

Organization for Security and Co-operation in Europe High Level Meeting on the Prevention and Combat of Terrorism*

Lisbon, 12th June 2002

Conclusions

I

Introduction

The identification of and effective response to new risks and challenges to security have always been at the centre of the OSCE agenda and political debate. The tragic events of September 11 have presented the international community and individual states with a set of new global security threats, causing the international community to seek a common response.

The complex and global nature of terrorism demands a co-ordinated response and approach among all nations. In accordance with the Platform for Co-operative Security,

* Versão on line.

<http://www.osce.org/cio/documents/speeches/files/conclusions-12-06-2002-e.pdf>

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adopted at the 1999 Istanbul Summit, the OSCE believes that co-operation with other organisations and institutions must be an essential part in the planning and undertaking of the Organisation's activities in preventing and combating international terrorism.

In recognition of the leading role of the United Nations (anchored on the legal framework provided by the twelve United Nations Conventions and Protocols and United Nations Security Council Resolutions,) the OSCE participating States have emphasised their strong commitment to “reinforce and develop bilateral and multilateral co-operation with the United Nations and with other international and regional organisations, in order to combat terrorism in all its forms and manifestations”.

Acknowledging that the actions and initiatives of the OSCE in the fight against terrorism will only produce sustainable results if developed within a larger and over-arching framework, the Portuguese Chairmanship firmly believes that co-ordination, co-operation and the development of greater synergies amongst the various organisations and institutions is essential if we are to make preventing and combating terrorism a success. That is the objective of the meeting that has brought us here today.

II

Role of International and Regional Organisations

Participants discussed the role of the various international and regional organisations and institutions and evaluated the current state of play in the implementation of their respective strategies and action plans. The need to pursue and develop efforts already on track to ensure the full and expedient implementation of the numerous commitments undertaken by organisations, institutions and States was reinforced.

While acknowledging the important responsibility of international and regional organisations and institutions in driving forward and facilitating initiatives in the fight against terrorism, the role of States in the implementation of individual and collective commitments was also reiterated.

UNITED NATIONS

Security Council Resolutions 1368, 1373, 1377 and 1390 constitute a solid framework for the leading role of the United Nations in the fight against terrorism. Resolution 1373 breaks new ground and along with the 12 United Nations conventions and protocols

related to the prevention and combating of terrorism provide a legal and political basis for international action, including co-operation in financial, law enforcement, judicial, legislative, information, diplomatic and assistance areas. It also established the Counter Terrorism Committee with the mandate of monitoring the implementation of resolution 1373, which imposes binding obligations on all States to suppress and prevent terrorism. To achieve that end the Counter Terrorism Committee is expected to strengthen the national legal instruments and the means States have available with what is required to comprehensively and effectively respond to the global fight against international terrorism, and where appropriate to secure that States take action to upgrade their legislative and administrative capacities to implement resolution 1373. In this context the co-operation of regional and sub-regional organisations is fundamental and mutually reinforcing.

Within the United Nations system different funds, programmes and specialised agencies are engaged in the fight against terrorism, including the Office for Drug Control and Crime Prevention (ODCCP) in its two components of crime prevention and drug control. The ODCCP is engaged in a range of activities addressing the challenge of fighting terrorism in close co-operation with relevant regional and subregional organisations.

The leading role of the United Nations has been repeatedly underlined in building a global framework for the fight against terrorism. It is also in this perspective that we welcome all efforts to approve a comprehensive United Nations Convention against international terrorism.

Terrorism violates human rights and must be combated as such. It is imperative that counter-terrorism is pursued in a manner which safeguards and strengthens human rights. The international human rights standards embodied in the United Nations instruments, as well as, when applicable, the norms of international humanitarian law, must be scrupulously observed in counter-terrorism.

OSCE

Responding to the terrorist acts of 11 September 2001, the OSCE adopted the Bucharest Plan of Action, which was supplemented by the Programme of Action endorsed at the OSCE/UN ODCCP cosponsored Bishkek conference. A Senior Police Advisor has been appointed and the Action Against Terrorism Unit has been established at the OSCE Secretariat. In addition, the OSCE Chairman in Office appointed the former Danish Minister of Defence, Jan Troejborg, as his Personal Representative to co-ordinate OSCE

activities in the fight against terrorism and to drive forward the initiatives set out in the Bucharest and Bishkek documents, as well as activities addressing the four strategic choices: policing, border control, anti-trafficking and countering financing of terrorism. The Chairmanship has also initiated consultations on an OSCE Charter for the Prevention and the Fight against Terrorism.

In line with its comprehensive approach to security, the OSCE commits itself through its various instruments to ensure the implementation of these documents and support the overall activities of the United Nations. In addition, the theme of the Eleventh OSCE Parliamentary Assembly Annual Session in Berlin, 6-10 July 2002 will be "Confronting Terrorism: a global challenge in the 21st century." Meanwhile, the OSCE Secretary General reported to the United Nations Security Counter-Terrorism Committee on OSCE positions and activities with regard to United Nations Resolution 1373 (2001).

EUROPEAN UNION

The European Union has acted on several fields – political, diplomatic, legislative and law enforcement co-operation – to reinforce its ability to combat terrorism and to make an effective contribution to the international coalition against terrorism. The basis for the EU's approach to combating terrorism is the Action Plan endorsed by the European Council on 21 September 2001 which is being implemented by a roadmap. The Action Plan and Roadmap provide the framework for the development of specific measures to combat terrorism, both internationally and within the EU. These EU actions are underpinned and informed by UNSC 1373 and the work of the UN CTC. In the light of the CTC's work, the EU will focus on assisting others to implement UNSC 1373, as part of the overall objective of promoting counter-terrorism as an integral part of the EU's external relations.

The European Council of Laeken also gave way to a co-ordinated and multi-sectorial action, embracing a wide range of Union policies and instruments. Co-operation in the field of police, the judiciary and border management – through Europol and Eurojust contributes to the construction of the European Space of Freedom, Security and Justice. The strengthening of the instruments inherent to the Rule of Law, essentially by means of the convergence of Member States' legal systems is an important part of the integrated EU strategy.

The Common Foreign and Security Policy (CFSP), including the European Security and Defence Policy (ESDP), plays an important role in countering the threat posed by terrorism to our security and peace and in promoting peace and stability. EU relations

with third states and organisations have reflected the commitment to the fight against terrorism, by means of giving priority to this issue in all meetings, fora and dialogues and assessing relations with third countries in the light of their attitude towards terrorism. The ESDP will strengthen further as the EU and Member States enhance their military and civilian capabilities for crisis management.

NATO

Following September 11, for the first time in the history of NATO, Allies invoked Article 5 of the Washington Treaty, according to which an attack against one Ally is an attack against all. NATO is concentrating its response to terrorism on prevention, deterrence, protection, defence and interdiction. Conceptual work and activities on how best to pursue the fight against terrorism is underway. NATO's Summit meeting in Prague in November is expected to take stock of the progress achieved and to agree on a substantial package of measures to increase NATO's ability to respond to terrorism.

Development of the necessary capabilities will be a central element. The package is also expected to include a new military concept for defence against terrorism, new military tasks for NATO commanders including possible support for operations against terrorism by other international organisations or coalitions, a civil emergency action plan and new initiatives to enhance allied defence against WMD attacks. Until recently NATO provided airborne early warning support to the United States. Ongoing operational measures include the deployment of NATO's Standing Naval Force Mediterranean to the Eastern Mediterranean. NATO Allies and Partners also contribute to the counterterrorism operations and to the post-Taliban security effort, in Afghanistan. The new NATO-Russia Council is also expected to strengthen NATO-Russia co-operation in the fight against terrorism. At the December (2001) Ministerial, the NATO Foreign Ministers and representatives of the member countries of the Euro-Atlantic Partnership Council (EAPC) underlined their resolve to make full use of the EAPC/Partnership for Peace (PfP) framework to share intelligence, to co-ordinate practical activities, and to help protect their forces and populations against terrorism.

COUNCIL OF EUROPE

At its 109th session on 8 November 2001 the Committee of Ministers decided that the Council of Europe's contribution to international action against terrorism would

develop along three major lines of action. Strengthening legal action, safeguarding fundamental values, addressing some of the distant causes, in particular through greater social cohesion and intercultural dialogue. A Multidisciplinary Group On International Action Against Terrorism (GMT) was immediately set up. Its first progress report was considered on 3rd May 2002 by the Ministers who entrusted it with the preparation of a Protocol to the European Convention on the Suppression of Terrorism. The Steering Committee on Human Rights (CDDH) will approve, in June 2002, Guidelines on Human Rights And The Fight Against Terrorism that are expected to be a major reference for legislators and courts.

COMMONWEALTH OF INDEPENDENT STATES

On 21 June 2000, the Council of the Heads of State of the CIS countries approved The Program of Member States of the CIS on Combating Terrorism and Other Acts of Extremism for the Period Until 2003. The Program aims at co-ordinating efforts of the CIS countries in fighting international terrorism and other acts of extremism. It explicitly refers to the fact that it was elaborated in implementation of the 25 January 2000 decision of the Council of the Heads of State of the CIS countries on Combating International Terrorism in the Light of Decisions of the OSCE Istanbul Summit. The Program serves as a general framework document laying out a set of measures to be taken by CIS countries in combating terrorism. In accordance with the Program, also on 21 June 2000, the CIS Anti-Terrorist Centre was set up.

FATF

At an extraordinary Plenary meeting held in Washington D.C. on 29-30 October 2001, the Financial Action Task Force (FATF), extended its mandate beyond money laundering to include efforts to combat terrorist financing. At this meeting, the FATF agreed to a set of 8 Special Recommendations on Terrorist Financing, which represent a blueprint for action for all countries in the world.

In order to secure the swift and effective implementation of these new standards, the FATF agreed to a comprehensive plan of action which includes:

- the completion of a self-assessment of members and non-members vis-à-vis the 8 Special Recommendations;
- the publication of additional guidance for financial institutions to detect the financing of terrorism;

- the provision by FATF members of technical assistance to non-members, as necessary, to assist them in complying with the Special Recommendations.

At a global Forum to counter the financing of terrorism, held on 1 February 2002 in Hong Kong, China, almost 60 jurisdictions from FATF, the FATF-style regional bodies and the Offshore Group of Banking Supervisors as well as nine international organisations, stressed the importance that all countries in the world adopt and implement the Special Recommendations. The Forum called on all jurisdictions in the world to undergo a self-assessment exercise against the 8 Special Recommendations on the same terms as FATF members and to return the self-assessment questionnaire on terrorist financing to the FATF Secretariat by 1 May 2002.

Participants also discussed prospects for further initiatives and activities. Looking to the future, based on the concept of co-operative security and building on comparative advantages of all participating international organisations, there was consensus that further co-operation and co-ordination shall be developed in a number of areas.

III

Preventing and Combating Terrorism/Reinforcing Co-operation Among International and Regional Organisations

- Any global strategy aimed at combating terrorism must necessarily include measures directed at undermining the numerous circumstances and factors that provide fertile breeding grounds for terrorist activities.
- The fight against terrorism must also be built upon a comprehensive and long term approach to the prevention of terrorism. Participating Institutions and Organisations should jointly work towards reversing situations that are easily manipulated to the advantage of those fostering terrorism. In this context, poverty reduction, promotion of the rule of law, effective law enforcement, institution building, human rights, as well as international humanitarian law where applicable, tolerance, minority protection, democratisation, greater social justice and intercultural and inter-religious dialogue, addressing the issue of refugees, as well as arms control, conflict prevention and the peaceful settlement of conflicts should be privileged areas of intervention.

- Due to its intricate nature and global dimension, combating terrorism cannot be undertaken successfully at the level of a single state or organisation. Hence, the participants supported further co-operative security and concluded the following:
 - Close attention shall be given to the implementation of the United Nations legal framework and assistance will be provided to participating States in this respect. Wherever necessary national legislations should be reviewed and upgraded. All organisations and institutions present, namely through their presence in the field, will support the United Nations in monitoring compliance with the 12 United Nations Anti-Terrorist Conventions and Protocols and Security Council Resolutions.
 - Participating organisations and institutions shall especially maintain direct working relationships with the United Nations Counter Terrorism Committee concerning the identification of principles and best practices and technical needs of individual States with regard to the implementation of Security Council Resolutions 1373.
 - The designated points of contact of each participating organisation and institutions can function as a network to ensure a speedy and efficient exchange of information between all organisations and institutions present shall be established.
 - Special attention shall be given to law enforcement aspects of travel & ID documents, antitrafficking, organised crime and illegal immigration and corruption. In this sense, police training, intelligence, information and experience sharing are of particular significance.
 - Drug control and crime prevention are other important domains. Projects aimed at assisting national police authorities to develop a crime prevention strategy and youth awareness programmes should be further supported, in close co-operation with the United Nations Office for Drug Control and Crime Prevention.
 - Special efforts should be placed in developing measures directed at suppressing the financing of terrorism (money laundering, organised crime, trafficking) and the exploitation of the liberalisation of capitals and international trade for illegal means. Such measures shall be in compliance with the sanctions decreed by the United Nations and with the Recommendations of the FATF (Financial Action Task Force). Participating States should complete the selfassessment questionnaire on terrorist financing and return it to the FATF Secretariat as soon as possible.

- Organisations and Institutions which share comparative advantages in issues relating to combating illicit trafficking of small arms and light weapons and weapons of mass destruction will consider developing a network to formulate specific project and activities. In this regard organisations and institutions should foster the implementation of their respective documents (such as the OSCE Document on Small Arms and Light Weapons).
- The participants at today's meeting pledged continued and sustained efforts to vigorously fight terrorism and to assist each other and exchange information in a co-operative and open spirit. They agreed to maintain regular contact to ensure co-operation and co-ordination. To this end, the Portuguese Government offered to host a second meeting in the same format next year.

In my capacity as Chairman in Office of the OSCE, I would recommend expeditious implementation of the following measures and proposals:

- The OSCE will, through the Office for Democratic Institutions and Human Rights (ODIHR) and in close co-operation with the Council of Europe (CoE), support the OSCE participating States by offering technical assistance to ratification and implementation of the 12 UN antiterrorist conventions and Security Council Resolutions 1368, 1373, 1377 and 1390.
- Where appropriate and requested, the OSCE, through the established procedures, will also use its field missions to support these endeavours of the United Nations in the fight against terrorism.
- The Action Against Terrorism Unit will, jointly with the Co-ordinator for Economic and Environment Activities, work with the participating States, OSCE instruments and outside experts to assist participating States with the implementation of the FATF 40 Recommendations and 8 Special Recommendations on Terrorist Financing and to co-ordinate regional training for participating States and self assessments, as recommended by the FATF.
- When planning and undertaking projects related to border control, customs and bordermonitoring, the OSCE should make a specific effort to develop co-operation and co-ordination with the other relevant organisations.

- The OSCE will diversify its police training and reform programmes and will expand them beyond the Balkans.
- The OSCE will promote awareness of the implementation of the OSCE Code of Conduct on Politico-Military Aspects of Security which requires participating States to co-operate fully in combating the threat of terrorist activities through implementation of international instruments and commitments agreed upon in this respect; and to take steps to fulfil the requirements of international agreements by which they are bound to prosecute and extradite terrorists.
- The OSCE will, through its various institutions, assist in reinforcing the judicial infrastructures and law enforcement capacities, while at the same time actively encouraging the protection and the promotion of human rights and democratic values.