



# EURO-MEDITERRANEAN PARLIAMENTARY ASSEMBLY



Tunis, 17 March 2007

## RECOMMENDATION

of the Euro-Mediterranean Parliamentary Assembly

on :

- **the implementation of the Code of Conduct on Countering Terrorism**
- **the Middle East peace process**
- **landmines**

adopted on the basis of the draft tabled on behalf of the Committee on Political Affairs,  
Security and Human Rights

by Ms Tokia Saïfi, Chairwoman

### **The Euro-Mediterranean Parliamentary Assembly:**

- having regard to the Barcelona Declaration of 28 November 1995 establishing the Euro-Mediterranean Partnership,
- having regard to the communication from the Commission to the Council and the European Parliament entitled 'Tenth Anniversary of the Euro-Mediterranean Partnership: a work programme to meet the challenges of the next five years' (SEC (2005) 483), presented at the Summit of Heads of State and Government in Barcelona on 27 and 28 November 2005,
- having regard to the communication from the Commission to the Council and the European parliament entitled 'Wider Europe - Neighbourhood: a New Framework for Relations with our Eastern and Southern Neighbours' (COM(2003)0104), the communication to the Council and the European Parliament on 'Strengthening the European Neighbourhood Policy' (COM(2006)726) and the communication to the Council on 'Action plans under the European Neighbourhood Policy' (ENP) (COM(2004)0795),
- having regard to the communication from the Commission to the Council and the European Parliament entitled 'The Euro-Mediterranean Partnership: time to deliver' (COM (2006)620 final),
- having regard to the conclusions of the 8th Euro-Mediterranean Conference of Ministers of Foreign Affairs held in Tampere on 28 November 2006 concerning implementation of the Code of Conduct on Countering Terrorism,
- having regard to the interim report by the Council of the European Union to the European Council (16572/06), dated 11 December 2006, on the European Union's Strategic Partnership with the Mediterranean and the Middle East,

### **Implementation of the Code of Conduct on Countering Terrorism**

1. Considers that any terrorist act, given that it involves in particular the death of innocent civilians, is unjustifiable in any circumstances and cannot take justification from or be vindicated by the pursuit of political or religious goals, and that the combating of terrorism cannot justify the stigmatisation of any particular nationality, culture, civilisation or religion;
2. Emphasises that terrorism must be combated through legal means in compliance with international and human rights law; Demands therefore that all measures for combating terrorism respect international human rights and humanitarian law obligations and be subject to democratic parliamentary scrutiny and independent judicial review;
3. Believes that the political response to terrorism should be based on the following four elements:
  - there must be a more meaningful intercultural dialogue in the Euro-Mediterranean region, inclusive of all movements upholding their ideals by

peaceful means, in order to promote mutual understanding, common values and a shared vision of our future;

- sustainable and fair economic development, which must go hand in hand with democratisation and good governance in countries throughout the world, in particular in the Euro-Mediterranean region ;
  - the strengthening of cooperation in the fight against terrorism, both with neighbouring countries and countries in other parts of the world;
  - the resolution of conflicts and the end of any acts of occupation that foster and fan terrorism of all kinds;
  -
4. Calls for education, investment, employment, and in particular employment for young women and men, democratisation, the promotion and protection of human rights and respect for these, and the management of migratory flows and protection for migrant workers also to be viewed as priorities for the Euro-Mediterranean Partnership and in the new neighbourhood policy, in order to reduce the marginalisation that can foster violence and terrorism;
  5. Notes the fact that there are sixteen international conventions and protocols on the combating of terrorism and calls on all the States yet to ratify these to do so as swiftly as possible; similarly calls for the adoption at UN level of an overarching convention that contains a legal definition of terrorism;
  6. Calls for an international conference on drawing up an international code of good conduct in the combating of terrorism to be held under the auspices of the UN that fosters responsible dialogue with a view to establishing a common denominator for countering that phenomenon and avoiding double standards in policy making;
  7. Considers it necessary to promote the cooperation of the international community in combating terrorism and eradicating its deep-rooted causes on the basis of global dialogue and solidarity;
  8. Recommends that the Ministerial Conference of the Euro-Mediterranean Partnership devote an item of discussion to combating terrorism and monitoring implementation of the Code of Conduct on Countering Terrorism at its annual meeting, in which it should invite the Euro-Mediterranean Parliamentary Assembly to participate;
  9. Welcomes the fact that, at the Tampere Ministerial Conference, the Ministers of Foreign Affairs agreed to hold a regional seminar in 2007 on ensuring respect for human rights in the fight against terrorism and a Euro-Mediterranean Seminar on the role of the media in preventing all forms of incitement to terrorism; in this regard, calls on the Member States and the Mediterranean partners to ensure that anti-terrorism measures do not have the effect of limiting media independence; notes that the focus should now be on the practical arrangements for implementing the Code of Conduct;
  10. Welcomes the ruling by the Court of First Instance in Luxembourg of 12 December 2006 which makes Council decisions relating to the list of terrorist organisations drawn up by the European Union more transparent and enables the rights of defence of incriminated organisations to be asserted; calls for the aforementioned list to be revised and updated in accordance with a precise timetable;

11. Urges all the Barcelona Process partners to develop procedures subject to parliamentary scrutiny and legal review for exchanges of intelligence at bilateral and regional level in order to heighten the effectiveness of the fight against terrorism; in this spirit, welcomes the European Parliament resolution on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners and calls on those Euro-Mediterranean partners against whom serious accusations have been made of active or passive cooperation in extraordinary renditions to open or continue their own parliamentary and/or judicial investigations and enquiries;
12. Calls for exchanges of intelligence to be managed by operational and independent authorities responsible for data protection and the recognition of individual rights rather than of the rights of monitoring authorities;
13. Highlights the role played by associations of and for victims of terrorism, by civil society in general and by non-governmental organisations, in actions to prevent and raise awareness with regard to terrorism, and calls on the European Commission and the Mediterranean partners to promote their actions within the scope of the Euro-Mediterranean Partnership, where appropriate through financing;

#### **Middle East peace process**

14. Takes note of the conclusions of the 8th Euro-Mediterranean Conference of Ministers of Foreign Affairs held on 27 and 28 November 2006 in Tampere, particularly as regards political and security dialogue, and reiterates that a solution to the Middle East conflict is only possible through the negotiation of a firm and final peace agreement as set out in the Roadmap and the resolutions of the United Nations, which is to say one without prior conditions and based on the peaceful coexistence of two democratic, sovereign and viable states within secure and recognised international borders;
15. Takes the view that settlement of the Middle East conflict resulting in the peaceful coexistence of the two states would considerably strengthen regional and international security alongside other peace-keeping initiatives in the area;
16. Calls on the Council to make every effort to convene an international peace conference – along the lines of the 1991 Madrid Conference – in order to find a comprehensive, lasting and viable solution based on the relevant UN Security Council resolutions and the relevant United Nations reports, and in particular the one by the Special Rapporteur in the Occupied Territories, that involves all the stakeholders in the region;
17. Considers the participation of the League of Arab States to be essential in this context, and the 2002 Beirut Initiative to be *an* important contribution to the negotiations that should be duly taken into account;
18. Invites the Member States and Mediterranean partners to reopen the signing of the Charter for Peace and Stability in the Mediterranean;
19. Welcomes the fact that the Quartet met on 21 February 2007 and hopes that its declaration will be followed up by practical measures;

20. Condemns and expresses its utmost indignation at the arrest of the President of the Palestinian Legislative Council, Mr Aziz Dweik, of members of the Palestinian Government and of members of the Palestinian Legislative Council, and demands their immediate release;
21. Condemns the abduction of all Israeli soldiers and demands their immediate release as well as the release of all Palestinians imprisoned for political reasons, beginning with women and minors;
22. Welcomes the formation of a Palestinian national unity government, and is confident that it will commit itself to a programme that reflects the principles set out by the Quartet; hopes that this agreement will bring an end, once and for all, to armed confrontation, and calls on the two sides to do their utmost to contain violence and to maintain and expand the ceasefire; Calls upon Israel, in accordance with the decision of the International Court of Justice, to stop building the wall of separation and remove the existing sections built on Palestinian occupied territory;
23. Takes the view that the situation of the Palestinian populace dictates that the embargo be lifted and that supplies of essential humanitarian aid continue to be guaranteed, in cooperation with the international community, and that it is also important to strengthen the Palestinian institutions; welcomes the extension of the temporary international mechanism (TIM), and despite the difficulties demands that it be reinforced in resources and its term of application extended for the requisite period; notes that Israel has transferred part of the Palestinian tax and customs revenues it was withholding and calls on the Israeli Government urgently to pay the balance of those amounts, via the Temporary International Mechanism if appropriate;
24. Calls on Israel to lift the embargo of the Gaza Strip, to facilitate trade between the Palestinian territories, Israel and the rest of the world, to allow the economic development of the Palestinian Territories for the benefit of both Palestinians and Israelis, and to permit the movement of people at Rafah, in compliance with the Agreement on Movement and Access and the EU Border Assistance Mission at the Rafah crossing point, as well as at Karni and other border crossings in the Gaza Strip;
25. Calls for an end to the Israeli attacks and to the firing of rockets against towns and villages in Israel from within the Gaza Strip;
26. Endorses the legality of the Lebanese state institutions and demands that all parties reject the use of force; expresses the wish that the Lebanese Parliament be able to reconvene in order to achieve an institutional agreement in the interest of the nation; welcomes the outcome of the Conference on the reconstruction of Lebanon held on 25 January 2007 and supports all the efforts to rebuild the country, including the mediation initiatives of the League of Arab States while expressing its continuing concern at the internal political situation; calls on all parties to honour all the United Nations resolutions, in particular Resolution 1701;

### **Landmines**

27. Calls on the partner countries and institutions of the Barcelona Process to cooperate more closely with a view to proposing tangible solutions to the humanitarian, economic and environmental problem of the spread of landmines and antipersonnel

mines on the territory of several states in the region such as Egypt, Jordan, Lebanon and Tunisia;

28. Proposes that regional programmes for technical cooperation, training and the transfer of mine clearance technology be reinforced in order to enhance the effectiveness of the initiatives already under way in this field;
29. Considers that a realistic financing plan for those cooperation programmes should be discussed and calls for intergovernmental negotiations to be stepped up to ensure that this financing closely matches the needs of the countries affected by landmines and antipersonnel mines;
30. Invites the national authorities to encourage international investment and joint ventures in demined areas, thereby working towards the development of these long-blighted areas;
31. Proposes that the national parliaments play a part in developing actions on landmines and antipersonnel mines and that local authorities, non-governmental organisations and the media be involved more closely in these, not least in order to increase public awareness of the seriousness of their effects, which will help reduce the risks they pose to local populations;
32. Urges the Parliaments of the Euro-Mediterranean countries to support the request by Norway and signed by 46 States to ban the production, utilisation and trade in cluster bombs by means of an international treaty like that on landmines;

0  
0 0

33. Instructs its President to forward this recommendation to the Council of Ministers of the European Union, the European Commission, the Parliaments and Governments of the countries participating in the Barcelona Process and the European Parliament.