



Third Plenary Meeting

Valparaiso, Chile

April 1 to 3, 2004

Working Group I: Terrorism

The Special Group on terrorism that worked during the Third Plenary Meeting of FIPA met at the Chilean National Congress in the City of Valparaiso on April 1 and 2, 2004.

A list of participants and the countries they represent is presented in Annex 1.

In the first session, the Working Group elected Senator Raymundo Cárdenas, the Mexican representative, as its chair.

Immediately afterwards, the Working Group listened to presentations by Ms Rut Diamint and Mr. Jorge Calderón, who are international experts in this field.

1. Special Working Group discussion

During the Group's sessions, there was an extensive exchange of ideas and proposals by the members.

The above-mentioned presentations centered principally on the points that are summarized below.

One of the main challenges for this meeting was to define what the governments of the different nations can do together to combat terrorism. It is indispensable necessary to combine the individual capacities of the different States to fashion a unified response to this scourge.

In this respect, it was suggested that a first effort should be based on initiating a tradition of debate on security. Until recently, the subject was reserved almost exclusively for the Armed Forces, which were viewed as guarantors of national security. Nevertheless, history has shown that this matter should be dealt with from different perspectives and, especially, that the legislatures have a preponderant role to play in establishing adequate conditions for the preservation of security and the fight against terrorism.

Although it is necessary to avoid militarized responses to the threat of terrorism, it is also necessary to avoid unilateral reactions on the part of the different nations, even though it is understandable that each State must address such threats with individual measures and with the mechanisms that its domestic laws provide.

However, it was noted that terrorism has become deterritorialized and that it no longer recognizes national borders. Consequently, it was considered necessary to create an international political community capable of constructing common responses.

Concerns were voiced that the war on terrorism could unleash repression, restrictions on civil and political rights, and weaken democracy. A warning was sounded about the risk posed by the intervention of great powers in the internal affairs of other nations, with the purported goal of combating terrorism.

For this reason, the importance of the role of parliaments was affirmed, precisely to sustain legality and to avoid taking such risks. It is parliaments that can generate this shared framework of rules.

This shared legal regulatory framework should deal with institutional solutions, intelligence mechanisms, regulation of migratory processes, control of customs systems, repression of financial flows for the purpose of money laundering, and strengthen exchanges of information. With regard to migration, it was emphasized that the object is not to inhibit it but to establish regulations, mechanisms and instruments that will make it secure and protect migrant registration systems.

It was advisable to legally define concepts such "terrorism" itself, "economic terrorism," and "transnational organized crime." Any act intended to create public disorder and alter the peace should be defined as terrorist. It was maintained that it is not necessary for such acts to have material results because sometimes a simple threat or demonstration of the vulnerability of security systems will be enough to destabilize peaceful social coexistence.

At bottom, the war on terrorism was intended to ensure respect for the law and not just to fight terrorism.

In this context, other important tasks that emerge for the Congresses are the supervision of intelligence agencies and the development of parliamentary diplomacy.

As for the first, members of congress have responsibilities and should shoulder them, breaking with negative traditions. This is a duty that requires the protection and strengthening of the democratic system so as to effectively control intelligence communities, eliminate military prerogatives and police abuse, uproot old practices and democratize the methods used.

As for parliamentary diplomacy, it must be an active, involved and even risk-taking reality, so that it can form the backbone of integration processes and be the leader in the search for solutions to the problems that societies face.

Consequently, this parliamentary effort should lead to solutions that respond to criteria of effectiveness, of international cooperation, at least at the regional level, and consistency with democratic values.

What has been said points to the usefulness of this meeting, in which it is possible for parliamentarians from different countries to discuss and search for common and effective solutions.

As for the attitude of society towards terrorists, they should be treated as criminals and not as glamorous political adversaries who support minority rights.

From another standpoint, in a democracy minorities should express themselves through the channels that the democratic system legitimately provides. Therefore, greater social justice, more cosmopolitanism, more respect for all human beings and for the values of divergence and tolerance should go hand-in-hand with globalization.

Representatives of some countries, including Paraguay and Chile, reported on the advances that have taken place in their countries with regard to passing new laws or debating proposed legislation.

There was a consensus regarding the advisability of incorporating major international treaties, such as the Inter-American Convention against Terrorism and the Convention for the Suppression of the Financing of Terrorism, into domestic law. As for the Rome Statute that created the International Court of Justice, it was felt that, although this tribunal is subsidiary to domestic courts and it does not have the war on terrorism as its central objective, it constitutes a very effective tool to the extent that it legally characterizes relevant criminal offences and makes it possible to establish common criminal jurisprudence.

Legislators from Mexico and Paraguay provided lists of the main international agreements on terrorism that their respective countries had signed.

Finally, the cooperation that international organizations such as the United Nations and the Organization of American States provide in promoting greater involvement by legislatures in the war on terrorism was examined, whose results were highly valued.

2. Guiding Principles for the Recommendations of the Working Group

After the Special Working Group concluded its deliberations, it agreed to put on record the principles that lie behind the actions it proposes.

They are:

- I. Security in the hemisphere is founded on respect for the principles established in the Charters of the United Nations and the Organization of the American States;
- II. It is the sovereign right of each State to identify its own national priorities for security and to define the strategies, plans, and actions needed to face threats to it, in accordance with its judicial system and full respect for international law;
- III. The new threats, concerns, and other challenges to hemispheric security are intersectoral or cross-cutting and require multiple responses by different national organizations and, in some cases, partnerships between governments, the private sector, and civil society, acting in accordance with democratic principles and the constitutional rules of each State, and

IV. Full respect for the sovereignty, for the political independence of each State in the region and its territorial integrity is the fundamental basis for peaceful coexistence and security in the hemisphere. Also, the inherent right of all the States to legitimate individual or collective defence and their obligation to abstain from the threat or use of force against the territorial integrity or political independence of other States, or in any other form incompatible with the charters of the United Nations or the OAS, also form part of that foundation.

3. Recommendations

The parliamentarians who participated in this Special Working Group on Terrorism agreed on the need to present the following recommendations to the plenary of FIPA:

1. To condemn terrorism in all its forms and energetically repudiate the reprehensible terrorist acts that have taken place recently in different countries;
2. To reiterate the appeal to those countries that have not as yet ratified international instruments that constitute important tools in the war against terrorism to do so promptly, for example the Inter-American Convention against Terrorism, the Convention for the Suppression of the Financing of Terrorism and the Rome Statute creating the International Court of Justice.
3. To promote, in the different countries, the promulgation of domestic laws that respond to the intention to have, at the international level, an effective regulatory framework for the war on terrorism. For example, it is recommended that measures be adopted that streamline and speed up extradition in cases involving terrorism.
4. To urge that domestic legislation be adapted to bring international treaties concerning the war against terrorism into force.
5. To combat the mechanisms that finance terrorism. Regulations need to be established in the markets to prevent and punish money laundering. Also, other criminal activities that are often associated with the financing of terrorism, such as kidnapping, arms trafficking, piracy and drug trafficking need to be defined and punished.
6. To ensure that institutions involved in intelligence work have control mechanisms that are characteristic of a democratic system and that their behaviour is guided by democratic principles and, particularly, by respect for constitutional guarantees.
7. To urge national parliaments to regulate the phenomenon of migration, adopting measures to establish conditions which, without inhibiting those flows, provide an adequate level of security for the entry and exit of persons and protect migrant registration systems.
8. To support the efforts that international organizations are making in the war against terrorism, avoiding unnecessary duplication of efforts in this endeavour.
9. To advance in the study of legislative definitions that could be useful for the application of national and international rules, for example the concept of "terrorism" itself and of others such as "transnational organized crime" and "economic terrorism".
10. To promote cooperation projects among parliamentarians of different nations and offer them information on the adoption of efficient legislative measures in the war on terrorism.



11. To request the support of the Unit for the Promotion of Democracy of the Organization of American States in assisting FIPA's Special Group on Terrorism in the design, implementation and follow up on a specific plan of work to produce concrete results quickly, so that they can be presented at the next Plenary Meeting of this Forum, and

12. To mandate the FIPA Secretariat to follow up on the signature and ratification of the international instruments in the war against terrorism, informing the member nations of the results.

The Honourable Raymundo Cárdenas, Senator of Mexico
Chair of the Working Group on Terrorism

Julián Saona, Secretary
Nora Villavicencio, Secretary

* * * *

4. Annex 1 – Participants

Senator Silvia Gallego	Argentina
Congressman Luis Molinari	Argentina
Congresswoman Margarita Stolbizer	Argentina
Congressman Louis Tull	Barbados
Senator Leopoldo Fernández	Bolivia
Senator Madeleine Plamondon	Canada
Roy Bailey, Member of Parliament	Canada
Congressman Waldo Mora	Chile
Congressman Juan Masferrer	Chile
Congressman Jorge Burgos	Chile
Congressman Mario Calderón	Costa Rica
Congressman Tubal Páez	Cuba
Congressman Edgar Ortiz	Ecuador
Congressman Ernesto Castellanos	El Salvador
Congressman Elizardo González	El Salvador
Congressman Juan Cifuentes	Guatemala
Congresswoman Virna López	Guatemala
Senator Sara Castellanos	Mexico
Senator Raymundo Cárdenas	Mexico
Congressman Rogelio Flores	Mexico
Congressman Luis Eduardo Espinoza	Mexico
Senator Alejandro Velásquez	Paraguay
Congressman Teodoro Rivarola	Paraguay
Congressman Miguel Rojas	Paraguay
Senator Germán Castro	Dominican Republic
Mahawat Khan, Member of Parliament	Suriname
Congresswoman Tania D'Amelio	Venezuela

5. Annex 2 – Contributions

5.1 *Contribution of the Mexican Delegation*

Multilateral Instruments Signed by Mexico Concerning the Fight Against International Terrorism

United Nations (UN)

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, September 14th 1963)
2. Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, December 16th 1970)
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, September 23rd 1971)
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly of the United Nations, December 14th 1973)
5. International Convention against the Taking of Hostages (General Assembly of the United Nations, December 17th 1979)
6. Convention on the Physical Protection of Nuclear Material (Vienna, March 3rd 1980)
7. Protocolo para la Represión de Actos Ilícitos de Violencia en los Aeropuertos que Presten Servicio a la Aviación Civil Internacional, complementario del Convenio para la Represión de los Actos Ilícitos contra la Seguridad de la Aviación Civil Internacional (Montreal, 24 de febrero de 1988);
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, March 10th 1988)
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, March 10th 1988)
10. Convenio sobre la Marcación de Explosivos Plásticos para los Fines de Detección (Montreal, 1 de marzo de 1991);
11. International Convention for the Suppression of the Financing of Terrorism; and
12. International Convention for the Suppression of Terrorist Bombings.

Organization of American States (OAS)

13. Inter-American Convention Against Terrorism (2002)

5.2 Contribution of the Delegation from Paraguay

Various International Conventions Regarding the Fight Against Terrorism Ratified by Paraguay

CONVENTIONS / PROTOCOLS	Obs.	Law Number	Foreign Affairs Committee Decision	Addressed by the Senate	Sent to the House
1. Inter-American Convention Against Terrorism (OAS)	Message PE 758 30/07/02	2302/03	Approved 23/07/03	Approved 31/07/03	Approved 30/10/03
2. Convention against Transnational Organized Crime (UN)	Message PE 814 04/11/02	2298/03	Approved 23/07/03	Approved 31/07/03	Approved 30/10/03
3. International Convention against the Taking of Hostages (UN)	Message PE 604 20/11/01	Pending	Approved 19/12/01	Approved 16/10/03	Message 115 23/10/03
4. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (IMO)	Message PE 696 13/06/02	Pending	Approved 22/10/03	Approved 30/10/03	Message 133 06/11/03
5. Convention to Prevent and Punish the Acts of Terrorism Taking the Forms of Crimes Against Persons and Related Extortion that are of International Significance, Convention to (OAS)	Message PE 643 13/03/02	Pending	Approved 22/10/03	Approved 30/10/03	Message 134 06/11/03
6. Convention on the Marking of Plastic Explosives for the Purpose of Detection (ICAO)	Message PE 623 11/12/01	Pending	Approved 22/10/03	Approved 30/10/03	Message 135 06/11/03
7. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (IMO)	Message PE 697 13/06/02	Pending	Approved 22/10/03	Approved 30/10/03	Message 136 06/11/03
8. International Convention for the Suppression of Terrorist Bombings (UN)	Message PE 585 29/10/01	Pending	Approved 22/10/03	Approved 30/10/03	Message 137 06/11/03
9. International Convention for the Suppression of the Financing of Terrorism (UN)	Message PE 603 20/11/01	Pending	Approved 22/10/03	Approved 30/10/03	Message 138 06/11/03
10. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UN)	Message PE 814 04/11/02	Pending	Approved 03/03/04	Approved 04/03/04	