individual. David Lyon, Director of the Surveillance Studies Centre at Ontario's Queen's University, guides us in his lecture through a tour of our surveillance rights and freedoms in the age of digital modernity. Wondering whether the performative aspect of our digital behaviour has not unwittingly endorsed the establishment of a

surveillance society, Lyon argues that we are often complicit in encouraging a state of surveillance in many ways. In this context, the key to safeguarding our rights lies in democratic participation: it is our own proactivity concerning cybersecurity and our own decision to submit complaints to data protection bodies that directly affects how far surveillance can go. Our activities contribute to the creation of a surveillance culture, but they can also contribute to its modification and redirection.

Maintaining the spotlight on the challenges of the digital age, Wolfgang Ischinger, former German ambassador and current Chairman of the Munich Security Conference, argues that the coming of the digital era has brought with it transformative changes of both a positive and negative nature. While digital developments have allowed democracy to become more transparent, more accountable and more participatory, the rise of populist political forces can also be traced back to the same processes. The ubiquitous availability of social media and digital access to information is a double-edged sword, and the easy spread of fake news through the web shows how a lot of damage can be done with relatively few resources. Pointing to possibilities for addressing these challenges, Ischinger expresses his belief in the need for an institutional solution, and the creation of an institutional body to monitor the implementation, verification and revision of a convention regulating the cyberworld.

Arguably one of the biggest threats to our democratic security lies in the rise of violent extremism and radicalisation. Today, the terrorist threat comes not only from outside Europe but also from within, with many young Europeans rejecting the fundamental values of democracy and human rights and turning to extremist organisations in their quest for identity. Offering a rich analysis of the factors that contributed to the development of this situation, Ismail Serageldin, founder and director of the Egyptian Bibliotheca Alexandrina, explains what exactly pushes young Europeans to join the ranks of Daesh in Iraq and Syria. There is a rift, he argues, between the Muslim and non-Muslim world, with many young Muslims feeling alienated from mainstream societies, with few prospects and many of their grievances unaddressed. This resentment becomes a fertile ground for indoctrination and recruitment by extremists, who exploit the youngsters' need for a sense of affiliation and belonging. The key to preventing this from happening, Serageldin believes, lies in a change in the way religious, public and cultural discourse is built in Western countries. The teaching of different historical narratives and the creation of a cultural alliance on both sides of the Mediterranean could be a solution to defeating terrorism and ensuring democratic security.

The intense public debate around the threat of home-grown terrorism has also been sparked by the numerous attacks that have taken place on European soil over the past few years. In his presentation, Gilles Kepel, a leading expert in Islamic extremism, addresses the situation in Europe in the aftermath of the terrorist attacks in Paris and Brussels in 2015 and 2016, as well as their impact on democratic security and respect for human rights and freedom. In a lecture that sketches the history of Salafism and jihadism in Europe, Kepel argues that radical Islam and Western elites are to blame for the creation of a fertile ground that gave rise to what he calls "a third-generation jihad". The social, political and economic marginalisation of the young generation has led to an increasing rejection of common democratic values, which in turn has encouraged the spread of home-grown terrorism. According to Kepel, the solution to

the issue is to be found in a better historical understanding of Islam, in abandoning all Islamophobic prejudices and in focusing on building inclusive, tolerant societies.

In the context of jihadist terrorism, Peter Neumann deconstructs five common myths surrounding radicalisation and disengagement to offer a more nuanced understanding of the situation in Europe. In questioning the factors that lead people to radicalise, he widens the discussion from a single-factor approach to one which examines the profile, social status, friendship and kinship ties of the young people who turn to terrorism. Drawing on his own research, he cautions that the role of the internet must not be overstated; people are very rarely radicalised online, even if the story of their radicalisation is often played out online. Neumann also explores the nature of the relationship between Islam and Salafi jihadism by drawing analogies with national identities, concluding that while they jihadism can be located on the spectrum of Islam, it does not represent Islam. Lastly, he offers an assessment of current deradicalisation and disengagement programmes in Europe.

Over the past two years, populism has been the word on the tip of everyone's tongue, seen, alongside terrorism, as one of the most pressing concerns. But what exactly is populism, and what dangers does it entail for democracy? Jan-Werner Müller, a leading expert on the topic, tries to provide answers to these questions in his presentation. Offering an in-depth analysis of the nature and dynamics of populism, Müller focuses on how populists gain access to power. Once – and if – this happens, their destabilising attitude has negative impacts on the public debate, democracy, the plurality of political systems and, in the long term, basic human rights and freedoms. As to how populist discourse can be effectively defused, Müller argues that there is no straightforward solution, but stresses that citizens have an important role to play in reaching out to those who have different opinions and in fostering constructive debate.

Running parallel to populism, another current challenge to our democracies comes from the revival and spread of far-right parties in Europe. Sketching out the history of the rise of the far right, Matthew Feldman, a leading expert on fascist ideology and the contemporary far right, argues that far-right movements today have managed to establish themselves in the mainstream political arena as a result of a reshaping of their outward appearances. Adopting what he describes as "doublespeak", far-right parties have reshaped their "front-stage" appearance under the guise of moderation and reform while maintaining a "backstage" of extreme-right activism. It is precisely this revamp that has allowed them to become mainstream. The far right poses a threat to the long-term security of our liberal democracies, precisely because it tries to erode their foundations: tolerance, inclusiveness and human rights. In these delicate times, Feldman concludes, we need to remind ourselves that we are the guardians of such foundations, and should reaffirm our liberal democratic values with pride in the face of potential attacks from within.

Matjaž Gruden
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