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ESDP: the next five years

speech given by Gijs de Vries,

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Thank you very much.
Ladies and Gentlemen,

the role of the European Union in fighting terrorism did not emerge on 12 March of this year after the terrible attacks in Madrid. It had been shaping and had been influenced in particular of course by the attacks on the Twin Towers and the Pentagon on 11 September 2001. We have seen a significant intensification of the work of the Union since and I suspect we will be seeing more of that intensification in the years to come. Subsequent to the attacks in America, the Union too has been jolted into action. And so path breaking agreements were reached by the Council of Ministers, for example the possibility of police and judicial forces to work jointly on specific cases of counter-terrorism in so-called joint investigation teams across borders. For example, the creation of a legal instrument called the European arrest warrant permitting again law enforcement officers to work much more effectively, speeding up the extradition procedures between our Member States significantly. And another key example was in the fight against money laundering where an important directive was adopted. All this based on the excellent preparatory work of the Commission which remains as crucial in this work as it has been in the first pillar during the previous life time of the European Union.

On the external side, we have seen of course the security strategy by Javier Solana, which for the first time in Europe's political history made a clear link between our international interests and the fight against terrorism, clearly defining terrorism as a major strategic threat to the EU. On the basis of that paper, we have seen the creation of the Agency about which we will hear more today. We have also seen important steps in the fight against weapons of mass destruction proliferation. Of course one of the worst case scenarios, if not THE worst case scenario, is one in which terrorists lay their hands on weapons of mass destruction. After the attacks in March, we have seen an intensification of the role of the Union. We've seen the green light by the European Council to Javier Solana's proposal to create an integrated threat analysis capacity in the Council Secretariat. When I mention that, I am always conscious of the fact that it may sound a little technical and bureaucratic. Yet this, on the contrary, is a very important strategic step in the development of the Union, because for the first time we will have the intelligence services of the Union cooperating, analysing threats jointly with the security services, allowing us to have an integrated view of the threat. It is a major, major step indeed. Another important development was that in June the European Council adopted a medium term programme with respect to counter-terrorism, a plan of action covering the Dutch Presidency, the Luxembourg Presidency and the British Presidency, providing therefore a clear road map, a sense of direction to the work of the Union in the months to come. More than a hundred measures have been identified on the basis of the work of the Commission, the Irish Presidency, Mr Solana and myself. This Plan of Action contains a timetable. Each measure has been accompanied with an indication of when the Commission is expected to propose something, when the Council is expected to decide and when implementation should be complete. We will therefore be able to measure progress. Furthermore the European Council accepted to identify priorities. A hundred measures is quite a lot. What are our main priorities for the months ahead? First, the European Council invited our Secretary General and the Commission to draft an integrated strategy in the fight against financing of terrorism.

Why integrated? Because part of the fight is the responsibility of the Ministers of Finance, in the ECOFIN Council, (money laundering), part of it is the responsibility of the Ministers of Justice, (law enforcement) and part of it is the domain of our Foreign Ministers. Take for example our relations with the countries of the Gulf Cooperation Council, a region from which quite some money flows our way. The second subject prioritised by the European Council is civil protection. How can we strengthen the capacity of our national governments to work together, to show practical solidarity in case of a major attack. This will have to bring together the Interior Ministries, the Defence Ministries and the Health Ministries to name but these three. Thirdly, there is the task to develop a strategy to protect critical infrastructures: transport infrastructure, energy and so on. Where again we'll have to build across the pillars and across national departmental competences. And finally there is the task to shape a more forward-looking view of the role of counter-terrorism in the Union's external relations. That covers, as you understand, the foreign policy side, the defence side, but also what is known as the external side of Justice and Home Affairs. Aid for example to third countries to strengthen their border protection, and so on. So that is roughly where we stand today and what is our immediate agenda. We should bear in mind that, even though this is a very ambitious, far reaching and I think critically important agenda, it remains a limited one. The role of the Union remains a limited one. Constitutionally, that is to say according to our Treaty, operational work against terrorism remains the prerogative of national governments. There is no European Police Force based in Brussels, we do not have a European FBI. It is a question our American friends often ask us. We do not have a European CIA. The operational work remains the prerogative of national governments. What the role of the Union is to analyse the trends, both in police work and in the intelligence field and to provide a legal and policy framework within which our national operative agencies can do their jobs properly. It is important to bear this in mind, because I sense that sometimes public opinion thinks that Brussels is now suddenly in charge of arresting terrorists. That is not the case. We should be careful not to suggest more than our powers allow. Now finally, Chairman, what are the main challenges ahead? Let me very briefly identify three. First, to do what we said we would do, implementation. We still unfortunately have quite some ground to cover before all the decisions reached by the Council of Ministers are actually implemented in the Member States. There is an implementation gap between decisions reached by the Council and decisions implemented by national governments and parliaments. That is a problem which we must come to terms with. It also includes the ratification of the twelve United Nations Conventions in the fight against terrorism, for if we want to convey to third countries the necessity to strengthen their defences against terrorism on the basis of these UN Conventions, we as a Union have to give the example and ratify them, all twelve of them first. So implementation is our first challenge. Secondly, information sharing. The creation of the SitCen is a major step forward, but much remains to be done. Europol fortunately is being used more and more often. The number of cases Europol has been given to handle by national police forces went up 40 % last year in relation to 2002 (from something in the range of 2000 cases to something in the range of 4000 cases) But there is still quite a road to travel. The same thing applies to Eurojust. Its case load went up by 50 % but the capacity of the Agency to handle cases is considerably bigger. So these agencies where information is being exchanged can be still much better used. I could say a lot about the subject. Let me very briefly only mention the critical question of data protection here. The Commission has rightly identified the need to have a common European policy with respect to data protection in relation to information sharing in the field of law enforcement. What are law enforcement agencies allowed to share and what are they not? This is an important question. Finally, there is our international strategy, which will remain a critical challenge. How to address consistently and effectively what we refer to as, in short hand, the causes of terrorism? How to address the contributing factors that lead some to condone and sometimes even support those willing to engage in terrorist activities? There is a whole range of questions here, from poverty alleviation to good governance that require our attention and an integrated approach. Secondly, how to work together with the UN, in helping countries across the world to strengthen their counter terrorism defences? How to aid third countries effectively? We will have to develop that as a part of our community approach to external relations. And finally, what about the clauses that the Council has declared should become part of our external agreements with third countries, clauses about the importance of counter-terrorism and of course there are major political questions involved with these clauses. Behind all of these external questions is the relationship with the United States, which Nicole has already referred to. So that, Chairman, I would like to say briefly, to update you on where we stand in the field of counter-terrorism and to identify some of the major challenges ahead.
