

Internal security challenges in the transatlantic relationship – How can we reconcile personal freedoms and security?

**Speech by the Federal Minister of the Interior, Wolfgang Schäuble
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About two weeks ago we commemorated the atrocious terrorist attacks on 11 September 2001 in New York and Washington. This day made us painfully aware of a new dimension of terror and a new global threat. Today, Islamic terrorism is the greatest threat to our security. It isn't a national issue with cross-border implications as was terrorism in the 1970s. It's a global threat to all Western societies.

Terrorist messages still focus on the United States of America due to its dominant position in the world. But ultimately, terrorism turns against all free societies. The attacks in Madrid and London killing hundreds of people are sad examples.

But Germany must also expect to be targeted by terrorists – even though luck and good work of security authorities have prevented attacks so far.

Last year it was pure luck that two suitcase bombs which had already been placed in a train failed to explode because of a small technical defect. If the bombers' plan had worked out, many people would have lost their lives.

Early this month our security authorities arrested three terrorist suspects thus preventing imminent large-scale attacks. According to our intelligence, they intended to carry out attacks against American facilities in Germany. To this end, they had chemicals, cables and fuses. The explosive material – twelve vats of hydrogen peroxide – could have been used to build bombs with more explosive power than the ones used in the Madrid and London bombings. As soon as the suspects began preparing the explosive, authorities intervened.

Modern state theories are based on the idea that the first and foremost task of the state is to ensure security to prevent civil war and to take precautions against attacks of external enemies. The state's monopoly on the use of force is justified by its mandate to ensure protection and security.

For accomplishing this task it is important to maintain the balance between what is necessary in terms of security and what can be justified under the rule of law. In this respect, there is no categorical trade-off between liberty and security. In fact, these goals mutually complement one another in a way that cannot be understood in terms of opposites.

Freedom requires security. Freedom in a state under the rule of law requires compliance with law. For if there is no legal peace and legal certainty, freedom vanishes very quickly.

State powers, that is legislative, executive and judicial branch, must constantly seek to maintain and restore this balance.

The new threats of the 21st century must be addressed in the same way. These are: international terrorism and cross-border crime. As the globalization of our society and economy progresses crime and terrorism change as well. Therefore, our countries' security situation – in particular internal security – cannot be assessed without reference to today's

global security and conflict situation.

The new threats make themselves felt through numerous crises and conflicts worldwide which are no longer restricted to sovereign states. Today, conflicts may include civil wars and be dominated by self-proclaimed warlords, guerrilla fighters, and regional and private forces. Threats emanating from the loss of sovereignty, from failing states and asymmetric warfare are harder to predict and control.

Global tensions and conflicts fuel terrorist developments, which doesn't make it easier for us to set or even define boundaries. Hence, the globalized, networked and mobile world virtually forces us to respond to the blurring lines between internal and external also in terms of security policy.

A major challenge of our century are asymmetric conflicts. The asymmetry in the fight against terrorism is not restricted to the battle and different military strength and justification. Asymmetry encompasses the entire confrontation with international terrorism. The new dimension of asymmetric conflicts is reflected in the significance of mass media for spreading information: The parties involved seek media dominance at a global scale, because they do not so much aim at military dominance as at attracting the attention of the world public.

There are no easy and reliable answers to the question of how to overcome the scourge of terrorism. So we must be willing to learn. And there is also no guaranteed security against the terrorist threat. But this doesn't absolve us from the responsibility to constantly seek the optimum solution.

The increasing permeability – or even abolition – of borders, that is, the growing number of people's cross-border activities, including criminals and terrorists, requires strengthened international cooperation. We must take actions across borders and be just as networked as terrorists and criminals – both at international and at national level.

In operational terms, we must be at eye level with those threatening our security. This means that we must apply and control the 21st century technical means used by criminals and terrorists to commit their offences.

The most important instrument in the fight against terrorism is intelligence. Information is our only chance to avert threats before damage is caused. Therefore it is crucial that authorities collect and link information and effectively investigate and cooperate at national and international level.

We have achieved a lot since September 2001, in particular regarding international cooperation. Another achievement is the agreement between the United States and the European Union on the transfer of passenger name records, which was concluded in June. During the German EU Presidency, the European Union, the Commission and the United States also agreed on the exchange of data on international financial transactions. We must proceed on this path. During my visit to the United States last year I therefore agreed with my counterpart Michael Chertoff to prepare a bilateral agreement to intensify information sharing between Germany and the United States.

The Internet plays a special role in counter-terrorism. The Internet's decentralized and unregulated structure offers a huge resource for terrorists: It is at once a communication platform, an advertising medium, a distance university, a training camp and a think tank – and an instrument for recruiting new terrorists.

The global information society also has a potential for crime. Therefore, the democratic state under the rule of law must not lag behind the times regarding the use and control of information technology. The state under the rule of law must confront terrorists and criminals wherever they operate.

As we start collecting and linking information we soon encounter privacy concerns and restrictions. The need for data protection is beyond question.

But I believe that data protection should not make the state blind and ignorant. Data protection does not require the state to look away when serious crimes are being prepared. In my understanding, data protection requires the state to establish transparent rules defining who collects which data for what purpose, which data may be linked, how long they may be stored and so on.

To this end the United States and the European Union in November 2006 agreed to set up a High-Level Contact Group on data protection issues. It is to provide a reliable legal basis for the necessary exchange of data. The European Union and the United States agree on the basic principles, even though there are differences in the legal systems regarding data protection.

Since internal and external security are not separable in a globalized world, we have to maintain our security through military missions abroad. For we depend on developments worldwide in almost every respect, that is, at economic and political level but also with regard to our security.

In Germany, this needs to be explained every now and then when people ask what our soldiers are doing in Afghanistan, for example: They are working for the security of the people in countries lying much further to the west. Traditionally, the United States have fewer difficulties with this. These missions are necessary to control threat situations and to stabilize security.

At the same time, we should see to it that military operations help achieving our goals instead of being a mere provocation. Decisions taken during asymmetric conflicts are based not only on military but also on economic, social and political grounds. Therefore, these conflicts cannot be solved by military force alone. Ultimately, we must convince people of our values of a free society. This is the only way to permanently stabilize crisis regions. In this context, the role of media cannot be overestimated.

One year ago I launched the German Islam Conference to initiate a permanent institutionalized dialogue with Muslims in Germany. This is another important task in our globalized world: The increasingly heterogeneous societies must not drift apart but seek to preserve a sense of community. We need multilateral cooperation, not unilateral decisions.

The efforts and commitment of individual countries are the basis for effective crime prevention. But at the same time, unilateral decisions will not help solve the problems of our modern, globalized world, especially because the asymmetric conflict with terrorism is not only about military power but also about the public perception of our actions. We need to strengthen our coordination efforts to reach our common goal, namely to permanently maintain freedom and security in our countries.

We need a common understanding of international security policy to be able to actively and effectively fight international terrorism. For this reason, I sometimes think that the transatlantic relationship would benefit from something similar to the EU's "area of freedom, security and justice" – a sort of transatlantic security area resting on a solid legal basis.

We should also try to discuss international law issues with a view to the changing situation. I'm convinced that basically, both national legislation and international law are no longer really fit to deal with the new types of threat. Since the boundaries between internal and external security are becoming blurred, the distinction between international law in peacetime and international law in wartime is no longer helpful. Also the distinction between combatant and non-combatant seems to be no longer sufficient.

And thus there are several questions which we have only very hesitantly started discussing in the public debate so that we will finally be able to take political decisions. I don't have ready answers. But I do think we need international debate on these issues. No country can discuss them on its own.

Germany and the United States of America share the view that freedom, peace and justice are inseparable. We are convinced that every person has a unique dignity. We believe that everyone is entitled to an independent and autonomous life within a society based on solidarity. This understanding is a solid basis for taking joint action against terrorism to preserve our freedom for the future.