



Ilya Rogachev

THE EUROPEAN CONVENTION ON CYBERCRIME IS INADEQUATE
TO THE TASK

How successful is the ongoing cooperation within the UN framework in countering terrorism? What is the role played by Russia in developing and implementing measures against new challenges? What is, and what should be the role of non-government actors in anti-terror partnership? We have put these and other questions to the Director of the Department on New Challenges and Threats of the Russian Foreign Ministry, Ilya Rogachev.¹

SECURITY INDEX: What are the main tasks facing Russia in fighting terrorism? How successful is the ongoing cooperation within the UN framework in resolving those tasks?

ROGACHEV: Terrorism remains one of the key threats to global peace and security. Especially dangerous is the possibility of terrorists acquiring advanced technologies and elements of weapons of mass destruction. Clearly, we should work together to counter that threat by developing international cooperation on anti-terrorism.

In 2001 the UN Security Council declared terrorism to be a threat to global peace and security. That was the first time this international problem, which has non-state origins, was given such status.

Russia advocates measures to strengthen the international system of countering terrorism. It places special emphasis on helping individual countries to strengthen their counter-terrorism capability. The main coordinating center of this system is the UN and the Security Council.

It is necessary to ensure a speedy and comprehensive implementation of the UN Global Counter-Terrorism Strategy (GCS) to prevent terrorism, halt the propagation of the ideology of extremism and violence, and stop the use of the media, including the Internet, for terrorism-related purposes.

I believe that we should welcome the results of the second review of the Strategy, which took place on September 7, 2010 in New York. But the conceptual parameters of the GCS should remain unchanged, taking into account the fact that it was adopted unanimously at the 60th session of the UN General Assembly in 2006.

After the signing in March and April 2010 of the Declarations of Cooperation by the Organization for Security and Cooperation in Europe (OSCE) and the Shanghai Cooperation Organization (SCO) with the UN, the contribution of these two regional organizations to our joint efforts in countering new challenges and threats will increase.

I therefore believe that international cooperation in fighting terrorism is on the right track. Over the past few years we have achieved certain progress in terms of law enforcement and the use of military force to fight terrorism. While we should continue our efforts in that direction, we should also pursue terrorism prevention strategies as one of our top priorities. Those strategies include countering the proliferation of terrorist ideology and propaganda.

SECURITY INDEX: What is the role played by Russia in developing and implementing measures to fight terrorism?



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ROGACHEV: Russia is increasingly becoming a leader in many new areas of international cooperation in fighting terrorism. Russia initiated and played a leading role in the adoption of the Council of Europe Convention on the Prevention of Terrorism, which was signed in 2005 and entered into force in 2007. Our country was the first to ratify the convention; provisions of the document have become part of the Russian national anti-terrorism legislation.

On the whole, the CE Convention on the Prevention of Terrorism is the first international legal instrument which focuses on terrorism prevention strategies. The cornerstone of the convention is a set of provisions introducing criminal responsibility for new crimes, such as publicly inciting to terrorism, recruiting terrorists and training them. The member states have undertaken a commitment to introduce criminal responsibility for such crimes in their national legislation, and to ensure full international cooperation in such criminal cases. Another important achievement of the CE Convention is a clear recognition of the principle of “extradite or prosecute”.

SECURITY INDEX: What are the difficulties in implementing international counterterrorism policy?

ROGACHEV: Success in countering new threats, such as terrorism, cannot be achieved only through efforts made by governments. We also need broad dialogue with various civil society structures, which can play a huge role in fostering the ideals of tolerance and mutual understanding between the various religious and ethnic groups, of respecting human rights and rejecting the ideology of violence.

It has already become clear that the terrorist threat requires a global response. It is impossible to defeat that threat using only the capabilities of government structures. We need to pool the efforts of all the branches and tiers of government, non-governmental and business structures, as well as the media. On the other hand, counterterrorism requires a holistic approach, which includes prevention and measures to minimize the consequences of terrorist attacks.

The situation in Afghanistan, Pakistan, Iran and other parts of the world confirms that the international community, which has been forced to wage war on terrorism, often loses the battle for people’s hearts and minds to terrorist ideologists. The terrorists are often free to recruit massive numbers of supporters all across the globe. That is our main difficulty. But there is now an understanding in the international community of the need for effective measures against incitement to terrorism, against the preaching of terrorist ideology, and against other strategies to radicalize the public, especially the young people.

SECURITY INDEX: What is, and what should be the role of non-government actors in an anti-terror partnership?

ROGACHEV: I don’t think there should be any doubt that efforts to counter terrorism should include not just government structures but civil society as well, including NGOs, religious and educational establishments, scientists and artists, the media and the private sector.

Cooperation between the private sector and the state in repelling the terrorist threat is obviously necessary. As part of its efforts to strengthen the international coalition against terrorism and to add a whole new group of participants to it, Russia, which chaired the G8 group in 2006, put forward an international initiative to create and develop an anti-terrorism partnership between states and business.

An important role here belongs to the International Strategy for Partnerships between States and Business to Counter Terrorism, which was adopted at a global forum in Moscow in November 2006. The strategy sets the political and organizational framework for active, voluntary and effective public–private dialogue and cooperation on a global, rather than the G8 scale. In essence, the Forum and the Strategy have launched a new international cooperation process. Russian government agencies and companies are playing a leading role in the implementation of a number of specific projects of partnership in countering terrorism as part of that strategy.

The topic of public–private partnership in countering terrorism is now firmly on the agenda of many international organizations, including the UN, OSCE, Collective Security Treaty Organisation (CSTO), SCO and the Council of Europe. One of the best examples is the OSCE conference on successful strategies, effective policy and best practice of terrorism prevention held in Astana on October 14–15, 2010. That was the OSCE’s key anti-terrorism event of the year.

SECURITY INDEX: What do you think is the role of civil society in countering the new security challenges?

ROGACHEV: Active involvement of civil society in an anti-terror partnership has a very important role to play. I would like to mention the involvement of the well-known International Academy of Television and Radio. On November 2–4, 2010 the academy held its sixth regular conference in Limassol, Cyprus, headlined “Terrorism and Electronic Media” to discuss ways of strengthening anti-terrorism cooperation between government agencies and the media. The next conference, the seventh, will be held in late 2011, also in Cyprus.

Research and education institutions are also getting actively involved in the anti-terrorism public–private partnership. Following the international science and education conference “Anti-terrorism partnership between states, business and civil society: practice, science and education” held by the Russian Foreign Ministry and the People’s Friendship University of Russia (Moscow, March 18–19, 2010), the university is now setting up an international counter-terrorism research and education center. The university will also publish the *Anti-Terrorism Courier* journal. On October 27–28, 2010 the university held a conference “Law-enforcement agencies in Russia and abroad at the current stage. Cooperation with civil institutions in fighting terrorism”. The conference was attended by members of the UN Secretariat group implementing the Global Counterterrorism Strategy, and of the United Nations Interregional Crime and Justice Research Institute (UNICRI).

SECURITY INDEX: What are the tasks Russia is trying to resolve in countering drug trafficking?

ROGACHEV: Countering drug trafficking is one of our top priorities. The so-called Northern Route of the flow of drugs from Central Asia to Europe goes via Russia; some 40 percent of all heroin made in Afghanistan is channeled along that route. As part of our efforts to stem the flow of heroin from Afghanistan we have established a partnership with France. In the framework of the so-called Paris–Moscow process we held the first ministerial conference in Paris in 2003 to discuss ways of halting the flow of drugs along the Northern Route from Afghanistan. In 2006 a similar conference was held in Moscow. Now we are preparing a third conference to be held in Vienna in 2011. The task, as I have already said, is to stop the drug traffickers from Afghanistan, or at least to create as many obstacles on their way as we possibly can.

There is also a separate task of halting the supply of precursors to Afghanistan. Precursors are chemical substances used in extracting opium and turning it into heroin. They are used in very large quantities. The Paris–Moscow process aims to resolve that problem, too. We also welcome the support of other countries.

SECURITY INDEX: Russia is facing a serious problem with corruption. In many cases the problem has a transnational nature—for example, corrupt officials often keep their ill-gotten gains abroad. What is the current state of Russia’s cooperation with other countries in fighting corruption? What can Russia do to improve the situation with money laundering, and what are the issues you want to see more prominently on the Financial Action Task Force (FATF) agenda?

ROGACHEV: Financial crime and corruption are two different things. Corruption is not just about bribery and wads of cash. The problem of corruption is also linked to non-material values.

Our country is on the right path as far as the implementation of the UN convention against corruption goes. In accordance with the commitments we undertook when we joined the convention, Russia has set up special agencies to fight this type of crime. That includes the Anti-corruption Council under the Russian President. In accordance with the decisions adopted by the Council we have set up a whole network of anti-corruption bodies, which is a necessary, albeit bureaucratic step towards stronger anti-corruption measures which these bodies will implement.

A very important element of international cooperation in fighting corruption is repatriating assets obtained by corrupt means and hidden abroad. Such assets are often extremely difficult to return. The countries which these assets are taken to are often interested in allowing them to be laundered in some way, so that they could stay in that country and strengthen its economy. That is one of the areas we are working on in the framework of the UN Convention against Corruption, i.e. on the international level.

Speaking about financial crime in general I would like to say that several years ago we set up a special agency called Rosfinmonitoring (Russian Financial Monitoring). It is essentially a financial



intelligence agency. Through that agency Russia is taking part in all the areas of countering financial crime on the international level.

We are successfully cooperating with FATF, and we support that organization. Russia, the Central Asian states and China are members of the Euroasian Group (EAG), an organization built along the FATF lines. The group works to implement FATF standards on countering financial crime and developing national financial intelligence capability. Russia is providing substantial assistance to EAG members in achieving these objectives. For example, Russian Financial Monitoring offers training programs for foreign specialists.

SECURITY INDEX: Does Russia have any proposals on fighting cybercrime?

ROGACHEV: Cybercrime is crime committed in the cyberspace to obtain some gain. This is a criminal justice area. We believe that we need international regulation to fight cybercrime. At this time there is next to no such international regulation in this field. Russia believes that the European Convention on Cybercrime is inadequate to the task at hand. Issues including jurisdiction in cyberspace or conducting investigations in cyberspace are not covered by that convention; they are not properly regulated on the international or even national level.

SECURITY INDEX: What do you believe is the main problem facing international cooperation in countering new security challenges?

ROGACHEV: On the national level various countries prioritize different issues, such as drug trafficking, people trafficking, cybercrime, etc. Meanwhile, crime syndicates are working very decisively; they pay no heed to national borders or to the boundaries of national jurisdiction, which constrain the national law-enforcement bodies. In terms of cooperation these syndicates are far ahead of the organizations which are trying to stop them. That, I believe, is the main problem we are facing at this stage.



NOTE

¹ The text of this interview is based on Ilya Rogachev's report at the meeting of the *Dialogue Club* International on December 1, 2010.