



Council of the
European Union

Brussels, 3 July 2017
(OR. en)

15082/04
EXT 2

PESC 1016
COTER 82
JAI 484
COSDP 721

PARTIAL DECLASSIFICATION

of document: 15082/04 RESTREINT UE

dated: 26 November 2004

new status: Public

Subject: Integrating the fight against terrorism into EU external relations policy

Delegations will find attached the partially declassified version of the above-mentioned document.



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THE EUROPEAN UNION**

Brussels, 26 November 2004

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"I/A" ITEM NOTE

from : PSC

to : COREPER/COUNCIL

No. prev. doc. : 14456/2/04 REV 2 PESC 947 COTER 78 JAI 439 EU RESTREINT

Subject : Integrating the fight against terrorism into EU external relations policy

1. The European Council of 17 and 18 June emphasised the need to fully integrate the fight against terrorism into EU external relations policy and requested that concrete proposals be submitted to the December European Council on how to best achieve this.
2. The document in annex entitled "Integrating the fight against terrorism into EU external relations policy" was prepared by the Secretary General/High Representative in association with the Presidency and aims to respond to that request. Building on the work already carried out under the Dutch Presidency, it identifies areas where working methods can be improved and introduces some suggestions in this respect. It is not intended to be a review of all aspects of counter-terrorism policy in EU external relations. The Commission services have also been consulted and have provided valuable inputs.
3. The first version of this document was circulated and presented by the Secretariat to COTER at its meeting on 9 November 2004 and further discussed in the Political and Security Committee on 12 November.

4. At its meeting on 23 November, the PSC endorsed the document as amended during the meeting and agreed to forward it to Permanent Representatives Committee and Council for adoption .
5. Following the above agreement, COREPER is therefore invited to:
- confirm the agreement reached on the document on "**Integrating the fight against terrorism into EU external relations policy**", in annex and
 - recommend that the Council endorse it as an "A" Item.
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**INTEGRATING THE FIGHT AGAINST TERRORISM
INTO
EU EXTERNAL RELATIONS POLICY**

The European Council of 17 and 18 June emphasised the need to fully integrate the fight against terrorism into EU external relations policy and requested that concrete proposals be submitted to the December European Council on how to best achieve this. This document, prepared by the Secretary General/High Representative in association with the Presidency, aims to respond to that request. Building on the work already carried out under the Dutch Presidency, it identifies areas where working methods can be improved and presents some suggestions in this respect. It is not intended to be a review of all aspects of counter-terrorism policy in EU external relations. The Commission services have also been consulted and have provided valuable input.

Any action regarding Community issues would of course have to be approved by the incoming College.

Introduction

1. The external aspects in the fight against terrorism are reflected primarily in Objectives 1 and 7 set out in the Annex to the Declaration on Combating Terrorism adopted by the European Council on 25 March:

Objective 1: To deepen the international consensus and enhance international efforts to combat terrorism

Objective 7: To target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced

2. In addition, other objectives also have an important external angle to them, in particular Objectives 2 (*To reduce the access of terrorists to financial and other economic resources*) and 6 (*To address the factors which contribute to support for and recruitment into terrorism*). Objective 5 (*To enhance the capability of the European Union and the Member States to deal with the consequences of a terrorist attack*) touches on the question of the ESDP contribution to the fight against terrorism. There are also external aspects to Objective 4 (*To protect the security of international transport and to ensure effective systems of border control*); they will not be treated in this paper.

3. The fight against terrorism requires a full range of instruments, both at EU level and at the level of Member States. The external aspect in the fight against terrorism is only one among many elements. The present paper should therefore be seen in the overall context. It is important to establish a close link between internal activities and the use of external instruments; hence the cross-references to other work in this paper. It should also be noted that in the multi-annual JHA programme (“The Hague programme”) the European Council has called on the Commission and the SG/HR to present, by the end of 2005, a strategy of all external aspects of the Union policy on freedom, security and justice. In developing that strategy, overall consistency will have to be ensured.

4. As stated in the European Security Strategy, the most frightening scenario as regards the terrorist threat is one in which terrorist groups would acquire weapons of mass destruction. For this reason, work to implement the European Strategy on Weapons of Mass Destruction and to prevent non-State actors from acquiring chemical, biological, radiological and nuclear weapons is of the utmost importance for the fight against terrorism.

5. The EU has at its disposal an extensive network of relations with countries and organisations all over the world. In view of the importance of the fight against terrorism, as stated in the European Security Strategy, this network should be used better. The real challenge for the coming years lies in the development of a coherent strategy bringing together EU and national means, and in ensuring full and effective implementation of what is decided. At the same time, in order to be effective in the long term, the EU insists on the need to fully respect human rights and international humanitarian law while fighting terrorism.

6. This paper will briefly review the existing means at the disposal of the EU in its external action in the fight against terrorism, in the light of the EU strategic objectives. It considers ways to ensure greater effectiveness and enhanced coherence. In particular, the paper will deal with the following aspects:

- The UN and other international fora
- Political dialogue
- Technical assistance
- Factors underlying recruitment into terrorism
- ESDP contribution to the fight against terrorism

The UN and other international fora

7. In view of its trans-national nature, the fight against terrorism requires action at the international level. In line with its commitment to effective multilateralism, the EU consistently supports a strong role for the UN in that respect. Over the years, the UN has developed a whole framework of conventions, resolutions, and instruments relating to terrorism. The EU strongly supports the full implementation of all existing instruments and calls for the early adoption of the draft comprehensive Convention on International Terrorism and the draft international Convention for the Suppression of Acts of Nuclear Terrorism.

8. On the whole, EU Member States play a very active part and most have signed, ratified and implemented the 12 UN Conventions and Protocols on terrorism. There remain however a few gaps, and it is important for the EU's efficiency and credibility that they be closed quickly. At the same time, the EU should have a fresh look at how it implements some of the UN instruments. This applies for instance to the issue of terrorist financing, which is treated in a separate paper on the fight against terrorist financing prepared by the Council on the basis of a proposal by the Secretary-General/High representative and the Commission. **NOT DECLASSIFIED**

NOT DECLASSIFIED

11. COTER and other relevant working groups should be instructed to regularly exchange views on work being carried out in other important fora for the fight against terrorism such as OSCE, the Council of Europe, FATF or the G8 (particularly CTAG) and on relations with them, inter alia to ensure complementarity. COTER should keep a general oversight.

12. In relations with international organisations and actors, full use should be made of the provisions of article 19 of the Treaty on the European Union.

Political dialogue

13. General political dialogue; concerns all EU external partners as well as international, regional and sub-regional organisations **NOT DECLASSIFIED** Coordination with regional working groups should be enhanced.

NOT DECLASSIFIED

15. The framework of the political dialogue of the Euro-Mediterranean Partnership (Barcelona process) provides a crucial instrument for developing an in-depth dialogue on issues related to terrorism. **NOT DECLASSIFIED** In addition, the various Partnership and Cooperation Agreements and Stabilisation and Association Agreements offer potential for enhanced dialogue on C.T matters. The European Neighbourhood agreements will provide further frameworks for dialogue on CT issues.

16. A question to be looked into in the framework of counter-terrorism dialogues is how to tackle cross-pillar issues such as terrorist financing, judicial and law enforcement cooperation. In this respect, the informal cross-pillar dialogue with the US on terrorist financing has proved a positive experience. Future Presidencies could consider organising such meetings on an ad-hoc basis.

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18. CT clauses in EU agreements with third countries constitute one of the bases for political dialogue and a tool for EU external action. As regards the specific areas for dialogue set out in such clauses, these include the implementation of relevant UN Resolutions and international Conventions, the exchange of information on terrorist groups and their support networks, as well as the exchange of views on means and methods used to counter terrorism. The EU Plan of Action on Combating Terrorism requested the Counter-Terrorism Coordinator and the Commission to produce an assessment of the effectiveness of currently existing counter-terrorism clauses, and include suggestions for improvement where appropriate. **NOT DECLASSIFIED**

19. Cooperation with the U.S. in the fight against terrorism remains essential. The level of cooperation achieved since 2001 is extraordinary. At the 2004 Summit, the EU and the U.S. adopted a Declaration on Combating Terrorism that establishes a detailed plan for action along the lines of the seven EU strategic objectives. Further discussions between the EU and the U.S. will now focus on how to implement the commitments outlined in the Declaration, including through the recently established EU-U.S. Policy Dialogue on Border and Transport Security and ad hoc Troika meetings.

Technical assistance

20. Technical assistance concerns countries where counter-terrorism capacity needs to be enhanced. In line with the EU Action Plan on Combating Terrorism, COTER has up to now selected 7 priority countries for action, both in the field of political dialogue and of technical assistance.

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21. The issue of financing needs also to be given some consideration. **NOT DECLASSIFIED**

22. Against this background, the following suggestions are made:

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- The EU should improve its coordination with international organisations, in particular the UN, and with other donors with a view to exploring synergies in providing assistance.
- The EU should establish a database of Member States experts on counter-terrorism issues willing to participate in technical assistance missions and projects in third countries.

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Factors underlying the recruitment into terrorism

23. To successfully fight terrorism, one has to understand what motivates terrorists and how they are recruited. This is the reason why the European Council included objective 6 in its Action plan. The question of recruitment has an important external dimension. The EU has made an extensive analysis of this issue. A first report has been drawn up under the Irish Presidency and work has been taken forward by the Dutch Presidency through a joint TWG/COTER report.

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26. The following steps could be envisaged:

- The EU should continue to pursue its concerted efforts to promote inter-religious and cross-cultural dialogue **NOT DECLASSIFIED**

- The organisation of seminars, conferences and research projects should be further developed to take forward EU action in this respect.
- The EU should make full use of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue of Cultures.

- **NOT DECLASSIFIED**

ESDP contribution to the fight against terrorism

27. As requested in the Report to the June 2004 European Council on the implementation of the Declaration on combating terrorism, the Political and Security Committee has elaborated a conceptual framework identifying the main elements of the ESDP dimension of the fight against terrorism, including preventive aspects. It defines the basic principles and main areas of action and develops a set of concrete action points. On 22 November the Council approved the “conceptual framework” in view of it being presented to the December European Council.

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