

RECOMMENDATION 775¹

on fighting international terrorism: a challenge for Europe²

The Assembly,

- (i) Recalling Assembly Recommendation 763 on defence aspects of the fight against international terrorism;
- (ii) Strongly condemning all forms of terrorism irrespective of its alleged causes or objectives;
- (iii) Aware that the trademark of the international terrorist threat is an ideology that preaches violence against democracy and the destruction of the fundamental values of Western society that enable people from all walks of life and faiths to live and prosper together;
- (iv) Convinced that the only reaction to this threat can be to contest, fight and defeat it;
- (v) Considering that this should be done by strengthening our democratic societies which are based on mutual respect among all individuals, cultures, faiths and races;
- (vi) Recognising that the EU, not being a sovereign state, has only a limited capability to fight terrorism;
- (vii) Noting, however, that all EU member states agree on the need for concerted European action and for the EU to take a broad approach, given the cross-border nature of the terrorist threat and the range of different instruments that are required to conduct an efficient counter-terrorism strategy;
- (viii) Noting that it is vital for both the EU and NATO to intensify their cooperation in the field of counter-terrorism and to ensure that their cooperation is in no way impeded by competition or disputes over competences and capabilities;
- (ix) Emphasising the importance of close cooperation between the EU and its member states on the one hand, and between the EU and the United States on the other, notwithstanding the differences of opinion that exist on the ways and means of conducting the fight against terrorism;
- (x) Supporting the EU Counter-Terrorism Coordinator in his difficult but vital task of promoting better coordination of national counter-terrorism policies at EU level and monitoring the implementation of the EU's counter-terrorism action plan;
- (xi) Considering that despite the reticence of some national authorities with regard to the proposals for creating a European intelligence agency and the arguments contesting the usefulness of such a body, those proposals should be re-examined in a constructive spirit;
- (xii) Considering that all EU member states should make sustained efforts to introduce similar legislation to isolate and outlaw individuals and organisations which promote armed violence, incite religious or racial hatred and glorify terrorism;
- (xiii) Recognising that in a democratic society there must be a balance between the protection of individual rights and the protection of society as a whole, which guarantees the democratic values that allow individuals to live in safety and security under the rule of law;
- (xiv) Aware that the fight against terrorism and the defence of the fundamental values of freedom and democracy may require national parliaments to pass legislation which could affect certain fundamental rights and freedoms;

¹ Adopted by the Assembly on 7 December 2005 at the 10th sitting.

² Explanatory Memorandum: see the report tabled on behalf of the Political Committee by Lluís Maria de Puig, Rapporteur (Spain, Socialist Group) and Bart van Winsen, co-Rapporteur (Netherlands, Federated Group), Document 1914.

(xv) Noting the urgent need at EU level to overcome the paradox that the almost total absence of border controls within the Schengen area enables terrorists to cross frontiers unimpeded, while law enforcement officers remain hamstrung by national borders;

(xvi) Aware that even within the EU different legal traditions, cultures and practices make it difficult to take a coherent law-enforcement approach towards counter-terrorism;

(xvii) Welcoming the European Commission's comprehensive counter-terrorism package covering all main aspects of the EU's counter-terrorism strategy that was presented in September 2005 and looking forward to the European Council's new counter-terrorism strategy and reinforced action plan due to be presented in December 2005;

(xviii) Considering that a large part of the EU's counter-terrorism policy is based on intergovernmental cooperation, which calls for oversight by a European interparliamentary body;

(xix) Concerned about the threat of nuclear terrorism and the failure of the seventh NPT Review Conference to reach agreement on new measures to stop the spread of nuclear weapons,

RECOMMENDS THAT THE COUNCIL INVITE THE WEU MEMBER STATES AS MEMBERS OF THE EU AND NATO TO:

1. Guarantee regular parliamentary support and scrutiny, both at the national and international levels, ensuring that the adoption of any counter-terrorism legislation liable to affect fundamental rights and freedoms is the result of a democratic process in which both citizens and their representatives in the parliaments are fully involved;
2. Improve and intensify cooperation between the EU and NATO in the field of counter-terrorism and ensure that it is in no way impeded by competition or disputes over competences and capabilities;
3. Further improve and strengthen counter-terrorism cooperation between member states while continuing to examine the possibilities for establishing a European counter-terrorism intelligence agency in the future;
4. Find an effective solution to improve cooperation in cross-border counter-terrorism operations carried out by national law-enforcement agencies, in particular within the Schengen area;
5. Make sustained efforts to identify and put a stop to the activities of nuclear proliferators and adapt the NPT by including specific measures to prevent nuclear weapons from falling into the hands of terrorist organisations, groups or individuals;
6. Step up the EU's efforts to promote peace and stability in the Middle East and South Mediterranean and to contribute actively to resolving the remaining conflicts in that area;
7. Intensify cooperation with countries in the Middle East and South Mediterranean, making use, in particular, of the specific possibilities offered by the Barcelona Process and the European Neighbourhood Policy;
8. Promote the application of IAEA safeguards in the Middle East, calling upon all states in that region to take steps, including confidence-building and verification measures, aimed at establishing a nuclear weapon-free zone in the Middle East.