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NOTE

From: Presidency
To: Delegations

Subject: Implementation report on the Council Conclusions on enhancing the links
between internal and external aspects of counter-terrorism

Silence Procedure Deadline: 8 October 2012, 16:00 CEST.

The Presidency, referring to doc 13460/2/12 REV 2, discussed in the 05 October 2012 Joint Meeting of the Working Parties on Terrorism (internal and external), hereby proposes the revised draft Implementation Report on the Council conclusions on enhancing the links between internal and external aspects of counter-terrorism. As indicated in the 05 October 2012 Joint Meeting of the Working Parties on Terrorism, the Presidency kindly requests that any final proposed amendments by COTER and TWP delegates are received by **8 October 2012, 16:00 CEST**. In case that no amendments are proposed, this text shall be included in the CATS agenda meeting of 9 October 2012, for the said working party's consideration.

IMPLEMENTATION REPORT ON THE COUNCIL CONCLUSIONS ON ENHANCING THE LINKS BETWEEN INTERNAL AND EXTERNAL ASPECTS OF COUNTER-TERRORISM

Introduction

The Treaty of Lisbon created the possibility for greater synergy of EU action in the field of counter-terrorism (CT). With this in mind, the Council adopted Conclusions in June 2011 to capitalise on the opportunity to bring together the aims and activities of the internal and external aspects of the EU in the field of counter terrorism. Following the adoption of Council Conclusions in June 2011, a number of actions have been implemented to positive effect. This report identifies such actions, proceeding to outline specific recommendations regarding possible actions that could further contribute to enhancing the links between internal and external aspects of counter-terrorism.

On-going actions that contribute to the implementation of the Council conclusions on enhancing the links between internal and external aspects of counter-terrorism and recommendations.

The following actions have been identified as projects or work streams underway or completed, which through their implementation either enhance the aim to bring together the activities of the internal and external aspects of the EU in the field of counter terrorism or are examples of existing good cooperation in these areas.

- 1) Developing comprehensive counter-terrorism strategies: In addressing the need for developing comprehensive responses to terrorism, integrated strategies for third countries have been created, uniting under the same umbrella all policy components in the fight against terrorism. This development builds on several initiatives, such as the Council Conclusions on Security and Development of November 2007 (15097/07).

The Strategy for Security and Development in the Sahel was the first document to be adopted following this démarche. This Strategy, whose implementation is currently underway, fully integrates internal and external security policies, together with development assistance, therefore bringing together all tools at the EU's disposal for a coherent approach. The implementation of the Strategy and Action Plans has to be accelerated in line with the recent developments.

The EU Security/CT Strategy for Pakistan, which follows the same model as the Sahel Strategy, is another example of a comprehensive policy in the field of CT. The Action Plans under the EU Security / CT Strategy for Pakistan are currently under development. The EU Security/CT Strategy for Pakistan should be placed in the broader context of EU-Pakistan relations, in order to allow for a similar overall security and development approach as has been achieved under the Sahel strategy. In particular, orienting development assistance towards a comprehensive approach will be crucial.

Equally, the draft EU Counter-Terrorism Action Plan for the Horn of Africa and Yemen, as proposed by the Commission and the High Representative in implementation of the EU Strategic Framework for the Horn of Africa, will be on the November 2012 Council agenda.

- 2) Establishing an informal Arab Spring security task force. The task force was set up by the EEAS, and brings together all the relevant services of the EU institutions, thereby integrating CT aspects and providing a forum for the exchange and discussion of information about security related issues.
- 3) Enhancing aviation/cargo security: To enhance the security of cargo coming into the EU, the Commission, INTCEN and MS have developed a risk assessment process to identify high risk cargo coming from certain regions and to implement measures at port in order to increase the internal security of the EU. This process could be complemented with targeted capacity building measures in third States.
- 4) Integrating CT aspects (including travel, financing, radicalisation), into political and security dialogues with key CT relevant states, including Pakistan, Yemen, Somalia, Central Asia as well as countries of the Sahel region (possibly as part of Country summits), as appropriate, taking the relevant institutions and MS's positions fully into account and providing regular updates to Council. This is being done with key countries including the United States, Russia, India and Pakistan.

- 5) Posting security attachés in the following EU delegations: Afghanistan, Pakistan, Yemen, Central Asia (Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan), Southeast Asia (this security attaché is dealing with Brunei Darussalam, Burma/Myanmar, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand, Vietnam and East Timor), the Horn of Africa, Maghreb and the Sahel, to ensure that EU delegations have the capacity to play an active role in coordinating and delivering assistance in third countries. MS could also look to assist this process by seconding their nationals to EU Delegation offices where possible.
- 6) Promoting an integrated internal/external approach on specific files: Consistent with the EU Counter-Terrorism Coordinator's mandate as defined by the Stockholm Programme, the EU CTC tried to encourage a more integrated internal/external approach on files such as: Sahel, Nigeria, Horn of Africa including Yemen, Pakistan, India, Arab Spring (in particular Tunisia), the US on NDAA, contact with international organizations (UN, Council of Europe, NATO, OSCE), the fight against PKK, radicalization, transport security (especially aviation/cargo).
- 7) Ensuring EU INTCEN's work on the internal and external aspects of CT is used in the best possible manner: This is to ensure that CT work accurately reflects the threat picture by: a) ensuring that the INTCEN work programme is shared with the relevant preparatory bodies of the Council, b) ensuring that INTCEN reports are readily available to all MS and EU personnel with appropriate clearances, c) appropriately using INTCEN reports to support discussions at working group level. Links have been maintained and further enhanced under the current Trio presidency of the Council, with INTCEN reports and presentations comprising an important element of TWP and COTER discussions.
- 8) Establishing the joint TWP/COTER sessions as a regular dialogue on cross-cutting issues, in order to allow the links between external and internal aspects of CT to be reinforced (such as in aviation security, cyber security, data issues, radicalisation, terrorist financing, terrorist movement, diaspora engagement and tackling the terrorist threat at its source). This practice has been sustained under the current trio Presidency, with semi-annual joint sessions of TWP/COTER, and with the agenda of such meetings' formulated following consultation with EU institutions. Under the Cyprus Presidency of the Council TWP and COTER delegates will be invited to attend a workshop on cyber-security.

The formula of joint TWP/COTER meetings has also been worked out as an additional instrument of enhancing cooperation of both working groups on terrorism and as a political response to the unexpected threat within the EU and/or in the partner countries (for example, the extraordinary TWP/COTER meeting of 28 July 2011 summoned by the Polish presidency following the terrorist attacks in Norway on 22 July 2011).

- 9) As CT capacity building and security sector reform includes criminal justice / law enforcement, utilising JHA expertise is essential. The EU has started to involve its agencies internationally, for example in the Sahel. A roadmap on better integrating CSDP and FSJ actors is being developed.

- 10) Stepping up efforts to ensure a stronger coordination between internal and external policies in the area of counter-radicalisation, in line with the Internal Security Strategy. Given that EU 'prevent' work in third countries is still in its infancy, it is important to draw on the experience from relevant projects in the MS and from the Radicalisation Awareness Network (RAN) as launched by Commissioner Malmström in September 2011, which are instrumental in this prospect. One of the issues addressed by the RAN is the role of Diaspora communities in countering violent extremism. The RAN can build on the outcome of the two EU-US seminars on the support Somali and Pakistani Diaspora can provide in countering violent extremism. The Commission is currently preparing a report - to be issued in 2013 - on diaspora communities in Europe, their role, and the way they should be associated with the fight against terrorism. Other follow-up opportunities and new areas of cooperation with diaspora communities need to be further explored.

These internal actions are complemented by external projects financed through the Instrument for Stability (IfS) aimed at countering violent extremism in Pakistan, the Horn of Africa and Yemen as well as the Sahel. The Commission and the EEAS, supported by the CTC and EU MS, are to organise a practitioners' workshop on CVE on 26-27 November 2012 to mainstream CVE considerations into development programming and exchange experience and lessons learnt on CVE projects.

To support MS' counter-radicalisation efforts in third countries and to ensure the dissemination of knowledge both inside the EU and with partner countries, it is important to use the RAN to its full potential and to share best practices in COTER/TWG. COTER/TWG should also be used as the natural internal-external fora where MS' expertise can feed into joint EU-MS prevent programming and implementation.

- 11) Addressing the issues of terrorist travel and volunteer jihadists: Terrorist travel and volunteer jihadists are certainly among the areas where a strengthened cooperation between internal and external actors is needed. A working group on external aspects has been created within the RAN in order to look specifically at the relations between internal and external counter-terrorism issues. The said working group commenced work in September 2012. One of the objectives of the working group is to analyse the issue of foreign fighters and terrorist travel. The group aims to share best practices on how to prevent and detect the phenomena. In particular, it will look at the experiences of those countries which have worked with diaspora communities to prevent terrorist travel.
- 12) Promoting and Protecting Human Rights: The idea of developing and disseminating clear guidelines as minimum standards regarding multilateral and bilateral funding to ensure that counter- terrorism related assistance promotes and protects human rights, was initially presented at the Copenhagen Conference on CT and HR March 2012, and explored further in COTER. Subsequently, the paper produced by the Danish Presidency's entitled "Practical Guidance for the EU on Promoting and Protecting Human Rights while Countering Terrorism by Building on Existing Good Practices", has been endorsed at COTER level. Work is currently being undertaken by the EEAS and the Commission, supported by the CTC, towards developing draft operational guidance on Promoting and Protecting Human Rights while countering terrorism, in line with FAC instructions through the adoption of the EU Action Plan on Human Rights on 25 June 2012. Further, the issue of protecting the human rights of victims of terrorism is currently under consideration by COTER.
- 13) Encouraging EU Delegation coordination meetings: It is important to ensure that EU Delegations in priority CT states (Afghanistan, Pakistan, Yemen, Central Asia, Southeast Asia, the Horn of Africa, Maghreb, Lebanon and the Sahel) hold regular coordination meetings with EU MS' to identify areas of synergy and overlap.

In the Sahel, regular coordination meetings take place. In Pakistan, there are rule of law and CVE working groups. In Nigeria, a security working group has been set up. In other countries, ad hoc meetings take place, but there may be a need to make these more regular at some Posts.

- 14) Ensuring information flow: To ensure that EU MS' are kept fully informed of CT related topics on the upcoming agendas of the Council, PSC meetings and other relevant events to ensure that there is an opportunity for MS to feed in briefing through the forum of TWP and COTER. To this purpose, briefings are given in COTER/TWP meetings but there is a need to ensure that this becomes a regular process.
- 15) Advancing EU priorities in the GCTF, involving Member States in the EEAS' preparation for participation in GCTF processes where appropriate, and ensuring all Member States continuously are kept fully informed of the work of the Forum. The EU's role in the GCTF working groups, including the co-chairmanship of the Working Group on the Horn of Africa, also provides the opportunity to share best practices and knowledge. The EEAS has agreed to continue its current practice of informing COTER members of all relevant GCTF work, through immediate circulation of all documents via electronic mail. When a formal response or consensus is required this will be done via coreu. The GCTF can have an influence on Global standard setting, and so EU positions should be discussed in detail well in advance of relevant meetings. The EEAS will continue to prepare and facilitate in-depth and timely discussion in COTER. A review of the implementation of this process should be done in due course.
- 16) Ensuring an adequate percentage of CT capacity building in priority third countries is included in forthcoming IfS budgets, and in line with references in the Agenda for Change to the EU's joined up approach to security and development, that additional instruments are utilised in the best possible manner for long term capacity building work. The IfS budget is being discussed as part of the Multi- Annual Financial Framework for 2014-2020. The Commission gave a warmly welcomed presentation on IfS at the COTER July 2012 meeting; CT actions under the IfS short and long term components currently focus on the Sahel, the Horn of Africa (incl. Yemen) and Pakistan.

The EU should take a comprehensive approach to its external assistance programming, taking the security and development nexus fully into account, based on an analysis of how to tackle the underlying factors of instability, including terrorism.

The EU should make full use of the opportunities provided under the OECD-DAC to address SSR and terrorism prevention in its development assistance. Further, the current process of revising the DCI and ENPI instruments offer an additional potential tool for long term capacity building work.

- 17) Ensuring that EU INTCEN and Europol continue to work in a complementary manner to comprehensively analyse the terrorist threat to the EU, bearing in mind the work already being undertaken by these bodies. Complementarity is ensured through the sharing of work programmes, exchange of analysis products on CT issues, contribution to each other's assessment work, and attendance at relevant seminars and workshops. The prospect of more cooperation within the existing mandates is examined, e.g. through expert talks.
- 18) Strengthening CT political dialogues conducted by the HR with third parties by widening the scope of the agenda of such dialogues (incorporating all relevant CT and CT cooperation aspects and not only addressing foreign policy and capacity building issues). To this end, closer coordination of the EEAS, with the Commission, the CTC and the Member States, taking into account the existing dialogues of the EU and individual Member States on JHA issues, security, as well as human rights issues is necessary. Positions ought to be coordinated in advance in COTER. Combining counter-terrorism and human rights dialogues should be explored in some third countries, as was done with Israel in December 2008. CT is a regular agenda item in the Human Rights dialogue with the United States.
- 19) Improving the EU's ability to implement CT projects in third countries by considering the development of: i) a modality by which the ideas behind the Expert Support Facility could be taken to the implementation level and ii) a roster of experts/units/teams, to be available within short term notice for capacity building assistance to third countries, e.g. on countering violent extremism. Such prospects have preliminarily been explored in COTER in March 2012 and April 2012 joint COTER/TWP, and merit further consideration.