



**KEY-NOTE ADDRESS OF Mr. REINHOLD LOPATKA,
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TERRORISM,**

**AT THE
REGIONAL HIGH-LEVEL CONFERENCE ON
“FOREIGN TERRORIST FIGHTERS – ADDRESSING
CURRENT CHALLENGES”**

(Session II: Preventing and Disrupting FTF Travel)

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Introduction

Dear Moderator,

Distinguished Guests,

I would like to warmly thank the OSCE, the United Nations Office of Counter-terrorism (UNOCT), the Permanent Mission of Switzerland to the OSCE, and the Albanian OSCE Chairmanship for co-hosting this important and timely event.

I am very grateful for the opportunity to address this distinguished forum, as the OSCE Parliamentary Assembly (OSCE PA) is always eager to contribute to outstanding gatherings of policy makers & experts.

Today, I will try to capture what I believe is the distinct value of our input - both within the OSCE family, and as national politicians - through some concrete examples of the OSCE PA at work. In doing so, I will also highlight a few key findings that are pertinent to today's debate.

Ultimately, I would like to elicit your interest as to how parliamentarians can work in synergy with governments and relevant international stakeholders to advance global counter-terrorism efforts.

The OSCE PA

The OSCE PA regularly brings together **323 members of national parliaments** from Vancouver to Vladivostok who are fully committed to promoting peace and security through parliamentary diplomacy.

As elected officials, we are called to provide adequate answers to the threats posed by terrorism and violent extremism to our society. While we firmly believe that co-operative dialogue is essential, **our members felt the urge to do more**

in the context of countering terrorism. Consequently, the **Ad Hoc Committee on Countering Terrorism** was created in July 2017.

Since then, we have been striving to **promote the engagement of OSCE parliamentarians** through (1) coherent policy development, (2) regular exchanges of innovative ideas and lessons learned, and (3) coordinated parliamentary initiatives. In doing so, we built on our **policymaking, public oversight and bridging powers.**

MPs' Contribution: the CCT

1. Policy-making

At a national level, parliamentarians shape the counter-terrorism frameworks and establish the mandate of security-related bodies. At an international level, our Committee encourages policy and legislative convergence among our participating States, building on existing commitments and lessons learned.

The **Resolution on the Challenges Related to Returning and Relocation Foreign Terrorist Fighters** - adopted by the PA in July 2019 - represents a case in point in terms of advocating for inclusive, effective and human rights-compliant counter- terrorism responses in the OSCE region on a very topical issue of the international security agenda. As we have heard, returning or relocating Foreign Terrorist Fighters (FTFs) pose complex policy, legal and operational challenges, including in terms of border security.

With that in mind, the resolution highlights relevant trends in this context and reaffirms the relevance of the **UN Global Counter-Terrorism Strategy and the centrality of Security Council Resolutions 2178** (on states affected by FTFs) **and 2396** (on threats to international peace and security caused by terrorist acts).

Subsequently, it lays out concrete measures on **border control, criminal justice, information sharing and counter-extremism**. *Inter alia*, the PA resolution calls on participating States to:

- o Develop **advanced legal frameworks** that provide a solid basis for the prosecution of FTFs;
- o Strengthen **information-sharing, international law enforcement and judicial co-operation** to prosecute FTFs;
- o Increase efforts and build national capacities to **prevent the movement of terrorists** through effective national border controls, the collection and analysis of travel data, the establishment of national advance passenger information (API) and passenger name record (PNR) systems, and the collection of biometric data, with full respect for human rights and fundamental freedoms;
- o Develop **tailored rehabilitation and reintegration strategies and measures** for FTFs and their family members, which are mindful of the specific vulnerabilities of men, woman and children;
- o Treat **children** formerly associated with FTFs in a manner consistent with their rights, dignity and needs, in line with the United Nations Convention on the Rights of the Child.

2. *Oversight*

I will now move on to another valuable instrument in our toolkit. After conducting **several country visits** (i.e. Belgium, Bosnia & Herzegovina, France, Morocco, Norway and United States) and contributing to **numerous international events**, our Assembly grew stronger in its belief that a very

prominent, and often underestimated, asset of our members is their oversight power – the public scrutiny of Governmental action.

As representatives of our citizens, we strive to hold authorities accountable, to ensure governments fulfil their obligations, and to detect and prevent any abuse of power. In our context, this entails oversight on the implementation of counter-terrorism policies and legislation, on relevant budget expenditures, and on the work of our security agencies.

The OSCE PA-led **parliamentary oversight initiative on Strengthening Border Security and Information Sharing in the OSCE region** (September 2018 - July 2019) duly leveraged on this “power”. We prompted our national parliaments to query their respective governments on the level of implementation of obligations stemming from UN Security Council Resolution 2396 on border security and information sharing, and namely on **Advance Passenger Information (API) and Passenger Name Record (PNR) data management systems**.

The responses received from **21 national parliaments - representing over 75% of the OSCE population** - revealed several challenges in establishing and running such complex data management systems, as well as some promising practices.

Allow me to highlight a few **key findings**:

- o The complex and novel nature of these systems generate **challenges for their implementation**, which are mainly legal, operational, and resource and infrastructure-related;

- o Several governments promptly enacted decrees to set up the mechanisms urged by UNSCR 2396, **with the parliamentary legislative process pending or lagging**;
- o Legislation providing **independent oversight mechanisms, protection of personal data and the opportunity for citizens to redress** proves critical for complying with international human rights law in this context;
- o The **inter-operability of different national databases** - especially the ones managed by customs, borders, and law enforcement authorities – are also key.

Looking ahead, it is important to:

- o **Ensure full compliance of the norms regulating API and PNR** with the national rule of law framework and relevant human rights standards;
- o Whenever possible, replace governmental decrees with comprehensive legislation adopted by national parliaments, thereby ensuring wider political participation and full democratic control;
- o **Pursue the harmonization of personal data protection standards**, also to overcome potential barriers to co-operation deriving from non-aligned legislation in this field;
- o **Set up clear operational frameworks** to facilitate inter-agency co-operation and coordination at the national level among key stakeholders, including with private companies (i.e. air carriers and travel agencies);
- o Promptly **share** - through the appropriate bilateral and multilateral channels - **information** on suspected terrorists with the relevant countries;

- o For the UN and OSCE, **continue to build national capacities and support States' efforts** in this context.

While this initiative might not break new ground from an expert's point of view, it does represent a **noteworthy effort intended to bridge policy and practice**, thereby providing a distinct parliamentary "push" towards the full implementation of the global CT framework.

Summing up, this project represents a solid example of how our Assembly, by coordinating its members' oversight powers, may actively contribute to the global fight against terrorism and violent extremism.

3. Partnerships

As we are clearly not the experts in this context, over the years the PA has developed a network of partnerships with those who have more resources, starting from the **OSCE executive structures**. For instance, we are working closely with the OSCE Transnational Threats Department to better leverage the role of our parliamentarians in responding to violent extremism and terrorism, offering technical support as appropriate.

Similarly, we have continued deepening our ties with relevant UN agencies (i.e. UNOCT, UNCTED and UNODC). Earlier this month, we became the first regional parliamentary forum to sign a **dedicated Memorandum of Understanding (MoU) with UNOCT**. Through this technical agreement, we aim to co-operate even more closely on matters related to terrorism and violent extremism conducive to terrorism, of course building on the specific role of parliamentarians. For instance, we would like to solidify coordination with other regional parliamentary platforms - such as the Parliamentary Assembly of the Mediterranean (PAM), the Inter-parliamentary Assembly of the CIS and the

Parliamentary Assembly of the Council of Europe – in order to enhance complementarity and extend the reach of our actions.

Conclusion

To conclude, if one lesson should be drawn from the PA's experience, it is that **national parliaments do not want to be left behind on counter-terrorism matters**. Doing so would be a critical mistake.

What I have presented is just a modest illustration of the added value parliamentarians could have, if regularly engaged, even on rather complicated topics such as curbing FTFs' movements. **Our policymaking, public oversight and bridging powers are compelling allies to this end.**

However, **we need to find effective ways to untap such a potential**. This, I believe, can be achieved on the one hand by bringing the required expertise closer to the parliamentarians, and therefore closer to our citizens and, on the other hand, by better integrating legislators in the global counter-terrorism framework.

The OSCE PA Ad Hoc Committee on Countering Terrorism is already working hard in both these directions.

Thank you for your attention!