

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2007/501/CFSP

of 16 July 2007

on cooperation with the African Centre for Study and Research on Terrorism in the framework of the implementation of the European Union counter-terrorism strategy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 15 December 2005 the European Council adopted the European Union counter-terrorism strategy, which provided in particular for the development of cooperation with the European Union's external partners in preventing and combating terrorism.
- (2) On 15 December 2005 the European Union adopted the strategy 'The European Union and Africa: towards a strategic partnership', in which the European Union undertook to support the efforts of the African states in the fight against terrorism.
- (3) On 14 September 2002 the African Union approved a Plan of Action on the Prevention and Combating of Terrorism in Africa, which provided in particular for the creation of the African Centre for Study and Research on Terrorism (ACSRT).
- (4) The ACSRT was created on 13 October 2004 by the African Union. It is responsible for evaluating the terrorist threat in Africa and for promoting intra-African cooperation against terrorism. It wishes to receive support from Europe.
- (5) The terrorist threat is developing in certain African countries and represents a growing danger not only for them, but also for the European Union.

- (6) The efficiency of the fight against terrorism in Africa is undermined by certain local weaknesses, particularly in the area of institutional organisation,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Objective

The objective of this Joint Action is to provide the Member States of the African Union with support from the European Union in improving the organisation of their capacities in the fight against terrorism in the framework of the provisions of the European Union counter-terrorism strategy on the promotion of a partnership in this area outside the European Union, in particular with international organisations. By means of this Joint Action, the European Union is also seeking to strengthen cooperation between the African Union countries in the field of counter-terrorism, in particular through the exchange of information.

Article 2

Description of the project

For the purposes of this Joint Action, the European Union shall provide the ACSRT with financial support for the implementation of the project described below, which aims to improve the efficiency of the counter-terrorism arrangements of the African countries.

The project shall consist in carrying out audit missions on national counter-terrorism arrangements and providing advice on reorganisation in the Member States of the African Union. These missions shall be based on an action plan, drawn up in collaboration with the ACSRT, which the European Union shall present at a seminar held beforehand in Addis Ababa with all member countries of the African Union.

A detailed description of the project is set out in the Annex.

*Article 3***Implementation**

1. The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP (SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.

2. The technical implementation of the project referred to in Article 2 shall be entrusted to the ACSRT, which shall perform this task under the control of the SG/HR. For this purpose, the SG/HR shall enter into the necessary arrangements with the ACSRT.

*Article 4***Financial provisions**

1. The financial reference amount for the implementation of the project referred to in Article 2 is EUR 665 000, funded from the general budget of the European Communities for 2007.

2. The expenditure shall be managed under the responsibility of the Commission in accordance with the rules and procedures of the European Community applicable to the general budget of the European Communities.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which will take the form of a grant. For this purpose, the Commission shall conclude a financing agreement with the ACSRT. The financing agreement provides that the ACSRT shall ensure that the European Union's contribution is fully visible, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Joint Action. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

*Article 5***Reporting and evaluation**

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of regular reports to be provided by the ACSRT. The reports drawn up for the Council shall include an evaluation of the project referred to in Article 2. The Commission shall be fully associated and shall provide information on the financial aspects of the implementation of this Joint Action.

*Article 6***Consistency and cooperation**

The Council and the Commission shall, each within their respective powers, ensure consistency between the implementation of this Joint Action and other external activities of the Community in accordance with the second paragraph of Article 3 of the Treaty on the European Union. The Council and the Commission shall cooperate to this end.

*Article 7***Entry into force and duration**

This Joint Action shall enter into force on the day of its adoption. It shall expire 18 months after the financing agreement between the Commission and the ACSRT, referred to in Article 4(3), has been concluded, or on 16 July 2008 if the financing agreement has not been concluded before that date.

*Article 8***Publication**

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 16 July 2007.

For the Council
The President
J. SILVA

ANNEX

European Union action to support the African Union in the fight against terrorism*Description of the action*

The Convention on the Prevention and Combating of Terrorism, signed in Algiers on 14 July 1999 by the member countries of the Organisation of African Unity (OAU), is the first instrument specifically designed to combat terrorism across the entire African continent.

This convention contains a definition of terrorism ⁽¹⁾, the obligation to classify terrorist acts as crimes under national law, the undertaking not to support terrorist activities, the obligation for states to cooperate in combating terrorism by exchanging information, and provisions on the extradition of terrorists and on facilitating criminal investigations by foreign authorities on national territory.

On this basis, the African Union (AU), which replaced the OAU in 2001, approved the Plan of Action on the Prevention and Combating of Terrorism in Africa on 14 September 2002 in Algiers. The plan aims to implement the OAU Convention by means of specific measures.

In particular, Section H of the Plan of Action provides for the creation of the African Centre for Study and Research on Terrorism (ACSRT), with responsibility for carrying out training measures, conducting studies on terrorism, setting up a database system for gathering, exchanging and analysing intelligence, as well as for terrorism-related surveillance and alerts. The Centre has a correspondent, called the 'focal point', in each country.

Content of the project

The EU's support for the AU in the fight against terrorism forms part of a phased approach which makes it possible to identify cooperation needs and the added value of a measure.

A joint seminar will be organised by the ACSRT in the second half of 2007 in Addis Ababa in which the EU will offer to evaluate the national counter-terrorism arrangements of the African countries and to provide advice on reorganisation. An action plan will be presented during this seminar. At the end, those countries wishing to participate in the implementation of the plan and to host an audit mission on their territory can express their desire to do so. This plan involves carrying out audit missions to improve the organisation of counter-terrorism in Africa.

In a second phase, missions to evaluate the AU countries' local counter-terrorism capacities will be carried out in those countries which request them at the end of the seminar. The audit teams will evaluate the countries' counter-terrorism capacities in situ in order to suggest improvements in a report drawn up by the Head of Mission and then forwarded to the ACSRT, which will be responsible for sending it to the Council for communication to the Member States.

In a third phase and on the basis of these evaluations, the ACSRT (with the agreement of the EU) will make recommendations to the audited countries, which will be responsible for implementing their conclusions.

⁽¹⁾ Article 1(3) of this Convention defines a 'terrorist act' as 'any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

- i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
- ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- iii) create general insurrection in a State.'

The definition in this Article also covers the financing of terrorism, insofar as it includes 'any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in [the preceding] paragraph.'

Arrangements for implementing the joint action

In receiving CFSP funds, the ACSRT is given a central role in the implementation of the Joint Action. The ACSRT will take charge of the organisation of the Addis Ababa seminar. In order to prepare the audit missions, it will be in permanent contact with the States which have accepted the action plan; it will also manage the missions in operational and financial terms and play a coordinating role. The Member States will be briefed regularly on the progress of this Joint Action which will take place over a period of 18 months.

A seminar bringing together two representatives from the 53 countries of the AU, Morocco, the UNODC, the ACSRT and each EU Member State, as well as the EU Counter-terrorism Coordinator, will be held in Addis Ababa, seat of the AU, in the second half of 2007. The representatives will be high-level experts and senior officials.

Opened by a representative of the AU, it will include contributions by:

- the ACSRT on evaluating the terrorist threat,
- the UNODC on international agreements,
- the coordinator of European counter-terrorism policy,
- European representatives from the national counter-terrorism coordination units,
- AU representatives.

The seminar will close with the presentation of an action plan drawn up in advance by the EU proposing missions, for those countries wishing to have them, to audit national counter-terrorism arrangements and give advice on reorganisation.

The provisional budget for the seminar will cover the travel and subsistence expenses of the representatives of the 53 countries of the AU and of Morocco, the representatives from Europe and from the international organisations, as well as a preparatory mission and a mission to put the logistics of the seminar in place. The working languages of the seminar will be those of the AU: English, French, Arabic and Portuguese.

At the close of the seminar, the African states will state whether they wish to receive an audit mission or not. The audit teams will be made up of two specialists from the EU Member States and one member of the ACSRT. They must have free access to all relevant information and their aim will be to evaluate the counter-terrorism arrangements in each State. At the end of their mission, they will draft reports containing recommendations, which, if accepted by the authorities of the audited countries, will be implemented by these authorities with monitoring by the ACSRT.
